COUNCIL FOR THE BOROUGH OF DUNMORE

HELD:
Monday, October 14, 2019

TIME:
7:00 P.M.

LOCATION:
DUNMORE COMMUNITY CENTER
1414 Monroe Avenue
Dunmore, Pennsylvania

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

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

ATTY. CUMMINGS: Mr. Amico.
MR. AMICO: Here.
ATTY. CUMMINGS: Mr. Dempsey.
MR. DEMPSEY: Here.
ATTY. CUMMINGS: Mr. Ehnot. Mr. Hallinan.
MR. HALLINAN: Here.
ATTY. CUMMINGS: Mr. Hayes.
MR. HAYES: Here.
ATTY. CUMMINGS: Mr. McHale. Mrs. Scrimalli. Mr. Burke.
MAYOR BURKE: Here.
ATTY. CUMMINGS: Public Comment on agenda items.
MR. DEMPSEY: Anyone from the public like to address any of the agenda items?
MS. CUFF: So I'm not sure if this is proper procedure or not but I'm actually questioning something that's not on the agenda that I would expect to be on the agenda.
I'm just wondering about the amendment if that should be on the agenda to be
signed by yourself and by the Mayor tonight?

MR. DEMPSEY: I don't know if that is an agenda item.

ATTY. CUMMINGS: It's not.

MR. DEMPSEY: I never signed an ordinance from September -- the September meeting. I assume that's what you are referencing.

MS. CUFF: I am, yes.

ATTY. CUMMINGS: To my knowledge, it's not an agenda item.

MR. DEMPSEY: Okay.

MAYOR BURKE: Sharon, I'll be bringing up -- once you step down I'll speak on that if it's all right with Council.

MS. CUFF: Okay.

MR. DEMPSEY: That's fine, Mayor Burke.

MAYOR BURKE: As of last meeting anyway when the vote came to I haven't received any letter -- registered letter on the vote. But anyway just to -- this is just when I do receive it I will veto it. On September 19th, 2019, the Dunmore Borough voted on the proposed zoning amendment identified as Ordinance No.
02 of 2019.

MR. DEMPSEY: Tim, I don't mean to interrupt you but I know I can't hear you and I'm sure --

MAYOR BURKE: Oh, I'm sorry. On September 19th, 2019, the Dunmore Borough Council voted on a proposed zoning amendment identified as Ordinance No. 02 of 2019, which was proposed by Keystone Sanitary Landfill.

This proposed zoning amendment would change the definition of sanitary landfill to specifically state sanitary landfill shall neither be considered nor subject to regulation as structures for purposes of this ordinance.

Tonight I am invoking my authority as Mayor to veto this proposed legislation. As a right of Mayor according to Borough Code, every ordinance enacted by Council should be presented to the Mayor for the Mayor's approval though I have not been formally presented with a copy of this ordinance which was voted on. I obtained a copy of the ordinance and I am right now or upon formal presentation exercising my right to veto the ordinance.

My objection to the ordinance is and
my reasons for vetoing are below. But I would like the record to reflect I was never properly presented with an ordinance as required by the Borough Code.

However, the Borough Code also states that my veto and objections must be given to Council and entered upon the minutes to Council at the next scheduled meeting occurring at least 10 days after the meeting at which the ordinance was enacted by Council.

Today's meeting October 14th, 2019 is the next scheduled meeting after the September 19th, 2019 meeting. And, therefore, I am presenting my objections tonight. The reasons I am exercising my veto rights are according to the following objections.

Number one, this matter is currently being litigated and change to the zoning code at this juncture in time are designed to circumvent the legal process already in motion.

Number two, the proposed ordinance was not recommended to be adopted by the Lackawanna County Regional Planning Commission due to unsettled law pending litigation.

Number three, the controlling case
law on the Commonwealth Court level makes it clear that modern landfills like Keystone Sanitary Landfill claims to be are structures.

This amendment is designed to benefit one and only one entity at the expense of the community at large. The amendment removes or greatly diminishes the Borough's ability to protect the citizens by enforcing the Borough's zoning codes.

MR. DEMPSEY: Thank you. Do we take any action on that, Tom, at this moment right now in public comment on agenda items?

ATTY. CUMMINGS: No, I mean, you could accept it.

MR. DEMPSEY: Accept his --

ATTY. CUMMINGS: Yeah.

MR. DEMPSEY: Okay.

ATTY. CUMMINGS: Accept the statement.

MR. DEMPSEY: Yeah, we'll accept your statement and I assume he wants to veto it as well.

ATTY. CUMMINGS: It becomes part of the record. What's that?

MR. DEMPSEY: Does he have the -- he
wants to veto the ordinance that we --

ATTY. CUMMINGS: I'll issue an

opinion on that once I review the objections

and the document.

MR. DEMPSEY: Okay. You'll issue a

written opinion to Borough Council?

ATTY. CUMMINGS: At your direction,
yes.

MR. DEMPSEY: Yes, we would like

one.

ATTY. CUMMINGS: Okay. Item number

four is a motion to approve the minutes.

MR. DEMPSEY: I'm sorry. Does

anybody else have any public comment on the

agenda items only?

(No response.)

MR. DEMPSEY: Okay. Seeing none.

ATTY. CUMMINGS: Item number four is

a motion to approve the minutes.

MR. DEMPSEY: I'll look for a

motion.

MR. HALLINAN: I'll make a motion to

approve the minutes.

MR. AMICO: I'll second that.

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

(No response.)

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

ALL MEMBERS: Aye.

MR. DEMPSEY: Opposed?

(No response.)

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

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

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

MR. HAYES: I'll make that motion.

MR. DEMPSEY: Second?

MR. AMICO: I'll second it.

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

(No response.)

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

ALL MEMBERS: Aye.

MR. DEMPSEY: Opposed?

(No response.)

MR. DEMPSEY: Ayes have it and so
moved.

ATTY. CUMMINGS: Item number six is a motion to approve Dunmore Warehouse Investors, LP, 100 Keystone Industrial Park Road, Dunmore, PA 18512, for a commercial land development.

Proposed addition is 100,200 square feet, M-1 zone to the existing manufacturing use. Preliminarily and final development plans have been approved by the Lackawanna County Planning Commission, the Dunmore Planning Commission and the Borough Engineer.

MR. DEMPSEY: I will look for a motion.

MR. HALLINAN: I'll make that motion.

MR. DEMPSEY: Second?

MR. AMICO: I'll second it.

MR. DEMPSEY: I have a motion and second. Anyone on the question? Vito, do you have anything on the question about this?

MR. RUGGIERO: It's addition to their existing building I believe, sir, if you want to speak about it. It's addition to the old Supermarket Services Building?
MR. DEMPSEY: Please identify yourself and address for the record.

