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COUNCIL FOR THE BOROUGH OF DUNMORE

HELD:

Monday, July 8th, 2019

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 absent

THOMAS HALLINAN, Vice President

MICHAEL MCHALE

CAROL SCRIMALLI

VINCE AMICO

THOMAS EHNOT

MICHAEL HAYES

THOMAS P. CUMMINGS, Esquire, Solicitor

TIMOTHY BURKE, Mayor

MARIA McCOOL, RPR
OFFICIAL COURT REPORTER

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(Pledge of Allegiance.)

ATTY. CUMMINGS: Mr. Amico.

MR. AMICO: Here.

ATTY. CUMMINGS: Mr. Dempsey. Mr.
Ehnot.

MR. EHNOT: Here.

ATTY. CUMMINGS: Mr. Hallinan.

MR. HALLINAN: Here.

ATTY. CUMMINGS: Mr. Hayes.

MR. HAYES: Present.

ATTY. CUMMINGS: Mr. McHale.

MR. MCHALE: Here.

ATTY. CUMMINGS: Mrs. Scrimalli.

MS. SCRIMALLI: Present.

ATTY. CUMMINGS: Mayor Burke.

MAYOR BURKE: Present.

ATTY. CUMMINGS: First item is the
suspension of the regular agenda to conduct a
hearing on the application of Sheetz Market for
the application to transfer a liquor license
from 407 George Street in Throop a few blocks
down to the Sheetz location on the O'Neill
Highway. This is basically the same matter
we've handled a dozen or so other occasions.

1 The LCB requires that they come in and present.
2 The applicant is represented by Attorney Ellen
3 Freeman. The application has been reviewed by
4 the Borough Manager and by me. It is
5 appropriate but open up to any questions that
6 the Council may have first.

7 MR. MCHALE: Tom, is it just a --
8 just like Price Chopper did. I assume you're
9 the attorney?

10 ATTY. FREEMAN: I am, yes.

11 MR. MCHALE: I assume they are just
12 going to be selling 6 packs, 12 packs. They
13 are not going to have seating, are they?

14 ATTY. FREEMAN: Well, they will have
15 seating. And just for the record, Ellen
16 Freeman with Flaherty and O'Hara. And just to
17 answer your question they will have seating.
18 That's a requirement for their liquor license.
19 So they will be doing a slight remodel of that
20 current location in order to include the 30
21 seats upfront.

22 And then, yes, they'll do a very
23 similar arrangement as Price Chopper does where
24 they're primarily selling to go, so 6 packs, 12
25 packs. They are permitted to sell 192 fluid

1 ounces of beer to go in a single transaction.
2 So that's roughly two six packs. And they will
3 be permitted to sell 3,000 milliliters of wine.
4 That's roughly four standard bottles of wine.

5 MR. MCHALE: Are they going to do an
6 expansion to put 30 seats in?

7 ATTY. FREEMAN: They will do a
8 slight expansion. And they understand if
9 there is any zoning requirements they will need
10 to come back to the borough. Yeah, that will
11 be the second step. Of course, if they don't
12 get the approval this evening they wouldn't do
13 the expansion. It wouldn't be necessary.

14 MR. MCHALE: We're putting the cart
15 in the right spot?

16 ATTY. CUMMINGS: Absolutely. The
17 first item is transfer of the license approval.
18 And they go forward and contact Mr. Lorince to
19 review all the requirements.

20 ATTY. FREEMAN: And that is also in
21 the resolution.

22 MR. MCHALE: Thank you.

23 ATTY. CUMMINGS: Anybody from the
24 general public, questions or comments?

25 (No response.)

1 ATTY. CUMMINGS: There being none it
2 would be appropriate to close the hearing, go
3 back to the regular meeting. Are there any
4 public comments on agenda items?

5 (No response.)

6 ATTY. CUMMINGS: There being none,
7 the next item on the agenda is a motion to
8 approve the Resolution 2019-3, the transfer of
9 Pennsylvania Liquor Control Board License
10 R-15301 from Gangi, Inc., 407 George Street,
11 Throop, Pennsylvania, current license
12 municipality Throop, Pennsylvania, Lackawanna
13 County to Sheetz Incorporated for the location
14 of 1101 O'Neill Highway, Dunmore, PA 18512.
15 Proposed license municipality will be Dunmore,
16 in the county of Lackawanna.

17 MR. HALLINAN: I'll look for a
18 motion.

19 MS. SCRIMALLI: I'll make that
20 motion.

21 MR. HALLINAN: A second?

22 MR. AMICO: I'll second it.

23 MR. HALLINAN: All in favor?

24 ALL MEMBERS: Aye. I'm sorry, on
25 the question?

1 (No response.)

2 MR. HALLINAN: Seeing none, all in
3 favor?

4 ALL MEMBERS: Aye.

5 MR. HALLINAN: Opposed?

6 (No response.)

7 MR. HALLINAN: The ayes have it and
8 so moved.

9 ATTY. CUMMINGS: Attorney Freeman
10 should be excused from the balance of the
11 hearing.

12 MR. HALLINAN: You're excused.
13 Thank you.

14 ATTY. CUMMINGS: Next item is a
15 motion to approve the minutes.

16 MR. HALLINAN: I'll look for a
17 motion to approve the minutes, please?

18 MR. EHNOT: I'll make a motion to
19 approve the minutes.

20 MR. HALLINAN: Second?

21 MR. AMICO: Second it.

22 MR. HALLINAN: On the question?

23 (No response.)

