

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

COUNCIL FOR THE BOROUGH OF DUNMORE

HELD:

Monday, May 10th, 2021

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
- CAROL SCRIMALLI
- VINCE AMICO
- JANET BRIER
- ELIZABETH ZANGARDI
- MICHAEL P. PERRY, Esquire, Solicitor
- TIMOTHY BURKE, Mayor
- VITO RUGGIERO, Borough Manager

MARIA McCOOL, RPR  
OFFICIAL COURT REPORTER.

1 (Pledge of Allegiance.)

2  
3 MR. RUGGIERO: Just for the public,  
4 we did do the pledge of allegiance prior to  
5 your arrival. Number two is the public hearing  
6 pursuant to the Pennsylvania Municipalities  
7 Planning Code and Dunmore Borough Resolution  
8 2021-1, the consideration to enact proposed  
9 comprehensive update to the Dunmore Borough  
10 Zoning ordinance.

11 Copies of the proposed ordinance  
12 were available for public inspection on the  
13 Borough's website, the county's website or by  
14 calling the Borough office at the number listed  
15 at the top of the agenda. So number three  
16 would be public comment on this Resolution  
17 2021-1.

18 MR. DEMPSEY: Public comment, would  
19 anyone like to comment on the Resolution  
20 2021-1? Just please state your name, where  
21 you're from.

22 ATTY. FOX: Yes, my name is Bill  
23 Fox. I'm general counsel for J. P. Mascaro and  
24 Sons, waste collection divisions in the Borough  
25 of Dunmore and in Nanticoke.

1 MS. BRIER: So where are you from,  
2 sir?

3 ATTY. FOX: Where's my office?

4 MS. BRIER: Yeah.

5 ATTY. FOX: My office is in  
6 Montgomery County, Pennsylvania. That's where  
7 our corporate headquarters is.

8 MS. BRIER: Thank you.

9 ATTY. FOX: Our operating division  
10 is in Dunmore is at 124 Monahan Avenue. I'm  
11 passing out a letter I'd ask to be entered into  
12 the record in this matter so that I won't have  
13 to read it in detail.

14 Again, my name is Bill Fox. I'm  
15 general counsel for J. P. Mascaro and Son.  
16 I've served in that capacity as inhouse general  
17 counsel through the last 35 years since 1990.  
18 You probably know or most of you know that the  
19 nature of our business is that our company is a  
20 privately owned company.

21 There's four share holders. It's  
22 not interested and never will go public. The  
23 business that it engages in is the collection,  
24 recycling, transportation transferring,  
25 composting and disposal of nonhazardous solid

1 waste.

2 We have two large operations in  
3 northeast Pennsylvania. And we have a large  
4 volume of business in northeast Pennsylvania  
5 and some New Jersey regional business. Since  
6 1984, we've had long-term contracts with the  
7 Keystone Landfill. And the current contract we  
8 have for that site is for the life of the  
9 landfill and any expansions of that landfill.

10 We do a great volume of business  
11 with Keystone both residual -- I mean both  
12 municipal and residual waste. To put it  
13 mildly, Keystone is critical to our company's  
14 operation in this regional area. Why are we  
15 here tonight?

16 Our company is here to strongly  
17 oppose the Borough of Dunmore ordinance as  
18 drafted specifically sections dealing with  
19 operation of landfills. And I believe the  
20 critical section is Section 6.5(f)(f). We're  
21 also here tonight to ask you to table any  
22 action on this zoning ordinance because we  
23 believe that there's been a woeful lack of  
24 consideration as to the legality and the  
25 constitutionality of the landfill provisions,

1 specifically two reasons.

2 Number one, the -- many of the  
3 landfill provisions of that ordinance have been  
4 preempted by the Pennsylvania Solid Waste  
5 Management Act and the DEP regulations  
6 promulgated under that act. And by preempted,  
7 that means municipalities such as Dunmore or  
8 any municipality cannot regulate landfills in  
9 the manner that Dunmore is trying to.

10 Secondly, the basis for our belief  
11 that this matter should be tabled is the  
12 ordinance as drafted specifically Section 6.5  
13 discriminates and burdens interstate commerce  
14 which is the movement of waste in violation of  
15 the commerce clause of the United States  
16 Constitution. Let's look at preemption first.

17 It's undisputed that municipalities  
18 through their zoning efforts can regulate where  
19 landfills can be located. They have that  
20 power. It's also undisputed that  
21 municipalities cannot regulate any aspect of  
22 the operation of the landfill. That power  
23 rests solely in the Commonwealth of  
24 Pennsylvania and the Department of  
25 Environmental resources -- environmental

1 protection.

2 There are numerous cases which I  
3 cite in my letter dealing with preemption.  
4 Plymouth Township versus the County of  
5 Montgomery; Monroeville versus Chambers  
6 Development; Pennsylvania Independent Waste  
7 Haulers Association versus County of  
8 Northumberland.