ATTY. SUHR: Good evening. My name is Charlie Suhr, S-U-H-R. I'm an Attorney with Stevens and Lee in Harrisburg. I represent Dunmore Warehouse Investors. Yeah, this is a -- addition to the existing warehouse distribution building.

MR. DEMPSEY: Okay. Anybody have any questions for the attorney?

(No response.)

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

ALL MEMBERS: Aye.

MR. DEMPSEY: Opposed?

(No response.)

MR. DEMPSEY: Ayes have it and so moved.

ATTY. SUHR: Thank you.

ATTY. CUMMINGS: Item number seven is a motion to adopt and cooperate with Lackawanna County in preparing the 2020 five-year update of the Lackawanna County Hazard Mitigation Plan.

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

MR. AMICO: I'll make that motion.

MR. DEMPSEY: Can I have a second?

MR. HAZE: I'll second that.

MR. DEMPSEY: I have a motion and a second. Anyone on the question? Vito, do you want --

MR. RUGGIERO: On the question, this plan by Lackawanna County is prepared every five years. And each municipality cooperates and adopts that plan on behalf of the county. We did it in 2014.

MR. DEMPSEY: All right. Anyone else on the question?

(No response.)

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

ALL MEMBERS: Aye.

MR. DEMPSEY: Opposed?

(No response.)

MR. DEMPSEY: Ayes have it and so moved. Personnel matters.

ATTY. CUMMINGS: Number eight personnel matter.

MR. RUGGIERO: The personnel matter
is to hire firefighter David Price who is the next individual on the civil service list that will exhaust that list. Contractually we're obligated on a 30-day window once a firefighter retires or goes on disability to replace that individual. I'm sure Councilman Amico will want to speak on it as well.

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

MR. AMICO: I'll make that motion.

MR. HAYES: I'll second it.

MR. DEMPSEY: I have a motion and a second. On the question? Mr. Amico?

MR. AMICO: On the question, Mr. Price has been a part timer for a number of years in the borough. And he's number one on our civil service list as of now which is exhausted. So tonight the night we have to replaced firefighter that retired and we're doing that tonight with Mr. Price. Thank you.

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

(No response.)

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

MR. DEMPSEY: Opposed?

(No response.)

MR. DEMPSEY: Ayes have it and so

moved.

ATTY. CUMMINGS: Item number nine is

public comment on nonagenda items.

MR. DEMPSEY: Mr. Duncan.

MR. DUNCAN: 117 Barton Street,


I know the folks that are here everybody got
the minutes, the copy of everything from last
month's Neighborhood Watch Meeting. We will be
having our monthly neighborhood watch meeting a
week tonight, 7:00. Certainly everybody that's
here is always welcome.

Also next week, October is Fire

Safety Month. For the last six years that
we've had the neighborhood watch, the Dunmore
Fire Department have -- actually we can't thank
them enough. They come out every year. They
do an outstanding job with their presentation
on fire safety for the month.

And thankfully year in and year out
they come down and they provide smoke detectors
for the residents of the Borough. This particular year -- and I spoke with Chief DeNaples who is here tonight if he wants to add to it certainly; but the smoke detectors that we have will be installed by the members of the fire department.

So those that need simply if you can get us the addresses and then the members of the fire department could get out and install those for the members of the community. I think that's a wonderful asset. So thank you very much, Chief, and tell the members of your department we appreciate that.


MR. FAATZ: Good evening. My name is Ed Faatz. I'm Vice President of Friends of the Forgotten, Incorporated, Northeast wing. I'm also present of Valhalla Veterans Services and a member of several other organizations throughout the area.

I'd like to point out that we have some members -- some veteran members from all over this area, Archbald, Clarks Summit, Scranton, etc. I would like to talk to you
tonight about the Dunmore Tank Memorial.

Friends of the Forgotten sent a letter to the Mayor asking to address Council for permission to clean and repaint the tank and to create a memorial with the names of all of those that gave the supreme sacrifice from Lackawanna County during the Korean conflict.

A statute atop the memorial and nine flagpoles for all branches of the armed forces as well as the American flag, the state flag and POW and MIA flags. In November of 2013, at that time Council offered to help defray some of the expense of the project by supplying the equipment and manpower for excavations as well as concrete for the foundations and Council gave its approval.

With this approval we contacted Marywood College for assistance from the Art Department to design a memorial to honor the Korean War veterans in May of 2014. (Inaudible) provided us with a design that we approved and he went through the work involved to get the sculpture cast.

We also contacted the Parise Monument to create the base for the memorial.
We completed the cleaning and painting of the tank in August of 2014. We received a grant from Lackawanna County for partial cost of the Lackawanna County Korean memorial in March of 2015.

And along with donations from many veterans, families and others, we were able to complete and dedicate the memorial on May 30th of 2015. Friends of the Forgotten purchased nine flagpoles and flags in September of 2015. Please remember that was four years ago.

Since that time, the Dunmore Rotary has erected a beautiful World War I memorial. The Borough has moved the war memorial from in front of the Borough Building to in front of the tank and the Boy Scouts have done a wonderful job cleaning in front of the tank.

It's heartwarming to see that the community has shown an interest in the memorializing our veterans. Now, we have been in contact with the Borough numerous times every month in the past four years. We have received one excuse after another for not putting the flagpoles in.

We have even changed the proposed
location of these poles twice. Earlier this year the Borough did remove the pavement where these nine flagpoles are to go. But it is stopped there. Can we please get another commitment from Council to get the job done as soon as possible without another four year delay?

MR. DEMPSEY: Sure. Well, what we had going on, I know we had -- did we send those plans to the water company?

MR. RUGGIERO: That's what we're waiting on. They didn't finalize their plans yet. They are putting a pump station in on Cherry Street on the back side of that tank. They're going to run new lines down Cherry Street.

They don't know where those lines are going. They might impede on this side of the tank. So until that plan is finalized, we don't know where we're going to -- I spoke to our code officer the other day after I got off the phone with you. And he said they still haven't come with the plans yet because it might impede -- they're putting in, I believe, a 24 or 36 inch waterline.
We have a monthly meeting with the water company. I can ask them again when we meet with them again. But I know you've been in touch with Mr. Judge and Mr. King, I believe for the auger to dig those holes. Is there any status of that, Mr. Judge?

MR. JUDGE: No, we're just waiting for the okay to do it now.

MR. RUGGIERO: We're just waiting on that water company to come with their plans. They're putting a pump station in across from the restaurant there. So they're going to run the main line down that back side of that street. I don't know where they're going to put that line in. So we can't dig until that line is established.

MR. FAATZ: Okay. I do not work for the water company. I do not work for Dunmore Borough. But it seems to me that if the water company is going to run lines, they would dig up the street rather than move the tank which they would have to do in order to put the lines in.

MR. RUGGIERO: I don't know if they're going to -- sir, I don't know if
they're going to go on the back side of that
tank coming off the Meade Street side, Blakely
Street because they're going to tie all those
lines together and put in into the pump station
that's there. As soon as they make the plans
we'll accommodate you in any way we can.