24 MR. HALLINAN: All in favor?

25 ALL MEMBERS: Aye.

1 MR. HALLINAN: All opposed?

2 (No response.)

3 MR. HALLINAN: The ayes have it.

4 ATTY. CUMMINGS: A motion to approve
5 and pay the open bills.

6 MR. HALLINAN: I'll look for a
7 motion to approve and pay the open bills. I
8 need a motion, please?

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

10 MR. HALLINAN: I need a second.

11 MR. EHNOT: I'll second it.

12 MR. HALLINAN: All in favor?

13 ALL MEMBERS: Aye.

14 MR. HALLINAN: Against?

15 (No response.)

16 MR. HALLINAN: Passes.

17 ATTY. CUMMINGS: Item number eight
18 is a presentation by Patrick J. Tigue,
19 Partnership Specialist, Philadelphia Regional
20 Census Center.

21 MR. TIGUE: Hi everybody. Those of
22 you that don't know me as Tom said, Patrick
23 Tigue. I work for the U.S. Census Bureau.
24 This is my counterpart Pedro Anes. He is also
25 in Lackawanna County working with the Hispanic

1 communities.

2 And I'm just going to talk briefly,
3 hopefully under two minutes, about the census
4 and what impact it's going to have on the
5 Borough and, you know, the citizens within. So
6 thanks for having us here tonight.

7 This census is going to be -- 2020
8 census will be important, easy, and safe. It
9 will be important because, first of all, it's
10 in the Constitution, Article 1, Section 2
11 states that every resident within the United
12 States government is counted every ten years.

13 That started in 1790 when George
14 Washington was the president. And it's
15 continued every ten years since then for
16 redistricting for the states, reapportionment
17 for Congress. It's a civic duty, you vote,
18 jury duty, take part in the census.

19 It's also for funding. 675 billion
20 dollars is given out to the states every single
21 year based on the numbers. So that's
22 important. It's going to be easy. For the
23 first time you will be able to reply to the
24 census online, laptop, iPad, desktop, phone,
25 you could do it online and also the traditional

1 way of mail or telephone.

2 Telephone will have 12 languages.
3 There will be 52 other languages to reply for
4 those who don't speak English. That's the easy
5 part.

6 The safe part, according to Title 13
7 of the U.S. Code, the Census Act strictly
8 prohibits any personal or business identifiable
9 information to be shared with any government
10 agency or law enforcement agency such as ICE.
11 It's a felony. It's against the law.

12 Pedro and I took a lifetime oath to
13 uphold the secrecy of that data. If anything
14 that we do gets out, we risk going to jail for
15 five years or a \$250,000 fine. So that's the
16 safe part. A lot of people are untrust of the
17 government. They're worried about, you know,
18 coming after them. They cannot do that.

19 The funding is for programs for
20 SNAP, Medicare, housing, roads, bridges,
21 buildings, senior housing, section eight, SNAP.
22 A lot of funding comes from the 675 billion.
23 Pennsylvania, it's about 28 billion dollars a
24 year. There is 12 million people in
25 Pennsylvania. So you could do the math and

1 figure out how much per head that you are
2 losing if you don't get people counted.

3 The key is to get people counted.
4 This is a map of the low response areas. On
5 census dot gov you could go to roaming outreach
6 area map and tool and find out the dark blues
7 are the high/low response areas. Those who of
8 you like me from here, that's North Scranton,
9 Green Ridge, South Side, over by the U. This
10 is Dunmore right here.

11 We're roughly four census tracks
12 within Dunmore. They're roughly between 16
13 percent and 20 percent in Dunmore. The average
14 of the four tracks are 16.92 percent. So just
15 round it to 17. So if you eliminate 7 percent,
16 bring it to ten percent by getting people
17 counted, you are talking about 2 million
18 dollars a year times ten.

19 So the key is to get the people
20 counted, okay? So that's the -- this is all on
21 census dot gov. It's a great tool. You should
22 go on it. Statistics in schools, another
23 program, it lets teachers teach and students
24 learn.

25 There are specific tailored lesson

1 plans that the teachers teach the students from
2 K through 12, science, math, geography,
3 everything. When the kids go home they tell
4 mom and dad or grandma and grandpa, whoever,
5 hey, I learned about the census today. It's
6 important to get them counted.

7 The next one, counting young
8 children. Children under five for some reason
9 are not counted. They are high/low response.
10 Different reasons, in between housing, you
11 know, split parents. They don't count them.
12 So it's a key that statistics in school is a
13 key that the kids tell the parents to get
14 counted.

15 Timing, August this year there will
16 be address canvasses out comparing the
17 addresses to our master address file. They'll
18 have badges of handheld devices. They will be
19 checking. They are not going to be knocking on
20 doors. March, 20/20, everyone will receive
21 their census form and reply. If they don't
22 reply after three tries, then they get a knock
23 on the door, people with their badges and in
24 their hand will ask them questions.

25 And they will have to answer. That

1 is called non response followup. And the last
2 thing I want to talk about is complete count
3 committees. It's a volunteer of the community,
4 trusted voices. Mayor, you would be the chair
5 or you would designate a chair, religious
6 leaders, business leaders, softball coaches,
7 people in the community.

8 You get together and figure out ways
9 to have these low response areas counted. One
10 thing I thought of was National Night Out. We
11 would join in with you and have some type of a
12 census table or something to let everybody
13 know. So the key would be to count everybody
14 once, only once and in the right place. That's
15 the motto.

16 So our job is to work together with
17 the municipalities and the towns. And we're
18 here to help. If there is any questions I
19 could take any questions.

