COUNCIL FOR THE BOROUGH OF DUNMORE

HELD:
Thursday, September 19th, 2019

TIME:
6:00 P.M.

LOCATION:
DUNMORE COMMUNITY CENTER
1414 Monroe Avenue
Dunmore, Pennsylvania

COUNCIL MEMBERS:
MICHAEL DEMPSEY, President
THOMAS HALLINAN, Vice President
MICHAEL MCHALE
CAROL SCRMALLI
VINCE AMICO
THOMAS EHNOT
MICHAEL HAYES
THOMAS P. CUMMINGS, Esquire, Solicitor
TIMOTHY BURKE, Mayor

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

MR. DEMPSEY: Roll call.

ATTY. CUMMINGS: Mr. Amico.

MR. AMICO: Here.

ATTY. CUMMINGS: Mr. Ehnot.

MR. EHNOT: Here.

ATTY. CUMMINGS: Mr. Hallinan.

MR. HALLINAN: Here.

ATTY. CUMMINGS: Mr. Hayes.

MR. HAYES: Here.

ATTY. CUMMINGS: Mr. McHale.

MR. MCHALE: Here.

ATTY. CUMMINGS: Mrs. Scrimalli.

MS. SCRIMALLI: Here.

ATTY. CUMMINGS: Mr. Dempsey.

MR. DEMPSEY: Here.

ATTY. CUMMINGS: Next item is announcement of procedure by the Chairman.

MR. DEMPSEY: Okay. We posted this on our website previously. So hopefully everybody's read it. But for the record purposes I'm going to read it into the record.

The purpose of this hearing is to take testimony and information on Keystone
Sanitary Landfill's application to add an amendment to the zoning ordinance. The President of Council presides over the hearing. And as such, will make all determinations on the questions of order, procedure, protocol or propriety. The hearing will start at 6 p.m. and will conclude at 8 p.m.

The court reporter will be present to record all proceedings. The Chair will recognize each other person before they speak. And there is only to be one speaker at a time. The hearing will be conducted in an orderly and civil fashion.

The requested amendment will be read into the record. In summary, the Applicant is asking for sanitary landfills to be subject to the regulations governing earth-moving activity and not to be considered a structure for the purpose of the ordinance.

This is the only subject matter of the hearing and the only matter that will be addressed. It is the only subject on which testimony or comment will be accepted. The agenda sets forth the order of business for the hearing.
The Solicitor will read the entire request into the record. Keystone Sanitary Landfill representatives will present their position.

Council members may pose questions or make comments and then those who are in attendance who have signed in and have standing will be recognized to come to the podium.

Only individuals that live in the Borough, own property in the Borough or own a business in the Borough have standing or comment to testimony. Comment or testimony shall only be incident to the subject of the hearing and each individual is limited to five minutes.

The Applicant will be allotted a reasonable period of time to rebut or add comment after the public have done so. Members of Council will be offered an opportunity for additional question or comment and the hearing will conclude.

Following the public hearing, the public meeting of Dunmore Borough will be called to order. The meeting will be conducted to bring the question to a vote. This is the
only matter before Council for the meeting agenda.

There is a presumption that comments of Council and those in attendance will have been heard at the public hearing. And just -- that was sort of a professional way to put it. I understand everybody's passionate about this subject. Please, please, please just try to be respectful of everybody. Let people talk.

Please don't get out of line. We don't want -- we want as many people to talk as we can get in. So just please be respectful of everybody. That's all. Thank you.

MR. MCHALE: Mr. Dempsey, if I may?

MR. DEMPSEY: Sure.

MR. MCHALE: I'm going ask that we suspend the order of business so that I could address KSL directly on a point that seems to be a hot topic. And after all of the research that I've done, I'd like to ask of the people at that table.

I understand that Throop does not have anything more or less to stop you from continuing this landfill as long as you want, specifically on the height. And I understand
that's the big -- that is a big issue to me
let's put it that way.

    And currently you're at or close to
or near 1585 you're allotted spot. And for the
record, I'd like to -- and forgive me, I wrote
this down. I'd like you to amend your request
without prejudice to your original filing to
add the provision that any landfill in the
Borough of Dunmore shall not exceed 1585 your
current allotted height in elevation. Right
now you're close to that height.

    Just for the record, Dunmore is at
125 -- a 1025 feet above sea level. So 1585
would be your cap. I'd like you to amend
your -- your ask for this ordinance change to
reflect that.

        ATTY. OVERSTREET: Thank you.

    MR. MCHALE: And I ask that
specifically that if you do not do it I will
leave this meeting.

        ATTY. OVERSTREET: Okay. Well,
thank you, Council and Solicitor Cummings. My
name is David Overstreet. I represent Keystone
Landfill. Thank you all citizens of the
Borough for showing up tonight. This is
healthy. This is good. You may not all agree with what we have to say. But we think we need to be heard. Allow me to address your suggestion.

Unfortunately, we can't do that because that would require the process to start over. And if you make a material amendment to the revision as proposed, we'd have to start the process over completely, go back to both the Planning Commissions and come back again.

However, in consultation with my client we have -- we understand the request and we're willing to work with the Borough to try to allow that to come forward in a separate proceeding that specific request that you have. But we cannot at this time amend the particular request because that would take us out of order procedurally and require us to adjourn and start over again and for some indefinite period of time.

ATTY. CUMMINGS: I disagree with the position. I believe Mr. McHale said without prejudice. And it would not be an amendment to your filing. It would be an addition that you would not contest and so without prejudice to
you, your suggested ordinance amendment which I will read into the record as the next item would stand. There would be a separate and distinct add on that would limit the height to 1585 going forward.

ATTY. OVERSTREET: And, Solicitor Cummings, I understand your position. But the problem is that the only public notice that was given was with respect to the amendment as proposed. And now we're talking about a substantive addition to it.

And I think that would require a republication and remission to the Commission, both the Planning Commission and the County Planning Commission. What I would propose is that we entertain the currently pending amendment and then separately undertake discussions with respect to a discussion regarding the 1585.

MR. MCHALE: I got to stop you because it's not going to be a discussion for me. It's 1585 --

ATTY. CUMMINGS: Mr. McHale, if I may, I believe the 1585 would be more restrictive. And then on the more restrictive
the objector would be KSL. And if KSL does not object on a more restrictive provision it protects the Borough of Dunmore and does not allow you to go above your current height then I think that would be valid.

If we're amending in your favor against the interest of the Borough of Dunmore I could see your point. But since it is more restrictive I think the only one with a right to contest, complain, or object would be the Applicant. And so I guess the question is, do you object to the amendment?

ATTY. OVERSTREET: Well, I think we have to. And the reason is because if we amend the language as proposed then the public notices would be inadequate and we would have to start over again because the public was not given notice of a discussion regarding a 1585 limit.

And so I think it's important that we take up the amendment as proposed and then come back, if appropriate, to discuss the second. That's my concern, Solicitor Cummings.

ATTY. CUMMINGS: I see. Mr. McHale -- Mr. Dempsey actually, I'm going to
suggest that you take your position for what it
may be but then act as you best see fit in
protection of the Borough.

MR. MCHALE: So, Tom, you're saying
that we -- I can read, we can, you can or
Michael can read this in with the 1585 --

ATTY. CUMMINGS: If that's your
choice.

MR. MCHALE: That would be my
choice.

ATTY. CUMMINGS: That would be at
the meeting -- you can discuss that matter at
the hearing. But that would be at the meeting
where that would be an addendum put forth by
the Borough to protect the residents.

MR. DEMPSEY: So I'll wait for the
meeting to address that, Tom?

ATTY. CUMMINGS: Yes, sir.

MR. DEMPSEY: Thank you.

MR. MCHALE: Mr. Belardi, were you
going to say something?

ATTY. BELARDI: I'm going to say in
general, as you know, we've amended our
application to the Pennsylvania Department of
Environment Protection. So we do not oppose
some type of limit by the Borough on 1585.

MR. MCHALE: I hundred percent agree with you. And I've read everything ad nauseam, believe me. I haven't slept in days because of this whole meeting and what's going to happen at this meeting and what's happened in the past to me, whether it be names, my kids getting spoken to, you know, anything that you could talk about.

I understand what you're talking about. But 15 years from now when I may not even be on this earth, you could still go above the 1585. And I would like to put that -- you say no, but I'd rather put it in writing to have it in writing.

ATTY. BELARDI: And that's fine. But as Attorney Overstreet has stated we can't mess up the procedural process tonight. As far as 1585 goes just so that it's clear I'd like it to be in the record that we have a current permit condition from our phase two permit that was issued in 1997.

MR. MCHALE: Current not, Mr. Belardi, not --

ATTY. BELARDI: Correct. But our
application that's pending before the Department of Environmental Protection was amended to reflect the 1585. The only permit that we can possibly get issued from DEP is one with a condition of 1585 because 40 years of drawings get submitted to the Department of Environmental Protection that have that final grading building up to 1585.

We can't go back and change 180 drawings. They're in there. They're going to be a part of the permit condition.

MR. MCHALE: You'll understand that I don't -- as much as I understand exactly what you're talking about, I don't have faith in several years that it won't happen again. So I'm just trying to stop it in writing. I may only be here for a couple months but that's what I'm trying to accomplish tonight.

ATTY. CUMMINGS: I think that's sufficient on this point for the time being. You can readdress at the hearing if you wish. I'd like to get number four, statement of action requested.

MR. MCHALE: That's okay with me.

ATTY. CUMMINGS: Thank you.
Ordinance of 2019, what is suggested --
requested approval is an ordinance of the
Borough of Dunmore, Lackawanna County
Pennsylvania amending the Borough Zoning
Ordinance.

The Ordinance will be known as
Ordinance No. 2 of 2019 and become effective
five days after enactment. The ordinance
amends and restates in its entirety Subsection
11.158 Sanitary Landfill of Article two
definitions of the Dunmore Borough Zoning
Ordinance as follows:

A sanitary landfill is considered to
be any facility devoted to the storage and/or
dispose of solid waste pursuant to the
regulations of Pennsylvania Department of
Environmental Protection governing sanitary
landfills.

Sanitary landfills may include
staging areas as defined in Section 11.198.
Sanitary landfills shall be subject to all
regulations contained herein governing
earth-moving activities and shall neither be
considered nor subject to regulation as
structures for purposes of the ordinance.
That is the entire matter as of right now that is before the Board for the hearing as well as the meeting. It may be that at the meeting there would be a suggestion of an additional limit of the current permit amount.