MR. DEMPSEY: No one is against
doing it. We just don't want to dig and put
the poles in and find out that they have to be
moved. So we can't guess as to where they are
going to do the digging.

MR. FAATZ: They were going along
side of the tank.

MR. DEMPSEY: They don't even know
where they're going yet. And we don't know
where they're going yet. But they have our
plans.

MR. FAATZ: Do you think that they
would move the tank in order to dig?

MR. DEMPSEY: I don't know. I would
hope not. But they may go along the back side
of the tank.

MR. FAATZ: We've been waiting four
years. Put the flagpoles in. If the water
company decides that's where they're going to
do it, let them do it. And then they have to put the flagpoles back up.

MR. DEMPSEY: We'll discuss that.

That's fine.

MR. RUGGIERO: Sure. Sure.

MR. FAATZ: I mean, let's do it and get it done. We put bought nine flagpoles for thousands of dollars and they've been in storage for four years.

MR. RUGGIERO: Sir, do you have the concrete and everything secured already so then we could just set the flags and put the concrete in?

MR. FAATZ: The Borough said that they would do the manpower and take care of the concrete, not us. That was back in 2013.

MR. DEMPSEY: Was it at a meeting?

MR. FAATZ: That's why I'm so upset about this.

MR. DEMPSEY: None of us were here in 2013 so that's --

MR. FAATZ: Obviously.

MR. DEMPSEY: Was it at a public meeting?

MR. FAATZ: Council is Council no
matter who's on it.

MR. DEMPSEY: Understand. But was it at --

MR. FAATZ: I just want the job done.

MR. DEMPSEY: Was it at a public meeting; do you remember? Do you recall?

MR. FAATZ: A public meeting?

MR. DEMPSEY: Yeah. No one is against doing --

MR. FAATZ: Let's get it done.

MR. DEMPSEY: Fair enough.

MR. HALLINAN: Fair enough.

MR. FAATZ: Thank you very much.

MR. DEMPSEY: Thank you. Yes, sir.

MR. HOULIHAN: My name is Mike Houlihan. I live on 107 Mortimer Street, Dunmore. It's a one-way off of Chestnut going -- most people know the old La Cucina's. I've been living there since 2001. My wife and I bought the house.

Franny Kranick lives across from me. The neighbor next to me 111 was a man named John Denoia and his wife Millie and his brother Mike lived upstairs. So the house is always
considered family, single dwelling as of last night still listed.

New owners have since taken over this twice now as far as I'm -- I know a guy named Joseph Foley was the past one. Now it's under Chestnut Residential Group, which I don't know how to get in touch with anybody from there.

But I spoke to Joe Lorince twice now about the parking arrangements in front of this apartment. When John Emili{sic} owned it there was a patch of grass and two entrances into the house, the downstairs and the upstairs. Since then the owner both now and past have created two parking spots in the front.

And I do have photos. Again, this might be more zoning but for safety reasons I talked to Didge and Didge seen this firsthand. And I do have some photos of the property if you don't mind looking -- and also, this is the deed, single dwelling.

But I don't know how legally we're renting a single dwelling -- this is the front of the house, sorry. That's someone who keeps parking on my property. That's another reason
I'm here with signs up.

I don't know how we're legally renting a double house in a single dwelling apartment. And Joe Lorince argued with me a little bit about it. But I know old man Denoia owned the house, his son Michael. And John took the house over.

And Mike used to actually park in my property because the Occultos were related. But I have been there long enough to search the history. I know the family because I used to cut that little patch of grass in front of their house and shovel for Mr. Denoia because he was an elderly guy. Being the new neighbor I tried to help him out.

So I don't know how Joe Lorince -- I talked to him about zoning and asked him to give me the definition of a parking spot. And this is 2000s which is the one I got. I know we're working on a new zoning from what I understand.

But this clearly states in here under 5-39 5.711: No off street parking shall be located in the front yard of any residential lot. It's clear. So -- and for safety reasons
of Didge, you see those photos. There's no way a fire truck, an ambulance or someone is going up that alley.

I have called the Dunmore Police. They have come up once in a while and adjust the parking. But it's continuous. There's no way to get around this and stop it because the owners can't police it. They're not there every day.

And I could call the Dunmore Police a hundred times. And I know there's a three nuisance law. I have been there with the old tenant. I had him thrown out. I had him at Judge Ware's for a hearing. This is an ongoing thing that I don't know how to control. So I'm going to start here with Council.

And I have -- if I have to bring it upon zoning in front of everyone and not just Joe Lorince on the phone, I'd like a little help through what should happen here. I mean, if last night at I think 5:40 I printed that single dwelling. And he's telling me it's not.

Any one of us in here could search a deed. It's very easy. So if you guys have an opinion for me I sure would like to take it
from here and move on. To me, just on the public borough part it's a big safety issue.

MR. DEMPSEY: Is Chief Marchese here?

MR. RUGGIERO: He's not.

MR. HOULIHAN: I have had Dave Aronica up there personally. He lives adjacent behind me. And he's seen it firsthand. I've had people call me coming up my street and say who is this person because you can't get by them. It's like --

MR. HAYES: Mike, I'm sorry. That's the vehicle there.

MR. HOULIHAN: That was when the new tenants just moved in. They keep parking there. And this is the original patch of grass. And this is the entrance to the two houses right here. I don't know if it's a fire safety of getting in and out of the house.

And they're not legal parking spots. I believe in Dunmore it's two spots per apartment. Some say 1.5 parking spots per vehicle. It's tough to define in this book. I have to break it down. But I don't know if you guys could speak to zoning?
MR. DEMPSEY: What I need to do because I'm obviously, you know, this is the first time I'm hearing about it or any of us is to meet with Joe.

MR. HOULIHAN: Right. Well, it got to the point where I had to come here. I was hoping Joe Lorince could take care of it but it's not being taken care of.

MR. DEMPSEY: What we need to do is, you know, meet with Joe, see exactly what's going on and sort of get a game plan because it isn't -- it's not safe.

MR. HOULIHAN: You could see clearly in the photos. And I probably could take a hundred more. That's just -- I have video cameras on my house. So it alerts me every time someone either pulls in my driveway and they're sitting there looking at me. I'm like it's posted private. Please move your vehicle.

They look at me like I'm an idiot. I didn't pave part of my driveway for other people to park there. It's just -- none of us would do that. And I would not pull in your apartment, Vince, and park in your driveway going to your neighbor's house.
And that's what's constantly happening. Because there is no off-street parking. And I don't know if the landlords aren't telling the tenants, you know, there's very little parking here you got to make sure your people come and visit park Chestnut or Apple Street.

MR. DEMPSEY: Right.

