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COUNCIL FOR THE BOROUGH OF DUNMORE

HELD:

Monday, February 10th, 2020

TIME:

7:00 P.M.

LOCATION:

DUNMORE COMMUNITY CENTER  
1414 Monroe Avenue  
Dunmore, Pennsylvania

C O U N C I L M E M B E R S :

- MICHAEL DEMPSEY, President
- THOMAS HALLINAN, Vice President - absent
- CAROL SCRIMALLI
- VINCE AMICO
- THOMAS EHNOT
- JANET BRIER
- ELIZABETH ZANGARDI
- JOHN ELLIS, Esquire, Solicitor
- TIMOTHY BURKE, Mayor

MARIA McCOOL, RPR  
OFFICIAL COURT REPORTER

1 (Pledge of Allegiance.)

2

3 MR. RUGGIERO: Mrs. McDonald

4 Zangardi.

5 MS. ZANGARDI: Here.

6 MR. RUGGIERO: Mrs. Scrimalli.

7 MS. SCRIMALLI: Here.

8 MR. RUGGIERO: Mr. Ehnot.

9 MR. EHNOT: Here.

10 MR. RUGGIERO: Mr. Dempsey.

11 MR. DEMPSEY: Here.

12 MR. RUGGIERO: Mr. Hallinan. Mr.

13 Amico.

14 MR. AMICO: Here.

15 MR. RUGGIERO: Mrs. Brier.

16 MS. BRIER: Here.

17 MR. RUGGIERO: Number three, public

18 comment on agenda items. I'm sorry, Mayor

19 Burke.

20 MAYOR BURKE: Here.

21 MR. DEMPSEY: Just before we get

22 started on public comment on the agenda items,

23 I just want to introduce Attorney John Ellis.

24 He's filling in for Mary Dempsey Walsh tonight

25 from the law firm of Ufberg and Associates.

1 Attorney Dempsey Walsh is unable to be here  
2 tonight. So he's just filling in. With that  
3 said, Vito?

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

6 MR. DEMPSEY: Mr. Duncan.

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

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

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

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

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

23 MR. DEMPSEY: Certainly.

24 MR. DUNCAN: One last thing and then  
25 also on the agenda items is the motion to

1           appoint a Dunmore Borough representative to the  
2           Scranton Sewer Authority.  If I could ask a few  
3           questions briefly about that.

4                     MR. DEMPSEY:  Certainly.

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

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

18                    I know I asked at that time --  
19          sorry.  I asked at that time if none of the  
20          monies were touched for any municipal --  
21          anything municipal involved, those monies were  
22          still as they were.  I think that was with  
23          FNCB.  And I think the other one was with the  
24          Delaware Trust.  So I just wanted to make sure  
25          just to reiterate before there's -- it looks

1           like there's going to be a change in our  
2           representative.

3                   MR. DEMPSEY: Correct.

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

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

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

20                  MR. DEMPSEY: That's not a problem.

21                  MR. DUNCAN: Okay, thank you.

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

25                           (No response.)

1 MR. DEMPSEY: Seeing none.

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

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

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

8 MR. DEMPSEY: Do I have a second?

9 MR. AMICO: I'll second it.

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

12 (No response.)

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

15 ALL MEMBERS: Aye.

16 MR. DEMPSEY: Opposed?

17 (No response.)

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

20 MR. RUGGIERO: Number five, a motion  
21 to adopt Ordinance No. 2020-2 on stormwater  
22 management updating and replacing Section 516  
23 of the Subdivision and Land Development  
24 Ordinance. The purpose of this Ordinance is to  
25 promote health, safety, and welfare within the

1           Borough and its watershed by minimizing the  
2           harms and maximizing the benefits.

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

7                   MR. AMICO: I'll make that motion.

8                   MR. DEMPSEY: Do I have a second?

9                   MS. SCRIMALLI: I'll second that.

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

13                   MR. LOPATKA: Good evening all.  
14           Basically the stormwater ordinance that's  
15           proposed --

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

19                   MR. LOPATKA: Dave Lopatka,  
20           Reuther-Bowen, Borough engineers also 618 and a  
21           half Throop Street, Dunmore. Dunmore Borough  
22           for years as part of the existing Subdivision  
23           Land Development Ordinance is lacking somewhat  
24           in some of the more up-to-date requirements  
25           from DEP.

