

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:

Thursday, September 19th, 2019

TIME:

6:00 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
- MICHAEL MCHALE
- CAROL SCRIMALLI
- VINCE AMICO
- THOMAS EHNOT
- MICHAEL HAYES
- THOMAS P. CUMMINGS, Esquire, Solicitor
- TIMOTHY BURKE, Mayor

MARIA McCOOL, RPR  
OFFICIAL COURT REPORTER

1 (Pledge of Allegiance.)

2

3 MR. DEMPSEY: Roll call.

4 ATTY. CUMMINGS: Mr. Amico.

5 MR. AMICO: Here.

6 ATTY. CUMMINGS: Mr. Ehnot.

7 MR. EHNOT: Here.

8 ATTY. CUMMINGS: Mr. Hallinan.

9 MR. HALLINAN: Here.

10 ATTY. CUMMINGS: Mr. Hayes.

11 MR. HAYES: Here.

12 ATTY. CUMMINGS: Mr. McHale.

13 MR. MCHALE: Here.

14 ATTY. CUMMINGS: Mrs. Scrimalli.

15 MS. SCRIMALLI: Here.

16 ATTY. CUMMINGS: Mr. Dempsey.

17 MR. DEMPSEY: Here.

18 ATTY. CUMMINGS: Next item is  
19 announcement of procedure by the Chairman.

20 MR. DEMPSEY: Okay. We posted this  
21 on our website previously. So hopefully  
22 everybody's read it. But for the record  
23 purposes I'm going to read it into the record.

24 The purpose of this hearing is to  
25 take testimony and information on Keystone

1 Sanitary Landfill's application to add an  
2 amendment to the zoning ordinance. The  
3 President of Council presides over the hearing.  
4 And as such, will make all determinations on  
5 the questions of order, procedure, protocol or  
6 propriety. The hearing will start at 6 p.m.  
7 and will conclude at 8 p.m.

8 The court reporter will be present  
9 to record all proceedings. The Chair will  
10 recognize each other person before they speak.  
11 And there is only to be one speaker at a time.  
12 The hearing will be conducted in an orderly and  
13 civil fashion.

14 The requested amendment will be read  
15 into the record. In summary, the Applicant is  
16 asking for sanitary landfills to be subject to  
17 the regulations governing earth-moving activity  
18 and not to be considered a structure for the  
19 purpose of the ordinance.

20 This is the only subject matter of  
21 the hearing and the only matter that will be  
22 addressed. It is the only subject on which  
23 testimony or comment will be accepted. The  
24 agenda sets forth the order of business for the  
25 hearing.

1           The Solicitor will read the entire  
2 request into the record. Keystone Sanitary  
3 Landfill representatives will present their  
4 position.

5           Council members may pose questions  
6 or make comments and then those who are in  
7 attendance who have signed in and have standing  
8 will be recognized to come to the podium.

9           Only individuals that live in the  
10 Borough, own property in the Borough or own a  
11 business in the Borough have standing or  
12 comment to testimony. Comment or testimony  
13 shall only be incident to the subject of the  
14 hearing and each individual is limited to five  
15 minutes.

16           The Applicant will be allotted a  
17 reasonable period of time to rebut or add  
18 comment after the public have done so. Members  
19 of Council will be offered an opportunity for  
20 additional question or comment and the hearing  
21 will conclude.

22           Following the public hearing, the  
23 public meeting of Dunmore Borough will be  
24 called to order. The meeting will be conducted  
25 to bring the question to a vote. This is the

1           only matter before Council for the meeting  
2           agenda.

3                         There is a presumption that comments  
4           of Council and those in attendance will have  
5           been heard at the public hearing. And just --  
6           that was sort of a professional way to put it.  
7           I understand everybody's passionate about this  
8           subject. Please, please, please just try to be  
9           respectful of everybody. Let people talk.

10                        Please don't get out of line. We  
11           don't want -- we want as many people to talk as  
12           we can get in. So just please be respectful of  
13           everybody. That's all. Thank you.

14                        MR. MCHALE: Mr. Dempsey, if I may?

15                        MR. DEMPSEY: Sure.

16                        MR. MCHALE: I'm going ask that we  
17           suspend the order of business so that I could  
18           address KSL directly on a point that seems to  
19           be a hot topic. And after all of the research  
20           that I've done, I'd like to ask of the people  
21           at that table.

22                        I understand that Throop does not  
23           have anything more or less to stop you from  
24           continuing this landfill as long as you want,  
25           specifically on the height. And I understand

1           that's the big -- that is a big issue to me  
2           let's put it that way.

3                     And currently you're at or close to  
4           or near 1585 you're allotted spot. And for the  
5           record, I'd like to -- and forgive me, I wrote  
6           this down. I'd like you to amend your request  
7           without prejudice to your original filing to  
8           add the provision that any landfill in the  
9           Borough of Dunmore shall not exceed 1585 your  
10          current allotted height in elevation. Right  
11          now you're close to that height.

12                     Just for the record, Dunmore is at  
13          125 -- a 1025 feet above sea level. So 1585  
14          would be your cap. I'd like you to amend  
15          your -- your ask for this ordinance change to  
16          reflect that.

17                     ATTY. OVERSTREET: Thank you.

18                     MR. MCHALE: And I ask that  
19          specifically that if you do not do it I will  
20          leave this meeting.

21                     ATTY. OVERSTREET: Okay. Well,  
22          thank you, Council and Solicitor Cummings. My  
23          name is David Overstreet. I represent Keystone  
24          Landfill. Thank you all citizens of the  
25          Borough for showing up tonight. This is

1 healthy. This is good. You may not all agree  
2 with what we have to say. But we think we need  
3 to be heard. Allow me to address your  
4 suggestion.

5           Unfortunately, we can't do that  
6 because that would require the process to start  
7 over. And if you make a material amendment to  
8 the revision as proposed, we'd have to start  
9 the process over completely, go back to both  
10 the Planning Commissions and come back again.

11           However, in consultation with my  
12 client we have -- we understand the request and  
13 we're willing to work with the Borough to try  
14 to allow that to come forward in a separate  
15 proceeding that specific request that you have.  
16 But we cannot at this time amend the particular  
17 request because that would take us out of order  
18 procedurally and require us to adjourn and  
19 start over again and for some indefinite  
20 period of time.

21           ATTY. CUMMINGS: I disagree with the  
22 position. I believe Mr. McHale said without  
23 prejudice. And it would not be an amendment to  
24 your filing. It would be an addition that you  
25 would not contest and so without prejudice to

1           you, your suggested ordinance amendment which I  
2           will read into the record as the next item  
3           would stand. There would be a separate and  
4           distinct add on that would limit the height to  
5           1585 going forward.

6                     ATTY. OVERSTREET: And, Solicitor  
7           Cummings, I understand your position. But the  
8           problem is that the only public notice that was  
9           given was with respect to the amendment as  
10          proposed. And now we're talking about a  
11          substantive addition to it.

12                    And I think that would require a  
13          republication and remission to the Commission,  
14          both the Planning Commission and the County  
15          Planning Commission. What I would propose is  
16          that we entertain the currently pending  
17          amendment and then separately undertake  
18          discussions with respect to a discussion  
19          regarding the 1585.

20                    MR. MCHALE: I got to stop you  
21          because it's not going to be a discussion for  
22          me. It's 1585 --

23                    ATTY. CUMMINGS: Mr. McHale, if I  
24          may, I believe the 1585 would be more  
25          restrictive. And then on the more restrictive



1 the objector would be KSL. And if KSL does not  
2 object on a more restrictive provision it  
3 protects the Borough of Dunmore and does not  
4 allow you to go above your current height then  
5 I think that would be valid.

6 If we're amending in your favor  
7 against the interest of the Borough of Dunmore  
8 I could see your point. But since it is more  
9 restrictive I think the only one with a right  
10 to contest, complain, or object would be the  
11 Applicant. And so I guess the question is, do  
12 you object to the amendment?

13 ATTY. OVERSTREET: Well, I think we  
14 have to. And the reason is because if we amend  
15 the language as proposed then the public  
16 notices would be inadequate and we would have  
17 to start over again because the public was not  
18 given notice of a discussion regarding a 1585  
19 limit.

20 And so I think it's important that  
21 we take up the amendment as proposed and then  
22 come back, if appropriate, to discuss the  
23 second. That's my concern, Solicitor Cummings.

24 ATTY. CUMMINGS: I see. Mr.  
25 McHale -- Mr. Dempsey actually, I'm going to

1 suggest that you take your position for what it  
2 may be but then act as you best see fit in  
3 protection of the Borough.

4 MR. MCHALE: So, Tom, you're saying  
5 that we -- I can read, we can, you can or  
6 Michael can read this in with the 1585 --

7 ATTY. CUMMINGS: If that's your  
8 choice.

9 MR. MCHALE: That would be my  
10 choice.

11 ATTY. CUMMINGS: That would be at  
12 the meeting -- you can discuss that matter at  
13 the hearing. But that would be at the meeting  
14 where that would be an addendum put forth by  
15 the Borough to protect the residents.

16 MR. DEMPSEY: So I'll wait for the  
17 meeting to address that, Tom?

18 ATTY. CUMMINGS: Yes, sir.

19 MR. DEMPSEY: Thank you.

20 MR. MCHALE: Mr. Belardi, were you  
21 going to say something?

22 ATTY. BELARDI: I'm going to say in  
23 general, as you know, we've amended our  
24 application to the Pennsylvania Department of  
25 Environment Protection. So we do not oppose

1           some type of limit by the Borough on 1585.