MR. HOULIHAN: Never mind family, you know, and right now the people that live upstairs it's two parents and five children. And downstairs is two parents and one children. So you could imagine the traffic in Dunmore going up a one-way street constantly pulling in my property or constantly double parking in that alley or parking in some of the photos that you guys are seeing.

MR. HAYES: Can we get signs that say no parking this side of the street since they're both --

MR. DEMPSEY: Yeah, do you have them?

MR. JUDGE: There are signs, right, on the fence?

MR. HOULIHAN: There's parking -- I
put that on my fence, my personal fence.

MR. JUDGE: You want them on poles?

MR. HOULIHAN: If you're going to do that, that means that they can't park in front of the house. And I'm great with that because that helps you as the Borough --

MR. JUDGE: Mike, I'm there once a week just to get our trucks. So if our trucks can't get -- I know a fire truck can't -- you know what I mean? He does have a problem.

MR. DEMPSEY: I understand. I just want to make sure we go about it the right way.

MR. HOULIHAN: Absolutely. That's why I'm here.

MR. DEMPSEY: So what we'd like to do is let me meet with Joe Lorince and some of us meet with Joe, see what the issue is, see how we can rectify it. If you can leave us your name and phone number here tonight before you leave.

MR. HOULIHAN: Absolutely. I'll leave you the photos. Pass them onto Joe. That's just a few.

MR. HAYES: I can get them back to you.
MR. HOULIHAN: Thanks.

MR. DEMPSEY: We'll follow up with you when we have more information and what we're able to do, okay?

MR. HOULIHAN: Absolutely. Thank you.

MR. DEMPSEY: You're welcome. Who else?

MS. ZANGARDI: Beth McDonald Zangardi. I came here tonight to clarify a few questions I have about the sewer problem with Scranton and now Dunmore. And my one request is out of the 50 lawyers that were hired to do this, does anybody know how many represented Dunmore?

MR. DEMPSEY: Yes.

MS. ZANGARDI: How many?

MR. DEMPSEY: Mr. Cummings, one.

MS. ZANGARDI: One, one lawyer represented Dunmore. So Dunmore is only going to get 20 percent out of the substantial amount of money if we have any left over with the easements, correct?

MR. DEMPSEY: We already received 20 percent. Are you talking about the money that
was set aside?

MS. ZANGARDI: The leftover money.

MR. DEMPSEY: Yes.

MS. ZANGARDI: The 17 percent coming back. We get 20 percent of that, correct?

MR. DEMPSEY: Correct.

MS. ZANGARDI: Do we know -- now I know with the escrow and it's all in litigation. However, with the escrow money and the easements, it's up to over 600 easements. Is there -- well, here's my real question. Let me just cut to the chase.

Mrs. Dempsey of Scranton Council requested a meeting with Shrive and a couple other lawyers. I'm asking our Council if they would do the same to look into lines, how long it's going to take, you know, the progress line, if it's going to be a year, how long do we have to wait for this money.

And my real concern is that money is a lot of money to move forward with our community. It could pay for roads, stop signs, you know, upkeep on Borough buildings and properties. So I really am requesting that Council move forward and also meet with
Scranton Council like Mrs. Dempsey requested with Shrive -- Attorney Shrive to get something concrete for us so we have answers and we don't lose this money.

MR. DEMPSEY: I'm on the Sewer Authority. It has been requested. I've had numerous conversations with Jason as well as Attorney Cummings has. That is forthcoming. And we have a meeting with the Sewer Authority this -- well, I have a Sewer Authority meeting Thursday. And I will make that request again.

And Jason has told me that there is no problem if Borough Council representatives attend the meeting as well. So we will have updated numbers.

MS. ZANGARDI: If Borough Council members meet in that meeting as well? Is that what you said?

MR. DEMPSEY: Sure.

MS. ZANGARDI: Secondly, what are -- what is the -- how much in danger are we of losing all of this money or any of it?

MR. DEMPSEY: I don't want to speculate. But the attorneys are very well aware of that issue and are working to --
actively working to resolve it. I don't want to give just because it's in litigation, I don't want to say anything that I'm not supposed to. But they're well aware of the issue. And it's being actively worked on. It's not going to --

MS. ZANGARDI: Is there a specific deadline when we lose this money? Is there a specific date when this money gets lost?

MR. DEMPSEY: I haven't seen the actual addendum agreement. Tom, do you want to address that because I think it's December 31st.

ATTY. CUMMINGS: There were two dates. One was if we did nothing then in two years it terminated. And the -- my recollection is that Pennsylvania American Water would then have the right to stand in the stead of the Sewer Authority and utilize the money to acquire the easements.

A class action was approved, a class declared and that extended that date. Offhand right now I can't tell you what that extension date was or is. But I did call Jason Shrive today again. The Sewer Authority office was
closed.

So I got nothing there. He is going to provide an update to Mr. Dempsey and I this week. There is a lot of things that cannot be discussed at a public meeting because it would jeopardize our good position. At the end of the day though I think -- I would suggest that we prepare a spreadsheet so that everyone would understand the risk and benefits that went through the process that it was good judgment and we are in safe position.

MS. ZANGARDI: Safe position as in not losing the money safe position?

ATTY. CUMMINGS: Correct and minimizing the exposure while at the same time making sure that those who had lost property and were never compensated received their just compensation with the balance coming back to the City of Scranton and the Borough of Dunmore and their proportionate shares of 80/20.

MS. ZANGARDI: Okay. Just two other things. One is for the current Sewer Authority office staff, who's paying them for their services? Is it Pennsylvania American Water or is the Borough and the City of Scranton? Does
anybody know? Because they don't work for us anymore. It's dissolved according to -- and I'm going by reading the newspaper articles. According to the newspaper, the Scranton Sewer Authority is now dissolved. So do we have any idea where the salaries are coming from? It really shouldn't be coming from the backs of the taxpayers of Dunmore or Scranton.

ATTY. CUMMINGS: I can't speak for -- with certitude but my recollection was that there was a fund set up to continue the operation of the Sewer Authority until all matters were concluded. The two matters that I know about are the easement litigation.

And there is also an escrow account. I don't know because I haven't been there. I don't know if it's cleared or if it's still pending. There was an interest-bearing escrow account set up for a quote, trueing up was the phrase that they had used that at closing certain representations were made regarding amounts due, amounts payable, different obligations and all of that was calculated into the final closing amount. And then there was a
set-aside to protect both sides as a cap that
if, in fact, you know if eight months out it
turned out that this was not a receivable, this
was not a payable that a project was not at the
status it was represented that anybody that
should draw on it would be made whole out of
that escrow.

I have not seen a draw on that
escrow. And my recollection is that it would
require both the Sewer Authority and
Pennsylvania American Water to agree to
distribute funds out of that escrow account.
It was nowhere near the amount that was set
aside for the easements. But it was -- the
accountants that worked for I think Ingersoll,
is it?