That would be for the meeting after the hearing. And the next item then is presentation by Keystone Sanitary Landfill of their petition.

ATTY. OVERSTREET: Thank you, Solicitor Cummings. Why are we here? That's the question I hear is being asked. And I will tell you why we're here. For more than 40 years the Keystone Landfill has operated in this Borough. And there has been an ordinance in place that says buildings shall be no taller than 50 feet. For 40 years that has existed.

And never until recently has anyone suggested that a landfill be subject to building height limits. That's why we're here. And we didn't start this fight. Keystone did not pick this battle. A clever lawyer found a case from another jurisdiction where he said, look, we can argue that they're a structure and
then we'll try to argue that structures are subject to the building height.

Well, you can ask Mr. Clark what the Commonwealth Court thought of that argument earlier this week. And I will tell you that's why we're here. This is not Keystone's fight. What we tried to do is to find a solution so the Borough wouldn't be stuck in protracted litigation.

We thought we were doing the right thing here by making clear what everyone has known for 40 years that the landfill is not subject to building height restrictions. And we tried to find a way to do that in the most straightforward and clearest way that we could.

This whole debate about whether a landfill is a structure or not is a red herring. And why is it a red herring? Because the height limits apply to buildings. And if you look at the ordinance you'll see the definition of building height tells you you measure from the roof or the top of a chimney.

Now, whether or not a landfill is a structure or not I think we would all agree that is doesn't have a roof or a chimney. And
so we didn't start this fight. And this Tri-County decision that you've heard about -- and I'm terribly sorry that your family has been subject to harassment, if you will. That's inappropriate.

But we didn't start this. We are trying to help the Borough out of a jam that it was drug into by a group that's -- you can laugh if you want. Keystone did not start the -- initiate the litigation. And that's the truth of the matter.

MR. DEMPSEY: Guys, please.

ATTY. OVERSTREET: So we have asked the Borough, we're not asking for a change. This has been the law for 40 years. What we're trying to do is prevent additional litigation with respect to a question that really shouldn't even be joined.

And that is this idea that the building height limits in the ordinance somehow apply to landfills. We're asking the members of Council to confirm and clarify what the Zoning Officer, the Zoning Hearing Board, the Borough in its brief to the Court and the Court all said. We never intended to apply building
height limits to that landfill.

And how do we know that because the landfill's been in operation for 40 years and no one said you're building in violation of the building height. So we know that. We know that. And so we're saying let's stop the litigation. It is costing the Borough money. And it's costing us all time and aggravation.

Let's move forward. We want a solution to a height limit. Let's work on that. But let's not try to distort what the law is and try to change something that was never intended. What I'd like to do now is turn my time over to Mr. Belardi who has a few additional comments on behalf Keystone.

ATTY. BELARDI: Council members, Jeffery Belardi on behalf of Keystone. If I may, I would like to key in on two things, height and this Tri-County case because I think there's a total misconception about that case.

In 1997 Pennsylvania DEP permitted Keystone Landfill to take in the volume of waste that when placed according to regulations and the slope requirements results in a height of 1585 above sea level. As it was stated here
earlier, City of Scranton is 700 feet above sea level on average. The Borough of Dunmore on average is about a 1025 feet above sea level. So when we say 1585 above sea level, that's not as some people would like you to believe standing on a sidewalk and looking up 1585 feet. That's absolutely ridiculous and disingenuous to state that that is what we're talking about.

Number two is the way the garbage gets placed according to regulation by slope and indentation and slope. And that's why it looks like a pyramid from the highway. It creates a pyramid and not a soup bowl. We're not filling a soup bowl.

So the ultimate height is not the entire surface across the bowl. We're building a pyramid. In 40 years there's going to be one spot that has a height of 1585. Keystone Landfill because of much community pushback when we originally filed the application for the phase three major modification, Keystone Landfill heard that -- heard that the people didn't want to see it go higher.

We self-amended our application to
the Department of Environmental Protection to go down 165 feet back to the original 1585 that we were given in 1997, okay?

Now, why is 1997 important? Not only was that the time we got the limit from Pennsylvania DEP, but that was after this 1977 Dunmore Borough Zoning Ordinance was adopted and before the 2000 Dunmore Borough Zoning Ordinance was adopted which means when '97 numbers were given to Keystone as a limit of 1585, the appropriate time for the Borough to address height limitation in its Article 5 section on landfills was in the year 2000. They did not do that.

The body spoke and said the M-1 zone is the appropriate zone for a landfill. It's a permissible use. And they put a whole bunch of things about the landfill into Article 5, but height limitation was not one of them.

What is Keystone doing actually with this vertical expansion because we're not going sideways. We're not picking up more land. We're not going to left to right horizontal. What we're doing is we're filling in the plus sign between the four quadrants, the old Taber
site which is closed; the old Logan site which is closed; the original Keystone site which is closed; and what is going on right now is the phase two.

When that -- phase two comes to an end, we're going to fill in the plus sign, the valleys, the alleyways, if you will, in between those four zones.

With regard to the Tri-County case, what the Commonwealth Court did in the Tri-County case involved the Tri-County Landfill in two townships, one of which was Pine Township. But what the Commonwealth did not do in the Tri-County Landfill case is change the Merriam Webster definition of a structure.

It simply considered the structure definition in the Pine Township Zoning Ordinance and utilized it while applying the provisions of the Pine Township Zoning Ordinance which is very much different than the Dunmore Borough Zoning Ordinance.

The opponents of Keystone Landfill want this case to be the same as the Tri-County case. They want to put a square peg in a round
hole. But these cases are not the same. They are factually and legally distinguishable.

In the Tri-County case, the landfill which had been closed for ten years was in a residential zone. And that residential zone had a height limit on structures. In the Keystone case, the landfill is a permissible use in a manufacturing zone.

It was that way in '77. It was that way again in the 2000 Borough Ordinance. And the manufacturing zoning only has a height limit on buildings.

Tri-County case was closed when Pine Township adopted a new zoning ordinance which made the area where the landfill was a residential zone. Keystone has continually operated as a landfill as a permissible use in an M-1 zone. And each time the Borough adopted the new ordinance, it saw fit to keep the landfill as a permissible use and keep that area of Dunham Drive as an industrial park in an M-1 zone.

And so I think it's pretty clear if you take the time to read the Tri-County case that it's not the same as this situation. It's
factually and legally distinguishable. Where are we now? The height limit right now as we speak today is at about 1575, so about 10 feet away from the 1585 that's permitted.

Because of the sloping contour of the landfill that is on the side as we all know closest to the Lackawanna Valley Industrial Highway. So when we fill in valleys in the middle of the plus signs, the bullseye, that's where the peak will be 40 years from now. And it will be no higher than what we have now.

With that, I'd like to turn this over to Mr. Albert Magnotta who is a representative and an engineer on behalf of Keystone Sanitary Landfill.

MR. MAGNOTTA: Thank you, Jeff. My name is Al Magnotta for those who don't know me. And as you know, I'm an engineer and I'm not a lawyer. So I'm not going to talking legalese to you. I'm going try to put this down and break it down into the rudiments of the issue as we see it.

A clarification of the language in the zoning ordinance which is the issue tonight will have a major impact on the present and
future generations of the Borough. Thus, we believe it's important that our position be placed in the record.

First, I want to just give a brief history, some of which has been touched on by Mr. Overstreet and Mr. Belardi. But for my purposes an engineer, I got to do bullet points. Dunmore Borough instituted this landfill after the war at this location in the early 40s. The land was purchased and operated by Keystone, the owners of Keystone in 1972. The Borough adopted their first zoning ordinance in 1977. So in 1990, Keystone was given a new permit based on the new regulations that were promulgated by the state and federal governments to develop additional protections for the environment.

The language in the zoning ordinance at that time which was a public hearing, public meeting, come to Council. I know most of you weren't there. But quite frankly I was, hasn't changed. It was the same words that were in the ordinance in 1977. Okay.

In 1997 we got a modification of that permit. Height was raised in 1977 to as
was alluded 1585. Guess what? The language in the ordinance was still the same. Then in about 2000, the Borough changed the zoning ordinance again or adopted a new one.

Guess what? They didn't change the words from the '77 ordinance. In 2017 this Council, some of which are still here executed an agreement with Keystone Landfill for increased host fees. I'm sure some of you remember it. Took you from 40 cents a ton to $1.20 a ton plus an increase every year.

For those who forget, there's a clear section in there that says Keystone height limitations don't govern. You forgot it, it might be best to read it. These are facts. I'm not making this stuff up.

The Borough's Zoning Hearing Board, we had the same issue from your people, your designated appointed people heard this case and this particular issue over many nights. The opposition, the people who believe different than we do had an opportunity over several nights to establish their position.

However, your Zoning Hearing Board opined that we weren't subject to this
particular interpretation. Well, the opponents weren't satisfied with that, not only did they say we didn't cover it; they also said these people had no standing. And they didn't prove their case.

Well, because the FOL no matter what they tell you are not being subsided local but by outside interest, they took it to Commonwealth Court -- no local court, excuse me.

Local court said, nope, we agree with the Zoning Hearing Board. Okay. Well, again, since they have unlimited money by outside interest they decided to take the case to the Commonwealth Court at which it stands and I think as was alluded to here there was a -- what do you call it -- oral arguments the other day.

So the way I look at this, the Planning Commission, the Zoning Hearing Board, local courts all have said that our interpretation of this ordinance is appropriate.

Now, if for some reason that it's determined by this Council that they don't want
to go along with our understanding of the ordinance in which we firmly believe and believe we have a significant legal case -- although as was pointed out, it's costing everybody a lot of money, including the Borough because their zoning board is part of the actions here.

If for some reason this Council does not see it appropriate to go along, I think it would be appropriate and very prudent on your behalf to get legal guidance related to the finance consequences, principles of preexisting use, breach of contract, estoppel --

MR. DEMPSEY: Please. Everybody will be able to speak. Let Mr. Magnotta finish.

MR. MAGNOTTA: Estoppel.

UNIDENTIFIED MAN: Finish your threat.

MR. MAGNOTTA: De facto condemnation, okay. That's the history. Now, I'm going to give you a little bit of financial aspects.