2                   MR. MCHALE: I hundred percent agree  
3 with you. And I've read everything ad nauseam,  
4 believe me. I haven't slept in days because of  
5 this whole meeting and what's going to happen  
6 at this meeting and what's happened in the past  
7 to me, whether it be names, my kids getting  
8 spoken to, you know, anything that you could  
9 talk about.

10                   I understand what you're talking  
11 about. But 15 years from now when I may not  
12 even be on this earth, you could still go above  
13 the 1585. And I would like to put that -- you  
14 say no, but I'd rather put it in writing to  
15 have it in writing.

16                   ATTY. BELARDI: And that's fine.  
17 But as Attorney Overstreet has stated we can't  
18 mess up the procedural process tonight. As far  
19 as 1585 goes just so that it's clear I'd like  
20 it to be in the record that we have a current  
21 permit condition from our phase two permit that  
22 was issued in 1997.

23                   MR. MCHALE: Current not, Mr.  
24 Belardi, not --

25                   ATTY. BELARDI: Correct. But our

1 application that's pending before the  
2 Department of Environmental Protection was  
3 amended to reflect the 1585. The only permit  
4 that we can possibly get issued from DEP is one  
5 with a condition of 1585 because 40 years of  
6 drawings get submitted to the Department of  
7 Environmental Protection that have that final  
8 grading building up to 1585.

9 We can't go back and change 180  
10 drawings. They're in there. They're going to  
11 be a part of the permit condition.

12 MR. MCHALE: You'll understand that  
13 I don't -- as much as I understand exactly what  
14 you're talking about, I don't have faith in  
15 several years that it won't happen again. So  
16 I'm just trying to stop it in writing. I may  
17 only be here for a couple months but that's  
18 what I'm trying to accomplish tonight.

19 ATTY. CUMMINGS: I think that's  
20 sufficient on this point for the time being.  
21 You can readdress at the hearing if you wish.  
22 I'd like to get number four, statement of  
23 action requested.

24 MR. MCHALE: That's okay with me.

25 ATTY. CUMMINGS: Thank you.

1 Ordinance of 2019, what is suggested --  
2 requested approval is an ordinance of the  
3 Borough of Dunmore, Lackawanna County  
4 Pennsylvania amending the Borough Zoning  
5 Ordinance.

6 The Ordinance will be known as  
7 Ordinance No. 2 of 2019 and become effective  
8 five days after enactment. The ordinance  
9 amends and restates in its entirety Subsection  
10 11.158 Sanitary Landfill of Article two  
11 definitions of the Dunmore Borough Zoning  
12 Ordinance as follows:

13 A sanitary landfill is considered to  
14 be any facility devoted to the storage and/or  
15 dispose of solid waste pursuant to the  
16 regulations of Pennsylvania Department of  
17 Environmental Protection governing sanitary  
18 landfills.

19 Sanitary landfills may include  
20 staging areas as defined in Section 11.198.  
21 Sanitary landfills shall be subject to all  
22 regulations contained herein governing  
23 earth-moving activities and shall neither be  
24 considered nor subject to regulation as  
25 structures for purposes of the ordinance.

1                   That is the entire matter as of  
2                   right now that is before the Board for the  
3                   hearing as well as the meeting. It may be that  
4                   at the meeting there would be a suggestion of  
5                   an additional limit of the current permit  
6                   amount.

7                   That would be for the meeting after  
8                   the hearing. And the next item then is  
9                   presentation by Keystone Sanitary Landfill of  
10                  their petition.

11                  ATTY. OVERSTREET: Thank you,  
12                  Solicitor Cummings. Why are we here? That's  
13                  the question I hear is being asked. And I will  
14                  tell you why we're here. For more than 40  
15                  years the Keystone Landfill has operated in  
16                  this Borough. And there has been an ordinance  
17                  in place that says buildings shall be no taller  
18                  than 50 feet. For 40 years that has existed.

19                  And never until recently has anyone  
20                  suggested that a landfill be subject to  
21                  building height limits. That's why we're here.  
22                  And we didn't start this fight. Keystone did  
23                  not pick this battle. A clever lawyer found a  
24                  case from another jurisdiction where he said,  
25                  look, we can argue that they're a structure and

1           then we'll try to argue that structures are  
2           subject to the building height.

3                         Well, you can ask Mr. Clark what the  
4           Commonwealth Court thought of that argument  
5           earlier this week. And I will tell you that's  
6           why we're here. This is not Keystone's fight.  
7           What we tried to do is to find a solution so  
8           the Borough wouldn't be stuck in protracted  
9           litigation.

10                        We thought we were doing the right  
11           thing here by making clear what everyone has  
12           known for 40 years that the landfill is not  
13           subject to building height restrictions. And  
14           we tried to find a way to do that in the most  
15           straightforward and clearest way that we could.

16                        This whole debate about whether a  
17           landfill is a structure or not is a red  
18           herring. And why is it a red herring? Because  
19           the height limits apply to buildings. And if  
20           you look at the ordinance you'll see the  
21           definition of building height tells you you  
22           measure from the roof or the top of a chimney.

23                        Now, whether or not a landfill is a  
24           structure or not I think we would all agree  
25           that it doesn't have a roof or a chimney. And

1           so we didn't start this fight. And this  
2           Tri-County decision that you've heard about --  
3           and I'm terribly sorry that your family has  
4           been subject to harassment, if you will.  
5           That's inappropriate.

6                         But we didn't start this. We are  
7           trying to help the Borough out of a jam that it  
8           was drug into by a group that's -- you can  
9           laugh if you want. Keystone did not start  
10          the -- initiate the litigation. And that's the  
11          truth of the matter.

12                        MR. DEMPSEY: Guys, please.

13                        ATTY. OVERSTREET: So we have asked  
14          the Borough, we're not asking for a change.  
15          This has been the law for 40 years. What we're  
16          trying to do is prevent additional litigation  
17          with respect to a question that really  
18          shouldn't even be joined.

19                        And that is this idea that the  
20          building height limits in the ordinance somehow  
21          apply to landfills. We're asking the members  
22          of Council to confirm and clarify what the  
23          Zoning Officer, the Zoning Hearing Board, the  
24          Borough in its brief to the Court and the Court  
25          all said. We never intended to apply building



1 height limits to that landfill.

2 And how do we know that because the  
3 landfill's been in operation for 40 years and  
4 no one said you're building in violation of the  
5 building height. So we know that. We know  
6 that. And so we're saying let's stop the  
7 litigation. It is costing the Borough money.  
8 And it's costing us all time and aggravation.

9 Let's move forward. We want a  
10 solution to a height limit. Let's work on  
11 that. But let's not try to distort what the  
12 law is and try to change something that was  
13 never intended. What I'd like to do now is  
14 turn my time over to Mr. Belardi who has a few  
15 additional comments on behalf Keystone.

16 ATTY. BELARDI: Council members,  
17 Jeffery Belardi on behalf of Keystone. If I  
18 may, I would like to key in on two things,  
19 height and this Tri-County case because I think  
20 there's a total misconception about that case.

21 In 1997 Pennsylvania DEP permitted  
22 Keystone Landfill to take in the volume of  
23 waste that when placed according to regulations  
24 and the slope requirements results in a height  
25 of 1585 above sea level. As it was stated here

1 earlier, City of Scranton is 700 feet above sea  
2 level on average. The Borough of Dunmore on  
3 average is about a 1025 feet above sea level.  
4 So when we say 1585 above sea level, that's not  
5 as some people would like you to believe  
6 standing on a sidewalk and looking up 1585  
7 feet. That's absolutely ridiculous and  
8 disingenuous to state that that is what we're  
9 talking about.

10 Number two is the way the garbage  
11 gets placed according to regulation by slope  
12 and indentation and slope. And that's why it  
13 looks like a pyramid from the highway. It  
14 creates a pyramid and not a soup bowl. We're  
15 not filling a soup bowl.

16 So the ultimate height is not the  
17 entire surface across the bowl. We're building  
18 a pyramid. In 40 years there's going to be one  
19 spot that has a height of 1585. Keystone  
20 Landfill because of much community pushback  
21 when we originally filed the application for  
22 the phase three major modification, Keystone  
23 Landfill heard that -- heard that the people  
24 didn't want to see it go higher.

25 We self-amended our application to

1 the Department of Environmental Protection to  
2 go down 165 feet back to the original 1585 that  
3 we were given in 1997, okay?

4 Now, why is 1997 important? Not  
5 only was that the time we got the limit from  
6 Pennsylvania DEP, but that was after this 1977  
7 Dunmore Borough Zoning Ordinance was adopted  
8 and before the 2000 Dunmore Borough Zoning  
9 Ordinance was adopted which means when '97  
10 numbers were given to Keystone as a limit of  
11 1585, the appropriate time for the Borough to  
12 address height limitation in its Article 5  
13 section on landfills was in the year 2000.  
14 They did not do that.

15 The body spoke and said the M-1 zone  
16 is the appropriate zone for a landfill. It's a  
17 permissible use. And they put a whole bunch of  
18 things about the landfill into Article 5, but  
19 height limitation was not one of them.