MR. DEMPSEY: Buchanan.

ATTY. CUMMINGS: Yeah, Buchanan
Ingersoll, they had set it up where it was an
appropriate amount to protect both sides to
allow the closing to go through on 12/31 of
that year. Also, today I asked Jason Shrive
for a copy and status of that.

And I haven't been involved in two
years. But when Mr. Dempsey called me, you
know, he and I had talked about three months ago that especially the trueing up one we should be at the closing date of that. And if it hadn't occurred it should occur shortly.

And then the easement we just have to be careful. You don't want to make a mistake where you lose another a million dollars or you shortchange a property owner who has been harmed. And, you know, the easement is not where the sewer line comes into your property.

But in -- like July and August of the closing year, the ones I was familiar with were in Dunmore where just the Sewer Authority took over the lines in 1968. But there were lines that went all the way back to the turn of the century.

So at the time they didn't have the sophistication of the different pumping stations or grinder pumps. And basically to get rid of outhouses and cesspools and septic tanks that were probably at that time because of small lot size, they just put lines wherever they reasonably could.

So there's a lot of people -- I know
there was folks over off of Wheeler Avenue.
There's some up where the old neighbor meets
Swinick Development where, you know, they went
to dig for a pool and there was a sewer line.

So they lost the use of half of
their backyard but had never been compensated
for it. Do we know what happened in 1910 when
it went in, we don't. So all of that came up.
Unfortunately they certify a class which is a
little bit more expensive litigationwise.

But everybody that had lost -- I
think there's three categories. One is that
there's no impact. The second category
proposed is it's a line servicing houses but in
the property. So if it runs behind four
houses, that's the second category.

And the third would be a line that
has nothing to do with the property in question
but just for some convenience went through a
property. I know there's a building off of
South Washington Avenue in Scranton where -- a
large commercial building. But if you go down
the cellar, there's a 36 inch sewer line that
goes right through the basement.

So that's the three categories. So
everybody would be made whole. We did offer prior to closing to split it up, like, we would take the responsibility for the Dunmore easements. And Scranton would take responsibility for the Scranton easements. But since we only had one of five votes that never really went anywhere. So it's still being handled by the Sewer Authority. And it is coming to either an agreed closure or more court action and -- go ahead.

MS. ZANGARDI: The Dunmore one is coming to -- our Dunmore easements are coming to a closure. Is that what you mean?

ATTY. CUMMINGS: No, the whole matter should be wrapped up if the class settles out. But I'm not involved in that. So I don't want to speak to it.

MS. ZANGARDI: Right. Right. So you did mention the fund from the PA American Water, the sale is what's paying the salaries; am I correct on the --

ATTY. CUMMINGS: No, I think there was a reserve fund maintained by the Sewer Authority to continue operation in the Sewer Authority.
MS. ZANGARDI: Correct. Did that money come from the sale or is that money still coming from the taxpayers; do we know?

ATTY. CUMMINGS: My recollection is it was a bank out of the sale that was not distributed to municipalities. But I'm not sure. That's my recollection. But these are things that within the next week we can check.

MS. ZANGARDI: Okay. So can I come back the next meeting and ask?

ATTY. CUMMINGS: Oh, sure.

MS. ZANGARDI: Great.

ATTY. CUMMINGS: Well, at the discretion of Council. I didn't mean to misspeak, yeah.

MR. DEMPSEY: Absolutely, yeah.

MS. ZANGARDI: Okay. All right.

Thank you.

MR. DEMPSEY: You're welcome.

MR. CLARK: Pat Clark, Jefferson Avenue in Dunmore. My first question is regarding going back to Miss Cuff's question about the ordinance. What is the Borough's standard process for presenting ordinances for signature to properly enter an ordinance? What
is our standard process?

MR. DEMPSEY: Tom, standard process for --

ATTY. CUMMINGS: Historically and preceding me and currently it would be presented for signature after the meeting. And then within 30 days signed and put into the Borough ordinance book which makes it valid.

MR. CLARK: So we're at 25 days or so now from the last one. Was it planned to present it within the next five days I assume? These are all (inaudible) was it planned within the next five days to --

MR. RUGGIERO: Do you know what the problem is, we can't hear with that going.

ATTY. CUMMINGS: Chris, can you turn that off?

MR. DEMPSEY: Yeah, I believe -- I've asked Vito and I think Vito had posed the question to Tom as to whether or not this ordinance needed to be sent to Mayor Burke for -- based on the Borough Code. I don't know what the answer to that is.

ATTY. CUMMINGS: And I already said I would give you a written opinion on the veto
and everything that was presented this evening.

MR. DEMPSEY: Okay.

MR. CLARK: I'm going before the veto. The standard process has to be that an ordinance has to be presented to both Council and the Mayor, correct?

ATTY. CUMMINGS: I don't know that.

MR. AMICO: On a normal ordinance is what he's saying.

MR. CLARK: On any ordinance.

MR. AMICO: What's the procedure on a normal ordinance if we're going to enact an ordinance tonight Pat's asking essentially what's our procedure? What's the process?

ATTY. CUMMINGS: Historically it's just been voted on and then at the Borough Building the President of Council, the Borough Secretary and the Mayor stop in and sign it. I don't know that there is a formal procedure.

MR. CLARK: It's all in the Borough Code very clearly that it has to be presented to the Mayor either by hand delivery or in person, via mail to his last known address for every ordinance in the Borough. So we don't do that. We haven't done that.
ATTY. CUMMINGS: Have I done that?

MR. CLARK: What's the Borough's process legally? What do we do?

ATTY. CUMMINGS: Well, I just said historically it's been -- it's voted on at the meeting. Everybody has a copy at the meeting. And then during the course over a 30-day period those who are obliged to sign it sign it.

MR. CLARK: Okay. So in the next four days or so we should get the ordinance that was voted on presented to both Council and then the Mayor for their signature.

ATTY. CUMMINGS: I haven't written an opinion on whether or not the Mayor's signature is required or if the veto is enforceable.

MR. CLARK: So the veto is separate from presentation of ordinances. Every ordinance has to be presented to the Council and Mayor. Is that -- is that --

ATTY. CUMMINGS: I don't know. I'll research that also.

MR. CLARK: What do we do with other ordinances?

ATTY. CUMMINGS: I think I told you.
MR. CLARK: So we don't present them.

ATTY. CUMMINGS: I'm sorry?

MR. CLARK: We have not presented them historically?

ATTY. CUMMINGS: Not to my knowledge, no.

MR. CLARK: Okay. So you mentioned you're going to research an opinion. What exactly do you think we're going to be researching --

ATTY. CUMMINGS: I'm sorry. I can't hear you.

MR. CLARK: What exactly would we be researching for the opinion?