20 MR. HAYES: I have a question. Do
21 people receive proof that they've completed the
22 census form and what kind of receipt do they
23 have?

24 MR. TIGUE: Everyone is going to get
25 an individualized number when they get the

1 form. So it will coincide with that address.

2 MR. HALLINAN: Anybody else have any
3 questions for Mr. Tigue?

4 MR. DUNCAN: One more time, what is
5 the timeline?

6 MR. TIGUE: March, 2020.

7 MR. HALLINAN: Thank you, Patrick.

8 MR. TIGUE: Thank you, ladies and
9 gentlemen.

10 MR. HALLINAN: I'm looking for
11 public comment on non agenda items.

12 ATTY. CUMMINGS: Mr. Duncan.

13 MR. DUNCAN: Gary Duncan, 117 Barton
14 Street. Just a couple things, July 22nd will
15 be the next neighborhood watch meeting. We're
16 not going to have it next week. I talked to
17 Chris already Kearney. And we're good with it.
18 He's going to allow us to move it. You know,
19 if we had two Council meetings a month it would
20 have been the second Council meeting so the
21 room is empty.

22 So Chis is going to let us move it.
23 And I'll get it out like I always do. Did
24 everybody get -- I have been sending the
25 minutes out, Google doc. I hope everybody was

1 able to get them and open it, all of the
2 attachments. Okay, thank you.

3 I got a requested tonight for --
4 from neighbors actually. We got the --
5 originally from the Borough it's tri-fold
6 recycling brochure. It was a white brochure.
7 And it kind of told you. I don't know if we
8 have any of those up at the Borough Building.
9 And if we do, I need a couple if anybody seen
10 them over there or anything.

11 MR. AMICO: I'm fairly certain they
12 are on the counter there.

13 MR. DUNCAN: Okay. I'm going to
14 stop and grab a few of those.

15 MR. HAYES: I have photocopies that
16 I give out to all the customers at Nardozzi's
17 if you need some.

18 MR. DUNCAN: Maybe I'll do that,
19 Mike. I need about ten. Thank you. All
20 right. That's really it, everybody. Thank you
21 very much. I appreciate it.

22 MR. HALLINAN: Thank you, Gary.

23 MR. HAYES: Thanks, Gary.

24 MS. SCRIMALLI: Thanks, Gary.

25 MR. HALLINAN: Anybody else want to

1 address Council? Please step forward and
2 announce your name and where you live.

3 MS. DAVIS: Good evening. I'm
4 Michelle Davis. And I live at 611 Fourth
5 Street. First of all, I would like to
6 congratulate the Council and the Borough for
7 revitalizing the Shade Tree Commission.

8 It's a fabulous effort. And I hope
9 maybe we can get ahold of a lot of things that
10 could happen. I brought information for the
11 Council and also hopefully maybe you would be
12 able to send it onto the commission. Take one
13 each.

14 These -- each of these packets
15 including information about the Tree Tenders
16 Program which is a training program that is put
17 on with the cooperation of Pennsylvania
18 Department of Conservation and National
19 Resources, the Pennsylvania Horticultural
20 Association and Pennsylvania State Extension.

21 There is over 8,000 people who have
22 been trained by that program in 150 communities
23 in the state. The other information packet
24 there is about the Tree Vitalize Grant Program.

25 That program has been going on for a

1 number of years. I don't have the actual
2 number. But they provide grants to the
3 communities who make an application each year
4 to plant trees in their community. This year I
5 don't think we'll be able to make or anyone
6 would be able to make their deadline because we
7 missed it.

8 It's actually next Friday and
9 putting the grant process together by next
10 Friday is not going to happen. But we can get
11 a jump on the next one. Most of the grants
12 last year were \$4,000. They had to be matched
13 on the dollar to dollar. But the dollar to
14 dollar could be equated into volunteer hours
15 and donations and other pieces.

16 The only thing the grant can't be
17 used for is for actual labor. The information
18 is all there. The grant guidelines I
19 highlighted three, the grant guidelines. They
20 also provide you with a list of approved trees
21 to be planted in the State of Pennsylvania.

22 It's very important that we don't
23 plant invasive trees. They cause all kinds of
24 problems in our echo system and we certainly
25 don't want to have that happen. There is

1 another program that is in there just very
2 briefly, not a whole lot of information. It's
3 Penn State Master Gardener Program.

4 Lackawanna County has 44 volunteers
5 who work with Penn State Master Gardener
6 Program. They are trained. They provide
7 education and information on a regular basis.
8 Over the last couple of years they've worked
9 with Scranton Tomorrow on the Downtown Planter
10 Project. And they work both with the Clarks
11 Summit and Scranton Shade Tree Commission.

12 So I wanted to make sure that the
13 information was here that people have it and
14 that it could be possibly be passed on and made
15 to be utilized. We can have a lot of nice
16 trees planted.

17 MR. HALLINAN: Thank you, Michelle.
18 Appreciate it. Anybody else want to address
19 Council?

20 (No response.)

21 MR. HALLINAN: Seeing none we'll
22 start with public officials. Chief DeNaples,
23 do you have anything?

24 CHIEF DENAPLES: Nothing tonight.
25 Thanks.

1 MR. HALLINAN: Chris?

2 MR. KEARNEY: Yes, we started the
3 Summer Program last week on Monday. And our
4 numbers are up from the previous years. Right
5 here at McHale Park at the Dunmore Community
6 Center we have 117 registered kids. Now, that
7 doesn't mean there is 117 every day. But we
8 have a master list of 117 kids who are using
9 it.