Presently this Borough receives two and a half million dollars a year approximately
from Keystone Landfill as part of their increased host fees. In addition, there is no disposal fee for the disposal of the waste at Keystone Landfill, which approximates over $300,000 a year.

Now I think or someone told your budget is 12 or 13 million dollars a year. That being the case, you're looking at losing 25 percent of your revenue which is going to directly impact the fact that you -- those who are against it are going to say we're going to stand up and vote to increase the taxes 25 to 30 percent because that's what coming, no ifs ands or buts.

If you feel that way about it, you better be prepared to the stand up the next budget and say, it's me and I'm going to raise the taxes 25 to 30 percent.

MR. AMICO: So you're saying if we don't agree with you tonight the landfill is going to shut down and we're going to no longer --

MR. MAGNOTTA: Shut down in two years, yes.

MR. AMICO: I find that very hard to
believe.

MR. MAGNOTTA: Vince, do yourself a favor. Read the annual report.

MR. AMICO: I read it.

MR. MAGNOTTA: What's does it say? You don't know. But I'm telling you --

MR. AMICO: I don't know because to be honest with you I don't know because I just got it two hours before this meeting.

MR. MAGNOTTA: This annual report? Well, when you read if I'm wrong you could tell everybody in the world, okay? I'm not wrong. I'm not. I know. So in summary, I know this is a hard thing for everybody. Everybody says they're against it. Everybody says they want it to close.

There's not one person in this room that's going to tell me what the options are. We have the legal side. You signed agreements in '99, 2017. And if there is any perception that we're going back on, it's wrong. So it's unfortunately, it's a hard question.

But unless you're prepared to raise the taxes 25 or 30 percent and expose the future citizens and voters of Dunmore Borough
to significant, significant financial consequences from the breach of contract or estoppel or de facto condemnation, I think it would be best if you go along with what has been an accepted and legally binding procedure. Thank you. If I haven't made myself clear, I'm willing to answer any questions. Any questions from the Council?

ATTY. CUMMINGS: Item number six on the --

MR. AMICO: I have a question.

ATTY. CUMMINGS: Item number six on the public hearing agenda is questions and/or comments to be posed by Council members. Mr. Dempsey.

MR. MCHALE: I have them but Vince.

MR. AMICO: I just have one.

Attorney Overstreet, can you repeat what you said just going back? I took some notes and I want to make sure I wrote down correctly what you believe -- what your side believes a structure is, please? I'm looking at our zoning and I just want to make sure I'm reading it correctly.

ATTY. OVERSTREET: Yeah, no, what I
said was it really doesn't matter because the building height -- the only height limitations in there are only applicable to buildings.

MR. AMICO: Again, I want to make sure I'm understanding. Because I'm reading our ordinance. And it says structure is anything constructed or erected, the use of which requires location on the ground or attachment to something having a fixed location on the ground.

Among other things, I will agree with you structures includes buildings, mobile homes, but here's where I have questions. Swimming pools don't have a roof. Walls don't have a roof. Fences don't have a roof. And billboards don't have a roof. So I'm just looking for a little bit of --

ATTY. OVERSTREET: Yeah, I would refer you to the Zoning Hearing Board's decision and Judge Zito's decision on that. You know, they are the ones that are -- we should defer to in interpretation of the ordinance.

And I would refer to the Borough's own brief that they submitted to the Court
where they said we never intended for the
building height limits or any height limits to
apply to the landfill.

MR. DEMPSEY: Mr. McHale.

MR. MCHALE: Mr. Overstreet, I think
you brought up the fact that -- I didn't mean
to complain about my family being harassed or
anything like that. I put my name on the
ballot. I have to deal with what I deal with
in what I say up here. So I first and foremost
let me start with that.

Number two, you let off with why are
we here. Let me ask you the question. This
landfill and by many of the people in this
room, whether it by their name or under a
perceived name in the Scranton Times, we're the
small fish in this pond. I'm told constantly
that Throop is the big fish and that's where
most of it's being built now anyway and so on
and so forth.

What are the restrictions up there?
Why are we here? Why are you not in Throop
trying to get them and why aren't all of these
people screaming at Throop too? Let me know
that.
ATTY. OVERSTREET: Well, I certainly can. The reason we're here is because FOL sued the Borough. That's how it started. That's why we're here. We never picked this fight. So FOL sued the Borough and said you have to apply a building height limit to this landfill. We simply defended that. And then we looked at it and said why are we fighting about this? For more than 40 years no one has ever suggested this. This is insane. Why are we spending this money and time? And so we said, what's a solution? Well, let's have the Borough do what they said in their brief. Let's just have them confirm that that's what everyone understood since 1977. That's why we're here. We're just trying to eliminate any ambiguity from the ordinance and make clear what everyone has recognized. You know, you think about it, if the building height limit had applied why didn't someone take some action against the landfill in the last 40 years? It makes no sense, right? If it applied, why wasn't an enforcement action commenced? That's what
we're --

MR. MCHALE: Mr. Belardi, are you going to add something before I --

ATTY. BELARDI: Yeah, well, in specific answer to part of your question with regard to Throop, the reason we're not in front of Throop is because we have a favorable opinion from the zoning officer in Throop, plus we have a very strong host agreement with Borough of Throop that contemplates and expects expansions of the landfill, not much different than the 1999 host agreement that we have with the Borough of Dunmore because that's called a Host Fee Agreement and settlement because there a lawsuit.

And that was a settlement that '99. And in that '99 if you look at -- I think it's Paragraph one, Subparagraph B it contemplates cooperation -- the Borough's cooperation with Keystone for a future expansion.

MR. MCHALE: Let me stop you, Mr. Belardi. Am I to -- forgive me, I'm a little -- my head is spinning here a little bit. Am I to understand though if KSL lost this case in Commonwealth Court wherever the
case may be and you could more or less renew
the landfill just to be in Throop and move
forward with expansion just in Throop alone?

ATTY. BELARDI: No, I don't think we
could be in Throop alone.

MR. MCHALE: But if you lose the
height thing, whatever the case going on that
FOL has put against you, could you -- your
expansion just include Throop and you would
lose all of that money?

ATTY. BELARDI: I'm not an engineer.
That all has to do with the width at the toe
of -- again, the amount of acreage that you
have is what allows you to use 33 percent slope
up to 25 feet and 15 up to 25. So that
determines -- where you start determines.
That's an engineering question that I would
defer to Albert.

But let me talk about the legal part
of it. I really don't think we're going to
lose the argument in front of Commonwealth
Court. But let's say we do. First of all, we
would have the option to appeal to the Supreme
Court and bring the Borough and the Dunmore
Borough Zoning Hearing Board along with us,
more cost and litigation.

But ultimately then certain issues that haven't been addressed yet because they are not ripe will become ripe which means then we'll be in court and we will be most likely in federal court and we'll be talking about a takings issue. We'll be talking about a 1983 action. We'll be talking about variance by estoppel.

Because once again, it's a strong belief that the Borough's estopped from asserting a prohibition at this point when they haven't done it for 40 years.

MR. MCHALE: You'll understand where my issue of the 1585 now comes in after what you just said.

ATTY. BELARDI: Yeah. Yeah. And again, if I wasn't clear before, if Dunmore Borough initiates a 1585 limitation amendment to its own ordinance, right, and sends that over to its Planning Commission and Planning Commission comes back and recommends that too, we will not stand in the way of that process.

I'm okay with it. I think it's just wrong to derail what's already been vetted
publicized, put before the Planning Commission and brought here tonight, any amendment to that amendment to our amendment derails it.

MR. MCHALE: I'm speaking for myself but I think that I could speak on all seven that I think it would mean a lot if we get the 1585 at a minimum before this even goes away or this goes to a motion what's in front of us tonight. But I digress.

But so to get back to the Throop thing. In essence, Throop can stand on its own and we would lose the revenue. I'm asking theoretically if that happen --

ATTY. BELARDI: Theoretically if, yeah, if we -- if we could engineeringly -- I don't know if that's a word. If we can theoretically by engineering put it all into Throop, you would not make a dime on the money that goes into the landfill in Throop.

MR. MCHALE: Thank you.

MR. AMICO: Can I ask another question back to Mr. Magnotta? You're currently permitted at 1585, correct?

MR. MAGNOTTA: Yes, sir.

MR. AMICO: So again, if we don't
agree with you tonight you already are permitted at 1585. So how are you going to shut down in two years? If you're going to fill in the plus signs as Mr. Belardi said --

ATTY. BELARDI: That's the phase three expansion, the plus sign.

MR. AMICO: But we're not voting on the phrase three expansion tonight. We're voting on a zoning ordinance. So my -- I don't want to say you threw a threat out there but I'm taking it kind of as a threat that you're going to shut down -- it's going to be shut down in two years.

So I'm wondering again, if you are currently permitted at this height and that's what you ask to stay to be permitted in this new expansion, how is tweaking our zoning tonight going to affect whether the landfill remains open or shuts in two years?

MR. MAGNOTTA: What you have to understand is that the 1997 permit modification which we call phase two encompassed 180 acres -- going from memory. It's a long time ago. And I'm pretty old. And that when you --

the heights are set by geography, okay. The
state has regulations, slope blah, blah, blah, setbacks and that was the height that was established in the phase two that for 186 acres of site.

Going forward in phase three is a totally different -- how can we say it? It's a total different approach. So the time when I said we're done I believe it's early 2021, something like that. We can only go in phase two. We can't go into the phase three.

So how this relates to it is the ability in the phase three application which we've submitted and was pointed out when there was issues raised about the view shed we unilaterally dropped that elevation -- I don't know, a hundred and some feet, 175 I think down to what's been permitted, was approved and has been in existence since 1997. So the capacity left that we have is only in phase two. That's all there is left, two years.

MR. AMICO: But we said earlier -- again, maybe I'm -- I don't think I misunderstanding. We're not arguing tonight on whether you're going to be permitted -- we're not arguing expansion tonight. That was years
ago. I get that.

We're arguing -- we're clarifying a few lines -- a line actually in our zoning ordinance. So again, I'm not grasping why if you don't get this tonight why you believe you are shutting down in two years.

ATTY. OVERSTREET: I think I have a solution to your dilemma and to the 1585. And this is what I would propose if Solicitor Cummings would agree, whether before or after voting on the proposed amendment that we put forth, someone on Council wants to move for a second amendment and articulate it however you want to articulate it and bring it up for a separate vote, we would not object to that process.