ATTY. CUMMINGS: Whether the -- what the format of the presentation should be or should have been and whether or not the Mayor should have been presented with a certified mail copy as opposed to hand at the last meeting and whether or not the veto is effective.

MR. CLARK: So theoretically handing Mayor Burke one at the last meeting would have sufficed for presentation? Is that --
ATTY. CUMMINGS: Historically that's how it's always been done. I don't know if that meets the letter of the Borough Code. I'll research that if Mr. Dempsey directs me to.

MR. CLARK: Can we also theoretically consider from the Borough point of view researching whether or not an insufficient delivery of a proposed ordinance impacts or delays or inhibits in any way a Mayor's right to veto an ordinance?

ATTY. CUMMINGS: If Council directs me to.

MR. DEMPSEY: Yes, I would direct you to do that.

MR. CLARK: Solicitor Cummings, have you done any research on this matter at all so far?

ATTY. CUMMINGS: I'm sorry?

MR. CLARK: Have you done any research on this matter at all so far in terms of a possible veto of an ordinance like we have?

ATTY. CUMMINGS: I'm not going to answer that.
MR. CLARK: Okay.

UNIDENTIFIED WOMAN: Why?

MR. CLARK: So does Council have to take -- I guess it's a Council question. Does Council have the ability to not go along with a solicitor's recommendation how to handle something like a veto?

MR. DEMPSEY: I would say if we ask for the legal -- a legal opinion from our solicitor, the solicitor provides the legal opinion -- are you asking once we get that legal opinion whether we can --

MR. CLARK: Do you have to follow it?

MR. DEMPSEY: I don't think you have to do it. I don't think you have to follow it. I think as a lawyer myself -- I'm not sitting up here as a lawyer.

MR. CLARK: Right.

MR. DEMPSEY: In my personal opinion I would think that if you went against a solicitor's advice and opinion I think that could potentially open you up personally for some sort the litigation against ourselves.

I don't know that to be true or a
fact. But that would concern me. But I don't know the answer to your question but that's --

MR. CLARK: Okay. So let's say hypothetically Solicitor Cummings says that, you know, a Mayor can't veto something in a zoning ordinance because the Municipal Planning Codes tends to trump the State Borough Code.

Hypothetically speaking, would the Council be willing to accept a pro bono legal analysis of that point under consideration?

MR. DEMPSEY: Of course.

MR. CLARK: Okay, good. There is also a point in the Borough Code that --

MR. DEMPSEY: As long as --

MR. CLARK: Just under consideration just adopting it.

MR. DEMPSEY: Under consider -- absolutely.

MR. CLARK: My big concern is we're going to do an opinion here if the 30-day window is four days from now, are we're going to have an opinion and enough time to act within that because --

MR. DEMPSEY: If that's the deadline I would ask to Attorney Cummings to have that
opinion to us within that four days.

ATTY. CUMMINGS: Sure.

MR. CLARK: One last thing I think it's probably worth researching, I believe in the Borough Code as well the Mayor if there is any kind of conflict on things like vetos there's a specific code that allows him to retain counsel with a defined amount of money I think.

I think that would be helpful if Council would -- because a veto is obviously -- if a Mayor enacts a veto, it's by definition a conflict with Council because they had already voted to do something.

I think the Borough would be well served if they knew the answer to that question as well in terms of the research.

MR. DEMPSEY: Thank you.

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

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

MR. FAATZ: Good evening again. I live up on East Elm Street. There's a building on the corner of the East Elm and Chestnut. It surrounds the Chestnut Bar or tavern rather.
About six months ago construction was being
done inside. We had no idea obviously what was
going on.

We have found out recently that the
apartments in there were basically cut in half
so that there are almost double the apartments.
There is a lot of Section Eight which I have no
problem with. But in the last six months we
have had police and ambulance responses there
numerous times.

Just last week there was a case
where people were up on the roof of the
building because they were using bath salts and
were whacked out of their mind. I don't
understand all the laws. But I do feel that if
any major construction is done on a building it
is no longer done under the grandfather clauses
of construction. Things have to be brought up
to date.

There are no fire extinguishers at
the building. Can you please have zoning look
into it and find out what's going on?

MR. DEMPSEY: Yeah. What was that
specific address, sir -- okay. Anyone else
like to address?
MS. DEMPSEY: Michelle Dempsey, property owner in Dunmore. Mr. Cummings, I'd just like to ask a question. When we were sitting here Mr. Clark asked you if you had researched the veto. Why can't you say if you researched the veto?

ATTY. CUMMINGS: Because it's still in process. I don't answer the question until it's done and am directed to do so by Council.

MS. DEMPSEY: Can you just clarify that? I'm not sure why you can't tell the people essentially --

ATTY. CUMMINGS: Because it's still in process. And I don't do it until I'm completed and directed to do so by Council.

MS. DEMPSEY: Sir, what does that mean it's still in process? Like, so you can't say right now if you researched the veto question at all?

ATTY. CUMMINGS: No, not until it's completed and I submit it and I'm directed to do so by Council.

MS. DEMPSEY: Does anybody understand that? I don't. I find that kind of cloudy. So for the record I'm not getting any
further clarification on that.

ATTY. CUMMINGS: Not from me.

MS. DEMPSEY: Okay. Thank you.

MR. DEMPSEY: Yes, sir.

MR. KRANICK: Francis Kranick, 227 Chestnut Street. In light of the conversation that just took place, is it my understanding that Council can overrule Pennsylvania Planning Code should the solicitor advise them to do so?

MR. DEMPSEY: Hypothetically?

MR. KRANICK: However you want.

MR. DEMPSEY: I'm not sure what you're asking.

MR. KRANICK: If Mr. Cummings comes back with an opinion for you and you decide to override the veto, accept the veto or not accept the veto which would cause me pause for a second, if you decide on his recommendation to override the veto or not accept the veto and not proceed on the veto per the Pennsylvania Code, would that fly in the face of the Pennsylvania Code?

MR. DEMPSEY: I don't know the answer to that. I'm going to have to wait and see what his legal research says. But there's
a Municipal Planning Code and then there's a Borough Code. Is that what you're referring to?

MR. KRANICK: The Borough Code states that the Mayor has the ability to veto.

MR. DEMPSEY: Correct.

MR. KRANICK: Mr. Cummings said that if the veto is actionable or I think something to that extent, he can render a recommendation to Council on your next action. So if the -- if his recommendation came in and would fly in the face of the Code to render you guys overriding Pennsylvania Code that's what I got out of the conversation. And it seemed to me that might be kind of a slippery slope.

MR. DEMPSEY: I think what you're asking is there's a -- the Borough Code basically says that the Mayor can veto an ordinance. Attorney Cummings is going to research whether or not that is, in fact, correct.

MR. KRANICK: Okay.

MR. DEMPSEY: Right?

ATTY. CUMMINGS: Yes.