10 St. Anthony is at 108 which, two or
11 three years ago we were looking at not even
12 using it. And it's really grown up there. And
13 Sherwood has 75 registered now. But keep in
14 mind Sherwood was only open two days last week
15 and today was a rainy day so they didn't get a
16 lot today.

17 But I have to thank Council for
18 allowing me the extra help because, I mean,
19 it's just -- they have their hands full. And
20 it's going very well. We started the lunch
21 program today. And that, you know, seemed to
22 go over well. So everything is going good
23 knock on wood. So you guys have any questions?

24 MR. HALLINAN: Chris, you know,
25 every Friday now we'll have different sponsors

1 throughout the town that will sponsor pizza for
2 the children which is very nice of these
3 people.

4 MR. KEARNEY: The kids really look
5 forward to it.

6 MR. HALLINAN: Thank you. Anything
7 else? Mr. Judge?

8 MR. JUDGE: No.

9 MR. HALLINAN: Mayor Burke?

10 MAYOR BURKE: Yes, first of all, I
11 want to thank you, Michelle, for bringing all
12 that valuable information. I hope the tree
13 commission takes advantage of it. Thank you
14 very much.

15 Second of all, I'm going to go back
16 to last Council meeting where I tried to get an
17 ordinance passed which I have been trying since
18 last year about the ATVs in Moosic. And I was
19 hoping Council one way or another could give me
20 an answer if they're at least thinking about
21 this because it's over a year now.

22 And I really think it's time for us
23 to either -- I mean, give me an answer yes or
24 no. And if it's no, there's nothing I could do
25 about it. I think it's a good ordinance. I

1 talked to Police Chief Janesko from Moosic
2 Friday. And he told me, of course, we're not
3 going to stop all the ATVs. But he said we're
4 making it harder on them.

5 And if we're making it harder on
6 them, I think that's part of our job for these
7 kids to get gasoline at a gas station. Now
8 there is people telling me that they have --
9 what's the different between that and like
10 working at a store like this lady that just was
11 here, they're serving beer. They are 18 years
12 old and they're serving beer.

13 They are getting carded. If they
14 serve them they get fined. What it basically
15 is, is the gas station is not allowed to give
16 gasoline to anybody who drives an ATV illegally
17 onto their property. Any time you pull in it's
18 illegal. It's a state law you cannot drive on
19 roads with an ATV or any unlicensed motor
20 vehicle. So they would have to be on a trailer
21 or a truck to be legal.

22 Now, over in my neighborhood, the
23 gas station you're looking -- I went behind the
24 counter. I talked to these guys last year, the
25 owners of the store -- the workers in the store

1 and just told them I was working on Council to
2 try to get the ordinance Moosic passed. And
3 this was brought up to me by my police
4 department -- our police department that they
5 thought it was a good ordinance that Moosic
6 has.

7 Like I said, it's not going to stop
8 it but if we could take some of the kids off
9 the road which I'm getting so many phone calls.
10 We had a horrendous accident here three months
11 ago. We're lucky nobody was killed. I was
12 going down Grove Street just three weeks ago
13 down to Nina's and -- with a dirt bike flying
14 down the middle of the road going through a
15 stop sign, red light, must have been doing 60
16 miles an hour.

17 He has to get that gas by just
18 pulling in unless he's on a trailer or truck.
19 If we give the responsibility to -- fine the
20 gas stations if they are giving gasoline
21 illegally to anybody that pulls in with an ATV.
22 I do believe that could slow it down. And
23 that's what the chief told me it's making it
24 tougher for them kids he says. He had
25 cooperation from the gas stations down in

1 Moosic. So I would just like an answer. I've
2 been asking about this since last year. And if
3 Council says no, okay, I'll move on.

4 If you don't want it, there is
5 nothing I could do about it. But I think it's
6 a start. And I don't see it hurting us unless
7 somebody could tell me legally how it would
8 hurt us by enacting this ordinance.

9 MR. HALLINAN: Tom, do you have any
10 opinion on this?

11 ATTY. CUMMINGS: It's entirely up to
12 Council. If you -- you haven't taken any steps
13 yet. If you wanted to go forward, the first
14 would be to authorize a draft and then it would
15 need to be published for public hearing. There
16 are -- it's a multi-faceted question.

17 There are state regulations right
18 now that you can't be on the road. You know,
19 is your preference to try to enforce it and get
20 into a constitutional question with the gas
21 stations or do you assign a police officer to
22 the gas station to fine them and seize the
23 vehicle as they pull in.

24 There's a lot of different aspects
25 to it. There is none that are all good and

1 there is none that are all bad. But it would
2 be for Council to decide if they want to at
3 least investigate it.

4 MR. HALLINAN: Do we need a motion
5 to investigate that, Tom?

6 ATTY. CUMMINGS: If you want to
7 draft a motion to formally present it you need
8 a motion.

9 MR. HALLINAN: I'll ask for a motion
10 to copy Moosic's. Would that be right
11 ordinance or draft our own ordinance?

12 MAYOR BURKE: And anything else that
13 Council might want to add in.

14 MR. HALLINAN: I'm looking for a
15 motion to move forward into the ATV ordinance.

16 MR. EHNOT: Why don't we make a
17 motion to table it and we can all sit down and
18 discuss it with the Mayor and our solicitor to
19 see exactly what the steps are?