9 In the Plymouth Township case and in  
10 the Independent Haulers case, the Commonwealth  
11 Court stated the following, quote, we conclude  
12 that the legislature did not intend  
13 municipalities to have the power to regulate  
14 any aspects of a sanitary landfill.

15 Section 6.5 of your ordinance is  
16 attempting to do exactly that. It regulates  
17 the type of waste that could come into a  
18 landfill. That's a DEP decision under the  
19 state law. Your proposal says that that  
20 landfill can only accept municipal waste.

21 It's currently permitted to accept  
22 both municipal and residual. In fact, I don't  
23 know where Dunmore's industrial waste is going  
24 to go. Your own -- you're saying your own  
25 landfill can't accept manufactured waste or

1 industrial waste even though it's in your  
2 municipality.

3 You're also saying waste can only  
4 come from Lackawanna County. Municipal waste,  
5 no residual waste at all. You make an  
6 exception. You try to make an exception by  
7 saying you have to go through this whole  
8 cumbersome permitting process and approval  
9 process if you want to accept waste from  
10 outside of Lackawanna County.

11 You're not allowed to regulate where  
12 the waste comes from or what type of waste a  
13 land fill can receive. That's for the state.  
14 It seems clear to me that whoever drafted this  
15 ordinance -- and I don't know who it was and  
16 since it's consortium, I imagine was a  
17 consultant.

18 They ought to go back and look at  
19 the Constitution of the United States. They  
20 ought to go back and look at the preemption  
21 cases because if they don't, there's going to  
22 be a big brouhaha. Our company's life bud is  
23 that Keystone Landfill. We compete against  
24 Waste Management and all the big national  
25 public companies.

1           If we have to use their facilities,  
2           they're going to put us out of business. Well,  
3           we're not going to let them put us out of  
4           business. And we're not going to let the  
5           Borough of Dunmore put us out of business.

6           You really need to have someone  
7           review this ordinance based upon preemption and  
8           based on the commerce clause of the United  
9           States Constitution because it seems clear to  
10          me that it hasn't been done. And if it has  
11          been done, I think you ought to get rid of that  
12          person and get another person because what you  
13          are proposing in this ordinance is a blatant  
14          violation of preemption law and a blatant  
15          violation of commerce law under the  
16          Constitution.

17          It's very clear Philadelphia v. New  
18          Jersey, U.S. Supreme Court case that waste is  
19          an article of commerce. It's subject to the  
20          protection of the commerce clause of the United  
21          States Constitution -- Dormant Commerce Clause.  
22          You can't -- no state can say we're not  
23          accepting your waste from out of state.

24          I've cited the case. I'm not going  
25          to refer to them here. Not only can you say --



1           you can't say we're not taking your waste, you  
2           can't burden it by saying, oh, we'll take your  
3           waste but if it comes from Lackawanna County it  
4           could just come right in.

5                         But if comes from anywhere else, you  
6           must go through a cumbersome, burdensome  
7           application and approval procedure for that  
8           waste. That's what your ordinance does. And  
9           you might say, well, we're treating  
10          Pennsylvania waste from other counties the same  
11          as out of state waste.

12                        It makes no difference. The  
13          commerce clause says you can't discriminate  
14          from governmental bodies within the state as it  
15          relates to the movement of waste into the  
16          landfill. And you're clearly saying -- giving  
17          Lackawanna County waste I'll just say a free  
18          pass. Alls it needs is a DEP permit and DEP  
19          regs.

20                        Every other waste stream you have --  
21          you either prohibit it or it has to go through  
22          some sort of convoluted process to get  
23          approval. And the only purpose of that process  
24          is to burden the movement of that waste and to  
25          preclude it from coming into the Keystone

1 Landfill.

2 The Borough of Dunmore -- and to top  
3 this all off, this landfill is not only in the  
4 Borough of Dunmore, it's in the Borough of  
5 Throop. Now, what are you guys going to do?  
6 How are you -- we got half a landfill that we  
7 can -- alls we have to do is abide by  
8 Pennsylvania DEP of the Solid Waste Management  
9 Act and DEP regs.

10 And under your ordinance, we not  
11 only have to abide by the Solid Waste  
12 Management Act and DEP regs but all of this  
13 other stuff just thrown on top. How do you  
14 regulate that? Which half is controlled by  
15 which law, which half is controlled by the  
16 other law assuming it's constitutional which it  
17 isn't in my opinion.

18 This matter has not been seriously  
19 studied in my opinion. And this law -- I'm  
20 just urging you take -- table this matter, send  
21 it back to someone who knows something about  
22 preemption law and the constitutional  
23 protections under the interstate commerce  
24 clause. It will save everyone a lot of time,  
25 money and aggravation because as I said, I

1 don't know what Keystone is going to do, but I  
2 know J. P. Mascaro and Sons cannot just let  
3 this stand and let ourselves be put out of  
4 business here in northeast Pennsylvania.

