DUNMORE BOROUGH COUNCIL
DUNMORE, PENNSYLVANIA

IN RE: REGULAR MEETING OF COUNCIL

DECEMBER 9, 2019
6:00 P.M.
DUNMORE COMMUNITY CENTER
MONROE AVENUE
DUNMORE, PENNSYLVANIA

COUNCIL MEMBERS:

MICHAEL DEMPSEY, ESQUIRE, PRESIDENT
THOMAS HALLINAN, VICE-PRESIDENT
CAROL SCRIMALI
THOMAS EHNOT
MICHAEL MCHALE
VINCE AMICO
MICHAEL HAYES

THOMAS CUMMINGS, ESQUIRE, SOLICITOR
VITO RUGGIERO, BOROUGH MANAGER
TIMOTHY BURKE, MAYOR

Mark Wozniak
Official Court Reporter
MR. DEMPSEY: Please rise for the Pledge of Allegiance.

(The Pledge of Allegiance was recited.)

ATTY. CUMMINGS: Mr. Amico?

MR. AMICO: Here.

ATTY. CUMMINGS: Mr. Dempsey?

MR. DEMPSEY: 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: Ms. Scrimali?

MS. SCRIMALI: Here.

ATTY. CUMMINGS: Mr. Burke?

MR. BURKE: Here.

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

MR. DEMPSEY: Would anyone like to address council tonight on agenda items only? Seeing none.
ATTY. CUMMINGS: Item number four is a motion to approve the minutes.

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

MR. HAYES: I'll make that motion.

MR. DEMPSEY: Do I have a second?

MR. AMICO: I'll second it.

MR. DEMPSEY: I have a motion and a second. Anyone on the question? All those in favor signify by saying aye.

MS. SCRIMALI: Aye.

MR. EHNOT: Aye.

MR. MCHAILE: Aye.

MR. DEMPSEY: Aye.

MR. HALLINAN: Aye.

MR. AMICO: Aye.

MR. HAYES: Aye.

MR. DEMPSEY: Opposed? They ayes have it. So moved.

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

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

MR. EHNOT: I'll make a motion to pay the open bills.
MS. SCRIMALI: I'll second that.

MR. DEMPSEY: I have a motion and a second. Anyone on the question? All those in favor signify by saying aye.

MS. SCRIMALI: Aye.

MR. EHNOT: Aye.

MR. MCHAILE: Aye.

MR. DEMPSEY: Aye.

MR. HALLINAN: Aye.

MR. AMICO: Aye.

MR. HAYES: Aye.

MR. DEMPSEY: Opposed? The ayes have it. So moved.

ATTY. CUMMINGS: Item number six is a motion to approve the 2020 budget.

MR. DEMPSEY: Do I have a motion?

MR. EHNOT: I'll make a motion to approve the final 2020 budget.

MR. HALLINAN: I'll second it.

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

MR. MCHAILE: We went through on this last month, and contrary to what was reported in the Times it was a balanced budget last month. It still is this month.
I did not get any feedback, so we're going
to run with this, and obviously we can
change it -- you guys can change it going
forward. But the income and expense equals
$12,421,294 as a balanced budget. So again,
ten years, pretty proud of that. So that's
all I have.

MR. DEMPSEY: Thank you, Mr. McHale.

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

MS. SCRIMALI: Aye.
MR. EHNOT: Aye.
MR. MCHALE: Aye.
MR. DEMPSEY: Aye.
MR. HALLINAN: Aye.
MR. AMICO: Aye.
MR. HAYES: Aye.
MR. DEMPSEY: Opposed? The ayes
have it. So move.

ATTY. CUMMINGS: Item number seven
is a motion to suspend the refuse fee via
ordinance for the year 2020.

MR. DEMPSEY: Look for a motion.
MS. SCRIMALI: I'll make that
motion.
MR. HALLINAN: I'll second it.

MR. DEMPSEY: I have a motion and a second. All those in favor signify -- well, on the question first. Anyone on the question? All those in favor?

MS. SCRIMALI: Aye.

MR. EHNOT: Aye.

MR. MCHALE: Aye.

MR. DEMPSEY: Aye.

MR. HALLINAN: Aye.

MR. AMICO: Aye.

MR. HAYES: Aye.

MR. DEMPSEY: Opposed? The ayes have it. So moved.

ATTY. CUMMINGS: Number eight is a motion to approve the 2020 tax ordinance set forth as general obligation, 20 mills; debt service, 19 mills; pension services, one-half of one mill; public street lighting, one mill; fire equipment training, two mills; firefighter services, one mill; rescue services, one-half of one mill, totaling 44 mills.

MR. DEMPSEY: Do I have a motion?

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

MR. DEMPSEY: Second?

MR. AMICO: I'll second it.