1                   So what I did is reviewed -- DEP has  
2                   model stormwater ordinance. With Dunmore also  
3                   being an MS4 which is a small municipality we  
4                   have to meet certain requirements with regards  
5                   to DEP as being a small MS4. So as part of  
6                   that, the DEP ordinance that we're putting  
7                   forth tonight we meet all the requirements for  
8                   rain control, volume control, water quality  
9                   with regards to Dunmore Borough and the MS4 in  
10                  addition to what the overall stormwater  
11                  management requirements.

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

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

24                  MR. LOPATKA: Yeah, so currently  
25                  what I mentioned to the board was that the



1           Borough really needs to update the fee schedule  
2           for submissions for subdivision land  
3           development projects.

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

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

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

25                      MR. DEMPSEY: Thank you. Anyone

1 from Council have anything on the question?

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

5 MR. LOPATKA: Correct.

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

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

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

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

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

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

24 MR. DUNCAN: Dave, just do me a  
25 favor. I don't have the best hearing so I just

1 want to make sure -- so it's going to be for  
2 new developments. And it's not for existing  
3 residential or existing businesses?

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

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

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

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

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

22 MR. LOPATKA: I'm actually reviewing  
23 what you have currently, and I'm going to  
24 update it. So we didn't propose a fee schedule  
25 for tonight. That's not on the agenda.

1 MR. DUNCAN: Is tonight more of an  
2 informational presentation for the general  
3 public or --

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

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

15 MR. LOPATKA: Yes.

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

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

25 MR. DEMPSEY: Yeah.

1 MR. RUGGIERO: So to just to keep  
2 it --

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

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

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

10 (No response.)

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

14 ALL MEMBERS: Aye.

15 MR. DEMPSEY: Opposed?

16 (No response.)

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

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

25 This ordinance establishes methods

1 for controlling the introduction of pollutants  
2 into the municipal separate storm system in  
3 order to regulate contribution of pollutants,  
4 prohibits, illicit connection and discharges,  
5 and establishes a legal authority to carry out  
6 all inspections, surveillance and monitoring  
7 procedures necessary to ensure compliance.

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

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

12 MR. DEMPSEY: Do I have a second?

13 MS. ZANGARDI: I'll second.

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

18 MR. LOPATKA: So this ordinance  
19 again is another ordinance that is put up by  
20 DEP as a model for municipalities to adopt.  
21 Again, you're an MS4, municipal separate storm  
22 system borough. One of the issues that  
23 arises -- and this really is kind of dictated  
24 towards totally separate storm systems, not  
25 necessarily combined systems.

1 Combined systems end up going to the  
2 Sewer Authority, their treatment plant, get  
3 treated. An illicit discharge can be anything  
4 from somebody dumping oil into an inlet or  
5 paint or anything that gets dumped into it,  
6 strictly dedicated storm system that ends up  
7 going from the storm system basically directly  
8 to the river, Roaring Brook or Meadow Brook  
9 creek or whatever it may be.

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

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

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

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

25 MR. LOPATKA: The Borough.

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

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

8 MR. DUNCAN: You as the engineer?

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

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

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

25 MR. LOPATKA: So, I mean, it's -- if



1 someone from the municipality sees something,  
2 you have to report it to the Borough and the  
3 Borough could investigate it at that point.

4 MR. DUNCAN: We are the enforcement  
5 agency.

6 MR. LOPATKA: Right.

7 MR. DUNCAN: Okay. Thank you.

8 That's it for that part.

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

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

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

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

17 ALL MEMBERS: Aye.

18 MR. DEMPSEY: Opposed?

19 (No response.)

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

22 MR. RUGGIERO: Number seven, motion  
23 to adopt 2020-4 requiring all persons,  
24 partnerships, businesses, and corporations to  
25 obtain a permit for any construction or

1 development; providing for the issuance of such  
2 permits; setting forth certain minimum  
3 requirements for new construction and  
4 development within the areas of the Borough  
5 which are subject to flooding and establishing  
6 penalties for any person who fail or refuse to  
7 comply with the requirements or provisions of  
8 this ordinance.

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

11 MR. AMICO: I'll make that motion.

12 MR. DEMPSEY: A second?

13 MS. ZANGARDI: I'll second.

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

17 MR. RUGGIERO: Yeah, on the  
18 question, this is a state statute -- it's the  
19 Flood Plan Management Act of 1978. What it  
20 does is exactly what was just stated. Prior,  
21 someone who has to build or they have to obtain  
22 a permit in a flood plan area or a designated  
23 flood plan area, the state hasn't come up with  
24 the maps as of yet to see -- the updated maps  
25 of where the flood plan is.