5 And I think if you do have someone  
6 review what's been proposed, they'll come up with  
7 a different conclusion. And they'll conclude  
8 you could locate where a land -- you could say  
9 where a landfill can be located. But you can't  
10 regulate any aspect of the operation of the  
11 landfill. That's for DEP and that's for the  
12 state under the Solid Waste Management Act.  
13 Thank you for your time.

14 MS. SCRIMALLI: Thank you.

15 MR. DEMPSEY: Thank you, Attorney  
16 Fox. Yes, sir. Just state your name, where  
17 you're from. Feel free to drop your mask.

18 ATTY. NESTOR: Thank you. Good  
19 evening, Honorable Council members. My name is  
20 Christopher Nestor. I'm with the law firm of  
21 Overstreet and Nestor. And I'm here with Mr.  
22 Belardi tonight, Jeffrey Belardi on behalf of  
23 Keystone Sanitary Landfill, Inc.

24 MS. BRIER: Where are you located?

25 ATTY. NESTOR: My office is in

1 Harrisburg, ma'am.

2 MS. BRIER: Thank you.

3 ATTY. NESTOR: But I'm here on  
4 behalf of Keystone Sanitary Landfill, Inc.,  
5 this evening to talk about the ordinance.  
6 Mr. Fox on behalf of Mascaro provided the  
7 Borough Council members with a letter. I have  
8 a letter here on behalf of Keystone Sanitary  
9 Landfill, Inc.

10 And I would like the Borough Council  
11 members to consider, discusses the substantive  
12 issues that we have with the ordinance. If you  
13 can pass that down there should be enough  
14 copies for everyone. And I won't belabor the  
15 points that were made by Mr. Fox on behalf of  
16 Mascaro.

17 But this ordinance which purports to  
18 ban under the guise of zoning the importation  
19 of out of state solid waste and all residual  
20 waste into Dunmore Borough is problematic. It  
21 has many constitutional infirmities. It  
22 violates the commerce clause as Mr. Fox  
23 indicated.

24 It violates equal protection  
25 afforded by the 14th Amendment to the United

1 States Constitution. It is preempted by  
2 Pennsylvania law, specifically the Solid Waste  
3 Management Act.

4 And it constitutes an impermissible  
5 exercise of the Borough's police power  
6 authority. If you look at the Municipalities  
7 Planning Code the provisions that deal with  
8 landfills, this is not zoning. This is not  
9 regulating where a landfill can be located.

10 This is regulating how a landfill  
11 can be operated which exceeds the Borough's  
12 authority under the Municipalities Planning  
13 Code. Moreover, it exceeds the Borough's  
14 authority under the Borough code.

15 You will not find a provision in the  
16 Borough code that authorizes the Borough to ban  
17 the importation of county waste into the  
18 Borough. It just does not exist. And as  
19 Mr. Fox has indicated, this ordinance needs to  
20 be reviewed. It's substantive problems with  
21 this ordinance.

22 And it's important because passing  
23 an ordinance that is clearly unconstitutional  
24 exposing the Borough and you as individuals to  
25 potential liability. It needs to be reviewed.

1           Aside from the substantive issues -- and I  
2           won't go into it in any further detail because  
3           it's laid out in our letter, there are  
4           procedural problems with this ordinance,  
5           several.

6                         First, as I believe was indicated at  
7           the beginning of the meeting tonight public  
8           notice indicates that the ordinance was  
9           available for public viewing on the Borough's  
10          website and the county's website. Did the  
11          Borough supply a copy of this ordinance to a  
12          newspaper of general circulation?

13                        Did it provide a copy to the county  
14          law library? There are provisions in the MPC  
15          that talk about the procedure by which  
16          amendments to zoning ordinances are done. Were  
17          they followed? Is it the Borough's position  
18          that Act 15 of 2020 allowed the Borough to  
19          bypass the publication and advertisement  
20          provisions of Section of 609 and 610 of the  
21          MPC?

22                        Does the proposed ordinance involve  
23          a map change of any sort or any parcels rezoned  
24          in connection with this proposed ordinance?  
25          Was notice of the public hearing posted along

1 the affected tracts? If so, when? Was notice  
2 of the public hearing mailed to property owners  
3 in the area being rezoned? If so, when? Where  
4 is the airport hazard overlay shown on the  
5 proposed zoning map? Isn't that rezoning?  
6 Which version of the proposed ordinance is  
7 being considered, the February, 2021 version  
8 that's posted on the Borough's website or the  
9 March, 2021 version that's posted on county's  
10 website?

11 How is the public supposed to know  
12 which version was being considered in advance  
13 of the public hearing? I have screenshots from  
14 April of 2021 which I'd like to enter into the  
15 record showing the different versions of the  
16 ordinance that were posted on the Borough's  
17 website and the county's website going all the  
18 way back to April when the initial public  
19 notice was put out for this ordinance has not  
20 been corrected in advancement of tonight's  
21 meeting.