MR. DEMPSEY: I have a motion and a second. Anyone on the question? All those in favor signify by saying aye.

MS. SCRIMALI: Aye.

MR. EHNOT: Aye.

MR. MCHALE: Aye.

MR. DEMPSEY: Aye.

MR. HALLINAN: Aye.

MR. AMICO: Aye?

MR. HAYES: Aye.

MR. DEMPSEY: Opposed? The ayes have it. So moved.

ATTY. CUMMINGS: Item number nine is a motion to authorize borrowing in the amount of $1,500,000 at the best available market rate for the 2020 tax anticipation note. Approval will authorize the president of council and the borough solicitor to take all actions necessary to bring this matter to fruition.

MR. DEMPSEY: I'll look for a motion.
MR. HALLINAN: I'll make that motion.

MR. DEMPSEY: Second?

MR. EHNOT: Second.

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

MS. SCRIMALI: Aye.

MR. EHNOT: Aye.

MR. MCHALE: Aye.

MR. DEMPSEY: Aye.

MR. HALLINAN: Aye.

MR. AMICO: Aye.

MR. HAYES: Aye.

MR. DEMPSEY: Opposed? Ayes have it. So moved.

ATTY. CUMMINGS: Item number ten is a presentation by Christopher Speicher, Dunmore Professional Center, LLP, regarding the final phase of the Dunmore Professional Center Meade Street Redevelopment Project under LERTA. This matter was presented to council through Lackawanna County. I believe it was almost two years ago. It has been approved by the Dunmore School District.
The applicant is here this evening to make presentation and answer any questions you may have. Approval by the borough of Dunmore is a condition prerequisite to submission to Lackawanna County. You may act on it this evening or you may take and revert to the solicitor and zoning code office for review, to be placed on your next agenda.

MR. DEMPSEY: Mr. Speicher, can you come on up?

MR. SPEICHER: So this is the last phase of Dunmore Professional Center. I'm Chris Speicher. I've been the developer since the very beginning. We have a 3.3 acre parcel at the end. Our problem right now is we're not able to compete with the parcel. I've had no less than three groups that I've had on the parcel that have gone to other places that there's been either LERTA or some other tax incentive involved, and we lost out on three very potential -- very, very good medical groups.

So in light of that, we're trying to get LERTA for the property, with your
assistance, and be able to attract the kind of tenants that we have on the property up there and continue to make it a very, very productive piece of the tax rolls and the last piece on that property.

ATTY. CUMMINGS: Before you proceed with counsel can you briefly explain what LERTA entails.

MR. SPEICHER: LERTA is basically taking the existing taxes on the property, and that's the amount of taxes that would be paid on it for a set period of time. The normal LERTA, for example, in the city of Scranton, most of the LERTAs that they're doing there are ten years. For example, if the property is built on the site and it's to generate, say, $100,000 taxes and there's $12,000 being paid in now only that $12,000 will continue to be paid. The $100,000 won't be paid until the LERTA is completed in a ten-year time frame, and then that tax revenue comes to the borough.

ATTY. CUMMINGS: Is this a ten-year LERTA?

MR. SPEICHER: Yes.
ATTY. CUMMINGS: My other question regards the prior improvements. It is my understanding that the roadway now known as Meade Street, having been relocated, as well as the other improvements in and under, that being the storm drains and sewer lines, were actually constructed and paid for by Lackawanna County. Is that correct?

MR. SPEICHER: Yeah, it was a combination of Lackawanna County and us. We paid for certain parts and they paid for certain parts. Lackawanna County could not pay for anything that was going to be publically -- in the public domain or be dedicated -- I'm sorry, they couldn't pay for anything that was not going to be dedicated over. So anywhere where there's public works such as the traffic light that went in or the work that came down, including the sewer lines, the storm lines and the paving, was paid for by the TIF that we did.

ATTY. CUMMINGS: At that time did anybody from the project meet with any representatives from the Scranton Sewer
Authority or its operator, American Anglian, at the time?

MR. SPEICHER: Yes, I met with them and the county met with them, and their inspector was on site for all the work that was conducted on the site.

ATTY. CUMMINGS: So did American Anglian, in conjunction with the Scranton Sewer Authority, inspect everything up to completion?

MR. SPEICHER: Yes.

ATTY. CUMMINGS: Have you charged any fees just for connection hookups?

MR. SPEICHER: We were charged a $7,500 fee by the sewer authority, and we in turn turned around and charged that to the tenants that came into the property.

ATTY. CUMMINGS: Was it a like amount?

MR. SPEICHER: Yes, it was exactly.

ATTY. CUMMINGS: No profiteering?

MR. SPEICHER: No profiteering.