1 Enforcement Officer the ability to go out and  
2 set fines, correct.

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

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

13 MR. DUNCAN: Thank you.

14 MR. RUGGIERO: You're welcome.

15 MR. DEMPSEY: Anyone else from  
16 Council on the question?

17 (No response.)

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

20 ALL MEMBERS: Aye.

21 MR. DEMPSEY: Opposed?

22 (No response.)

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

25 MR. RUGGIERO: Number eight is a

1 motion to approve the pension lawsuit  
2 settlement.

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

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

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

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

18 MR. EHNOT: I'll second it.

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

23 ATTY. DURKIN: Sure. Larry Durkin,  
24 I'm the Solicitor for the Pension Fund and I'm  
25 also a Dunmore resident. So I'm here tonight

1 on the litigation that we initiated against  
2 Joseph Riccardo.

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

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

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

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

1           that it should go to arbitration.

2                         We have an arbitrator in place.

3           Judge Mazzoni also held a settlement conference  
4           with the parties which ultimately led to the  
5           settlement terms, you know, that I'm going to  
6           recommend for you tonight. It is -- I've  
7           worked with Attorney Dempsey on this issue.  
8           This is a -- we're both in agreement on  
9           recommending to Council of approval of this  
10          settlement.

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

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

16                        MR. DEMPSEY: Yeah.

17                        ATTY. DURKIN: So Mary and I  
18          coordinated on this. We both recommend it to  
19          the Borough. And the basic outlines of the  
20          settlement are that Mr. Riccardo will stipulate  
21          to a judgment being entered against him in  
22          favor of the Borough for the amount of \$45,000.

23                        This sum represents four years of  
24          overpayments from the time of the -- from the  
25          time that the litigation was initiated. We

1           recommend this because we believe it is the  
2           most that the Borough could achieve in a  
3           judgment in any litigation.

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

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

22                        We recommend these terms because we  
23          do not believe that we can achieve a better  
24          result by proceeding finally with the  
25          litigation. I told Council it's my opinion



1           that we would not be able to attach any sources  
2           of current income from him and that for all of  
3           these reasons our recommendation is for Council  
4           to approve a settlement on these terms.

5                   MR. DEMPSEY: And, Larry, I have a  
6           question. We're -- it's a judgement of  
7           \$45,000.

8                   ATTY. DURKIN: Yes.

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

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

23                   But we don't -- I don't believe we  
24          could achieve that given his current status and  
25          what the law provides with respect to

1           protections to things like Social Security  
2           payments and pension payments. I think that it  
3           is the best -- the least bad outcome that we  
4           could, you know, achieve under the  
5           circumstances.

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

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

13                    MS. BRIER: I just want to say I  
14           appreciate 2this work, this approval. And it  
15           went on for years and years. And I would just  
16           like to thank Vito -- just acknowledge -- was  
17           the one that found it and brought it to light  
18           so at least it stopped.

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

25                    MR. DEMPSEY: Sure. Just one

1 second. I just want to make sure no one else  
2 on Council has any other questions for Attorney  
3 Durkin.

4 (No response.)

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

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

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

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

20 What happened was hands switched  
21 over in the payroll department a few times and  
22 this deduction coming out of the General Fund  
23 just kept coming out of the General Fund and  
24 nobody knew to stop it. So it's all documented  
25 now in somebody's file the retirement date,

1           what they're owed, when it's supposed to stop  
2           and it's tickled to -- in the future to make  
3           sure it does stop.

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

10                    ATTY. DURKIN: Yes.

11                    MR. RUGGIERO: And it just went from  
12           2001 until I found it 17 years later.

13                    UNIDENTIFIED MAN: So future  
14           Treasurers or whatever will --

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

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

24                    MR. ZANGARDI: Tony Zangardi,  
25           Dunmore resident. What happened to the second

1 fireman? Has he -- have you guys --

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

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

10 ALL MEMBERS: Aye.

11 MR. DEMPSEY: Opposed?

12 (No response.)

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

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

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

25 MR. RUGGIERO: Do them all. Seat

1 one in the Planning is Joe Grochowski. He has  
2 a four year term that will expire on the 31st  
3 of December, 2023. And the second seat on  
4 Planning is Dino Darbenzi, which is again is a  
5 four year term that will expire on the 31st of  
6 December, 2024.