22 Who prepared the amendment? Was it  
23 submitted to the Borough Planning Commission  
24 for comment in advance of the public hearing?  
25 Was it submitted to the County Planning

1 Commission for comment in advance of the public  
2 hearing, all requirements of the Municipalities  
3 Planning Code.

4 Is the public notice summary of the  
5 ordinance sufficient? If you look at the  
6 public notice that was put out for this  
7 ordinance, all it does is list the table of  
8 contents for the ordinance. There is no  
9 summary of what these provisions do. The  
10 ordinance itself wasn't published in the  
11 notice -- the public notice, all of which are  
12 requirements of the Municipalities Planning  
13 Code.

14 So I would encourage you for these  
15 reasons, Honorable Council members, to consider  
16 tabling this ordinance for the substantive and  
17 procedural infirmities that were discussed by  
18 myself and Mr. Fox here tonight. Thank you.  
19 And I would ask that my letter and also my  
20 screenshots of the county and Borough's website  
21 be put into the record, please.

22 MR. HALLINAN: Thank you.

23 MR. DEMPSEY: Mr. Clark?

24 MR. CLARK: Pat Clark, Dunmore, PA.  
25 We're at a place again where the garbage



1 industry is threatening the Borough again when  
2 they don't like what they hear regardless of  
3 the merits. I just have a couple questions  
4 about the actual plan itself. Carol, you're  
5 our Borough rep on the SAPA Plan, right?

6 MS. SCRIMALLI: Yeah.

7 MR. CLARK: When did the SAPA Plan  
8 start?

9 MS. SCRIMALLI: I'm not exactly sure  
10 what -- the exact date.

11 MR. CLARK: Years.

12 MS. SCRIMALLI: I'd say 14 years  
13 ago.

14 MR. CLARK: Fourteen years ago SAPA  
15 started, right? To date, has -- does anyone  
16 know if the landfill's had any or the landfill  
17 related partners have any comments or public  
18 comments issued to SAPA planners? It's open to  
19 anyone.

20 MS. DONATO: Yes, I'm the county  
21 planner, coordinator of the project.

22 MR. DEMPSEY: Just your name for the  
23 record.

24 MS. DONATO: Mary Liz Donato.

25 MR. DEMPSEY: Thank you.

1 MS. DONATO: It started -- the  
2 comprehensive plan process started around 2006.  
3 The zoning portion, 2017.

4 MR. CLARK: Okay. Since 2017, have  
5 there been any comments submitted by the waste  
6 industry?

7 MS. DONATO: No, not to me.

8 MR. CLARK: So the plan has been  
9 around for 14 years. The zoning component's  
10 been out for four years. And the day of a  
11 theoretical vote is the first time we've heard  
12 from the landfill or their industry about  
13 objections to this plan. Is that correct to  
14 the best of anyone's knowledge?

15 MR. DEMPSEY: To the best of my  
16 knowledge.

17 MS. BRIER: Yeah, I mean --

18 MS. DONATO: Like I said, nobody's  
19 contacted our office. I don't know about --

20 MR. CLARK: Okay. Thank you.

21 MR. DEMPSEY: Thanks, Pat. Anyone  
22 else?

23 ATTY. NESTOR: I just want to  
24 respond to Mr. Clark.

25 MR. DEMPSEY: Just your name again

1           because we're taking a record.

2                     ATTY. NESTOR: This is Chris Nestor.  
3           Am I correct that this is the first public  
4           hearing for this amended ordinance that has  
5           occurred before the Dunmore Borough Council?

6                     MS. BRIER: The Planning Commission  
7           had an open meeting --

8                     ATTY. NESTOR: This is the first  
9           public hearing before the Council with respect  
10          to the proposed ordinance, correct? There  
11          hasn't been a prior public hearing for the  
12          adoption of this proposed ordinance; is that  
13          correct?

14                    MR. DEMPSEY: That's correct.

15                    ATTY. NESTOR: Thank you.

16                    MR. DEMPSEY: Anybody else like to  
17          address the ordinance? Anyone from Council?

18                    MS. BRIER: Mary Liz, I just  
19          wondered if you have any comments with regard  
20          to some of the things that these folks have  
21          been saying. I mean, you have been intimately  
22          involved in the --

23                    MS. DONATO: A few things I wrote  
24          down. I do believe you need to go back and  
25          look at the landfill language. The interstate

1 commerce could be an issue. As for posting  
2 properties when it's a comprehensive amendment  
3 to the ordinance, the MPC states that you don't  
4 have to post properties.

5 If you were just doing one or two,  
6 you know, but this is a whole new ordinance so  
7 you don't have to post all the properties that  
8 changed. I'm not sure if any have again  
9 because each community was responsible for  
10 their portion of this plan.