20 MR. MCHALE: Can I ask on the
21 question? Tim, do you have any -- I agree with
22 you. I don't know what to do either. There
23 are people at my house that do the same thing.
24 And I'm at Schautz just about every night.
25 There is a kid that goes there 60 miles an hour

1 on a quad every night. I agree with you. I
2 don't know if I want to turn a gas station into
3 a police station and, you know, get those guys.

4 Is there facts other than just you
5 spoke to the Mayor and the Mayor thinks that
6 his thing is good? Does he have facts to back
7 up it up or --

8 MAYOR BURKE: I could only go by
9 Chief of Police's word that it makes them
10 tougher for them to get gas. He says he's had
11 the gas station attendants -- are helping out.
12 So I guess that means that they're --

13 MR. MCHALE: So he doesn't have --
14 and I'm just asking, Tim. I'm not being --

15 MAYOR BURKE: Right. No, I'm just
16 saying, Mike.

17 MR. MCHALE: Does he have anything
18 to back it up where he says we've arrested --
19 has he fined anybody? Do we know that? I'm
20 just asking if it worked.

21 MAYOR BURKE: Not that I know of if
22 he fined anybody. But that doesn't mean that
23 we can't.

24 MR. MCHALE: I'm not saying that,
25 Tim. And I'm not being argumentative with you.

1 I'm just trying to get to the bottom. I'll be
2 quiet. I promise.

3 MAYOR BURKE: No, if you have any
4 questions -- good question, Mike. I don't know
5 of any fines being sent out by Moosic. I
6 don't. But like I said, that doesn't mean we
7 can't. I mean, I get my lottery tickets over
8 one that's famous for serving quads and motor
9 bikes gas. And I told them about this last
10 year.

11 And I said last year I tried to get
12 it going. And they let me come behind the
13 counter. And I could see each gas tank. He
14 said -- the workers told me, they could see if
15 somebody comes in with a quad, you know. I
16 think we got to make a start on something.

17 MR. HALLINAN: I couldn't agree with
18 you more, Timmy. Obviously something has to be
19 done. I don't know if that's the answer
20 either. But why don't maybe we have before we
21 even put it before Council, how about you, the
22 Chief, and the solicitor sit down and maybe
23 with somebody from Council and try to come up
24 with a better plan than us just throwing around
25 what this town did and that happened. This

1 might not have happened without any kind of
2 facts, okay? Would that be fair enough for
3 with you?

4 MAYOR BURKE: No, it's not okay with
5 me.

6 MR. HALLINAN: Well --

7 MAYOR BURKE: I brought this up -- I
8 think we've had over a year to look at it. I
9 think that's ample time -- a little over a
10 year.

11 MR. HALLINAN: Wait. Timmy, you've
12 presented -- you're just talking to us. You
13 didn't have -- you haven't brought us anything.
14 There's no -- I mean, we looked at Moosic's
15 ordinance but I think we need more to
16 substantiate as Mr. McHale said. Does it work?
17 Is it working? Isn't it working? We're not
18 going to turn gas stations into police
19 stations.

20 MAYOR BURKE: I didn't say that.

21 MR. HALLINAN: I know. But it gives
22 that impression. We're putting a lot of burden
23 on these gas station owners. I don't even know
24 if that's legal.

25 I think it has to be looked into

1 more and then, you know, I don't want to see
2 somebody get hurt. I don't think anybody up
3 here does.

4 MAYOR BURKE: Okay, Tom, let me give
5 an example. I work at a convenience store. A
6 kid comes in and asks me -- he looks like he's
7 under 21. He asks me for a pack of cigarettes
8 and a six-pack. I'm carding him. Am I putting
9 that store at risk for being a police agency
10 because he is questioning that kid?

11 I'm working at that gas station. A
12 kid comes in illegally on a quad. I see him
13 pull in. He's sitting there in his quad. He
14 comes out and he wants to fill up on tank
15 number two where his quad is. The gas station
16 attendant knows it's against the law if we tell
17 them it's a state law you can't do that.

18 Am I putting him at risk for
19 following the law and not serving him? I just
20 don't see it. I mean --

21 MR. MCHALE: Again, I'm agreeing
22 with you. If the attendant is letting him fill
23 up he is breaking the law already. That was
24 kind of my point. I agree if we put something
25 else on, I don't know. I don't know. And I

1 agree with you. Maybe we have to do something.
2 But if he -- if he or she is allowing them to
3 fill up at their gas station, they are
4 committing.

5 I'm not a cop but they are
6 committing a crime because it is against state
7 law to have that on the road. So is it just an
8 extra, hey, guys watch out? I get it. And I
9 agree with you. And again, I don't want to be
10 argumentative. And I'm not. Please don't take
11 it that way.

12 I see it worse than anybody. At
13 Schultz it's absolutely horrendous and to the
14 point where if they see a cop -- a cop doesn't
15 chase them anyway. But I want to follow them
16 home and find out where they are and then tell
17 a cop to go up and see them. That's all I was
18 getting at.

19 MAYOR BURKE: Right. I understand,
20 Mike. I just thought it would at least make it
21 tougher which I believe it's our job or maybe
22 it's my job to make it tougher for them to get
23 the gas. And I could see this as one
24 passageway of making it tougher for them to get
25 gas.

1 MR. MCHALE: Tim, I'm not speaking
2 for Council and you know that. I can't write
3 the ordinance. I mean, if you want us to vote
4 on an ordinance tonight, there is nothing in
5 front of us. I can't write the ordinance. If
6 you ask Tommy to write it so be it. We can
7 vote on it.