20 What is Keystone doing actually with  
21 this vertical expansion because we're not going  
22 sideways. We're not picking up more land.  
23 We're not going to left to right horizontal.  
24 What we're doing is we're filling in the plus  
25 sign between the four quadrants, the old Taber

1 site which is closed; the old Logan site which  
2 is closed; the original Keystone site which is  
3 closed; and what is going on right now is the  
4 phase two.

5 When that -- phase two comes to an  
6 end, we're going to fill in the plus sign, the  
7 valleys, the alleyways, if you will, in between  
8 those four zones.

9 With regard to the Tri-County case,  
10 what the Commonwealth Court did in the  
11 Tri-County case involved the Tri-County  
12 Landfill in two townships, one of which was  
13 Pine Township. But what the Commonwealth did  
14 not do in the Tri-County Landfill case is  
15 change the Merriam Webster definition of a  
16 structure.

17 It simply considered the structure  
18 definition in the Pine Township Zoning  
19 Ordinance and utilized it while applying the  
20 provisions of the Pine Township Zoning  
21 Ordinance which is very much different than  
22 the Dunmore Borough Zoning Ordinance.

23 The opponents of Keystone Landfill  
24 want this case to be the same as the Tri-County  
25 case. They want to put a square peg in a round

1 hole. But these cases are not the same. They  
2 are factually and legally distinguishable.

3 In the Tri-County case, the landfill  
4 which had been closed for ten years was in a  
5 residential zone. And that residential zone  
6 had a height limit on structures. In the  
7 Keystone case, the landfill is a permissible  
8 use in a manufacturing zone.

9 It was that way in '77. It was that  
10 way again in the 2000 Borough Ordinance. And  
11 the manufacturing zoning only has a height  
12 limit on buildings.

13 Tri-County case was closed when Pine  
14 Township adopted a new zoning ordinance which  
15 made the area where the landfill was a  
16 residential zone. Keystone has continually  
17 operated as a landfill as a permissible use in  
18 an M-1 zone. And each time the Borough adopted  
19 the new ordinance, it saw fit to keep the  
20 landfill as a permissible use and keep that  
21 area of Dunham Drive as an industrial park in  
22 an M-1 zone.

23 And so I think it's pretty clear if  
24 you take the time to read the Tri-County case  
25 that it's not the same as this situation. It's

1 factually and legally distinguishable. Where  
2 are we now? The height limit right now as we  
3 speak today is at about 1575, so about 10 feet  
4 away from the 1585 that's permitted.

5 Because of the sloping contour of  
6 the landfill that is on the side as we all know  
7 closest to the Lackawanna Valley Industrial  
8 Highway. So when we fill in valleys in the  
9 middle of the plus signs, the bullseye, that's  
10 where the peak will be 40 years from now. And  
11 it will be no higher than what we have now.

12 With that, I'd like to turn this  
13 over to Mr. Albert Magnotta who is a  
14 representative and an engineer on behalf of  
15 Keystone Sanitary Landfill.

16 MR. MAGNOTTA: Thank you, Jeff. My  
17 name is Al Magnotta for those who don't know  
18 me. And as you know, I'm an engineer and I'm  
19 not a lawyer. So I'm not going to talking  
20 legalese to you. I'm going try to put this  
21 down and break it down into the rudiments of  
22 the issue as we see it.

23 A clarification of the language in  
24 the zoning ordinance which is the issue tonight  
25 will have a major impact on the present and

1 future generations of the Borough. Thus, we  
2 believe it's important that our position be  
3 placed in the record.

4 First, I want to just give a brief  
5 history, some of which has been touched on by  
6 Mr. Overstreet and Mr. Belardi. But for my  
7 purposes an engineer, I got to do bullet  
8 points. Dunmore Borough instituted this  
9 landfill after the war at this location in the  
10 early 40s. The land was purchased and operated  
11 by Keystone, the owners of Keystone in 1972.

12 The Borough adopted their first  
13 zoning ordinance in 1977. So in 1990, Keystone  
14 was given a new permit based on the new  
15 regulations that were promulgated by the state  
16 and federal governments to develop additional  
17 protections for the environment.

18 The language in the zoning ordinance  
19 at that time which was a public hearing, public  
20 meeting, come to Council. I know most of you  
21 weren't there. But quite frankly I was, hasn't  
22 changed. It was the same words that were in  
23 the ordinance in 1977. Okay.

24 In 1997 we got a modification of  
25 that permit. Height was raised in 1977 to as

1 was alluded 1585. Guess what? The language in  
2 the ordinance was still the same. Then in  
3 about 2000, the Borough changed the zoning  
4 ordinance again or adopted a new one.

5 Guess what? They didn't change the  
6 words from the '77 ordinance. In 2017 this  
7 Council, some of which are still here executed  
8 an agreement with Keystone Landfill for  
9 increased host fees. I'm sure some of you  
10 remember it. Took you from 40 cents a ton to  
11 \$1.20 a ton plus an increase every year.

12 For those who forget, there's a  
13 clear section in there that says Keystone  
14 height limitations don't govern. You forgot  
15 it, it might be best to read it. These are  
16 facts. I'm not making this stuff up.

17 The Borough's Zoning Hearing Board,  
18 we had the same issue from your people, your  
19 designated appointed people heard this case and  
20 this particular issue over many nights. The  
21 opposition, the people who believe different  
22 than we do had an opportunity over several  
23 nights to establish their position.

24 However, your Zoning Hearing Board  
25 opined that we weren't subject to this



1 particular interpretation. Well, the opponents  
2 weren't satisfied with that, not only did they  
3 say we didn't cover it; they also said these  
4 people had no standing. And they didn't prove  
5 their case.

6 Well, because the FOL no matter what  
7 they tell you are not being subsidized local but  
8 by outside interest, they took it to  
9 Commonwealth Court -- no local court, excuse  
10 me.

11 Local court said, nope, we agree  
12 with the Zoning Hearing Board. Okay. Well,  
13 again, since they have unlimited money by  
14 outside interest they decided to take the case  
15 to the Commonwealth Court at which it stands  
16 and I think as was alluded to here there was  
17 a -- what do you call it -- oral arguments the  
18 other day.

19 So the way I look at this, the  
20 Planning Commission, the Zoning Hearing Board,  
21 local courts all have said that our  
22 interpretation of this ordinance is  
23 appropriate.

24 Now, if for some reason that it's  
25 determined by this Council that they don't want

1 to go along with our understanding of the  
2 ordinance in which we firmly believe and  
3 believe we have a significant legal case --  
4 although as was pointed out, it's costing  
5 everybody a lot of money, including the Borough  
6 because their zoning board is part of the  
7 actions here.

8 If for some reason this Council does  
9 not see it appropriate to go along, I think it  
10 would be appropriate and very prudent on your  
11 behalf to get legal guidance related to the  
12 finance consequences, principles of preexisting  
13 use, breach of contract, estoppel --

14 MR. DEMPSEY: Please. Everybody  
15 will be able to speak. Let Mr. Magnotta  
16 finish.

17 MR. MAGNOTTA: Estoppel.

18 UNIDENTIFIED MAN: Finish your  
19 threat.

20 MR. MAGNOTTA: De facto  
21 condemnation, okay. That's the history. Now,  
22 I'm going to give you a little bit of financial  
23 aspects.

24 Presently this Borough receives two  
25 and a half million dollars a year approximately

1 from Keystone Landfill as part of their  
2 increased host fees. In addition, there is no  
3 disposal fee for the disposal of the waste at  
4 Keystone Landfill, which approximates over  
5 \$300,000 a year.

6 Now I think or someone told your  
7 budget is 12 or 13 million dollars a year.  
8 That being the case, you're looking at losing  
9 25 percent of your revenue which is going to  
10 directly impact the fact that you -- those who  
11 are against it are going to say we're going to  
12 stand up and vote to increase the taxes 25 to  
13 30 percent because that's what coming, no ifs  
14 ands or buts.

15 If you feel that way about it, you  
16 better be prepared to the stand up the next  
17 budget and say, it's me and I'm going to raise  
18 the taxes 25 to 30 percent.

19 MR. AMICO: So you're saying if we  
20 don't agree with you tonight the landfill is  
21 going to shut down and we're going to no  
22 longer --

23 MR. MAGNOTTA: Shut down in two  
24 years, yes.

25 MR. AMICO: I find that very hard to

1 believe.

2 MR. MAGNOTTA: Vince, do yourself a  
3 favor. Read the annual report.

4 MR. AMICO: I read it.

5 MR. MAGNOTTA: What's does it say?  
6 You don't know. But I'm telling you --

7 MR. AMICO: I don't know because to  
8 be honest with you I don't know because I just  
9 got it two hours before this meeting.

10 MR. MAGNOTTA: This annual report?  
11 Well, when you read if I'm wrong you could tell  
12 everybody in the world, okay? I'm not wrong.  
13 I'm not. I know. So in summary, I know this  
14 is a hard thing for everybody. Everybody says  
15 they're against it. Everybody says they want  
16 it to close.

17 There's not one person in this room  
18 that's going to tell me what the options are.  
19 We have the legal side. You signed agreements  
20 in '99, 2017. And if there is any perception  
21 that we're going back on, it's wrong. So it's  
22 unfortunately, it's a hard question.

23 But unless you're prepared to raise  
24 the taxes 25 or 30 percent and expose the  
25 future citizens and voters of Dunmore Borough

1 to significant, significant financial  
2 consequences from the breach of contract or  
3 estoppel or de facto condemnation, I think it  
4 would be best if you go along with what has  
5 been an accepted and legally binding procedure.  
6 Thank you. If I haven't made myself clear, I'm  
7 willing to answer any questions. Any questions  
8 from the Council?