11 The county planning just coordinated  
12 all the meetings, kept everybody together. The  
13 local communities made the final decisions on,  
14 you know, the zones and what they were putting  
15 in them. Procedural challenges, this is the  
16 way that the local communities have been  
17 advertising zoning amendments.

18 It didn't go to the county law  
19 library because the County Commissioners  
20 designated the County Planning Office for that  
21 and, yes, it was their -- it was on the  
22 website. I know it was here. You cannot  
23 physically publish this entire ordinance in the  
24 newspaper. It would cost you a million  
25 dollars, you know, just to be facetious.

1                   But most communities will just  
2                   summarize the table of contents and then if  
3                   anybody has any specific questions that's why  
4                   it's available. As for why they were different  
5                   versions, I don't know because when it was  
6                   updated it should have updated on everybody's  
7                   website -- portal. When you updated it, it  
8                   went to all of the communities for an update.

9                   MS. BRIER: I don't know understand  
10                  what the differences were from these  
11                  screenshots. Can you clarify that, Chris?

12                 MR. DEMPSEY: Just your name again,  
13                 I'm sorry.

14                 ATTY. NESTOR: Chris Nestor. The  
15                 ordinance that's published on the county's  
16                 website which was there as of this morning is  
17                 dated February of 2021. The version of the  
18                 ordinance that is posted on the county's  
19                 website is dated March, 2021.

20                 MS. BRIER: But it's the same  
21                 ordinance.

22                 ATTY. NESTOR: No, it's not the same  
23                 ordinance. The language of the ordinance is  
24                 not identical. There are changes.

25                 MS. BRIER: Okay. What are they?

1                   ATTY. NESTOR: I'm not here to  
2 delineate those changes for you.

3                   MS. BRIER: I was just wondering  
4 what they are.

5                   ATTY. NESTOR: There are substantive  
6 changes between the two versions of the  
7 ordinances that are published.

8                   MS. BRIER: If there are substantive  
9 changes, can you please tell us what they are?

10                  ATTY. NESTOR: I don't have a  
11 comparison version of the ordinance. You could  
12 compare the one that is on your website to the  
13 one that is on the county website and run  
14 those --

15                  MS. BRIER: You brought that up. I  
16 just thought if you would have that information  
17 for us.

18                  ATTY. NESTOR: I don't have it here  
19 for you. I'm pointing out a procedural  
20 deficiency with your ordinance advertisement  
21 process. It needs to be corrected.

22                  MR. HALLINAN: We do have until June  
23 30th to make a decision, correct?

24                  MS. DONATO: June 30th is the end of  
25 the program.

1 MR. HALLINAN: Right. So we would  
2 have to make a decision before then.

3 MS. DONATO: Correct.

4 MR. HALLINAN: And it is your  
5 professional opinion that we really should go  
6 back and visit this interstate commerce part of  
7 it.

8 MS. DONATO: Yes.

9 MR. AMICO: Let me ask a question on  
10 that then. I'm assuming I'm right on this that  
11 this was put together to answer what Mr. Fox  
12 brought up, this was put together by the -- the  
13 consultant is the one who drafted this  
14 language.

15 MS. DONATO: Correct.

16 MR. AMICO: So in theory, the  
17 consultant should be the one that does the  
18 research and get this squared away.

19 MS. DONATO: Correct. Yes.

20 MR. HALLINAN: Can we get in touch  
21 with the consultant and double-check this?

22 MS. DONATO: Yes.

23 MR. HALLINAN: The last thing I want  
24 to see is the Borough get sued again.

25 MR. LORINCE: I talked to the

1 consultant. Her name is Carolyn or Caroline.

2 MS. DONATO: Carolyn.

3 MR. LORINCE: Carolyn. And she's  
4 actually reviewing it right now.

5 MR. HALLINAN: She's reviewing it  
6 now?

7 MS. ZANGARDI: She's reviewing the  
8 landfill language right now?

9 MR. LORINCE: Yes.

10 MS. BRIER: When did you talk to  
11 her, Joe?

12 MR. LORINCE: I talked to her  
13 probably last week, probably Wednesday or  
14 Thursday on it. As soon as I found out, you  
15 know, if there was a problem with the landfill  
16 I said maybe you should go back and check the  
17 language on it and see exactly what they are  
18 looking for.

19 MS. BRIER: And how long would that  
20 take? What's the timeframe for that?

21 MR. LORINCE: I really couldn't  
22 answer that how long. How long will it take  
23 her to review it?

24 MS. DONATO: Oh, I would say within  
25 a week.



1 MS. BRIER: And all the other  
2 participants would be okay with that then? I  
3 mean, how does that work? How is it adopted?

4 MS. DONATO: All the municipalities?  
5 Yeah, six they've already adopted  
6 are waiting for the last three. And the way  
7 the language is because it's regional zoning,  
8 nothing goes into effect until the last  
9 municipality adopts.