MR. DEMPSEY: And if he, in fact,
says the Mayor does not have -- his opinion is that a Mayor does not have the right to veto an ordinance and if we follow that advice, does that fly in the face of the Borough Code that says the Mayor can't veto? Is that what your question is?

MR. KRAMER: Right.

MR. DEMPSEY: Yeah, I think -- yeah, I think obviously it would conflict with the Borough Code. If the Borough Code says the Mayor can veto and his legal search and opinion says he can't, then, yeah, they obviously conflict.

MR. KRAMER: Okay. Well, that's as long as it -- it hit me the wrong way. That's --

MR. DEMPSEY: Yeah, they obviously conflict if that's the case, yeah.

MR. KRAMER: Right. The other question is, I don't know how many ordinances come across your table every year. Have -- I guess past practice, has every ordinance that's come across the table been sent up been signed by everybody who is supposed to be seeing it per the code? Like, has the Mayor been
presented that?

MR. DEMPSEY: I could speak to this one. I don't know how many -- I have been president for almost two years now. I don't think I signed an ordinance while I was president. I could be wrong.

MR. KRANICK: I would imagine it doesn't come up all the time.

MR. DEMPSEY: It doesn't. But per Tom historically, I guess what he said to Pat Clark before, you know, you sort of pass the ordinance at the meeting. That obviously doesn't get the type of response that this one did. And normally the ordinance is at the Borough Building.

And it would be in Vito's office very informal and you sign the ordinance. I'm not sure if I ever did that as president. Maybe one other time, I don't recall specifically.

MR. KRANICK: I understand that.

MR. DEMPSEY: It was never like delivered or certified mail or anything like that.

MR. KRANICK: I could appreciate
that they don't come up all the time. Very good. Thank you.

MR. DUNCAN: I've got to ask the question. It's not Borough Code that we're discussing though. This is Pennsylvania Municipal Code; is that correct? I just need that for edification sake. We're using the terminology Borough Code. Isn't this Pennsylvania Municipal Code that we're referring to?

ATTY. CUMMINGS: There is two. There's the Borough Code and then there's the Municipal Planning Code.

MR. DUNCAN: Which one super -- which is the top one? Under Pennsylvania Municipal Code is that the code that spells out the Mayor has the right to veto?

ATTY. CUMMINGS: No.

MR. DUNCAN: That would be precedent setting -- that would be the precedent setting or not?

MR. DEMPSEY: That's what Attorney Cummings is going to be researching.

MR. DUNCAN: Okay. And then one last question. How many of the easements that
we're discussing for the Scranton Sewer Authority, how many easements are in the Borough of Dunmore? Do we have an idea?

ATTY. CUMMINGS: We did. I can't spit the number out now. But there was -- we split them out and we tried to just take care of them ourself. That's in the closing document filed. It's at the Sewer Authority has a list of all the easements.

I think there's 600. They're dubbed critical easements that had to be resolved for the final distribution of funds. And they were -- the ones I recall in the Borough, some were on municipal properties we try to resolve. There was Grove Street, Wheeler Avenue and then up on the old neighborhoods near Swinick. They're the ones that I recall.

MR. DUNCAN: There's three that we're discussing, right?

ATTY. CUMMINGS: Yeah, well, there's a complete list by property number and address of everything that -- of all of them. And then we split the Borough ones out.

MR. DUNCAN: Where would we find the easements? I looked everywhere online. I
can't find anything that discusses where the easements are based on municipalities.

ATTY. CUMMINGS: Well, the recorded easements are at the Recorder of Deeds office. These 600 are the ones that were not recorded. So there is no record of them other than on the GPS mapping at the Sewer Authority a line appears.

And then when you go to the courthouse if you take the Duncan property back to 1900, there's no recorded easement to the Sewer Authority or the Borough of Dunmore for a sewer line. So then that would become one of the 600 critical easements that we then had to resolve by filing.

So they're all known. I believe every one maybe six months prior to closing got like an offer letter that fell apart. I think it was $100.

MR. DUNCAN: That was the number they quoted.

ATTY. CUMMINGS: Yeah.

MR. DUNCAN: They said it could escalate.

ATTY. CUMMINGS: Yeah, so it could
go up depending. And that was the basic. So those letters went out from the list of 600 or so. So at the Sewer Authority either at Mr. Dempsey's request which should suffice, you know, that list could be made available online because it's a public document.

MR. DUNCAN: Just a few more if you can bear with me. We're on a clock -- I don't know if it was Mr. Dempsey or Mr. Cummings we're on a clock then for December for the resolution of the Sewer Authority concerns, correct? We have a meeting -- there's a meeting Thursday night at the Scranton Sewer Authority has a meeting scheduled. That's open to the public, correct?

MR. DEMPSEY: Correct.

MR. DUNCAN: If there's a clock, if there's a deadline on all of this stuff because the Scranton Sewer Authority to the best of my estimation and the things that I've looked at we had numerous meetings cancelled, Sewer Authority meetings. I believe they were cancelled June. I believe July was cancelled. I don't think there was a meeting August. September, nothing.
So this will be our first meeting. If it continues to be cancelled, where does that put us then in terms of -- it's ambiguous, correct, it's up in the air? So this meeting Thursday, it's definitely on?

MR. DEMPSEY: It's scheduled right now. But what happens is there's five people and now there's four people on it. And a lot of people's schedules conflict. And you don't always have a quorum, especially when there's really -- there's not a lot of business other than, you know, pending litigation which is sort -- was at a standstill.

Again, I don't want to comment on the status of litigation because I don't want to risk anything. But we're very -- as I told Miss Zangardi, they're very aware of what the deadlines are and are working to get it resolved. That meeting is Thursday and at 5:30, correct?

MR. DEMPSEY: Yes.

MR. DUNCAN: Okay. That's on the second floor of the municipal building in downtown Scranton, correct?

MR. DEMPSEY: Yeah, the Governor's
Room I think it's called on the second floor.

MR. DUNCAN: I'll see you Thursday.

Thank you very much.

MR. DEMPSEY: Thank you. Yes, sir.

MR. CLARK: I have to go pick up my daughter at soccer. Pat Clark, Dunmore.

Solicitor Cummings, a couple years ago during the landfill contract negotiations you recused yourself from that matter. Would you consider recusing yourself from this matter?

ATTY. CUMMINGS: I don't recall.

MR. CLARK: The contract negotiations. You either recused or withdrew from the negotiations of that contract.

ATTY. CUMMINGS: I don't recall ever recusing myself.

MR. DEMPSEY: It was 2014.

ATTY. CUMMINGS: I don't recall ever recusing --

MR. CLARK: That's why Attorney Jones came in.

ATTY. CUMMINGS: I don't have a recollection.

MR. CLARK: Would you consider doing so in this matter if you feel conflicted on
this issue in any way?

      ATTY. CUMMINGS: I do not.

      MR. CLARK: Is that a matter that Council could decide on having someone else research this issue?