9 ATTY. CUMMINGS: Item number six on  
10 the --

11 MR. AMICO: I have a question.

12 ATTY. CUMMINGS: Item number six on  
13 the public hearing agenda is questions and/or  
14 comments to be posed by Council members. Mr.  
15 Dempsey.

16 MR. MCHALE: I have them but Vince.

17 MR. AMICO: I just have one.

18 Attorney Overstreet, can you repeat what you  
19 said just going back? I took some notes and I  
20 want to make sure I wrote down correctly what  
21 you believe -- what your side believes a  
22 structure is, please? I'm looking at our  
23 zoning and I just want to make sure I'm reading  
24 it correctly.

25 ATTY. OVERSTREET: Yeah, no, what I

1           said was it really doesn't matter because the  
2           building height -- the only height limitations  
3           in there are only applicable to buildings.

4                   MR. AMICO: Again, I want to make  
5           sure I'm understanding. Because I'm reading  
6           our ordinance. And it says structure is  
7           anything constructed or erected, the use of  
8           which requires location on the ground or  
9           attachment to something having a fixed location  
10          on the ground.

11                   Among other things, I will agree  
12          with you structures includes buildings, mobile  
13          homes, but here's where I have questions.  
14          Swimming pools don't have a roof. Walls don't  
15          have a roof. Fences don't have a roof. And  
16          billboards don't have a roof. So I'm just  
17          looking for a little bit of --

18                   ATTY. OVERSTREET: Yeah, I would  
19          refer you to the Zoning Hearing Board's  
20          decision and Judge Zito's decision on that.  
21          You know, they are the ones that are -- we  
22          should defer to in interpretation of the  
23          ordinance.

24                   And I would refer to the Borough's  
25          own brief that they submitted to the Court

1           where they said we never intended for the  
2           building height limits or any height limits to  
3           apply to the landfill.

4                       MR. DEMPSEY: Mr. McHale.

5                       MR. MCHALE: Mr. Overstreet, I think  
6           you brought up the fact that -- I didn't mean  
7           to complain about my family being harassed or  
8           anything like that. I put my name on the  
9           ballot. I have to deal with what I deal with  
10          in what I say up here. So I first and foremost  
11          let me start with that.

12                      Number two, you let off with why are  
13          we here. Let me ask you the question. This  
14          landfill and by many of the people in this  
15          room, whether it by their name or under a  
16          perceived name in the Scranton Times, we're the  
17          small fish in this pond. I'm told constantly  
18          that Throop is the big fish and that's where  
19          most of it's being built now anyway and so on  
20          and so forth.

21                      What are the restrictions up there?  
22          Why are we here? Why are you not in Throop  
23          trying to get them and why aren't all of these  
24          people screaming at Throop too? Let me know  
25          that.

1                   ATTY. OVERSTREET: Well, I certainly  
2                   can. The reason we're here is because FOL sued  
3                   the Borough. That's how it started. That's  
4                   why we're here. We never picked this fight.  
5                   So FOL sued the Borough and said you have to  
6                   apply a building height limit to this landfill.  
7                   We simply defended that. And then we looked at  
8                   it and said why are we fighting about this?  
9                   For more than 40 years no one has ever  
10                  suggested this. This is insane. Why are we  
11                  spending this money and time?

12                                 And so we said, what's a solution?  
13                   Well, let's have the Borough do what they said  
14                   in their brief. Let's just have them confirm  
15                   that that's what everyone understood since  
16                   1977. That's why we're here. We're just  
17                   trying to eliminate any ambiguity from the  
18                   ordinance and make clear what everyone has  
19                   recognized.

20                                 You know, you think about it, if the  
21                   building height limit had applied why didn't  
22                   someone take some action against the landfill  
23                   in the last 40 years? It makes no sense,  
24                   right? If it applied, why wasn't an  
25                   enforcement action commenced? That's what



1 we're --

2 MR. MCHALE: Mr. Belardi, are you  
3 going to add something before I --

4 ATTY. BELARDI: Yeah, well, in  
5 specific answer to part of your question with  
6 regard to Throop, the reason we're not in front  
7 of Throop is because we have a favorable  
8 opinion from the zoning officer in Throop, plus  
9 we have a very strong host agreement with  
10 Borough of Throop that contemplates and expects  
11 expansions of the landfill, not much different  
12 than the 1999 host agreement that we have with  
13 the Borough of Dunmore because that's called a  
14 Host Fee Agreement and settlement because there  
15 a lawsuit.

16 And that was a settlement that '99.  
17 And in that '99 if you look at -- I think it's  
18 Paragraph one, Subparagraph B it contemplates  
19 cooperation -- the Borough's cooperation with  
20 Keystone for a future expansion.

21 MR. MCHALE: Let me stop you, Mr.  
22 Belardi. Am I to -- forgive me, I'm a  
23 little -- my head is spinning here a little  
24 bit. Am I to understand though if KSL lost  
25 this case in Commonwealth Court wherever the

1 case may be and you could more or less renew  
2 the landfill just to be in Throop and move  
3 forward with expansion just in Throop alone?

4 ATTY. BELARDI: No, I don't think we  
5 could be in Throop alone.

6 MR. MCHALE: But if you lose the  
7 height thing, whatever the case going on that  
8 FOL has put against you, could you -- your  
9 expansion just include Throop and you would  
10 lose all of that money?

11 ATTY. BELARDI: I'm not an engineer.  
12 That all has to do with the width at the toe  
13 of -- again, the amount of acreage that you  
14 have is what allows you to use 33 percent slope  
15 up to 25 feet and 15 up to 25. So that  
16 determines -- where you start determines.  
17 That's an engineering question that I would  
18 defer to Albert.

19 But let me talk about the legal part  
20 of it. I really don't think we're going to  
21 lose the argument in front of Commonwealth  
22 Court. But let's say we do. First of all, we  
23 would have the option to appeal to the Supreme  
24 Court and bring the Borough and the Dunmore  
25 Borough Zoning Hearing Board along with us,

1 more cost and litigation.

2 But ultimately then certain issues  
3 that haven't been addressed yet because they  
4 are not ripe will become ripe which means then  
5 we'll be in court and we will be most likely in  
6 federal court and we'll be talking about a  
7 takings issue. We'll be talking about a 1983  
8 action. We'll be talking about variance by  
9 estoppel.

10 Because once again, it's a strong  
11 belief that the Borough's estopped from  
12 asserting a prohibition at this point when they  
13 haven't done it for 40 years.

14 MR. MCHALE: You'll understand where  
15 my issue of the 1585 now comes in after what  
16 you just said.

17 ATTY. BELARDI: Yeah. Yeah. And  
18 again, if I wasn't clear before, if Dunmore  
19 Borough initiates a 1585 limitation amendment  
20 to its own ordinance, right, and sends that  
21 over to its Planning Commission and Planning  
22 Commission comes back and recommends that too,  
23 we will not stand in the way of that process.

24 I'm okay with it. I think it's just  
25 wrong to derail what's already been vetted

1           publicized, put before the Planning Commission  
2           and brought here tonight, any amendment to that  
3           amendment to our amendment derails it.

4                   MR. MCHALE: I'm speaking for myself  
5           but I think that I could speak on all seven  
6           that I think it would mean a lot if we get the  
7           1585 at a minimum before this even goes away  
8           or this goes to a motion what's in front of us  
9           tonight. But I digress.

10                   But so to get back to the Throop  
11           thing. In essence, Throop can stand on its own  
12           and we would lose the revenue. I'm asking  
13           theoretically if that happen --

14                   ATTY. BELARDI: Theoretically if,  
15           yeah, if we -- if we could engineeringly -- I  
16           don't know if that's a word. If we can  
17           theoretically by engineering put it all into  
18           Throop, you would not make a dime on the money  
19           that goes into the landfill in Throop.

20                   MR. MCHALE: Thank you.

21                   MR. AMICO: Can I ask another  
22           question back to Mr. Magnotta? You're  
23           currently permitted at 1585, correct?

24                   MR. MAGNOTTA: Yes, sir.

25                   MR. AMICO: So again, if we don't

1 agree with you tonight you already are  
2 permitted at 1585. So how are you going to  
3 shut down in two years? If you're going to  
4 fill in the plus signs as Mr. Belardi said --

5 ATTY. BELARDI: That's the phase  
6 three expansion, the plus sign.

7 MR. AMICO: But we're not voting on  
8 the phrase three expansion tonight. We're  
9 voting on a zoning ordinance. So my -- I  
10 don't want to say you threw a threat out there  
11 but I'm taking it kind of as a threat that  
12 you're going to shut down -- it's going to be  
13 shut down in two years.

14 So I'm wondering again, if you are  
15 currently permitted at this height and that's  
16 what you ask to stay to be permitted in this  
17 new expansion, how is tweaking our zoning  
18 tonight going to affect whether the landfill  
19 remains open or shuts in two years?

20 MR. MAGNOTTA: What you have to  
21 understand is that the 1997 permit modification  
22 which we call phase two encompassed 180  
23 acres -- going from memory. It's a long time  
24 ago. And I'm pretty old. And that when you --  
25 the heights are set by geography, okay. The

1 state has regulations, slope blah, blah, blah,  
2 setbacks and that was the height that was  
3 established in the phase two that for 186 acres  
4 of site.