If you want to do it first and then do the amendment we put in front of you then you can go where you are trying to go. And I think that we will not object to that process. I'm trying to find a way to be responsive to the seven members of Council's concern. I get it. I have been sitting here trying to figure out how to do it in a way that would be procedurally appropriate.
And I think that's the only way that I could see to do it is if you want to do that first bring it up to a vote and then separately entertain our requested amendment. So I offer that for your consideration.

MR. MCHALE: Thank you.

MR. AMICO: I would kind of still like an answer to the question I asked.

MR. MAGNOTTA: I'm just saying all that's left if you get the annual report which I can give you if you don't have it is that there's not an infinite capacity.

AUDIENCE: Speak up. We can't here you.

MR. MAGNOTTA: There's not an infinite capacity.

MR. AMICO: I understand that. Again, I'm reading what you asked of us to do. And I don't want to bore you -- I'll just read it. It says sanitary landfill is considered to be any facility devoted to the storage and/or disposal of solid waste pursuant to the regulations of the Pennsylvania Department of Environmental Protection governing sanitary landfills, period.
Sanitary landfills may include staging areas as defined in Section 11.198.
Sanitary landfills shall be subject to all regulations contained herein governing earth-moving activities. That's where we stop.
And then you've added -- you've requested. I shouldn't say added. You requested and shall neither be considered nor subject to regulation as structures for purposes of this ordinance.
So again, I'm just trying to understand. I'm not trying to be, you know, I'm not trying to throw a zinger or be a wise guy. But I'm trying to understand why that line that I highlighted if we don't agree to it tonight is going to somehow shut down your expansion in two years. That's what I'm not grasping.

ATTY. BELARDI: It's not. It won't shut us down in two years.

MR. AMICO: But that's what he said.

ATTY. BELARDI: That's not the legal interpretation --

MR. AMICO: I'm not a lawyer.

ATTY. BELARDI: I am.
MR. AMICO: I know you are.

ATTY. BELARDI: That -- what happens tonight won't shut us down. All it does is stop frivolous litigation because as you heard enunciated earlier or set forth earlier is that there's a difference between a height on a building and a height on a structure. And everybody wants to make this building height a structure.

MR. AMICO: Again, that's why I asked the question about or I brought up -- and I understand that it's very vague. I grasp that. But the vaguer -- this not a word but the vaguer is you're saying a roof. Well, according to you our ordinance we have walls, fences, billboards, pools, again, that don't have roofs.

You're putting things on the record that when I try to ask questions about it I'm not really getting a straightforward --

ATTY. BELARDI: Because there's a hesitation on our part to want to relitigate this at a public meeting that's been decided by a court.

MR. AMICO: Exactly. That's why I
don't even know why it was brought up. I don't know why Mr. Magnotta even threw that out there. I know you can't answer, nor am I asking you to.

ATTY. BELARDI: Right:

MR. AMICO: Mr. Dempsey at the beginning said we're talking about this and only this and then Mr. Magnotta throws out, you know, we're going to shut -- basically if you don't do this you're raising taxes and doom and gloom and, you know, you're going to pay for garbage and I believe that's unfair.

ATTY. BELARDI: Those things I think are more properly contained and related to not one but two Host Fee Agreements that we have with the Borough that technically the Borough would be in breach of.

The settlement agreement of '99 which the Borough's acknowledged and cooperated in expansion and the agreement in 2014, the Host Fee Agreement that brought you from the state mandated 40 cents to where you are today $1.50 plus a penny every year.

MR. HAYES: 2017 you said?

ATTY. BELARDI: The agreement?
MR. HAYES: Yeah.

ATTY. BELARDI: 2014, oh, no, no, maybe it was later. The application started -- 2017, 2017. And then that particular agreement specifically says in paragraph -- I don't know, 10 or 11 it says that the Borough acknowledges that the landfill is not a building. They are the agreements that the Borough made. So we have these agreements.

ATTY. CUMMINGS: Mr. Dempsey, for the record, there is a September, 1999 agreement, Host Community Benefit and Settlement Agreement Section 1A sets forth the responsibilities and statements to the Borough.

And then there is the November 24th, 2014 agreement wherein we were increased to what is currently $1.52 per ton.

MR. DEMPSEY: Thank you.

MR. HALLINAN: You're in litigations still with this whole issue, correct, with FOL?

ATTY. BELARDI: It's in front of Commonwealth Court. We just don't -- argued orally on Tuesday.

MR. HALLINAN: Right, I'm sorry. I used the wrong word. I'm not a lawyer. So why
are we here? Why are you -- are we
circumventing something that I'm not seeing? I
know I'm just a lay person and the rest of us.
It seems like all of a sudden now you threw
this at us.

ATTY. BELARDI: Well, no.

MR. HALLINAN: I don't understand
why we're at this point.

ATTY. BELARDI: Because --

MR. HALLINAN: I thought if you're
fighting in court it seems like all of a sudden
now you're coming to us in between while you're
still in proceedings.

ATTY. BELARDI: Right. Because
we're trying to stave off any future litigation
over the same frivolous argument. We keep
winning but nobody wants to recognize it. So
it doesn't make any sense that we've got to
keep relitigating the same issue.

How many times are we going to
relitigate it and get the same outcome and
you're going to keep paying your legal fees and
we got to keep paying our legal fees, for what?
It doesn't make any sense.

The problem here is that the Dunmore
Borough Zoning Ordinance has a height limitation on buildings. But everyone's wishes -- our opponents wished that was a height limitation on structures, okay? And so the court -- your Zoning Officer decided that wasn't the case. Your Zoning Hearing Board decided that wasn't the case. It got appealed. It goes before the Court of Common Pleas. They decided that wasn't the case.

Now we're in front of Commonwealth Court again. We can probably -- most likely we're going to win in, you know, whenever they hand down their decision. And then that will be appealed. And it may or may not go up.

MR. HALLINAN: Maybe we should wait until then.

ATTY. BELARDI: We keep going through this over and over.

MR. DEMPSEY: Attorney Belardi, hypothetically we agree to your ordinance and you keep making the argument that, you know, it's going to stop protracted litigation. Can you explain -- if we vote for this tonight and approve it, how does that stop the litigation that you're currently in right now that you
just had an oral argument on Tuesday? How does
the litigation cease?

ATTY. BELARDI: How does the
litigation cease?

MR. DEMPSEY: Yes.

ATTY. BELARDI: Well, quite frankly
it would make the case moot.

MR. DEMPSEY: So how would you go
about it? Would you file a motion?

ATTY. BELARDI: Not quite sure. We
might do that.

MR. DEMPSEY: And do you think that
the Friends of Lackawanna would just -- that
would go unchallenged and there would be no
more legal fees?

ATTY. BELARDI: I'm not quite sure.
I'm not quite sure what they would do. I can't
answer that. I can't -- I can't -- I can't
answer that.

MR. DEMPSEY: I'm just wondering.
You keep saying if, you know, this gets signed
it stops all the protracted litigation and
attorneys' fees, which I appreciate, believe
me. I don't want to pay attorneys' fees.

ATTY. BELARDI: It just -- it
clarifies that which we already know which there was never an intent evidenced by the Borough to put a height limitation on the landfill. And so it stops spurious argument that of building -- a height limitation should be the same as a structure height limitation. It takes away that argument once and for all that it's just making everybody spin their wheels and spend more because everyone knows it's not -- there's no structure height limitation in the Borough Ordinance in an M-1 zone on a landfill.

MR. DEMPSEY: I understand that.

But it's still pending litigation. So I don't understand how that litigation stops from what we have in front of us. I don't know why it's in front of us.

ATTY. OVERSTREET: I think Mr. Magnotta used the term --

MR. DEMPSEY: I think my point is it's not going to stop attorneys' fees. This case is going to go on like you said to the Supreme Court no matter what we do here. You're still going to spend attorneys' fees.

ATTY. OVERSTREET: I'm not sure.
MR. DEMPSEY: Okay.

ATTY. OVERSTREET: Because that would depend on whether the Court agrees that it's --

MR. DEMPSEY: To get to that point there's going to be more attorneys fees.

ATTY. OVERSTREET: There will be a motion in front of the Court but that is a de minimis undertaking.

MR. DEMPSEY: Okay. Thank you.

ATTY. OVERSTREET: As opposed to, you know, proceedings in front of the Supreme Court which are very expensive.

MR. DEMPSEY: Well, I don't think the arguments -- or the facts change. The law doesn't change. You use the same --

ATTY. OVERSTREET: No, no, no. If we go to the Supreme Court, which is the next step --

ATTY. BELARDI: If they grant certiorari.

ATTY. OVERSTREET -- that's correct. But there's a whole briefing process to get the Supreme Court to take it. And then there's the merits briefing. So you're looking at a
minimum of $50,000 in legal fees to get through that process.

MR. DEMPSEY: Thank you. Anybody else from Council before I open it up to the public?

ATTY. CUMMINGS: Item number seven if Council has concluded for the time being would be those who --

MR. DEMPSEY: Before we do that, does anyone else on Council have any questions?

ATTY. CUMMINGS: At the call of the Chair there would be those who have signed the sign-in sheet that have standing should come forward, state their name, address, be recognized by the Chair by calling from that list and then proceed.

MR. DEMPSEY: Janet Brier.

MS. BRIER: Hi. Thanks. Thanks for doing this. First thing I'd like to ask the President is because we took so much time will you give the people --

MR. DEMPSEY: We'll do the best we can. We have until 8:00 and I want to get as many people as we can.

MS. BRIER: We can probably go a
little bit longer since they went so long.
Again, I'm not here to argue structure versus
non structure. We've been hearing again for 40
years that this is a multimillion dollar
structure up in Dunmore that millions of
dollars have been spent on.

It's not a hole in the ground up
there, you know. I mean, whatever. It's a
ludicrous argument. What I'm here tonight to
ask of all of you is to just think about our
beautiful little town. As the kids say, nine
square miles; and have the courage that I know
all of you have in your hearts to speak truth
to power and to defend our town.

You guys are the last line of
defense. And I think if you have it in your
power to end this ludicrous argument about
whether that multimillion dollar structure up
in Dunmore is -- and our newest guy Chris, I
voted for Chris. You want somebody new.
Somebody with new ideas. And -- I'm sorry,
Mike -- Mike Hayes.