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

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

11 MR. DEMPSEY: Do I have a second?

12 MR. AMICO: I'll second it.

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

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

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

24 (No response.)

25 MR. DEMPSEY: All those in favor

1 signify by saying aye.

2 ALL MEMBERS: Aye.

3 MR. DEMPSEY: Opposed?

4 (No response.)

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

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

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

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

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

19 MS. BRIER: I'll second.

20 MR. DEMPSEY: I have a motion and a  
21 second. Anyone on the question? Briefly on  
22 the question, I resigned from the Scranton  
23 Sewer Authority. I sent an e-mail to Attorney  
24 Shrive on January 27th, 2020 effective February  
25 1. Reason being -- and I have an e-mail. I'll

1 share it with whoever wants to see it -- just  
2 time constraints with family, job, my duties as  
3 President of Council and all the other  
4 organizations that I'm involved with.

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

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

16 ALL MEMBERS: Aye.

17 MR. DEMPSEY: Opposed?

18 (No response.)

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

21 MR. RUGGIERO: Number 11, public  
22 comment.

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

25 MR. ZANGARDI: My question is, the



1 second fireman who was overpaid, is there any  
2 litigation or where does it stand now for him?

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

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

12 UNIDENTIFIED MAN: Same overpayment?

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

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

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

19 MS. BRIER: But the same four year  
20 window.

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

1 about.

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

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

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

8 MR. DUNCAN: Want me just shout it  
9 out?

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

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

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

1 So thank you very much for that.

2 And then I do have a question.

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

6 MR. DEMPSEY: There's always a  
7 possibility.

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

16 MS. ZANGARDI: Thank you.

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

19 MR. JOHNSON: David Johnson, 601  
20 Shirley Lane. I came to you last month and I  
21 was talking about the road conditions. I  
22 wonder if anybody looked at it and if there is  
23 any plans to fix that. I see on February 1st  
24 you filled it. On February 3rd, it's worse  
25 than February 1st after you filled it.

1 MR. DEMPSEY: Where is it again,  
2 sir? I apologize.

3 MR. JOHNSON: 601 Shirley Lane.

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

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

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

12 MR. JUDGE: It has to be redone.

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

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

18 MR. DEMPSEY: Wonderful.

19 MR. JOHNSON: And your solicitor  
20 would probably agree with me. This meeting you  
21 should have a Treasurer's report, assets and  
22 liabilities should be shown at this meeting.  
23 And at this meeting your secretary report  
24 should be here, minutes from the last meeting  
25 should be presented at this meeting and should

1 be approved or asked for any additions or  
2 corrections.

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

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

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

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

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

23 And I brought up a zoning problem  
24 that I felt was at 111 Mortimer Street. And  
25 without getting into great detail, the zoning

1           says you can't create parking in front of your  
2           house, a patch of grass. I know Mr. Ruggiero,  
3           Vince Amico -- I know Didge was there, maybe a  
4           police officer or two. They did assess the  
5           situation.

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

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

22                       So if it's not the person that is  
23          owning the truck, someone else owns that  
24          vehicle that lives in the residence. So I'm  
25          asking the Council and Dunmore Police, I'm told

1           you could ticket the vehicle every 24 hours.

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

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

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

25                    The father passed away. Michael

1 never had a license ever until he died. So  
2 there was never an issue. But then a landlord  
3 from Scranton bought the house and without  
4 talking to zoning, I guess, just said park in  
5 the front of this house.

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

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

20 But it's not. This has been going  
21 on since October 15th. They did ask me to wait  
22 30 days before calling Council which after the  
23 holidays I did call Vince. He instructed Sal  
24 to go up and ticket them. I know Aronica went  
25 up and did it.



1                   But since then once in a while the  
2                   pickup comes back in like a test. I call  
3                   Vince, Aronica goes right over or makes a phone  
4                   call and the truck is gone. The car refuses to  
5                   leave. So I hope we can address this. And,  
6                   Didge, about the sign, I think future owners if  
7                   this guy sells it and says, hey, I can't even  
8                   rent this as another apartment there is no  
9                   parking, then what's going to happen to the  
10                  next owner?

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

18                  MR. DEMPSEY: Thank you, sir.

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

23                  MR. DEMPSEY: Can we stay on top of  
24                  that and then maybe we can all meet and figure  
25                  out a permanent solution? So we can hopefully

1 get some sort of resolution for you.

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

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

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

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

1 road you could park anywhere.