5 Going forward in phase three is a  
6 totally different -- how can we say it? It's a  
7 total different approach. So the time when I  
8 said we're done I believe it's early 2021,  
9 something like that. We can only go in phase  
10 two. We can't go into the phase three.

11 So how this relates to it is the  
12 ability in the phase three application which  
13 we've submitted and was pointed out when there  
14 was issues raised about the view shed we  
15 unilaterally dropped that elevation -- I don't  
16 know, a hundred and some feet, 175 I think down  
17 to what's been permitted, was approved and has  
18 been in existence since 1997. So the capacity  
19 left that we have is only in phase two. That's  
20 all there is left, two years.

21 MR. AMICO: But we said earlier --  
22 again, maybe I'm -- I don't think I  
23 misunderstanding. We're not arguing tonight on  
24 whether you're going to be permitted -- we're  
25 not arguing expansion tonight. That was years

1 ago. I get that.

2 We're arguing -- we're clarifying a  
3 few lines -- a line actually in our zoning  
4 ordinance. So again, I'm not grasping why if  
5 you don't get this tonight why you believe you  
6 are shutting down in two years.

7 ATTY. OVERSTREET: I think I have a  
8 solution to your dilemma and to the 1585. And  
9 this is what I would propose if Solicitor  
10 Cummings would agree, whether before or after  
11 voting on the proposed amendment that we put  
12 forth, someone on Council wants to move for a  
13 second amendment and articulate it however you  
14 want to articulate it and bring it up for a  
15 separate vote, we would not object to that  
16 process.

17 If you want to do it first and then  
18 do the amendment we put in front of you then  
19 you can go where you are trying to go. And I  
20 think that we will not object to that process.  
21 I'm trying to find a way to be responsive to  
22 the seven members of Council's concern. I get  
23 it. I have been sitting here trying to figure  
24 out how to do it in a way that would be  
25 procedurally appropriate.

1                   And I think that's the only way that  
2                   I could see to do it is if you want to do that  
3                   first bring it up to a vote and then separately  
4                   entertain our requested amendment. So I offer  
5                   that for your consideration.

6                   MR. MCHALE: Thank you.

7                   MR. AMICO: I would kind of still  
8                   like an answer to the question I asked.

9                   MR. MAGNOTTA: I'm just saying all  
10                  that's left if you get the annual report which  
11                  I can give you if you don't have it is that  
12                  there's not an infinite capacity.

13                  AUDIENCE: Speak up. We can't here  
14                  you.

15                  MR. MAGNOTTA: There's not an  
16                  infinite capacity.

17                  MR. AMICO: I understand that.  
18                  Again, I'm reading what you asked of us to do.  
19                  And I don't want to bore you -- I'll just read  
20                  it. It says sanitary landfill is considered to  
21                  be any facility devoted to the storage and/or  
22                  disposal of solid waste pursuant to the  
23                  regulations of the Pennsylvania Department of  
24                  Environmental Protection governing sanitary  
25                  landfills, period.



1 Sanitary landfills may include  
2 staging areas as defined in Section 11.198.  
3 Sanitary landfills shall be subject to all  
4 regulations contained herein governing  
5 earth-moving activities. That's where we stop.

6 And then you've added -- you've  
7 requested. I shouldn't say added. You  
8 requested and shall neither be considered nor  
9 subject to regulation as structures for  
10 purposes of this ordinance.

11 So again, I'm just trying to  
12 understand. I'm not trying to be, you know,  
13 I'm not trying to throw a zinger or be a  
14 wiseguy. But I'm trying to understand why that  
15 line that I highlighted if we don't agree to it  
16 tonight is going to somehow shut down your  
17 expansion in two years. That's what I'm not  
18 grasping.

19 ATTY. BELARDI: It's not. It won't  
20 shut us down in two years.

21 MR. AMICO: But that's what he said.

22 ATTY. BELARDI: That's not the legal  
23 interpretation --

24 MR. AMICO: I'm not a lawyer.

25 ATTY. BELARDI: I am.

1 MR. AMICO: I know you are.

2 ATTY. BELARDI: That -- what happens  
3 tonight won't shut us down. All it does is  
4 stop frivolous litigation because as you heard  
5 enunciated earlier or set forth earlier is that  
6 there's a difference between a height on a  
7 building and a height on a structure. And  
8 everybody wants to make this building height a  
9 structure.

10 MR. AMICO: Again, that's why I  
11 asked the question about or I brought up -- and  
12 I understand that it's very vague. I grasp  
13 that. But the vaguer -- this not a word but  
14 the vaguer is you're saying a roof. Well,  
15 according to you our ordinance we have walls,  
16 fences, billboards, pools, again, that don't  
17 have roofs.

18 You're putting things on the record  
19 that when I try to ask questions about it I'm  
20 not really getting a straightforward --

21 ATTY. BELARDI: Because there's a  
22 hesitation on our part to want to relitigate  
23 this at a public meeting that's been decided by  
24 a court.

25 MR. AMICO: Exactly. That's why I

1 don't even know why it was brought up. I don't  
2 know why Mr. Magnotta even threw that out  
3 there. I know you can't answer, nor am I  
4 asking you to.

5 ATTY. BELARDI: Right:

6 MR. AMICO: Mr. Dempsey at the  
7 beginning said we're talking about this and  
8 only this and then Mr. Magnotta throws out, you  
9 know, we're going to shut -- basically if you  
10 don't do this you're raising taxes and doom and  
11 gloom and, you know, you're going to pay for  
12 garbage and I believe that's unfair.

13 ATTY. BELARDI: Those things I think  
14 are more properly contained and related to not  
15 one but two Host Fee Agreements that we have  
16 with the Borough that technically the Borough  
17 would be in breach of.

18 The settlement agreement of '99  
19 which the Borough's acknowledged and cooperated  
20 in expansion and the agreement in 2014, the  
21 Host Fee Agreement that brought you from the  
22 state mandated 40 cents to where you are today  
23 \$1.50 plus a penny every year.

24 MR. HAYES: 2017 you said?

25 ATTY. BELARDI: The agreement?

1 MR. HAYES: Yeah.

2 ATTY. BELARDI: 2014, oh, no, no,  
3 maybe it was later. The application started --  
4 2017, 2017. And then that particular agreement  
5 specifically says in paragraph -- I don't know,  
6 10 or 11 it says that the Borough acknowledges  
7 that the landfill is not a building. They are  
8 the agreements that the Borough made. So we  
9 have these agreements.

10 ATTY. CUMMINGS: Mr. Dempsey, for  
11 the record, there is a September, 1999  
12 agreement, Host Community Benefit and  
13 Settlement Agreement Section 1A sets forth the  
14 responsibilities and statements to the Borough.

15 And then there is the November 24th,  
16 2014 agreement wherein we were increased to  
17 what is currently \$1.52 per ton.

18 MR. DEMPSEY: Thank you.

19 MR. HALLINAN: You're in litigations  
20 still with this whole issue, correct, with FOL?

21 ATTY. BELARDI: It's in front of  
22 Commonwealth Court. We just don't -- argued  
23 orally on Tuesday.

24 MR. HALLINAN: Right, I'm sorry. I  
25 used the wrong word. I'm not a lawyer. So why

1 are we here? Why are you -- are we  
2 circumventing something that I'm not seeing? I  
3 know I'm just a lay person and the rest of us.  
4 It seems like all of a sudden now you threw  
5 this at us.

6 ATTY. BELARDI: Well, no.

7 MR. HALLINAN: I don't understand  
8 why we're at this point.

9 ATTY. BELARDI: Because --

10 MR. HALLINAN: I thought if you're  
11 fighting in court it seems like all of a sudden  
12 now you're coming to us in between while you're  
13 still in proceedings.

14 ATTY. BELARDI: Right. Because  
15 we're trying to stave off any future litigation  
16 over the same frivolous argument. We keep  
17 winning but nobody wants to recognize it. So  
18 it doesn't make any sense that we've got to  
19 keep relitigating the same issue.

20 How many times are we going to  
21 relitigate it and get the same outcome and  
22 you're going to keep paying your legal fees and  
23 we got to keep paying our legal fees, for what?  
24 It doesn't make any sense.

25 The problem here is that the Dunmore

1           Borough Zoning Ordinance has a height  
2           limitation on buildings. But everyone's  
3           wishes -- our opponents wished that was a  
4           height limitation on structures, okay? And so  
5           the court -- your Zoning Officer decided that  
6           wasn't the case. Your Zoning Hearing Board  
7           decided that wasn't the case. It got appealed.  
8           It goes before the Court of Common Pleas. They  
9           decided that wasn't the case.

10                   Now we're in front of Commonwealth  
11           Court again. We can probably -- most likely  
12           we're going to win in, you know, whenever they  
13           hand down their decision. And then that will  
14           be appealed. And it may or may not go up.

15                   MR. HALLINAN: Maybe we should wait  
16           until then.

17                   ATTY. BELARDI: We keep going  
18           through this over and over.

19                   MR. DEMPSEY: Attorney Belardi,  
20           hypothetically we agree to your ordinance and  
21           you keep making the argument that, you know,  
22           it's going to stop protracted litigation. Can  
23           you explain -- if we vote for this tonight and  
24           approve it, how does that stop the litigation  
25           that you're currently in right now that you

1 just had an oral argument on Tuesday? How does  
2 the litigation cease?