10 MS. BRIER: But that wasn't my  
11 question. My question was if they decide to  
12 make a change to this, what is the procedure  
13 that SAPA has for making this change and what's  
14 the timeframe?

15 MS. DONATO: It would just be your  
16 change. You wouldn't be affecting any of the  
17 other municipalities.

18 MS. BRIER: Okay. Thank you.

19 MR. DEMPSEY: Anybody else?

20 (No response.)

21 MR. DEMPSEY: Okay. Hearing none.

22 MR. RUGGIERO: That will close the  
23 public hearing. We'll start the Council  
24 meeting at 7 p.m.

25 MR. DEMPSEY: Two minutes.

1 MR. RUGGIERO: Do you want to go  
2 right into it? All right. Ready for roll  
3 call?

4 MR. DEMPSEY: Yes.

5 MR. RUGGIERO: Mrs. McDonald  
6 Zangardi.

7 MS. ZANGARDI: Here.

8 MR. RUGGIERO: Mrs. Scrimalli.

9 MS. SCRIMALLI: Here.

10 MR. RUGGIERO: Mr. Ehnot.

11 MR. EHNOT: Here.

12 MR. RUGGIERO: Mr. Dempsey.

13 MR. DEMPSEY: Here.

14 MR. RUGGIERO: Mr. Hallinan.

15 MR. HALLINAN: Here.

16 MR. RUGGIERO: Mr. Amico.

17 MR. AMICO: Here.

18 MR. RUGGIERO: Mrs. Brier.

19 MS. BRIER: Here.

20 MR. RUGGIERO: Mayor Burke.

21 MAYOR BURKE: Here.

22 MR. DEMPSEY: Public comment on the  
23 agenda items. Anyone from the public want to  
24 comment on agenda items only?

25 (No response.)

1 MR. DEMPSEY: Seeing none.

2 MR. RUGGIERO: Number seven is a  
3 motion to approve the minutes.

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

6 MR. EHNOT: I'll make a motion.

7 MR. DEMPSEY: I have a motion. Do I  
8 have a second?

9 MR. AMICO: I'll second it.

10 MR. DEMPSEY: I have a motion and a  
11 second. All those in favor?

12 ALL MEMBERS: Aye.

13 MR. DEMPSEY: Opposed?

14 (No response.)

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

17 MR. RUGGIERO: Number eight is a  
18 motion to approve and pay the open bills.

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

21 MS. ZANGARDI: I'll second.

22 MR. DEMPSEY: I have a motion and a  
23 second. Anyone on the question on the bills?  
24 Mrs. Brier? I'm waiting for you.

25 MS. BRIER: Just the American Fire

1 Service, \$8,900.

2 MR. RUGGIERO: They're two invoices  
3 for fire truck electrical issues. I believe  
4 Councilman Amico is aware and, Chief, if you  
5 could confirm that.

6 CHIEF DENAPLES: That is an  
7 accurate. There is an issue with the rescue  
8 truck with the electrical system including the  
9 control panel in the cab that controls all the  
10 functions for the generator, the emergency  
11 lighting, if there is any malfunctions with any  
12 of the parts of the truck that indicates on the  
13 screen.

14 MS. BRIER: Okay, great. How about  
15 Bucktown Truck Sales, \$4,700.

16 MR. RUGGIERO: They're 10 invoices  
17 for the DPW trucks for various things from  
18 brake pads and inspection. But it's a  
19 cumulative of 10 invoices for the DPW truck.

20 MS. BRIER: Okay, thanks. I mean, I  
21 talk about any -- I see Northeast Inspection  
22 Consultants, \$8,800.

23 MR. RUGGIERO: That's the Code  
24 Office inspections that were paid for and we  
25 reimbursed.

1 MS. BRIER: That's all I have.

2 MR. DEMPSEY: Okay. Anyone else on  
3 the question? All those in favor signify by  
4 saying aye.

5 ALL MEMBERS: Aye.

6 MR. DEMPSEY: Opposed?

7 (No response.)

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

10 MR. RUGGIERO: Number nine is a  
11 motion to adopt Resolution 2021-1 an amendment  
12 to the Scranton Abington Planning Association  
13 better known as SAPA intergovernmental  
14 cooperative implementation agreement.

15 MR. DEMPSEY: I'll look for either a  
16 motion to adopt or a motion to table.

17 MS. BRIER: Motion to table.

18 MR. DEMPSEY: I have a motion to  
19 table.

20 MS. SCRIMALLI: I'll second that.

21 MR. HALLINAN: I'll second that.

22 MR. DEMPSEY: I have a motion to  
23 table and a motion to second. Anyone on the  
24 question?

25 (No response.)

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

3 ALL MEMBERS: Aye.

4 MR. DEMPSEY: Opposed?

5 (No response.)