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

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

19 Whatever car was last in the  
20 driveway you pulled it out and that is it  
21 because it's was all family. Now it's not  
22 family. Dunmore is becoming a different  
23 society. People are selling these homes  
24 because the kids don't want them. They don't  
25 want to deal with them.

1                   And someone from outside of Dunmore  
2                   buys this house and that's exactly what  
3                   happened and didn't sit down with zoning and  
4                   whatnot and created a mess. It's a minor mess  
5                   but it's my mess. So again thank you for  
6                   addressing.

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

9                   (No response.)

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

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

21                  For instance, Friday it rained most  
22                  of the day and the water came out of this one  
23                  little spot. I have pictures if you guys want  
24                  to see them and it froze overnight all the way  
25                  down to the road 60 feet down. My wife went to

1 get into her car. It was dark out. She slid  
2 on the ice and slid the entire all the way down  
3 the street. I was wondering if somebody could  
4 go over there and check it out.

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

7 MR. LOPATKA: What's the address?

8 MR. WITKOWSKI: 327 Cherry Street.

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

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

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

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

23 MR. WITKOWSKI: Thank you very much.

24 MR. DEMPSEY: Can you -- can you  
25 leave your name and telephone number? Thank

1           you.

2                       MS. BRIER: I just want to talk  
3           about this.

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

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

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

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

24                      CHIEF MARCHESE: Nothing.

25                      MR. DEMPSEY: Chris?

1 MR. KEARNEY: No.

2 MR. DEMPSEY: Didge?

3 MR. JUDGE: No.

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

6 MS. BRIER: Yeah, hi. I was just  
7 assigned to the financial chairmanship of the  
8 Borough Council. So in that capacity I was  
9 looking at some of the financial statements in  
10 the past and kind of our present situation.

11 And I just wanted to make the public  
12 aware of the fact that as of December 31st,  
13 2018, we were \$19,864,202 in debt, the Borough.  
14 I was unaware of that. I don't know how  
15 widespread that information is. But I think,  
16 you know, it's something that we all need to  
17 know.

18 I also want to talk about the Sewer  
19 Authority money. We did receive \$17,272,595.  
20 January 1st, 2017. In the intervening three  
21 years we've earned \$139,396.54 in interest. As  
22 of 12/31/2019. We had 9 million left,  
23 9,447,000. And over the three years  
24 withdrawals have been made for debt  
25 refinancing, you know, some equipment,

1 purchasing, operating bills, you know, just  
2 regular operating bills, payroll and Schautz  
3 Stadium and some notes. In 2019, three of  
4 those withdrawals is from the Sewer Authority  
5 account went into the Schautz account, Schautz  
6 Stadium account.

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

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

23 I think, you know, in terms of a  
24 balanced budget, I don't think that's -- it's  
25 been balanced for many years. But again, I



1 don't want to go backwards. My purpose here  
2 tonight is to inform people and to say that  
3 what I would like to do is just move forward  
4 from today on and make a plan within the  
5 Borough but understanding that, you know, we  
6 have some pretty severe financial constraints  
7 at this point.

8 MR. DEMPSEY: Thank -- is that --

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

12 MR. DEMPSEY: Mr. Amico?

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

16 CHIEF MARCHESE: 24 hours.

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

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

24 MR. AMICO: Just again so I could  
25 have an understanding, at what point or is

1           there such a thing as being a nuisance, not you  
2           guys being a nuisance but like if you ticket  
3           an individual for same thing X amount of times  
4           does it ever reach the level of being a  
5           nuisance?

6                   CHIEF MARCHESE: That I'm not sure.

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

9                   CHIEF MARCHESE: I will get this  
10          rectified this week.

11                  MR. DEMPSEY: Anything else, Mr.  
12          Amico?

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

15                  MR. DEMPSEY: Mrs. Zangardi?

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

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

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

25                  MR. DEMPSEY: Mrs. Scrimalli?

1 MS. SCRIMALLI: I do want to  
2 congratulate Councilwoman Zangardi on her  
3 appointment to the Scranton Sewer Authority. I  
4 also want to thank Didge for the great job of,  
5 you know, with all the roads that we had  
6 slippery with the ice and the snow. Thank you  
7 for having your crews out there and just thank  
8 everybody for coming.