3 ATTY. BELARDI: How does the  
4 litigation cease?

5 MR. DEMPSEY: Yes.

6 ATTY. BELARDI: Well, quite frankly  
7 it would make the case moot.

8 MR. DEMPSEY: So how would you go  
9 about it? Would you file a motion?

10 ATTY. BELARDI: Not quite sure. We  
11 might do that.

12 MR. DEMPSEY: And do you think that  
13 the Friends of Lackawanna would just -- that  
14 would go unchallenged and there would be no  
15 more legal fees?

16 ATTY. BELARDI: I'm not quite sure.  
17 I'm not quite sure what they would do. I can't  
18 answer that. I can't -- I can't -- I can't  
19 answer that.

20 MR. DEMPSEY: I'm just wondering.  
21 You keep saying if, you know, this gets signed  
22 it stops all the protracted litigation and  
23 attorneys' fees, which I appreciate, believe  
24 me. I don't want to pay attorneys' fees.

25 ATTY. BELARDI: It just -- it

1 clarifies that which we already know which  
2 there was never an intent evidenced by the  
3 Borough to put a height limitation on the  
4 landfill. And so it stops spurious argument  
5 that of building -- a height limitation should  
6 be the same as a structure height limitation.  
7 It takes away that argument once and for all  
8 that it's just making everybody spin their  
9 wheels and spend more because everyone knows  
10 it's not -- there's no structure height  
11 limitation in the Borough Ordinance in an M-1  
12 zone on a landfill.

13 MR. DEMPSEY: I understand that.  
14 But it's still pending litigation. So I don't  
15 understand how that litigation stops from what  
16 we have in front of us. I don't know why it's  
17 in front of us.

18 ATTY. OVERSTREET: I think Mr.  
19 Magnotta used the term --

20 MR. DEMPSEY: I think my point is  
21 it's not going to stop attorneys' fees. This  
22 case is going to go on like you said to the  
23 Supreme Court no matter what we do here.  
24 You're still going to spend attorneys' fees.

25 ATTY. OVERSTREET: I'm not sure.



1 MR. DEMPSEY: Okay.

2 ATTY. OVERSTREET: Because that  
3 would depend on whether the Court agrees that  
4 it's --

5 MR. DEMPSEY: To get to that point  
6 there's going to be more attorneys fees.

7 ATTY. OVERSTREET: There will be a  
8 motion in front of the Court but that is a de  
9 minimis undertaking.

10 MR. DEMPSEY: Okay. Thank you.

11 ATTY. OVERSTREET: As opposed to,  
12 you know, proceedings in front of the Supreme  
13 Court which are very expensive.

14 MR. DEMPSEY: Well, I don't think  
15 the arguments -- or the facts change. The law  
16 doesn't change. You use the same --

17 ATTY. OVERSTREET: No, no, no. If  
18 we go to the Supreme Court, which is the next  
19 step --

20 ATTY. BELARDI: If they grant  
21 certiorari.

22 ATTY. OVERSTREET -- that's correct.  
23 But there's a whole briefing process to get  
24 the Supreme Court to take it. And then there's  
25 the merits briefing. So you're looking at a

1           minimum of \$50,000 in legal fees to get through  
2           that process.

3                   MR. DEMPSEY: Thank you. Anybody  
4           else from Council before I open it up to the  
5           public?

6                   ATTY. CUMMINGS: Item number seven  
7           if Council has concluded for the time being  
8           would be those who --

9                   MR. DEMPSEY: Before we do that,  
10          does anyone else on Council have any questions?

11                   ATTY. CUMMINGS: At the call of the  
12          Chair there would be those who have signed the  
13          sign-in sheet that have standing should come  
14          forward, state their name, address, be  
15          recognized by the Chair by calling from that  
16          list and then proceed.

17                   MR. DEMPSEY: Janet Brier.

18                   MS. BRIER: Hi. Thanks. Thanks  
19          for doing this. First thing I'd like to ask  
20          the President is because we took so much time  
21          will you give the people --

22                   MR. DEMPSEY: We'll do the best we  
23          can. We have until 8:00 and I want to get as  
24          many people as we can.

25                   MS. BRIER: We can probably go a

1           little bit longer since they went so long.  
2           Again, I'm not here to argue structure versus  
3           non structure. We've been hearing again for 40  
4           years that this is a multimillion dollar  
5           structure up in Dunmore that millions of  
6           dollars have been spent on.

7                         It's not a hole in the ground up  
8           there, you know. I mean, whatever. It's a  
9           ludicrous argument. What I'm here tonight to  
10          ask of all of you is to just think about our  
11          beautiful little town. As the kids say, nine  
12          square miles; and have the courage that I know  
13          all of you have in your hearts to speak truth  
14          to power and to defend our town.

15                        You guys are the last line of  
16          defense. And I think if you have it in your  
17          power to end this ludicrous argument about  
18          whether that multimillion dollar structure up  
19          in Dunmore is -- and our newest guy Chris, I  
20          voted for Chris. You want somebody new.  
21          Somebody with new ideas. And -- I'm sorry,  
22          Mike -- Mike Hayes.

23                        And I'm just here to really implore  
24          you to think about what we have here in this  
25          beautiful little town. And the key word is

1           little. We don't have room for more garbage.  
2           We just don't. Thank you very much.

3                     MR. DEMPSEY: Kevin McDonald.

4                     MR. MCDONALD: My name is Kevin  
5           McDonald. I live on Quincy Avenue in Dunmore.  
6           And one thing I would like to address is the  
7           fact that Mr. Overstreet -- Attorney Overstreet  
8           said that the landfill does not have a roof.  
9           The landfill will have a roof eventually once  
10          it reaches capacity.

11                    It will be a rubber roof just like  
12          the rubber roof on this building. They refer  
13          to it as a cap. But it is a roof nonetheless.  
14          And if you look on the roof of this building  
15          you will see plumbing vents in various  
16          locations over where there is a waste  
17          collection system, whether it be in the  
18          showers, in the kitchen, wherever it may be,  
19          there are vents just like the vents you see up  
20          on the Keystone Landfill.

21                    If you go up Marshwood Road and you  
22          look at that finished area in the Marshwood  
23          Road you'll see vents all over the place. They  
24          have a gas collection system. And they  
25          actually pump the gas out and sell it. Now,

1           that's where it differs from say this building  
2           here.

3                         We bring the gas in. But they have  
4           pipes that collect the gas throughout that  
5           entire complex no matter what the height  
6           they're collecting gas. They're venting for  
7           their drainage collection system. And when  
8           they are done up there they will put a rubber  
9           roof on the top of that landfill. And it will  
10          be a structure even though it doesn't have a  
11          roof at this point. There will be -- there  
12          will be a roof on it eventually.

13                        I used to work for the -- in the  
14          1980s I worked for the Dunmore Borough as a  
15          Code Enforcement Officer. And in speaking to  
16          at the time I used to see Leonard Verrastro,  
17          former Councilman quite a bit because he would  
18          sign checks for a housing rehab program that we  
19          had going on in the Borough.

20                        So our discussions about the  
21          landfill, he said, you know -- and he said  
22          contrary to what Mr. Magnotta said is the  
23          Borough had to give Mr. DeNaples the landfill  
24          because DEP mandated that they put a liner in  
25          it. So if I'm not mistaken, does the Dunmore

1 section in the Keystone section in your new  
2 permit, isn't that to be excavated and put into  
3 a lined area?

4 ATTY. OVERSTREET: Our understanding  
5 is that we were directed to take questions from  
6 Council only. Otherwise we'd be here for many  
7 hours I'm sure -- examine us.

8 MR. MCDONALD: You're slick. So  
9 anyway as it turns out, again, we gave the  
10 Dunmore landfill to Mr. DeNaples. He turns  
11 around and how many years did we pay a garbage  
12 tax? We paid to dump garbage in our own  
13 landfill. Can you believe that? That's crazy.  
14 That's absolutely crazy. So I'd like to switch  
15 for one minute and bear with me.

16 MR. DEMPSEY: Mr. McDonald, you have  
17 one minute.

18 MR. MCDONALD: One minute, okay.  
19 When I was, again, Code Enforcement Officer  
20 when the DeNaples at that time while I was  
21 there came and took the Erie Shops and they  
22 were going to clean off the mountain of all the  
23 junk cars, dismantle them and stack all of the  
24 parts inside the Erie Shops.

25 They came to the Planning Commission

1 for approval. Mr. Angelo Rosatti came and said  
2 there won't be ten cars parked outside of that  
3 facility and we're going to clean off Bunker  
4 Hill mountain. Angelo Rosatti was Al  
5 Magnotta's partner at CECO Associates.

6 Now, we have a thousand and ten cars  
7 parked outside of those facilities. And we  
8 have the junkyard back on the hill. That  
9 constitutes basically we were going from  
10 Wheeler Avenue in Dunmore with junk all the way  
11 up through Bunker Hill, then we run into the  
12 landfill. We have a semicircle of junk and  
13 garbage around Dunmore and it's time to stop.  
14 It's time to stop.