8 I'm not pushing it down the road.
9 Don't take it that way. But Vince sent a copy
10 of Moosic's ordinance this week, Saturday or
11 Sunday. And that's the first I saw it. I got
12 to be honest with you. I haven't even read it
13 yet. But I definitely plan to. It's an issue.
14 I think all of us agree on that. But to point
15 us in the -- you say you brought it up for a
16 year and we haven't done anything, that's not
17 necessarily true either.

18 I know how important it is. On the
19 grand scheme of things it's up there. It
20 absolutely is. But it's not for lack of effort
21 that we're not just doing anything. I don't
22 think that is what you are trying to get across
23 but I want to make sure that that's the point
24 that I don't want to be made.

25 MAYOR BURKE: No.

1 MR. MCHALE: We definitely are
2 killing ourselves doing everything here in this
3 Borough for 3,000 a year. So that's not the
4 point. The point is I want to get something
5 done too. I think everybody here agrees with
6 you.

7 But what's in front of us to vote on
8 tonight? To tell Tommy to try to write
9 something up or meet with you to -- what do you
10 want? Let's do it. I think that's the point
11 we're getting across. I apologize for --

12 MR. HALLINAN: We do have a motion
13 on the table. I don't have a second. I didn't
14 even have a motion yet.

15 ATTY. CUMMINGS: There was an
16 intervening motion to table.

17 MR. HALLINAN: Right. So there is a
18 motion to table this. Can I have a -- somebody
19 want to second that?

20 MR. MCHALE: What are we tabling?

21 MR. HALLINAN: Timmy's proposal.

22 MR. MCHALE: I mean, what was the
23 original proposal to ask you to do something?

24 ATTY. CUMMINGS: That is the second
25 point. The President of Council can direct me

1 to write the ordinance.

2 MAYOR BURKE: Can I speak more?
3 What I would ask is -- my original question is,
4 last year I had the ordinance sent to each
5 Council person through Vito. Vito sent it to
6 every Council person, their ordinance about the
7 gas station. So we talked about it in
8 executive session.

9 And then we -- I brought it up at
10 the meeting. And at the meeting Mike says
11 we'll have Tommy go through. And Tommy said
12 I'll have it back to you next week. And then
13 Council could decide on what -- you know, then.
14 And so I did bring this up. I did give the
15 ordinance through Vito, e-mailed everyone on
16 Council, the ordinance.

17 And that's the ordinance I wanted
18 passed, the one with the gas station. I'm not
19 making this up.

20 MR. MCHALE: Tim, please don't think
21 that I said that. I did not. I don't recall
22 ever getting that ordinance and you probably
23 did send it, did you write it?

24 MAYOR BURKE: I'll show you
25 in the minutes.

1 MR. MCHALE: Timmy, did you write
2 it? Who wrote it?

3 MAYOR BURKE: No. The minutes show
4 it was -- I asked if the ordinance that Moosic
5 had --

6 MR. MCHALE: So it's Moosic's
7 ordinance.

8 MAYOR BURKE: Moosic's ordinance,
9 right. That's what it was.

10 MR. MCHALE: That's what I was
11 getting at.

12 MAYOR BURKE: Okay, I'm sorry, Mike.
13 It was sent to us last year to each Council
14 person, last year over a year. And we talked
15 about it in executive session. And then at the
16 meeting -- it's in the minutes here, Mike said
17 we'll have Tommy go through it.

18 And Tommy says he'll agree to go
19 through it. And then it's up to Council's
20 discretion on whether to pass it. That's a
21 year and a half ago. So I'll ask for the same
22 thing that I asked for a year half ago that
23 ordinance with the gas station if anybody wants
24 to see it again I'll give it to you right here
25 or else look in your e-mail.

1 I'll have Vito -- if you can't find
2 it, I'll have Vito re-email it.

3 MR. AMICO: I sent it out again
4 today and yesterday, Tim.

5 MR. HAYES: I didn't get anything.

6 MR. AMICO: I think I sent it to
7 you, the same thing you're referring to.

8 MAYOR BURKE: Yeah, they added
9 something new on it -- May.

10 MR. AMICO: They added something
11 this past May, correct.

12 MAYOR BURKE: Right. And my
13 original one was the exact same thing that they
14 had before May. I think it's a good ordinance.
15 That's my opinion.

16 MR. AMICO: I don't think we can
17 agree or disagree that -- to pass an ordinance
18 right now until everybody -- just give everybody
19 an opportunity to read it. We're not saying
20 yes or no, just give everybody an opportunity
21 to read what was e-mailed this past week.

22 MAYOR BURKE: No, I have no problem
23 with the e-mail if they want to add that to it,
24 that would be great. But I was thinking a year
25 is a long time.

1 MR. HALLINAN: So if we table this
2 then everything is okay even though we all know
3 we're moving forward with this.

4 MAYOR BURKE: I'll ask the same
5 question next meeting.

6 MR. HALLINAN: Okay. Fair enough.

7 ATTY. CUMMINGS: There is no
8 ordinance to table. The subject you can table.
9 But there is no ordinance for you to review
10 unless -- until the president or -- directs me
11 take that ordinance and conform it to Dunmore
12 and then you could review it and then ask
13 questions. And I'm not making judgment call.
14 It's good or bad like I said --

15 MR. MCHALE: Tommy, that's not in
16 the form of a motion.

17 ATTY. CUMMINGS: No.

18 MR. MCHALE: Can I ask you to take a
19 look at Moosic's ordinance to put it the way,
20 you know, in the means of Dunmore and run it by
21 Tim to make sure Tim is okay with it.