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

13 MR. DEMPSEY: Mr. Ehnnot.

14 MR. EHNOT: I'm good for tonight.

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

21 A lot of money was obviously moved  
22 from the Sewer Authority account to the General  
23 Fund. But we had a -- millions of dollars in  
24 the last three years of unforeseen expenses. I  
25 could list them out and I'm happy to afterwards

1           that were no fault of anyone on this Council or  
2           the prior Council. Some of the, you know,  
3           millions of dollars that we've had to expend.  
4           And I'm not a financial guy. I wasn't handling  
5           the finances. I'm not a CPA but just looking  
6           through the accounts for the last three years  
7           we've gotten hit pretty hard with some pretty  
8           large expenses.

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

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

21                        And again, I think that the issue is  
22           we need to budget for those contingencies as  
23           well as -- and if we can't balance the budget  
24           with those contingencies then we have to, you  
25           know, the financial situation that we're in is

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

10 MR. DEMPSEY: Thank you. And I  
11 think -- I apologize. I forgot your name.

12 MR. JOHNSON: That's the reason why  
13 the financial report should be out at these  
14 meetings.

15 MR. DEMPSEY: I agree with you and I  
16 think we'll talk about that going forward. I  
17 appreciate your input. Thank you.

18 MR. JOHNSON: And again, some of us  
19 sitting here would see some of this stuff.  
20 There would be a reason to question it before  
21 it got too far out of hand.

22 MR. DEMPSEY: Thank you. And I see  
23 Mrs. Cuff back there. If you could just state  
24 your name.

25 MS. CUFF: Sharon Cuff, Spring

1 Street, Dunmore. I just -- I want to just ask  
2 two months ago we were told we had a balanced  
3 budget. That's where I'm concerned. I know I  
4 just want to know why I think it was stated on  
5 the record that we had a balanced budget. That  
6 is what just struck me.

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

14 The DCC, the roof wasn't attached  
15 and the AC was all put in wrong. So that cost  
16 200 and some thousand dollars. The police  
17 station, the fire station, the roofs, the  
18 security for the Borough Building, legal fees  
19 that were anticipated from all of these  
20 lawsuits that we're trying to correct from  
21 pensions and other things.

22 The winter storm that hit us in '17  
23 cost us almost \$400,000. All of those I  
24 believe -- and again, I'm not positive. I  
25 don't -- I didn't look at it closely. What I

1 think occurred was those expenses if they  
2 occurred in March they were paid out of the  
3 General Fund in March. And if you spend a  
4 million dollars in March and you get to the end  
5 of the year and you can't make payroll, I think  
6 that's what was occurring, all the unforeseen  
7 expenses were getting paid out of the General  
8 Fund. And then at the end of the year I think  
9 they were getting moved back in.

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

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

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

23 MR. DEMPSEY: Mr. Duncan?

24 MR. DUNCAN: Can I ask Mrs. Brier  
25 one question again?

1 MR. DEMPSEY: Sure.

2 MR. DUNCAN: This will be my last  
3 one.

4 MR. DEMPSEY: Yep.

5 MR. DUNCAN: In light of the numbers  
6 that you gave us tonight, do me a favor.  
7 Reiterate for me in terms of Schautz Stadium  
8 and I'm quoting April 26th, WNEP report. So I  
9 am going to revisit the past.

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

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

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

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

23 MR. DUNCAN: Yes.

24 MR. DEMPSEY: That's separate. We  
25 got 17 million from the sale of the Sewer



1 Authority, the Borough.

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

4 MR. DEMPSEY: Correct.

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

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

10 UNIDENTIFIED MAN: I have one  
11 question --

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

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

19 MR. DEMPSEY: What?

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

22 MS. BRIER: Twenty, 20 million  
23 dollars.

24 MR. DEMPSEY: There's debt services  
25 in the budget.

1 MS. BRIER: And it is, you know,  
2 servicing that debt is --

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

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

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

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

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

25 MR. DEMPSEY: That's what we're

1           doing right now. So you're welcome to comment.

2                   MR. KRANICK: That's all I have.

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

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

11                   MR. DEMPSEY: That's fair.

12                   MR. KRANICK: That's all I ask.

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

15                   (No response.)

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

18                   MR. AMICO: I'll make that motion.

19                   MR. DEMPSEY: Do I have a second?

20                   MS. SCRIMALLI: Second.

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

23                   ALL MEMBERS: Aye.

24                   MR. DEMPSEY: Opposed?

25                   (No response.)

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

C E R T I F I C A T E

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3 I hereby certify that the proceedings and  
4 evidence are contained fully and accurately in the  
5 notes taken by me of the above-cause and that this copy  
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