ATTY. CUMMINGS: And who pays the treatment fees for the properties that are connected?
MR. SPEICHER: The tenants. The buildings that are located there are billed by the sewer authority on a monthly basis.

ATTY. CUMMINGS: Direct bills to the property owner and/or tenant?

MR. SPEICHER: That's correct.

ATTY. CUMMINGS: Thank you, Mr. Dempsey. That's all I had to clarify for the record.

MR. DEMPSEY: Thank you, attorney Cummings.

MR. MCHALE: Mr. Speicher, I think what attorney Cummings was getting at, we were presented a bill because nobody took credit for the hookup for the sewer authority. I can speak for myself. I was at my son's high school soccer game and a guy came up to me screaming at me that they had to go in on an emergency basis and fix this, and this company, who fixed it, your company said it's not our problem, sewer authority said not our problem, someone else claimed -- the property owner said not our problem, and this contractor was left -- he did the work, fixed it all, as we had sewage
going down the street. The one thing I'm certain is it wasn't the borough of Dunmore's problem.

MR. SPEICHER: Right, I would agree.

MR. MCHALE: We had to pay it. We'd like our money back.

MR. SPEICHER: Okay, I do recall this incident. Was this the accounting firm?

MR. MCHALE: Yes.

MR. SPEICHER: So we had the sewer authority there, we had the borough there, many of the people in this room were there. We had a private contractor that was brought in by the sewer authority who put a dye into the tank and the dye -- if the dye did not come out it meant there was no leak at the property owner's connection. The dye came out, which showed that the leak was directly at the connection that was put into the ground to the service to the accounting firm.

At that point -- and Mr. Cummings can back me up -- we all basically said this is your problem. Your contractor didn't
connection the line the way they should have
and it's your responsibility to repair it.

To be honest with you, this is the
first time I've heard that the --

MR. MCHALE: We had, literally,
waste going down the street. So as an
emergency we, of course, have to -- a small
contractor who did the work to fix it can't
be held liable for this. He obviously had
someone tell him it was okay. The one
thing, again, I'm certain of is that it was
not the borough's responsibility. It
wasn't. Other than the fact that we had to
step in because nobody, nobody would step up
and take care of it.

So again, I personally -- to vote
for your project I'd like the $8,500 to be
earmarked to give back to us.

MR. SPEICHER: Just to -- this is
the first time I've heard of this tonight,
when you just brought this up. I've not
heard a word about it.

MR. MCHALE: Everybody knew about
it. I'm just speaking on behalf of council.
It's not me personally. I like you very
much and I think it's a tremendous project.

MR. SPEICHER: I'm caught a little bit off guard because I knew nothing about this until the second you just mentioned it. But the sewer line connection was where the problem was. The contractor who originally tied that into the line was responsible for it and was the property owner. The property owner tied it in. I don't know how -- not running away from the problem, but I don't know how I could be held responsible for work that I did not contract for, that he contracted for, and that his contractor did improperly.

MR. MCHALE: Well, understand -- and, Chris, this is nothing personal against you. You know that I like you and I think the project is unbelievable. The one thing I'm absolutely certain, it's not the borough of Dunmore's responsibility.

MR. SPEICHER: I would agree with that.

MR. MCHALE: And I was told by these people who were screaming that they can't pay this, that this isn't theirs, that that
dye test would not work to prove it was the accounting firm. And it wasn't the accounting firm guy who came to me, by the way. But nonetheless, they said there's no way that that dye test would actually work. So I'm not an engineer, I have no idea, but again, for the fourth time, the one thing I'm absolutely certain of it's not the borough's responsibility.

MR. SPEICHER: I promise that I will look into it now that you've brought it to my attention, but I thought the day we left there that everyone had agreed that it was the responsibility of the accounting firm or his contractor who made the tie-in where the leak developed, which is exactly what the dye test proved, that that was where the problem was.

But I promise I'm more than willing to look into it. If it's our responsibility, I promise you I will pay for it if it's our responsibility. If not, I'd be more than happy to engage whatever action necessary to get the accounting firm to pay.

MR. MCHALE: That's all I have, Mr.
Chairman.

MR. DEMPSEY: Thank you, Mr. McHale. Anything else, Mr. Speicher?

MR. SPEICHER: No.

MR. DEMPSEY: Does anyone else on council have any questions? Okay.

MR. MCHALE: Can we put it to the next meeting just so maybe if we have our meeting in two weeks you can address our concern and then we can pass it along as well?

MR. DEMPSEY: Do we need to put that to a motion to basically table it until next meeting?

ATTY. CUMMINGS: If you want, but there's no open motion. You can verbally.

MR. DEMPSEY: We'll wait until the next meeting and revisit it. Thank you.

ATTY. CUMMINGS: Item number 11 is personnel matters. First being appointment of part-time fire John Rebovich.