And I'm just here to really implore
you to think about what we have here in this
beautiful little town. And the key word is
little. We don't have room for more garbage. We just don't. Thank you very much.

MR. DEMPSEY: Kevin McDonald.

MR. MCDONALD: My name is Kevin McDonald. I live on Quincy Avenue in Dunmore. And one thing I would like to address is the fact that Mr. Overstreet -- Attorney Overstreet said that the landfill does not have a roof. The landfill will have a roof eventually once it reaches capacity.

It will be a rubber roof just like the rubber roof on this building. They refer to it as a cap. But it is a roof nonetheless. And if you look on the roof of this building you will see plumbing vents in various locations over where there is a waste collection system, whether it be in the showers, in the kitchen, wherever it may be, there are vents just like the vents you see up on the Keystone Landfill.

If you go up Marshwood Road and you look at that finished area in the Marshwood Road you'll see vents all over the place. They have a gas collection system. And they actually pump the gas out and sell it. Now,
that's where it differs from say this building here.

We bring the gas in. But they have pipes that collect the gas throughout that entire complex no matter what the height they're collecting gas. They're venting for their drainage collection system. And when they are done up there they will put a rubber roof on the top of that landfill. And it will be a structure even though it doesn't have a roof at this point. There will be -- there will be a roof on it eventually.

I used to work for the -- in the 1980s I worked for the Dunmore Borough as a Code Enforcement Officer. And in speaking to at the time I used to see Leonard Verrastro, former Councilman quite a bit because he would sign checks for a housing rehab program that we had going on in the Borough.

So our discussions about the landfill, he said, you know -- and he said contrary to what Mr. Magnotta said is the Borough had to give Mr. DeNaples the landfill because DEP mandated that they put a liner in it. So if I'm not mistaken, does the Dunmore
section in the Keystone section in your new permit, isn't that to be excavated and put into a lined area?

ATTY. OVERSTREET: Our understanding is that we were directed to take questions from Council only. Otherwise we'd be here for many hours I'm sure -- examine us.

MR. MCDONALD: You're slick. So anyway as it turns out, again, we gave the Dunmore landfill to Mr. DeNaples. He turns around and how many years did we pay a garbage tax? We paid to dump garbage in our own landfill. Can you believe that? That's crazy. That's absolutely crazy. So I'd like to switch for one minute and bear with me.

MR. DEMPSEY: Mr. McDonald, you have one minute.

MR. MCDONALD: One minute, okay. When I was, again, Code Enforcement Officer when the DeNaples at that time while I was there came and took the Erie Shops and they were going to clean off the mountain of all the junk cars, dismantle them and stack all of the parts inside the Erie Shops.

They came to the Planning Commission
for approval. Mr. Angelo Rosatti came and said there won't be ten cars parked outside of that facility and we're going to clean off Bunker Hill mountain. Angelo Rosatti was Al Magnotta's partner at CECO Associates.

Now, we have a thousand and ten cars parked outside of those facilities. And we have the junkyard back on the hill. That constitutes basically we were going from Wheeler Avenue in Dunmore with junk all the way up through Bunker Hill, then we run into the landfill. We have a semicircle of junk and garbage around Dunmore and it's time to stop. It's time to stop.

MR. DEMPSEY: Jeannie McDonald.

MS. MCDONALD: Pass.

MR. DEMPSEY: Mandi Boyanoski.

MS. BOYANOSKI: Mandi Boyanoski, Dunmore. I live in Dunmore. You live in Dunmore. These gentlemen do not live in Dunmore. I'm going to quote a campaign promise from Council. "We have only one objective in mind, the betterment of the Borough of Dunmore. Our team understands that in order to thrive we must attract new business and potential
residents which requires reinvesting in our Borough." When are you going to reinvest in our Borough? Put an end to this.

Your vote will solidify our future. So please take into consideration that if you grant this and allow it you can help promote a sale tomorrow. Who's to say they don't sell this tomorrow to some unknown source that doesn't live in Dunmore, lives in Virginia, lives in wherever they want to live. Think about that.

They can sell this tomorrow and then what are we left with? A height restriction that they could then come and apply again and apply again and all I witness today was a bunch of threats to you guys who are standing up for us, the citizens. I'm not going to sit here and tell you why I moved to town because I don't that's -- it's irrelevant anymore.

I don't think that's something that you guys listen to anymore. But your campaign promises, your oaths. You were sworn to protect us citizens. And that's all I'm asking for because honestly, if this is granted, I'm out of here. And I'm sure a lot of other
people, a lot of young people are going to leave.

And that's all I'm going to say. So just think of that outside source that may come in and do whatever they want because they can then apply and apply and find those loopholes that they have kept finding. There's a lot of loopholes. Think about all of these loopholes that they have found. Thank you.

MR. DEMPSEY: Sharon Cuff.

MS. CUFF: Good evening, everybody. Okay. I have a question to start off before I say much of anything else. I was pulling off documents and reading things just like all of you have been and so many others.

AUDIENCE: We can't hear you.

MS. CUFF: Sorry, is that better? Okay. Sorry. I think I was talking to the wrong one. I, like you guys did a lot of reading, pulling off documents, looking at different things. So to start with I pulled off a zoning ordinance amendment procedures from the government website.

And one of the items that jumped right out at me was Did You Know. Elected
officials are not obligated to entertain or
take action on zoning ordinance amendments
requested by property owners or developers. I
believe that applies to this situation at hand.

So first before we go any further
I'm wondering why are we even having this
hearing? And do you as Council even have to
vote because everything I have read indicates
none of this needed to happen. And I feel that
you unfortunately are being used to benefit one
business and no benefit is given to the
residents of this borough.

So I would ask tonight either that
you vote no to this proposed amendment as it
stands, "A" because it's still in the court
system being reviewed. And I don't feel
anybody should be weighing in until the courts
decide.

Or "B" don't vote at all because you
don't have to. And you don't need to be
bullied into making a decision that somebody
wants you to.

MR. DEMPSEY: Tom, can you opine on
that? Is that accurate that we don't have to
vote?
ATTY. CUMMINGS: You don't need to have a meeting. You could just so ignore it if you so choose. But you've already published it to have the hearing and the meeting.

MR. HALLINAN: Can I ask? So if we did that, we would have to vote no action. Would that be a vote? We can talk about that later.

ATTY. CUMMINGS: That would be at the meeting.

MS. CUFF: I'm sorry. I do have a lot of information written out on that. If you need any of it I would be happy to provide it. But basically the hearing did not have to take place. And after 60 days commenced, on the 61st day the amendment that was sought would be deemed denied.

And if now that we're already here if you choose not to vote after you vote -- if you do not vote tonight 46 days from now it's deemed denied.

MR. DEMPSEY: Michelle Dempsey.

MS. DEMPSEY: Michelle Dempsey, property owner in Dunmore. I think what Sharon just said kind of says it all. But just in
case I'll say my peace. So just quickly in terms of the height, this is -- I think these are familiar just to -- I'm going to try to talk if you can hear me -- sorry.

This is the height of Dunmore above sea level right here 1100 feet above sea level. So this is the Statue of Liberty at 306 feet. This is the existing landfill. This is the phase two that is just completing, this light gray.

And this is the area that was originally -- this is what phase three all the pink is what they have been asking for. What we're talking about what they have been saying tonight is that at this point they're willing to say, okay, we'll cap it right there and take really just the tip of the pyramid off.

But that's still a lot of garbage and a lot of height that we're talking about here, right, and to quote Mr. Magnotta in terms of that would they go higher I think I recall you saying once at a meeting that why did you do it for 50 years. You said we'd do 100 if we could; right? So if they could make it higher, if they could make it wider.
If they could fit more garbage you better believe that's what would happen here at our expense, not at theirs. And so because we all know this benefits one company. And so I'm hearing tonight, you know, that, hey, this 1997, 2000, you know, it's always been here. Nobody had a notion in those eras that a landfill which is, you know, in the ground that a landfill would become taller than our mountainscape, right?

Nobody had a notion. It happened very quickly, almost in a blink of an eye to us. And so, you know, these kind of threats just aren't sitting well with us. I just want you to know that. They are not sitting well with the community here.

To quote Mr. Overstreet from the Planning Commission a lot of the things he said tonight we're trying to prevent even the possibility of the extraordinary problematic litigation that would arrive if there was a decision to impose a height limit, you know, are you prepared for years of litigation in federal court, you know, if you try to impose a height limit, etc., threat, threat, threat,
more threats.

I want to point out that Dunmore doesn't waive an ordinance by not applying it. And in addition every one who violates a zoning code can threaten the same exact thing, right? Expensive litigation. And if the Borough cowered to those threats every time, its code would be meaningless as meaningless as having a zoning code that doesn't limit the height of a structure.

A business could put a factory in the middle of an R-1 neighborhood and then dare you to make them remove it. Residents can build an addition six feet from their neighbor's home and refuse to take it down. But Dunmore has a right and, in fact, an obligation to its citizens to enforce our zoning codes which are set for the benefit of the community as a whole.

I'm sure the citizens of Dunmore can remember incidents of enforcement in the past. I know there was one years ago on Smith Street where somebody violated a code and their addition had to be torn down. So Keystone Sanitary Landfill wants Dunmore to be afraid of
a lawsuit.

That's what you're hearing tonight. They want us to be afraid. That's the modus operandi. They are the ones that should be afraid though because if they don't get this height limit they're stuck where they are. In fact, there's the possibility of making them take -- this is, you know, this is where we are today. 50 feet's about right there. There's a possibility of having to take a lot of that landfill down.

So threats like Mr. Overstreet made on behalf of KSL just don't work on this community anymore. With the law on our side should we win this case that is playing out in the courts right now, it's KSL who should be looking to negotiate and not threaten the Borough.

KSL should be asking if they can just stop building their structure higher instead of having to tear it down. Also many people tonight are probably going mention that this ordinance change only benefits KSL and not the community. I want to say that over and over, one entity. It's just unheard of that a
zoning ordinance would be changed to benefit one special interest.

It's unheard of. So don't -- it's -- that's it. And, you know, you on our Council were elected, four of you actually ran on a strong antiexpansion campaign. And that's what got you voted in. That's a big part of the reason why this community voted for you. And that should be enough to just -- if this did go to a vote you should outright deny it.