6 MR. DEMPSEY: The ayes have it and  
7 the motion is tabled.

8 MR. RUGGIERO: Number ten is the  
9 Treasurer financial report, Mr. Burton.

10 MR. DEMPSEY: Mr. Burton.

11 MR. BURTON: Good evening, Council.  
12 I'll be pretty brief because this month was a  
13 pretty standard cut and dry month. There isn't  
14 too many extraordinary items as far as the  
15 financial picture goes. Bottom line we're  
16 showing net loss of \$949,000.

17 Once again, this is going to be a  
18 recurring theme throughout the course of the  
19 year, a 2.5 million dollar payoff to the  
20 Peoples loan back in the end of February or  
21 early March, 2.5 million dollars. It brings  
22 our actual net income from 1.6 million if we  
23 would take out that extraordinary item.

24 And again, as far as April is  
25 concerned, it was s pretty standard average run

1 of the mill month. A couple highlights I could  
2 touch base on, our real estate collection taxes  
3 are starting to level off right now because we  
4 usually get a majority of that in the first  
5 quarter of the year. And we could expect a  
6 little bit of a decrease going forward.

7 First quarter landfill fee was  
8 received in April, \$644,000. No draw on the  
9 TAN as far as revenues were concerned. And as  
10 far as expenses, April was a three pay period  
11 month so the increased expenses are reflected  
12 throughout the various departments. This  
13 should be the end of our winter bills as far as  
14 rock salt and coal patch is concerned, another  
15 \$20,000 this month.

16 And the Fidelity 2003 general  
17 obligation bond was paid in full. So that has  
18 been satisfied. And the \$40,000 MMO payment  
19 was made. And again, it was a pretty basic  
20 month. And that's about all I have for this  
21 month.

22 MR. DEMPSEY: Thanks, Mark. Anyone  
23 have any questions for Mark?

24 MS. BRIER: Yeah, Mark, this  
25 special assessments, that's the landfill fee?





1 northbound and there was never one done for  
2 southbound. And through the assistance of the  
3 Mayor, I got a copy of an old ordinance. It's  
4 an unsigned copy. And they said this would  
5 cover the ordinance. And that's why southbound  
6 wasn't down. I don't know if anyone is aware  
7 of that or if this is binding or not, the  
8 ordinance. Would you like to see a copy of it?

9 MR. DEMPSEY: Sure.

10 MR. RUGGIERO: There's a signed copy  
11 at the Borough Building. You received a copy  
12 off Mr. Lorince's computer just to show there  
13 was an ordinance on file. But there is a  
14 signed copy I believe at the Borough Building  
15 which I believe the Borough Manager at the  
16 time, the Mayor and President of Council.

17 I can't remember if it was 2007. I  
18 know Mayor Burke was on Council then. I don't  
19 know if you remember who the President of  
20 Council was at that point.

21 MAYOR BURKE: It was Thomas  
22 Hennigan.

23 MR. RUGGIERO: There you go. That's  
24 who it actually was, Thomas Hennigan. But  
25 there's a signed copy at the Borough Building.

1 MR. VIOLA: Okay. I wasn't aware of  
2 that because I spoke to you at the last  
3 meeting.

4 MR. RUGGIERO: I wasn't aware of it  
5 either.

6 MR. VIOLA: Of the signed copy or --

7 MR. RUGGIERO: Of the 2007  
8 ordinance. But we found that through the  
9 digging. I found one -- it was an earlier one  
10 in the 80s even. And then that would  
11 supersede that one. So they're all on file  
12 after talking to Attorney Perry that is binding  
13 because it is signed at the Borough Building.

14 MR. VIOLA: Is there a way of  
15 getting a signed copy?

16 MR. RUGGIERO: Sure.

17 MR. VIOLA: Who do I have to see for  
18 that?

19 MR. RUGGIERO: I'll send it  
20 tomorrow.

21 MR. VIOLA: Okay. All right. I  
22 have no further questions.

23 MR. DEMPSEY: Thank you, Mr. Viola.  
24 Anyone else?

25 (No response.)

1 MR. DEMPSEY: Seeing none.

2 MR. RUGGIERO: Public officials.

3 MR. DEMPSEY: Mrs. Brier, do you  
4 want to start us off tonight?

5 MS. BRIER: I'm good. Mike.

6 Thanks.

7 MR. DEMPSEY: Okay. Mr. Amico?

8 MR. AMICO: Yeah, just one thing.  
9 We just had -- we received some new information  
10 from the Recycling Center on some of their new  
11 and updated rules. And I'll have them put on  
12 Borough web page this week.

13 One thing that it states  
14 emphatically is that they are not taking or  
15 charging for electronic items anymore. So you  
16 can't bring, you know, TVs or those types of  
17 items to the Recycling Center.

18 They are taking grass clippings  
19 again. And again, I will put the updated  
20 information on the Borough's website for  
21 everybody to see. That's all, Mr. Dempsey.