15 MR. DEMPSEY: Jeannie McDonald.

16 MS. MCDONALD: Pass.

17 MR. DEMPSEY: Mandi Boyanoski.

18 MS. BOYANOSKI: Mandi Boyanoski,  
19 Dunmore. I live in Dunmore. You live in  
20 Dunmore. These gentlemen do not live in  
21 Dunmore. I'm going to quote a campaign promise  
22 from Council. "We have only one objective in  
23 mind, the betterment of the Borough of Dunmore.  
24 Our team understands that in order to thrive we  
25 must attract new business and potential

1 residents which requires reinvesting in our  
2 Borough." When are you going to reinvest in  
3 our Borough? Put an end to this.

4 Your vote will solidify our future.  
5 So please take into consideration that if you  
6 grant this and allow it you can help promote a  
7 sale tomorrow. Who's to say they don't sell  
8 this tomorrow to some unknown source that  
9 doesn't live in Dunmore, lives in Virginia,  
10 lives in wherever they want to live. Think  
11 about that.

12 They can sell this tomorrow and then  
13 what are we left with? A height restriction  
14 that they could then come and apply again and  
15 apply again and all I witness today was a bunch  
16 of threats to you guys who are standing up for  
17 us, the citizens. I'm not going to sit here  
18 and tell you why I moved to town because I  
19 don't that's -- it's irrelevant anymore.

20 I don't think that's something that  
21 you guys listen to anymore. But your campaign  
22 promises, your oaths. You were sworn to  
23 protect us citizens. And that's all I'm asking  
24 for because honestly, if this is granted, I'm  
25 out of here. And I'm sure a lot of other



1 people, a lot of young people are going to  
2 leave.

3 And that's all I'm going to say. So  
4 just think of that outside source that may come  
5 in and do whatever they want because they can  
6 then apply and apply and find those loopholes  
7 that they have kept finding. There's a lot of  
8 loopholes. Think about all of these loopholes  
9 that they have found. Thank you.

10 MR. DEMPSEY: Sharon Cuff.

11 MS. CUFF: Good evening, everybody.  
12 Okay. I have a question to start off before I  
13 say much of anything else. I was pulling off  
14 documents and reading things just like all of  
15 you have been and so many others.

16 AUDIENCE: We can't hear you.

17 MS. CUFF: Sorry, is that better?  
18 Okay. Sorry. I think I was talking to the  
19 wrong one. I, like you guys did a lot of  
20 reading, pulling off documents, looking at  
21 different things. So to start with I pulled  
22 off a zoning ordinance amendment procedures  
23 from the government website.

24 And one of the items that jumped  
25 right out at me was Did You Know. Elected

1 officials are not obligated to entertain or  
2 take action on zoning ordinance amendments  
3 requested by property owners or developers. I  
4 believe that applies to this situation at hand.

5 So first before we go any further  
6 I'm wondering why are we even having this  
7 hearing? And do you as Council even have to  
8 vote because everything I have read indicates  
9 none of this needed to happen. And I feel that  
10 you unfortunately are being used to benefit one  
11 business and no benefit is given to the  
12 residents of this borough.

13 So I would ask tonight either that  
14 you vote no to this proposed amendment as it  
15 stands, "A" because it's still in the court  
16 system being reviewed. And I don't feel  
17 anybody should be weighing in until the courts  
18 decide.

19 Or "B" don't vote at all because you  
20 don't have to. And you don't need to be  
21 bullied into making a decision that somebody  
22 wants you to.

23 MR. DEMPSEY: Tom, can you opine on  
24 that? Is that accurate that we don't have to  
25 vote?

1                   ATTY. CUMMINGS: You don't need to  
2                   have a meeting. You could just so ignore it if  
3                   you so choose. But you've already published it  
4                   to have the hearing and the meeting.

5                   MR. HALLINAN: Can I ask? So if we  
6                   did that, we would have to vote no action.  
7                   Would that be a vote? We can talk about that  
8                   later.

9                   ATTY. CUMMINGS: That would be at  
10                  the meeting.

11                  MS. CUFF: I'm sorry. I do have a  
12                  lot of information written out on that. If you  
13                  need any of it I would be happy to provide it.  
14                  But basically the hearing did not have to take  
15                  place. And after 60 days commenced, on the  
16                  61st day the amendment that was sought would be  
17                  deemed denied.

18                  And if now that we're already here  
19                  if you choose not to vote after you vote -- if  
20                  you do not vote tonight 46 days from now it's  
21                  deemed denied.

22                  MR. DEMPSEY: Michelle Dempsey.

23                  MS. DEMPSEY: Michelle Dempsey,  
24                  property owner in Dunmore. I think what Sharon  
25                  just said kind of says it all. But just in

1 case I'll say my peace. So just quickly in  
2 terms of the height, this is -- I think these  
3 are familiar just to -- I'm going to try to  
4 talk if you can hear me -- sorry.

5 This is the height of Dunmore above  
6 sea level right here 1100 feet above sea level.  
7 So this is the Statue of Liberty at 306 feet.  
8 This is the existing landfill. This is the  
9 phase two that is just completing, this light  
10 gray.

11 And this is the area that was  
12 originally -- this is what phase three all the  
13 pink is what they have been asking for. What  
14 we're talking about what they have been saying  
15 tonight is that at this point they're willing  
16 to say, okay, we'll cap it right there and take  
17 really just the tip of the pyramid off.

18 But that's still a lot of garbage  
19 and a lot of height that we're talking about  
20 here, right, and to quote Mr. Magnotta in terms  
21 of that would they go higher I think I recall  
22 you saying once at a meeting that why did you  
23 do it for 50 years. You said we'd do 100 if we  
24 could; right? So if they could make it higher,  
25 if they could make it wider.

1                   If they could fit more garbage you  
2                   better believe that's what would happen here at  
3                   our expense, not at theirs. And so because we  
4                   all know this benefits one company. And so I'm  
5                   hearing tonight, you know, that, hey, this  
6                   1997, 2000, you know, it's always been here.  
7                   Nobody had a notion in those eras that a  
8                   landfill which is, you know, in the ground that  
9                   a landfill would become taller than our  
10                  mountainscape, right?

11                  Nobody had a notion. It happened  
12                  very quickly, almost in a blink of an eye to  
13                  us. And so, you know, these kind of threats  
14                  just aren't sitting well with us. I just want  
15                  you to know that. They are not sitting well  
16                  with the community here.

17                  To quote Mr. Overstreet from the  
18                  Planning Commission a lot of the things he said  
19                  tonight we're trying to prevent even the  
20                  possibility of the extraordinary problematic  
21                  litigation that would arrive if there was a  
22                  decision to impose a height limit, you know,  
23                  are you prepared for years of litigation in  
24                  federal court, you know, if you try to impose a  
25                  height limit, etc., threat, threat, threat,

1 more threats.

2 I want to point out that Dunmore  
3 doesn't waive an ordinance by not applying it.  
4 And in addition every one who violates a zoning  
5 code can threaten the same exact thing, right?  
6 Expensive litigation. And if the Borough  
7 covered to those threats every time, its code  
8 would be meaningless as meaningless as having a  
9 zoning code that doesn't limit the height of a  
10 structure.

11 A business could put a factory in  
12 the middle of an R-1 neighborhood and then dare  
13 you to make them remove it. Residents can  
14 build an addition six feet from their  
15 neighbor's home and refuse to take it down.  
16 But Dunmore has a right and, in fact, an  
17 obligation to its citizens to enforce our  
18 zoning codes which are set for the benefit of  
19 the community as a whole.

20 I'm sure the citizens of Dunmore can  
21 remember incidents of enforcement in the past.  
22 I know there was one years ago on Smith Street  
23 where somebody violated a code and their  
24 addition had to be torn down. So Keystone  
25 Sanitary Landfill wants Dunmore to be afraid of

1 a lawsuit.

2 That's what you're hearing tonight.  
3 They want us to be afraid. That's the modus  
4 operandi. They are the ones that should be  
5 afraid though because if they don't get this  
6 height limit they're stuck where they are. In  
7 fact, there's the possibility of making them  
8 take -- this is, you know, this is where we are  
9 today. 50 feet's about right there. There's a  
10 possibility of having to take a lot of that  
11 landfill down.

12 So threats like Mr. Overstreet made  
13 on behalf of KSL just don't work on this  
14 community anymore. With the law on our side  
15 should we win this case that is playing out in  
16 the courts right now, it's KSL who should be  
17 looking to negotiate and not threaten the  
18 Borough.

19 KSL should be asking if they can  
20 just stop building their structure higher  
21 instead of having to tear it down. Also many  
22 people tonight are probably going mention that  
23 this ordinance change only benefits KSL and not  
24 the community. I want to say that over and  
25 over, one entity. It's just unheard of that a

1 zoning ordinance would be changed to benefit  
2 one special interest.

3 It's unheard of. So don't --  
4 it's -- that's it. And, you know, you on our  
5 Council were elected, four of you actually ran  
6 on a strong antiexpansion campaign. And that's  
7 what got you voted in. That's a big part of  
8 the reason why this community voted for you.  
9 And that should be enough to just -- if this  
10 did go to a vote you should outright deny it.

11 I don't think there should be any  
12 question that that should happen if it even has  
13 to because as Sharon mentioned, we probably  
14 don't need to be sitting here. So if you voice  
15 no opposition to the landfill in the past and  
16 you if you ran on that platform and if you  
17 don't vote to deny this, then don't run next  
18 term because you're not able to keep your  
19 promise to the citizens of the community on an  
20 issue that obviously is of paramount importance  
21 to us and our future.

22 On the other hand, if you vote to  
23 deny this if we even have to go to the vote, I  
24 thank you for voting with integrity and denying  
25 it because integrity is just a simple act of



1           keeping your word. Thank you.