I don't think there should be any question that that should happen if it even has to because as Sharon mentioned, we probably don't need to be sitting here. So if you voice no opposition to the landfill in the past and you if you ran on that platform and if you don't vote to deny this, then don't run next term because you're not able to keep your promise to the citizens of the community on an issue that obviously is of paramount importance to us and our future.

On the other hand, if you vote to deny this if we even have to go to the vote, I thank you for voting with integrity and denying it because integrity is just a simple act of
keeping your word. Thank you.

MR. DEMPSEY: I apologize if I get this -- it's hard to read Joseph -- is it Formica? Kathryn Oven?

MS. OVEN: Kathryn Oven, Dunmore.

Thank you everyone for coming tonight. We started this landfill fight about five years ago, similar situation here in this room. And when we first began the fight -- we first started the fight, Mr. Dempsey, Mr. McHale and Mr. Hallinan publically stated that they were against the landfill expansion.

Since then Mr. Amico and Mr. Hayes have publically stated they were against the expansion as well. I'd like to read a little bit from their campaign Mr. Hayes, Mr. McHale, and Mr. Amico and Mr. Dempsey ran and they said, Presently the most significant topic facing the Borough of Dunmore is the expansion of Keystone Landfill.

All four members of our group have continued to oppose this expansion of the landfill. We publically opposed it in October of '14. And at that time Mr. McHale and Mr. Dempsey along with other members of Council
were the first public officials to come out publically against the expansion. If given the opportunity to be reelected, we will continue this opposition.

Mr. Amico is a core member of Friends of Lackawanna, has been with them since the inception and has been publically fighting. Mr. Hales{sic} has pubically stated numerous times he's against the expansion of the landfill and additionally Mr. Hales along with the rest of Council has worked tirelessly to improve the Borough's recycling. And that's for another time.

If we are elected Mr. McHale, Mr. Amico, Mr. Hayes and Mr. Dempsey will continue our commitment for the Borough. So I guess my question is, if five years ago the first five people sitting at this table said they were against the expansion, are you going to go back on your word and vote for this?

Or are you going to be man of your word and vote the way you should to protect the people of the Borough. That's my first question.

My second question is, I don't know
if people are aware of the 2016 Pennsylvania Consolidated Statute for boroughs and incorporated towns. It basically states that Council's specific powers are to make regulations as may be necessary for the health, safety, morals and general welfare, cleanliness and beauty, convenience, comfort, safety of the Borough.

So really by adding 50 more years of garbage over 160 million tons with 500 trucks coming in the Borough daily, the air we're breathing, the water we're drinking is being jeopardized, are you really fulfilling that, that oath that you took as our elected officials?

And to Mr. Magnotta's point of threatening that we'll be broke, there's thousands of towns throughout the United States that don't have landfills and survive.

MR. DEMPSEY: Guys, I understand everybody's points. But if we can just in the interest of time we still have a lot of people to get through. So if we can just keep it on structure as best we can. I'll allow some leeway but as best you can I appreciate it.
Trip O'Malley.

MR. O'MALLEY: Good evening, Council. I listened to Mr. Magnotta speak before. And what I heard was that the owner of the landfill has gotten his way from this Borough every single time he wanted something. And it's time that you stand up for the 14,000 people who live in this Borough for once. Thank you.

MR. DEMPSEY: I'm not even going to attempt this next one, Ellen A-N-U-S-Z-E-V -- what is it?

MS. ANUSZEWSKI: Anuszewski. My name is Ellen Anuszewski. And I'm a proud resident of Dunmore. I've been here 28 years. And I love this community. We are caring wonderful people. Unfortunately sometimes kindness is mistaken for weakness. And we are not a weak community.

I implore Council to look for your children and grandchildren and do the right thing. I know if you look in your hearts and look deeply you'll know what the right thing is to do. I can't believe that we're at this point. How many millions of tons of garbage?
How are we going to toxify our Borough?

I will tell you that if you pass this, a for sale sign goes on my house. And it will break my heart to leave this community. But I will do that and then you will have no one here as a tax base. It will be a ghost town. So I implore you to do the right thing and vote against this. Thank you.

MR. DEMPSEY: I just need to clarify is there a Mark Sujkowski? Jamesina Hayes?

Miss Hayes, are you a Dunmore resident?

MS. HAYES: I'm not. I didn't see that until after I signed up. But no one mentioned that I couldn't.

MR. DEMPSEY: Go ahead. You're the only one that's on here.

MR. HAYES: For the record I do not believe we are relations.

MS. HAYES: We are not. The reason I came tonight and I hope I'm representing a lot of people out in the community who are your neighbors that care very much about what's happening in Dunmore. And I for one have lived within a block of the Cedar Avenue mine fire and the weight of Scranton Sewer Authority.
And I could tell you first person that it is not a pleasant thing. I had to watch my neighbors move -- actually give up their homes and leave the area because of the effects of the mine fire. I had to live with the smell and the stink from the Sewer Authority which was very offensive.

Well, I was reminded of it not too long ago when I took the Casey Highway to Carbondale. And I'm thinking what's going on? What's that terrible odor? And I looked over and, oh, my God. It's the landfill. So quite honestly, I think we understand why this is even gotten as far as it has.

Back in the -- these gentlemen keep pushing the fact of the law, 40 years ago, 40 years ago. Well, I'm sure the people that were on Council at that time never envisioned that we would have the situation that we're faced with today.

Who would think that garbage would be that fabulous that it had to be a tower taller than the Statue of Liberty. But I could tell you this much I saw firsthand when Mr. DeNaples got the contract to take the
Scranton City garbage.

My father was a labor leader at the time in the City of Scranton. So it was a discuss at the super table. Garbage was a problem for the City of Scranton at that time. That was as they say 40 years ago. And I think Scranton was one of the first contracts that got Mr. DeNaples on the garbage. He may have done a little bit here and there before that. But as far as municipalities we were one of the first clients.

I don't think anybody who was okaying those ordinances and those laws over the past several years ever envisioned that you would you be faced with what you're faced with today. But I could tell you the number one concern in everyone's mind today should be the children of this community because there is a -- we have all the data.

We know what all this unknown leachate and everything can do to people. And what Mr. DeNaples -- I'm sorry Keystone Landfill is asking is too much. They're asking for too much. It's just not fair. They are saying the issue is between structures. Let's
be honest. That's not the issue.

I find it very hard sitting and listening to you tonight saying that we don't care if it's over 1500 feet. That doesn't matter to us. Well, if it doesn't, why are you pushing so hard? Why is the structure language so offensive to you? And I'll tell you why because there is a hidden agenda in my opinion. Trust is a factor here. People have trusted their neighbor, this businessman to do the right thing by them.

And Mr. DeNaples has done many wonderful things. I know him to say hello to. And I could tell you he's done wonderful things in the community. But this not a good legacy. And you have the opportunity --

MR. DEMPSEY: Mrs. Hayes, I don't mean to cut you off. No, you're okay. But if you could just try to keep it to structure. I don't want to disparage anybody's name or anything.

MS. HAYES: I apologize. I don't mean it to -- believe me, I'm not trying to say that.

MR. DEMPSEY: Continue.
MS. HAYES: I'm saying that he's opposing what I think is right. And I don't mean it personally. I really don't. But if you can understand that this issue are the legacies of the community today.

Today when I decided to come to the meeting I looked at Dunmore's criteria. And you're not in existence all that long. And the first structures in Dunmore were down at the corners and they were tiny little buildings. Look what Dunmore's become. It's a beautiful area.

But this is not an asset as far as appearance goes. And it is a concern to the community. You have a right to vote on the structure.

UNIDENTIFIED MAN: Is she a resident of Dunmore?

MS. HAYES: The issue of structure is very clear. If you look up the legal definition you can qualify the landfill as a structure. If you check the legal definition it is qualified as a structure. I appreciate everybody's time. I just wanted to give my input from the people who care about you from
the outside.

MR. DEMPSEY: Melanie Naro.

MS. NARO: Good evening everyone. I don't think this mic is on because we can't hear in the back. Where I was standing the sound system am is bad.

First of all, I want to thank Council. This is a hard job. It's a thankless job. So thank you. And I hope that you're listening to everybody. While I was in the back after the learned counsel here and the landfill's engineer were speaking, I Googled like everyone else did what the definition of a structure is. And this is what I found.

The arrangement of relations between the parts of elements of something complex. Well, nothing is more complex than this landfill with the layers and a top and it has to be very structured. I give applause to the DeNaples family because it is a state-of-the-art complex.

Secondly, I looked -- I downloaded an app, a legal app, a dictionary. And they gave me the definition of, A framework or construction with elements identifiable giving
stability and form and able to resist strains and stresses.

   Well, that's what the landfill is supposed to do because if it collapses, our whole water structure is destroyed. So I think it fills structure. And I think that's what President of Council wanted. Those are the definitions that I found. So --

   MR. DEMPSEY: Thank you.

   MS. NARO: I implore this Council to deny this request. It's very simple. Just vote no to it. When I was on Council many years ago some of you may remember our town was faced with an application for the methadone clinic.

   And we had our meeting in the gym. I want Council to know that people are standing in the hallway because you can't see it. People are in the out doors. I think we're at capacity here. So shame on you for not having it where everybody could be heard and hear what's going on.

   You knew people were going to come out tonight and oppose this. But when I was on Council we listened to what members said and
especially on the methadone clinic. You had seven noes. So if you're against this amendment please clap and let this Council hear. You're elected by these people. You should listen to these people. Thank you.

MR. DEMPSEY: Beth Zangardi.

MS. ZANGARDI: I'm a little nervous all of a sudden. My name is Beth McDonald Zangardi. I just have a few points that I've been -- I swore I wasn't going to talk but, you know. I'd like to ask -- I heard Tom Hennigan -- or I'm sorry. See how nervous I am, Tom. You're against the landfill?

MR. HALLINAN: I can't say anything right now.

MR. DEMPSEY: Miss Zangardi, if you want to make comments, please do. We're not going --

MS. ZANGARDI: I'm just asking a question.

MR. HALLINAN: I'm not going to give a predetermined opinion.

MS. ZANGARDI: Tom Ehnot, are you against the landfill? Carol, are you against the landfill? Mr. Cummings, are you against
the landfill?