22 MR. DEMPSEY: Thanks, Mr. Amico.  
23 Mr. Hallinan?

24 MR. HALLINAN: I just want everybody  
25 to know and hope the Scranton Times helps us

1 out with this. In July we're going to start  
2 off with our first hopefully many to come with  
3 our Bucktown Music Fest where we'll be closing  
4 down Dunmore Corners on four consecutive  
5 Sundays from 4:00 until like 9:00.

6 We have entertainment coming from in  
7 free for all the Borough residents to enjoy.  
8 And I'm looking for donations. It's Borough  
9 run so if anybody wants to send us money, we're  
10 more than happy to take it. And that's all I  
11 have. Thank you very much.

12 MR. DEMPSEY: Thanks, Mr. Hallinan.  
13 Mr. Ehnnot?

14 MR. EHNOT: I have nothing. Thanks.

15 MR. DEMPSEY: Mrs. Scrimalli?

16 MS. SCRIMALLI: Nothing tonight.  
17 Thank you.

18 MS. DONATO: Mrs. Zangardi?

19 MS. ZANGARDI: Yes, the Mosaic  
20 Project is still looking for volunteers and  
21 still cleaning up Forest Hill Cemetery every  
22 weekend if anybody is interested or would like  
23 to participate. That's it. Thank you.

24 MR. DEMPSEY: Thanks, Mrs. Zangardi.  
25 I just have two announcements. Council will

1           be -- oh, I'm sorry, Mayor Burke.

2                   MAYOR BURKE: Just hope the Times  
3 could help me out with this too. Bernie McGurl  
4 from the Lackawanna River Board is looking for  
5 volunteers in partnership with American Water  
6 too to try to help take care of Weggy's trail  
7 around the reservoir in Dunmore.

8                   And I was wondering if, Vito, if I  
9 give you Bernie's e-mail address if you could  
10 put it on our website so we can get that out  
11 for -- as soon as possible. Anybody  
12 interested -- he already has two. One guy is  
13 sitting here already. Mr. Cuff, thank you.  
14 But anybody -- spread the word. It's a good  
15 cause and a beautiful trail.

16                   MR. HALLINAN: I'm sure if you get  
17 in touch with the Earth Club at the Dunmore  
18 High School, they'd be happy to help out too.  
19 So reach out to Mr. Marichak, okay?

20                   MAYOR BURKE: Yep. That's all I  
21 have for tonight.

22                   MR. DEMPSEY: Thanks, Mayor Burke.  
23 Attorney Perry?

24                   ATTY. PERRY: I have nothing.

25                   MR. DEMPSEY: Mr. Ruggiero?

1 MR. RUGGIERO: Nothing.

2 MR. DEMPSEY: Didge, I see you back  
3 there.

4 MR. JUDGE: No.

5 MR. DEMPSEY: Mr. Lorince?

6 MR. LORINCE: Nothing.

7 MR. DEMPSEY: Chief DeNaples?

8 CHIEF DENAPLES: Nothing tonight.

9 Thank you.

10 MR. DEMPSEY: Officer Richardson?

11 All right. I think I covered everybody. I  
12 just have two quick announcements. We are  
13 going to -- Council is going to start the  
14 summer program back up this year for the kids.  
15 It's likely going to start usually it's the  
16 week after the 4th of July. So I think it  
17 would start July 12th and go about five or six  
18 weeks.

19 It will be at the DCC, McHale Park.

20 It will be at the Sherwood Park and St.

21 Anthony's Park. So we'll put something on our  
22 website looking for applications for teachers  
23 to help run it and also students. So spread  
24 the word, Frank.

25 And just on a serious note, a friend

1 of mine's mom is really sick right now. Her  
2 name is Donna Gianzanti. She's in Philly  
3 right now on a ventilator. So there is a Go  
4 Fund Me page going on for her right now. So if  
5 you need the information it will be -- it's for  
6 travel expenses and medical expenses for her  
7 family. So that's going around Facebook if  
8 anybody needs the information, would like to  
9 make a donation I would highly suggest it.

10 And I would be happy to provide you  
11 the information after the meeting if you wanted  
12 to. Other than that, I think we're good.  
13 Anything else? I'll look for a motion to  
14 adjourn.

15 MR. HALLINAN: I'll make a motion.

16 MS. ZANGARDI: I'll second.

17 MR. DEMPSEY: I have a motion and a  
18 second. All those in favor?

19 ALL MEMBERS: Aye.

20 MR. DEMPSEY: Opposed?

21 (No response.)

22 MR. DEMPSEY: The ayes have it and  
23 so moved. We're adjourned.

24

25

C E R T I F I C A T E

1  
2  
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  
6 is a correct transcript of the same to the best of my  
7 ability.

8  
9  
10 \_\_\_\_\_  
11 Maria McCool, RPR  
12 Official Court Reporter  
13  
14  
15  
16  
17  
18  
19  
20  
21

22 (The foregoing certificate of this transcript does not  
23 apply to any reproduction of the same by any means  
24 unless under the direct control and/or supervision of  
25 the certifying reporter.)