22 ATTY. CUMMINGS: I'll give the Mayor
23 a copy and I'll give Council a copy.

24 MR. MCHALE: And the police chief to
25 make sure this is legal. I would love to

1 see --

2 ATTY. CUMMINGS: Now you are getting
3 into different territory there because then you
4 have federal claims on --

5 MR. MCHALE: Well, then how do we
6 pass --

7 ATTY. CUMMINGS: Well, I'm not
8 saying you can or can't. You're asking
9 questions. I'm answering them. There is a
10 specific state law regarding the sale of
11 alcohol and the identification requirement.
12 There is a specific state law regarding the
13 sale of tobacco products and the requirements.

14 The Borough of Dunmore does not say
15 that you can or cannot sell tobacco to an 18
16 year old. The Borough of Dunmore doesn't say
17 or not say that you can or cannot sell tobacco
18 to a 16 year old. I don't know if there is
19 anything -- it's a good ordinance on its face.

20 I don't know if it could be
21 enforceable. I don't know what the authority
22 for a Borough which is different than a second
23 class city and a first class city, etc., etc.,
24 etc., I don't know what we have to restrict or
25 restrain the sale of an interstate commerce

1 product like gasoline that has no state
2 regulation.

3 The state regulation is that cannot
4 be on the road with that vehicle. You just
5 cannot. And it's supposed to be registered and
6 it's supposed to be insured. So the problem is
7 and especially in the more rural communities, I
8 know chief -- the chief in Jefferson Township
9 was severely injured by a quad that ran him
10 over when he tried to stop him.

11 There is liability -- there may be
12 liability if there is a hot pursuit that is not
13 really necessary because it's a misdemeanor of
14 driving an unlicensed vehicle. There is a lot
15 of questions that come up. If you want, I will
16 tailor it to Dunmore and present it and then
17 you could ask those questions.

18 MR. MCHALE: That's kind of what I
19 was getting at, Tom. I agree with Tim that
20 something -- we can't sit and watch and wait
21 for someone to die. That almost happened not
22 too long ago. And it happened about ten years
23 ago. It's going to happen again.

24 It's out of control. I agree with
25 Tim in that respect. I don't necessarily agree

1 with just taking their ordinance and let's put
2 it in front of Council. Let's make sure that
3 it matches what we want to do or what Tim wants
4 to do.

5 ATTY. CUMMINGS: But you have
6 the -- do you have the authority to do that?

7 MR. MCHALE: Well, that's kind of
8 why I'm asking you to make sure -- I don't want
9 to say the word legal again, but could we do
10 this?

11 ATTY. CUMMINGS: Is it enforceable?

12 MR. MCHALE: Yeah.

13 MR. HAYES: That was my concern when
14 we brought up too, Mr. McHale, during the
15 executive session was do we have the authority
16 to kind of edge ourselves into the interstate
17 commerce clause when it comes to the sales of
18 fuels, especially gasoline. And do we want to
19 have that court battle for the next 10, 15
20 years to begin with. I would love to hear
21 Tom's opinion on that.

22 MR. MCHALE: When you say last year,
23 was it the end of the year?

24 MAYOR BURKE: The meeting was June
25 11th, 2018 when Mike says I'll have Tommy go

1 through and Tommy says I'll have it for you
2 next week.

3 MR. MCHALE: I think we've waited --
4 that wasn't at the top of my agenda. I'll
5 apologize. But I agree that we at least have
6 to try to do something. I'm not necessarily
7 saying I agree with what Tim is saying. But I
8 don't fault him for trying to continue to bring
9 it up.

10 But I would like to see something in
11 front of us before we're made to vote. So if
12 you could put that on your agenda, Tom, for
13 next meeting that we can review it a week or
14 two prior, make any changes, give it to Mr.
15 Burke to make changes. And we'll put it to a
16 vote.

17 And my opinion -- I'm not speaking
18 for everybody. But I just don't -- you know,
19 the whole thing with the year sitting around.
20 Tim knows -- and I don't think this is what he
21 was talking about. But this Council does not
22 sit around and put things on the back burner
23 because Tim brought it up or Tommy brought it
24 up or Carol brought it up. This is a full-time
25 job.

1 It definitely is for just about
2 everybody at these two tables. So I don't
3 think that is what you were saying. I want to
4 make sure that I say that out loud because it's
5 definitely not the case that anybody or I
6 definitely would not do anything on a
7 personality point.

8 MAYOR BURKE: I know it's very
9 important to you too, Mike, that something be
10 done about this problem. I'm sure you get the
11 phone calls that I get too. When we had that
12 meeting with the water problems with Senator
13 Blake last week I brought it to his attention.
14 And he said he would look into himself.

15 And also I talked to Kyle Mullins'
16 representative, Mr. Jones. And he said he
17 would check into different areas to see what
18 could help us curb the situation because the
19 Senators told me too that they are having
20 problems up in his town with the ATVs.

21 And I said it's something that I,
22 you know, just when I seen in the news just
23 last week, not even a full week ago the girl,
24 16-year-old girl on her birthday killed on an
25 ATV. But it's just something -- if Tommy could

1 get something before next meeting that Council
2 could all read I would be happy. And I would
3 like it to mirror the ordinance about the gas
4 station. And if you don't want it, you just
5 vote no. That's all I'm asking.