ATTY. CUMMINGS: I don't vote.

MS. ZANGARDI: Do you live in Dunmore?

ATTY. CUMMINGS: Yes, I do.

MS. ZANGARDI: You live in Dunmore? Well, we know you have a business in Dunmore. Do you live in Dunmore or do you live in Moscow?

ATTY. CUMMINGS: This is way out of order.

MS. ZANGARDI: My second question would be Keystone Landfill -- the difference between landfills and other landfills, this landfill is in our backyard. It's in Swinick Development's backyard. You could walk a half a mile or a quarter of a mile to that landfill.

My husband and I moved from Smith Street to Homestead Street. And we walked out of the house and I was like, what is that smell? And he said it's the landfill. I almost fell over. I couldn't believe it. I heard about it but never smelled it on my own.

If this goes through you can guarantee you're never going to sell your house
ever. Your property values will plummet because they already have. You walk out our doors now and it smells. Then at the mountain, we all see the mountain going up 81, going down 81, going to work over the O'Neill Highway, going into the Swinick Development, going up the O'Neill Highway to Big Lots. We all see it.

We all smell it. We all know it's there. If it goes through you're not going to get the property value. You're not going to get the money you put into your house, Mandi. It's not going to happen.

Mr. Overstreet says there has been no argument in 40 years against this landfill. That is a flat out lie. My brother Kevin dragged us out for years fighting this landfill. Where's Ed Flannigan? Janet Brier, years. We had to get up and go out and fight that fight 40 years ago.

1982, I was a kid. Here we are 37 years later and what are we doing? Fighting the same fight. We would not need unending years of litigation if you would stop. Just stop. The real last thought I had been texting
people to please, come down, come down, come
down.

I was told that there was a large
number of people outside who are not allowed
in. My suggestion would be we should have it
next time if there is a next time in the
gymnasium so we can all gather and fight this
landfill. Thank you.

MR. DEMPSEY: Max Conway.

MR. CONWAY: Hi. My name is Max
Conway. I recently own a house down on Adams
Avenue as of Friday. So I'm probably one of
Dunmore's newest residents. I apologize. I
don't know your name. But in response to the
one attorney's comments where he said why
didn't people come forward a long time ago
about this issue?

One, a lot of us weren't alive. You
spill a drop of coffee on yourself you don't
then just take a whole mug and poor on it on
yourself and say, well, what can you do. The
important thing is that we're here now.

And, by the way, Council, you know,
if this is approved, good luck getting young
people to move here and start families. Now, I
don't mean to pick on Mr. Hallinan. I know you have an important vote tonight.

But I know members of my family and I voted for you primarily because when asked by the Scranton Times in article titled Business Primary for Dunmore Borough Council published on May 6th, 2017, you said you opposed the landfill expansion.

I don't know how you're voting tonight. But I beg you to stick to your guns and represent the people who put you on the Council and not one corporation. A vote in support of Keystone Landfill would be a slap in the face to those who supported you. Thank you for your time.

MR. DEMPSEY: Tom, Mayor Burke signed in. Is he part of the public or would he comment on Council comment? I just don't want to go out of order.

ATTY. CUMMINGS: Under MPC Council is just Council. So the Mayor could go.

MR. DEMPSEY: Mayor Burke.

MAYOR BURKE: Okay. Can I sit here, Mike?

MR. DEMPSEY: Sure.
MAYOR BURKE: I agree with what everybody in the audience. The threats, it doesn't scare me. And I know it doesn't scare these people here. You could threaten us all you want, landfill. But like this young gentleman that spoke before when Keystone was passed and nobody said anything about the structure or the landfill, the landfill didn't have a liner 40 years ago, did it? The landfill wasn't accepting fracking 40 years ago, was it? Right now they are.

And there's a lot unknown about fracking. What is known is not any good. Right now the DEP is getting sued in Ohio over accepting fracking from -- being forced to accept fracking because the DEP forced them to accept and treat it at their plant and it killed all the (inaudible) plant which fought the bacteria.

That could happen here too, especially if we go to the size we're looking at. I beg Council just to protect my children and my grandchildren and all of these people here. This is our future. This is our last chance. Please. I beg you. Do the right
thing for our family.

MR. DEMPSEY: Is there a Richard Yost here?

MR. YOST: I'm here and have no need to get up and talk because I'm not a resident of Dunmore. But if Mr. Bolus should be afforded that privilege I would like to speak in opposition to what I know he's going to say.

MR. DEMPSEY: I'm sorry, sir. I can't allow that. We're here for a landfill.

MR. YOST: It may be sufficient to say --

MR. DEMPSEY: I can't let you speak. I apologize.

MR. YOST: Understood.

MR. DEMPSEY: Thank you. With that being said, Mr. Bolus.

MR. BOLUS: Bob Bolus. I've been in Dunmore for 50-some years. I think your comment was out of context. I think it was the most asinine thing I heard from an individual for you to challenge me --

MR. HALLINAN: Stop.

MR. DEMPSEY: Stop.

MR. BOLUS: My opinion doesn't make
a damn bit of difference one way or the other.

MR. YOST: I agree with that.

MR. BOLUS: That's your opinion --

MR. DEMPSEY: Sir.

MR. BOLUS: -- waste my time even addressing you. It's like talking in a vacuum. So I don't even want to talk to you.

MR. DEMPSEY: Mr. Bolus, we need to --

MR. BOLUS: I know. This is about a legal issue and leave it at that. Thank you.

MR. DEMPSEY: Molly Callahan.

MS. CALLAHAN: Hi. My name is Molly Early Callahan. And I have lived in Dunmore for several generations, my whole family has, not me. I have to start by saying the only other time I ever spoke in public like this I ended up bawling crying. So fingers crossed this goes a little bit better.

I very much debated about coming to speak tonight, not because I'm not passionate about the cause or have nothing to say. But because one, like I said, I tend to cry; and two, I'm not sure how much of a difference my speaking would make. And most importantly I'm
not an expert.

I'm not going to pretend like I am. But the more I thought about it, the more I realize that I really cry over things that I care about. My family has already proven that miracles happen when we fight together. And I am an expert on the power of this amazing community.

And that all has to do with my son Jack. If you haven't heard the name Jack Callahan lately, I kind of think you need to get out more. My son through no fault of his own has become a bit of a local hero. He's the kid that fought and recently beat cancer and not just any cancer but a crazy rare and very scary form of leukemia that came with a terrible prognosis.

He was just two weeks past his first birthday when he was diagnosed -- and saying that right now makes me realize how unfair this whole thing has really been for Jack. But my family never really had time to feel sorry for him because when Jack was diagnosed this amazing community rallied for him.

The outpouring of support was
incredible. The people we had never formally met before were sending cards, showing up for events in his name and doing anything possible to help him beat this terrible disease. People have come up to us to tell us how much they prayed for Jack or how much they think of him and not to assume -- but I'm pretty sure there isn't one person in Dunmore that didn't help to save my son's life. So from the bottom of our hearts. Thank you.

From the minute Jack was diagnosed we talked at length about how amazing our town is and the people who live in it and how we rally for each other in times of need. We literally can change each other's lives for the better. And that is what is so completely and utterly amazing about where we live.

Truly no one fights alone. When you live in the hospital for as many days as we did you notice a lot. Not everyone is as lucky as us, not by a long shot. Not everyone had their family living nearby to help with the battle. Not everyone had the support of their entire school system or town.

We are not normal and I say that in
the best way possible. The way our town sticks
together and fights for one another is the
reason so many of us have chosen to live in
this wonderful little place. I'm not here to
talk about cancer. I think we all know the
statistics for this area and they're not good.

But I do know that if the rates in
this area have anything to do with the place
that we live, we need to try our best to stop
what is happening and not have another family
have to live like we just did or maybe even
worse.

Like I said in the beginning, I'm
not sure how much of a difference my speaking
will make. But given my luck these days I
thought I'd give it a shot. I ask you what
will changing these laws do for our kids and
their kids' future?

Will our families choose to stay
here like we did? Will they feel as lucky as I
do to live here or will they move away for fear
of their health and their wellness? Will they
be known as the town who did anything for
their neighbor or as the town next to a giant
mountain of garbage.
This is an easy decision. I want you to say -- I wanted to say that in my family and throughout Jack's entire treatment we have a saying, "You're rough. You're tough. You're tough and rough. You come from Dunmore and that's enough." Be tough. Do the right thing. Go up against the big guys and help this community stay the amazing place that it is to grow and live and thrive together. Thank you.

MR. DEMPSEY: I didn't think I was going to cry tonight either. Rich Wilson.

MR. WILSON: My name is Rich Wilson. I'm from Dunmore. And I'm asking Council not to vote in favor of this amendment. Just leave it as it is and we'll see if our ordinances can hold up in court. And we don't need to expose the children of this Borough and their children's children to further environmental hazards.

Mrs. Callahan, I know a young lady Emily who died from a very rare cancer about 15 years ago. And it had to do with environmental factors. And I don't think we should be exposing the children of our area to further hazards with regard to increasing the landfill.
And if this vote can delay an increase, that's the thing you should do. Just vote no or don't vote at all in favor of this amendment. I also ask the officials of the landfill if -- you're very good at building landfills now. If you can just start a new landfill maybe further down 81, I'm sure you'll do a good job at it. And there's a lot of highways around here that could handle changing the direction of the environment. It's just something for you guys to think about. I thank you for the time.

MR. DEMPSEY: Pat Clark.

MR. CLARK: Maria's going to yell at me to talk slowly. Thank you. So it's almost exactly five years to the day of the first time this room filled up like on a landfill issue. It was September, 2014. The fact that this room is still filled like this shows how much people care locally about this.

I had five or six pages of stuff written down and covered almost all of it. So I have very little to say today. I do want to clarify a couple of misconceptions that have come from my left and then make a couple extra
points as well.

The first question is why are we here. And Attorney Overstreet indicated because we sued the Borough. To be clear of the record, both actions on this height and landfill structure issue were initiated by KSL. They asked the zoning board for a clarification years ago. They tried to include zoning language in the agreement of 2014. And then they recently asked for this amendment tonight.

So to imply that opponents of the landfill or FOL are driving this consternation in our town is simply not true. Each time this is brought up it has been initiated by KSL. Repeatedly what KSL has done when they don't get their way is threaten.