MR. DEMPSEY: Look for a motion.

MR. AMICO: I'll make that motion.

MR. HAYES: Second.

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

MR. AMICO: As per Chief DeNaples, Mr. Rebovich has satisfied all components of the part-time firefighter pre-employment process. We can always use part-time firefighters to help out, especially this time of year.

MR. DEMPSEY: Appreciate it, Mr. Amico. Anyone else on the question? All those in favor signify by saying aye.

MS. SCRIMALI: Aye.

MR. EHNOT: Aye.

MR. MCHALE: Aye.

MR. DEMPSEY: Aye.

MR. HALLINAN: Aye.

MR. AMICO: Aye.

MR. HAYES: Aye.

MR. DEMPSEY: Opposed? Ayes have it. So moved.

ATTY. CUMMINGS: The second item is to move Robert Judge at DPW from temporary full time to permanent full time.

MS. SCRIMALI: I'll make that motion.

MR. HAYES: I'll second that.
MR. DEMPSEY: Motion and a second.

Anyone on the question? All those in favor signify by saying aye.

MS. SCRIMALI: Aye.

MR. EHNOT: Aye.

MR. MCHALE: Aye.

MR. DEMPSEY: Aye.

MR. HALLINAN: Aye.

MR. AMICO: Aye.

MR. HAYES: Aye.

MR. DEMPSEY: Opposed? Ayes have it. So moved.

ATTY. CUMMINGS: That's all in personnel matters. Next is public comments on non-agenda items starting with Mr. Duncan.

MR. DUNCAN: Jerry Duncan, 117 Barton Street. Just a reminder, next Monday, the 16th, we'll have our neighborhood watch meeting for the month of December.

The 19th, Mr. Dempsey, I believe the sewer authority meeting is still on for the 19th. Nothing changed. Right?

MR. DEMPSEY: As far as I'm aware,
sir.

MR. DUNCAN: The 23rd, that's the next council meeting. Will we still have that or will that be --

MR. DEMPSEY: So far it's still on.

MR. DUNCAN: Thank you very much.

Then did we get -- we're on for the second council meeting?

MR. DEMPSEY: December? Yes.

MR. DUNCAN: Then did we get the letter out for Mr. DePasqual, do you know?

MR. DEMPSEY: I believe we did, yes.

MR. DUNCAN: Thank you.

MR. DEMPSEY: Would anyone else like to address council tonight? Seeing none.

ATTY. CUMMINGS: Public officials?

MR. DEMPSEY: Mayor Burke?

MAYOR BURKE: Just congratulations for the police department on the fine work for the toys and projects, especially John Richardson. They really did a fantastic job last year and then doing another great job this year. That's all I have.

MR. DEMPSEY: Thank you, Mayor Burke. Mr. Ruggiero? Attorney Cummings?
ATTY. CUMMINGS: Nothing, sir.

MR. DEMPSEY: Carol, do you want to lead us off?

MS. SCRIMALI: Nothing tonight, but thank you all for coming.

MR. EHNOLT: I have nothing.

MR. MCHALE: I have nothing further.


MR. AMICO: I'm good.

MR. HAYES: Just briefly want to thank everyone involved, the Home for the Holidays Committee, for everything they've done. Obviously we had some weather issues but still taking pictures with Santa over at FNCB. The snow activities, too. Lots of kids. I just want to thank everyone involved. That's all I have.

MR. DEMPSEY: Thank you, Mr. Hayes. Very quickly just on what Mayor Burke stated, the police did go out this weekend and decorated a home for somebody who was unable to do it themselves. The police and the fire department did a tremendous job.
There was a huge showing there. The homeowners were absolutely thrilled. So I appreciate the work that they did.

Also again on top of what Mr. Mayor Burke said, the police department is doing Cram the Cruiser for the next few weeks -- next couple of weeks, so anyone, if you could drop off an unwrapped toy, DePietro's Pharmacy is collecting them. The police department would appreciate it. Also, if you can write any sort of monetary donations, they would go to Dunmore National Night Out. Just wanted to announce for them.

With that, I don't have anything else. I look for a motion to adjourn.

MR. HAYES: I'll make that motion.

MR. AMICO: Second.

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

MS. SCRIMALI: Aye.

MR. EHNOT: Aye.

MR. MCHALE: Aye.

MR. DEMPSEY: Aye.

MR. HALLINAN: Aye.
MR. AMICO: Aye.

MR. HAYES: Aye.

MR. DEMPSEY: Opposed? Ayes have it. So moved. We're adjourned.
CERTIFICATE

I hereby certify that I attended the foregoing proceeding, took stenographic notes of the same, that the foregoing, consisting of 24 pages, is a true and correct copy, done to the best of my ability, of same and the whole thereof.

Mark Wozniak
Official Court Reporter