      ATTY. CUMMINGS: Council can do whatever they want.

      MR. CLARK: Okay. Thank you.

      MR. DEMPSEY: Thanks, Pat.

Mrs. Cuff.

      MS. CUFF: Sharon Cuff, Spring Street, Dunmore. Just really quick. I was just wondering if Council was advised prior to the hearing that was held on the amendment proposed by KSL, were you advised that you never had to have that hearing nor did you have to vote?

      MR. DEMPSEY: Not to my recollection we weren't. We were at the hearing when I think you brought it up.

      MS. CUFF: Okay. But prior to that, that was the first you heard of that?

      MR. DEMPSEY: I believe so, yes.

      MS. CUFF: Would have you liked to have been advised of that?
MR. DEMPSEY: I would have.

MS. CUFF: Okay. Thank you.

MR. DEMPSEY: Sir?

MR. TORBECK: Can I just do it from here? William Torbeck.

MR. DEMPSEY: She's the boss not me.

MR. TORBECK: Thank you for your time. William Torbeck, Dean Court. I have been living in Dunmore for 15 years now. I just wanted to get an update on where we are with the rain tax. I don't know if I missed anything. I know I came in late. But I want to see where we're at with the rain tax right now where the Borough stands. This would be in the Council's hand if I'm not mistaken?

The rain tax? Don't tell me you never heard -- the rain tax that Luzerne County was hit with a rain tax through the EPA and it was a -- the Chesapeake -- we don't know what the rain tax is? Are you kidding me?

MR. AMICO: I've heard of the rain tax. It hasn't been --

MR. TORBECK: Okay. Would it be in Council's hands? I'm asking a question. Have you heard of it? It's been on the radio. It's
been on the --

MR. AMICO: I'm trying to answer you. I was in the --

MR. TORBECK: So there's been discussions. We know what the rain tax is. Citizens, do we know what the rain tax is? Yes, thank you, the Chesapeake basin. Yes, we're aware of it, yes?

MR. AMICO: Correct.

MR. TORBECK: What is the latest news on --

MR. HALLINAN: I would assume if you don't me interrupting -- the county takes the lead on that. And then it will be handed out or whatever they're going to do. I have no clue. We were not presented with anything about that.

MR. TORBECK: I'm surprised I didn't get a better answer.

MR. AMICO: Well, you haven't given us a chance to give an answer to be honest with you. You just keep saying rain tax.

MR. TORBECK: You never heard of it.

MR. AMICO: No, you're saying that we haven't heard of it. I have heard of it. I
listen to the radio. I know what you're talking about.

MR. TORBECK: And there --

MR. AMICO: Again, can I maybe say something? Is that possible?

MR. TORBECK: -- I appreciate it.

MR. AMICO: Are you sure? Okay, cool. Yes, I've heard -- we've all heard of the rain tax. It has not come in front of Lackawanna County yet. Okay, it's been in the news in Luzerne County. It hasn't come to Lackawanna County yet.

We haven't been presented any information on the rain tax yet. So I do see signs up in the Borough, you know, question the rain tax. Again, it's not an issue that's come in front of us as of yet.

MR. TORBECK: That's the reason why I'm asking because I'm starting to see signs.

MR. AMICO: Correct.

MR. TORBECK: That's all. And I know Scranton -- I know that we're all aware of where they're at in Scranton. If they create an authority, then, like, the domino falls that way in this area so I'll leave it at that.
Okay. Thank you. I appreciate it. I didn't mean to press it but it's very concerning.

MR. AMICO: It's concerning. But when we're asked a question it would be nice to be able to respond.

MR. TORBECK: I agree.

MR. DEMPSEY: Anybody else like to address Council tonight?

(No response.)

MR. DEMPSEY: Seeing none.

ATTY. CUMMINGS: Public officials.

MR. DEMPSEY: Public officials.

Mr. Hayes?

MR. HAYES: Sure. Thank you, Mr. Chairman. I want to personally thank the Dunmore Fire Department, especially Chief DeNaples. There's been two fires on South Blakely Street in the last week. I was present when the one garage went up and just watching their professionalism, their dedication to getting that resolved, being able to save a nearby apartment unit along with a church. The caretaker's home is there as well.

So it's horrible that we have these structure fires in Dunmore. But having watched
firsthand the professionalism, the magnitude of which they were able to respond, Chief was on scene as well. I think I tried to walk around and thank all the guys personally for, you know, how fast that they tackled the situation and contained it.

But I wanted -- I would be remiss if we didn't talk about the positive as well. Chief, thank you to you guys and your department. That's all I have, Mr. Chairman.

MR. DEMPSEY: Thank you. Mr. Amico?

MR. AMICO: I just want to congratulate Mr. Price on being the newest member of the Dunmore Fire Department. That's all I have for tonight. Thank you.

MR. DEMPSEY: Mr. Hallinan?

MR. HALLINAN: Thanks for coming tonight, Chief. I know it was a day off for our Borough employees. But, you know, usually, Mike, Joe's here at every meeting and the Chief. They just weren't here tonight. But usually, you know, 100 percent attendance.

So we'll look into that I'm sure. We've had a lot of parking problems. Parking in front lawns on Green Ridge Street is a pet
peeve. That's all I have tonight. Thank you.

MR. DEMPSEY: Chief DeNaples, do you have anything?

CHIEF DENAPLES: I have nothing. Thank you.

MR. DEMPSEY: Didge, do you have anything?

MR. JUDGE: No.

MR. DEMPSEY: Chris?

MR. KEARNEY: No.

MR. DEMPSEY: Vito?

MR. RUGGIERO: No. Just, sir, stop, give me your information and I'll follow up on it.

MR. DEMPSEY: Mayor Burke?

MAYOR BURKE: Yes, I spoke to American Water two weeks ago. And we have some good news up at the reservoir. Bernie McGurl is going to take control up there along with he's going -- he actually had some volunteers from Dunmore which tried to form a committee and everybody knows Bernie how he is along the waterways. So I was happy to hear that.

And Mr. Delvecchio is going to help him out and they're going to try to form a
committee and I'll keep people informed on how things are moving on that. But thank you, Bernie and for Mark (inaudible) for allowing --- putting somebody in Carl's shoes. Carl did a lot for us. That's all I have tonight. Thank you.

MR. DEMPSEY: Attorney Cummings.

ATTY. CUMMINGS: Nothing.

MR. DEMPSEY: Okay. I don't have anything. So with that being said I'll look for a motion to adjourn.

MR. HAYES: I'll make that motion.

MR. DEMPSEY: Second?

MR. HALLINAN: I'll second it.

MR. DEMPSEY: All in favor?

ALL MEMBERS: Aye.

MR. DEMPSEY: Opposed?

(No response.)

MR. DEMPSEY: Ayes have it and so moved. We are adjourned.
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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