You saw it. Al did it perfectly right on cue. Well done. The Scranton Times has a new product if you all want to try it. It's archive access. It's great. Five bucks a month. You could search back all the history of every word that's been in the Scranton Times.

Every "X" years this landfill threatens the Borough with something. For 20
years it was we're going to make you start paying for your own garbage, which we did. We're not going wipe out your bills which you (inaudible) and I'll just cap it off with this best one ever.

We're going shut it down and you're going to have increased taxes. There is no town in the world which survives on the cost of landfill fees supporting everything. The question isn't what are taxes going to do. The question is how do we build a sustainable community here and not have it reliant upon a landfill.

The first way to do it is to stop giving them everything they want and bowing over every single time they want something. We've done it for 30 years. It's time that we stop. This is an example where you talk about the court case right now.

Attorney Overstreet is right. We might lose in court. You could absolutely win at the Commonwealth Court level. We're not going away. And Attorney Dempsey is correct. This isn't going to end litigation. And they threaten the cost of litigation.
Well, fortunately, years ago back in 2014 when opposition to this expansion started a group called Friends of Lackawanna helped directly increase the fees that this Borough got by helping to reset the contract from about a dollar a ton up to $1.50 or $1.51 or something like that right now.

That's a tremendous budgetary impact to our town to the positive. I would suggest you could happily on behalf of the residents of this town use that money to pay for all the litigation they want to throw at you instead of the threats that they have been doing now.

You have money directly attributed to the landfill in a very ironic way. They're funding our defense. It's great. In terms of the facts of structures they know it's a structure. Attorney Belardi made what essentially was a closing argument. He was citing case law and court cases and arguments they are making in court right now to you all. That tells you this is a legal issue.

We are in court right now. So everyone knows what's going on, we're in Commonwealth Court right now. We had oral
arguments two days ago. That decision will be handed down by the state court somewhere between I would guess six weeks to a couple months.

And at that point we'll have an answer. Maybe we win, maybe we lose. But what this is in no uncertain terms is a direct end run around the legal process. There is no way to pitch this other than it's a direct favor for ownerships of KSL.

You've looked at for years and years and years all the skeptics of Dunmore -- and everyone in this room I think probably loves Dunmore. For 30 years all the skeptics of Dunmore say this Council, this town serves the pleasure of Mill Street.

Well, if you roll over and approve this, it's going to be tough if not impossible for us to decline that anymore. For eight years this Council stood up here and done good for the Borough and talked about we're operating a new style of government, transparent, open. We don't take favors. We don't do favors for people.

Well, all the donations the owners
of the landfill make to the Borough are not for return favors. Great. You don't owe them anything. No one owes them anything. Don't do it. If, however, it's for favors, that's not how the game is played anymore. You've at sat up here for years telling us how transparent we want to work and how we want the new Dunmore to be built. That all goes away, all the good you've done over the last eight years.

And I think there's tons of it. It all is erased tonight if you do what they simply suggest. By just giving them what they want on something as simple as an undisputed fact known in Pennsylvania whether a landfill is structure.

So it's really simple. Just vote it down. End it. Let the courts figure it out. The litigation is not going away. And finally, let's stick up for ourselves. Stop rolling over when the landfill and their owners ask for something in the Borough. Thank you.

MR. DEMPSEY: Pat is the last one on the sheet. But I think are there people in the back there? Is there anyone with a -- if you -- do you have a Dunmore address if you
could just state your name and address, please?

MS. LYONS: I certainly do. My name is Kelly Lyons. I live on Adams Avenue in Dunmore across from my new neighbor Max Conway. I was not going to speak. But I wanted to speak after Molly spoke. Just by a show of hands, could you raise your hand if you had someone afflicted with an illness, specifically cancer that was premature or non hereditary? I have. I suspect if we were in the another community that didn't rest on lines that carry poison, the number would be much less. Please vote this down.

MR. DEMPSEY: Thank you. Can you please state your name and address, please?

MS. KESTER: Mary Francis Kester, 1310 Clay Avenue. So I wasn't anticipating speaking so forgive me for a moment here. Okay. So I looked up some stuff. And I found on Zillow that property values in Dunmore have decreased by 4 percent every year.

The projected property values is decreased by 4 percent next year. The population of Dunmore has decreased by 7 percent the last ten years. We all know people
who have moved out of Dunmore, their hometown because in large part of the landfill.

   The noxious smell that we have to endure on a daily basis, the proven harms to our children's health, to our health, to the health of our families, to our community. If somebody threatened your child's health with a lawsuit would you say, go ahead. Poison my child, just don't sue me. That makes no sense.

   Whatever benefits has come -- the threats of decreased taxes. How about when we all -- our property values are going to crap. People can't sell their house in Dunmore. They're leaving by -- where is your tax base then? They say, oh, we've given you fire trucks. We've given you cop cars.

   That's called bribery, okay, when you are doing it for a favor. Pat Clark made a very good point. We can't be the poster children for nepotism and for corruption anymore. We need to stand up for our community and not for ourselves and our personal interest.

   Landfills are made up of cells,
complex structures with 8 foot thick walls with complex leachate systems and water drainage. They require contractors and bids to construct, to construct. They are nonmobile. They don't move. They're fixed. Maybe that's not enough for you.

Maybe the arguments that have been made aren't enough for you. The Mercer County case that said landfills are a structure is not enough for you. But which one of you can say without a question with no doubt in your head this is not a structure that you could say by no -- this is absolutely not a structure.

I don't think any one of you could do that, can overlook the facts. Now, maybe you don't want to make that decision and say, well, it is a structure. Then leave it to the courts. Thank you very much.

MR. DEMPSEY: Okay. Item number eight, Tom.

ATTY. CUMMINGS: Item number eight is rebuttal or additional statements by Keystone Sanitary Landfill representatives.

MR. DEMPSEY: Just before we get that started, Maria, are you okay?
ATTY. OVERSTREET: I'm sorry?

MR. DEMPSEY: I was checking to see if she was all right.

ATTY. OVERSTREET: We have no further comment.

ATTY. CUMMINGS: Any other comment by Council?

MR. DEMPSEY: Does anyone else -- would anyone else like to address anything?

MR. AMICO: I will.

MR. DEMPSEY: Vince?

MR. AMICO: I just want to read this comment relatively quickly. The information from this came from Advance Disposal's website. They're the fourth largest solid waste company in the United States and operate in 16 states and in the Bahamas.

First question on their website is what is a landfill? A landfill is a carefully designed and monitored structure built into or on top of the ground in which trash is separated from the area around it. What is the difference between a dump and a landfill? A dump is an open hole in the ground where trash is buried and where animals often swarm.
Dumps offer no environmental protection and are not regulated. KSL is obviously not a dump. A landfill is a carefully designed and monitored structure that isolates trash from the surrounding environment, example, ground water, air, and rain.

This isolation is accomplished with the use of a bottom liner and daily covering of soil. This includes a leachate collection system, stormwater drainage, and methane collection system, ground water system, a ground water monitoring system and a cap.

And this is from the Scranton Times, May 12th, 2019, their editorial page. Keystone is not a dump. They have said what a high tech engineering marvel. It includes a state-of-the-art system to collect and treat landfill runoff known as leachate and other system that collects methane to be used as fuel for power generation and to prevent its escape into the atmosphere.

Clearly the Dunmore dump of the past is not the sanitary landfill of today. It's obviously to me and I believe it's obviously a
structure to everybody in this room. That's all I have. Thank you.

MR. DEMPSEY: Thank you, Mr. Amico.

Mr. McHale.

MR. MCHALE: Quickly, I didn't plan on speaking. But obviously we're -- the -- I don't even know what to call it in this room, the passion I guess is probably the best word. I hope everyone knows and I'm not looking for any sympathy whatsoever how not easy it is to sit in this position.

I constantly hear you're on the take type thing. Let me give you a backstory of my person. I think I'm a pretty successful CPA who had -- has a very good career. And I've been unemployed for a year. I shouldn't say this out loud, especially to a group of 2, 300 people.

But I'm close to bankruptcy. So if you ever think that I'm on the take or anybody up here is on the take, far from it. This is not an easy decision to make for me. I have not received phone calls -- I have received phone calls from Friends of Lackawanna, from friends, from enemies.
I've been called names. At the last meeting my kids were called names. That doesn't change anything. I have to make a decision based upon on what I think is the right thing to do. And it may not be what you people think or what people outside think. It's by the letter of the law.

And unfortunately, that may not please everybody in this room or everybody outside. I left here last time getting yelled at for anything you could think of I got yelled at for. I sat in Michael's position. It's not an enviable position to sit up here, let alone sit in the middle.

So like I said, I wasn't going speak tonight. I haven't spoken to any of these seven people in days. I take that back. I spoke to Michael over some structural things for how this meeting was going to go. But that's it. I have not spoken to Louis DeNaples in well over a month. And that was for Schautz Stadium, something that we're very proud of.

Pat brought up a point that kind of hits home with me. Anybody who knows me knows how much homework that I do before I do
anything whatsoever whether it be a budget or an issue or anything. I do my homework. I did so here.

And it's tough to sit up here and continually get criticism, whether it be warranted or not. I can stand up here and tell you in ten years every decision that I have made I could support, including the landfill. Pat's right with the whole agreement that we worked through. And as much as we were called a pittance and I was called every name in the book by some people in this room, I'm still here.

And I may not be here long. I got to be honest with you. This has taken a lot out of me. It's taken a lot out of my family. But I needed to say that to all of you tonight. What I do here has nothing to do with my nonexistent relationship with Keystone Landfill.

My relationship -- Pat and I, I consider friends. I just needed to tell you that. So with that I'll end my dissertation.

MR. DEMPSEY: Anybody else on Council?
ATTY. CUMMINGS: It would be appropriate for a motion to adjourn the public hearing.

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

MR. HAYES: I'll make that motion.

MR. DEMPSEY: Do I have a second?

MR. EHNOT: Second.

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

ALL MEMBERS: Aye.

MR. DEMPSEY: Opposed?

(No response.)

MR. DEMPSEY: Okay. We're adjourned.

ATTY. CUMMINGS: The public meeting is set for 8:00. I would suggest 8:10 to give the court reporter and Council a few minutes break.

MR. DEMPSEY: Maria, is 8:10 okay with you? Okay, we'll reconvene at 8:10.
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

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