6 MR. MCHALE: But if we just vote no,
7 Tim, that does not solve the problem.

8 MAYOR BURKE: No, then we can move
9 on to check --

10 MR. MCHALE: It's just moving on for
11 the sake of moving on. It's not the answer.
12 We got to do something. Maybe it's not this
13 ordinance. Maybe it's something. And to your
14 point of do I get phone calls? I do. Maybe
15 not as many as you because of the vicinity of
16 where I live.

17 But the -- I do get a ton of calls
18 on the paving of the roads, on the flooding.
19 In front of my house I have a massive flood
20 every time it rains. I get the problems. I'm
21 working on them. I showed up at the American
22 Water meeting, which you know about.

23 I had American Water come to houses.
24 I get all the calls from everything not just
25 because of quads though. That's the problem

1 because the people who yell the most get your
2 attention at that time.

3 You try to help everybody at once.
4 But there is only so many hours in a day and
5 try to take care of your family. That is not
6 slighting your issue or anybody's issue. It's
7 just the facts that, you know, there is only a
8 few people doing everything. And
9 unfortunately, this is waiting a year.

10 And that's not an excuse or backing
11 why it's being put down for a year. It wasn't
12 put down for a year. It's a matter of there is
13 ten other fires that this Council has to put
14 out every day and manage a 14 million dollar
15 budget with 14,000 people. It's not an easy --

16 MAYOR BURKE: No, I understand that.
17 I understand that.

18 MR. MCHALE: But I just don't want
19 you to think I don't get the calls it's not
20 important to me.

21 MAYOR BURKE: No, I understand that.
22 What I said everybody is getting the calls.
23 Okay, I'll move on from that. We did have a
24 meeting with Senator Blake and a representative
25 from Kyle Mullins, Mr. Jones was there and some

1 of the top bosses from American Water. They
2 went over the map. Tommy, Mike was there, Joe
3 Lorince. And they showed them the trouble
4 spots.

5 And they are going to try to I
6 think, first of all, work on the one by Rita's
7 where the lid blows off. It happened this
8 weekend again. I think they might have a fix
9 for that. But that's just a short term fix
10 because I think it will just lead to problems
11 further down the road.

12 But just Senator Blake was here. He
13 is concerned about our problems, the same as
14 Council is concerned. Mike's cellar gets
15 flooded. My cellar gets flooded. There is
16 numerous -- there's probably people that
17 haven't come to tell us about their cellars
18 getting flooded. We're on top of this.

19 Hopefully American Water could move
20 on this because they bought the combined system
21 and we expect them to move on this quickly.
22 And that's all I have for tonight. Thank you.

23 MR. MCHALE: For the record, we'll
24 continue to push them to move on it. We
25 definitely will continue and you're being one

1 of them. We meet with them on a monthly basis.
2 And we will continue to push them.

3 We're talking a lot of money in
4 repairs. But again, if you don't keep yelling
5 you're not going to get it done.

6 MAYOR BURKE: I agree. That's why I
7 am at every meeting with them.

8 MR. HALLINAN: And just to add, it's
9 their money not ours that would be put into
10 that, right, Mr. McHale, because they own the
11 system --

12 MR. MCHALE: It's a combined system.

13 MR. HALLINAN: A combined system
14 that's theirs. Thank you. Mr. Cummings?

15 ATTY. CUMMINGS: Nothing.

16 MR. HALLINAN: Carol, do you have
17 anything?

18 MS. SCRIMALLI: Nothing tonight.

19 MR. HALLINAN: Mr. Ehnnot?

20 MR. EHNROT: I'm good tonight. Thank
21 you.

22 MR. HALLINAN: Mike?

23 MR. MCHALE: I think I spoke enough.

24 MR. HALLINAN: You had enough. Mr.
25 Hayes?

1 MR. HAYES: Sure. Thank you, Mr.
2 Chairman. Yeah, the Mayor opened the door so
3 I'll just put my foot through it a little bit
4 here. I do want to thank everyone for letting
5 me be involved with the meeting with Senator
6 Blake and American Water. Very eye-opening
7 experience talking to the gentleman there and
8 seeing what we can do short term, long term.

9 So I'm glad this project is in front
10 of the radar for them. And I also live in that
11 flood zone. But there is a lot people, other
12 residents that are affected by that. So I'm
13 glad to see that that is moving forward, not at
14 an expense of Council but at the expense of the
15 American Water.

16 And I just want to thank everybody
17 for coming out tonight. And, Michelle Davis,
18 thank you very much for the packet of
19 information on the trees. And as you know, I'm
20 a big into recycling and greenery and helping
21 the environment. So I really appreciate you
22 taking the time out of your own schedule on
23 your own to do that for the betterment of the
24 town. So I think it would be an injustice not
25 to mention that that you did that for your

1 community. So thank you again for that.

2 That's all I have, Mr. Chairman.

3 MR. HALLINAN: Mr. Amico?

4 MR. AMICO: I just want to thank
5 Miss Davis for coming out tonight. And that's
6 all I have. Thank you very much.

7 MR. HALLINAN: I would like to thank
8 Mrs. Davis for coming out. Thank you for doing
9 that. And they are forming their --
10 Mr. Lorince is having them have their first
11 meeting shortly to get them off the ground and
12 get them running. But thank for your input and
13 this definitely will be handed to them. I
14 appreciate that. So with that I'll look for a
15 motion to adjourn.

16 MR. HAYES: I'll make that motion.

17 MR. HALLINAN: Second?

18 MR. AMICO: Second.

19 MR. HALLINAN: All in favor?

20 ALL MEMBERS: Aye.

21 MR. HALLINAN: Thank you everyone
22 for coming.

23

24

25

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