2                   MR. DEMPSEY: I apologize if I get  
3 this -- it's hard to read Joseph -- is it  
4 Formica? Kathryn Oven?

5                   MS. OVEN: Kathryn Oven, Dunmore.  
6 Thank you everyone for coming tonight. We  
7 started this landfill fight about five years  
8 ago, similar situation here in this room. And  
9 when we first began the fight -- we first  
10 started the fight, Mr. Dempsey, Mr. McHale and  
11 Mr. Hallinan publically stated that they were  
12 against the landfill expansion.

13                   Since then Mr. Amico and Mr. Hayes  
14 have publically stated they were against the  
15 expansion as well. I'd like to read a little  
16 bit from their campaign Mr. Hayes, Mr. McHale,  
17 and Mr. Amico and Mr. Dempsey ran and they  
18 said, Presently the most significant topic  
19 facing the Borough of Dunmore is the expansion  
20 of Keystone Landfill.

21                   All four members of our group have  
22 continued to oppose this expansion of the  
23 landfill. We publically opposed it in October  
24 of '14. And at that time Mr. McHale and Mr.  
25 Dempsey along with other members of Council

1           were the first public officials to come out  
2           publically against the expansion. If given the  
3           opportunity to be reelected, we will continue  
4           this opposition.

5                       Mr. Amico is a core member of  
6           Friends of Lackawanna, has been with them since  
7           the inception and has been publically fighting.  
8           Mr. Hales{sic} has pubically stated numerous  
9           times he's against the expansion of the  
10          landfill and additionally Mr. Hales along with  
11          the rest of Council has worked tirelessly to  
12          improve the Borough's recycling. And that's  
13          for another time.

14                      If we are elected Mr. McHale, Mr.  
15          Amico, Mr. Hayes and Mr. Dempsey will continue  
16          our commitment for the Borough. So I guess my  
17          question is, if five years ago the first five  
18          people sitting at this table said they were  
19          against the expansion, are you going to go back  
20          on your word and vote for this?

21                      Or are you going to be man of your  
22          word and vote the way you should to protect the  
23          people of the Borough. That's my first  
24          question.

25                      My second question is, I don't know

1 if people are aware of the 2016 Pennsylvania  
2 Consolidated Statute for boroughs and  
3 incorporated towns. It basically states that  
4 Council's specific powers are to make  
5 regulations as may be necessary for the health,  
6 safety, morals and general welfare, cleanliness  
7 and beauty, convenience, comfort, safety of the  
8 Borough.

9 So really by adding 50 more years of  
10 garbage over 160 million tons with 500 trucks  
11 coming in the Borough daily, the air we're  
12 breathing, the water we're drinking is being  
13 jeopardized, are you really fulfilling that,  
14 that oath that you took as our elected  
15 officials?

16 And to Mr. Magnotta's point of  
17 threatening that we'll be broke, there's  
18 thousands of towns throughout the United States  
19 that don't have landfills and survive.

20 MR. DEMPSEY: Guys, I understand  
21 everybody's points. But if we can just in the  
22 interest of time we still have a lot of people  
23 to get through. So if we can just keep it on  
24 structure as best we can. I'll allow some  
25 leeway but as best you can I appreciate it.

1 Trip O'Malley.

2 MR. O'MALLEY: Good evening,  
3 Council. I listened to Mr. Magnotta speak  
4 before. And what I heard was that the owner of  
5 the landfill has gotten his way from this  
6 Borough every single time he wanted something.  
7 And it's time that you stand up for the 14,000  
8 people who live in this Borough for once.  
9 Thank you.

10 MR. DEMPSEY: I'm not even going to  
11 attempt this next one, Ellen A-N-U-S-Z-E-V --  
12 what is it?

13 MS. ANUSZEWSKI: Anuszewski. My  
14 name is Ellen Anuszewski. And I'm a proud  
15 resident of Dunmore. I've been here 28 years.  
16 And I love this community. We are caring  
17 wonderful people. Unfortunately sometimes  
18 kindness is mistaken for weakness. And we are  
19 not a weak community.

20 I implore Council to look for your  
21 children and grandchildren and do the right  
22 thing. I know if you look in your hearts and  
23 look deeply you'll know what the right thing is  
24 to do. I can't believe that we're at this  
25 point. How many millions of tons of garbage?

1           How are we going to toxify our Borough?

2                   I will tell you that if you pass  
3           this, a for sale sign goes on my house. And it  
4           will break my heart to leave this community.  
5           But I will do that and then you will have no  
6           one here as a tax base. It will be a ghost  
7           town. So I implore you to do the right thing  
8           and vote against this. Thank you.

9                   MR. DEMPSEY: I just need to clarify  
10           is there a Mark Sujkowski? Jamesina Hayes?  
11           Miss Hayes, are you a Dunmore resident?

12                   MS. HAYES: I'm not. I didn't see  
13           that until after I signed up. But no one  
14           mentioned that I couldn't.

15                   MR. DEMPSEY: Go ahead. You're the  
16           only one that's on here.

17                   MR. HAYES: For the record I do not  
18           believe we are relations.

19                   MS. HAYES: We are not. The reason  
20           I came tonight and I hope I'm representing a  
21           lot of people out in the community who are your  
22           neighbors that care very much about what's  
23           happening in Dunmore. And I for one have lived  
24           within a block of the Cedar Avenue mine fire  
25           and the weight of Scranton Sewer Authority.

1                   And I could tell you first person  
2                   that it is not a pleasant thing. I had to  
3                   watch my neighbors move -- actually give up  
4                   their homes and leave the area because of the  
5                   effects of the mine fire. I had to live with  
6                   the smell and the stink from the Sewer  
7                   Authority which was very offensive.

8                   Well, I was reminded of it not too  
9                   long ago when I took the Casey Highway to  
10                  Carbondale. And I'm thinking what's going on?  
11                  What's that terrible odor? And I looked over  
12                  and, oh, my God. It's the landfill. So quite  
13                  honestly, I think we understand why this is  
14                  even gotten as far as it has.

15                  Back in the -- these gentlemen keep  
16                  pushing the fact of the law, 40 years ago, 40  
17                  years ago. Well, I'm sure the people that were  
18                  on Council at that time never envisioned that  
19                  we would have the situation that we're faced  
20                  with today.

21                  Who would think that garbage would  
22                  be that fabulous that it had to be a tower  
23                  taller than the Statue of Liberty. But I could  
24                  tell you this much I saw firsthand when  
25                  Mr. DeNaples got the contract to take the

1 Scranton City garbage.

2 My father was a labor leader at the  
3 time in the City of Scranton. So it was a  
4 discuss at the super table. Garbage was a  
5 problem for the City of Scranton at that time.  
6 That was as they say 40 years ago. And I think  
7 Scranton was one of the first contracts that  
8 got Mr. DeNaples on the garbage. He may have  
9 done a little bit here and there before that.  
10 But as far as municipalities we were one of the  
11 first clients.

12 I don't think anybody who was  
13 okaying those ordinances and those laws over  
14 the past several years ever envisioned that you  
15 would you be faced with what you're faced with  
16 today. But I could tell you the number one  
17 concern in everyone's mind today should be the  
18 children of this community because there is  
19 a -- we have all the data.

20 We know what all this unknown  
21 leachate and everything can do to people. And  
22 what Mr. DeNaples -- I'm sorry Keystone  
23 Landfill is asking is too much. They're asking  
24 for too much. It's just not fair. They are  
25 saying the issue is between structures. Let's

1           be honest. That's not the issue.

2                       I find it very hard sitting and  
3 listening to you tonight saying that we don't  
4 care if it's over 1500 feet. That doesn't  
5 matter to us. Well, if it doesn't, why are you  
6 pushing so hard? Why is the structure language  
7 so offensive to you? And I'll tell you why  
8 because there is a hidden agenda in my opinion.  
9 Trust is a factor here. People have trusted  
10 their neighbor, this businessman to do the  
11 right thing by them.

12                      And Mr. DeNaples has done many  
13 wonderful things. I know him to say hello to.  
14 And I could tell you he's done wonderful things  
15 in the community. But this not a good legacy.  
16 And you have the opportunity --

17                      MR. DEMPSEY: Mrs. Hayes, I don't  
18 mean to cut you off. No, you're okay. But if  
19 you could just try to keep it to structure. I  
20 don't want to disparage anybody's name or  
21 anything.

22                      MS. HAYES: I apologize. I don't  
23 mean it to -- believe me, I'm not trying to say  
24 that.

25                      MR. DEMPSEY: Continue.



1 MS. HAYES: I'm saying that he's  
2 opposing what I think is right. And I don't  
3 mean it personally. I really don't. But if  
4 you can understand that this issue are the  
5 legacies of the community today.

6 Today when I decided to come to the  
7 meeting I looked at Dunmore's criteria. And  
8 you're not in existence all that long. And the  
9 first structures in Dunmore were down at the  
10 corners and they were tiny little buildings.  
11 Look what Dunmore's become. It's a beautiful  
12 area.

13 But this is not an asset as far as  
14 appearance goes. And it is a concern to the  
15 community. You have a right to vote on the  
16 structure.

17 UNIDENTIFIED MAN: Is she a resident  
18 of Dunmore?

19 MS. HAYES: The issue of structure  
20 is very clear. If you look up the legal  
21 definition you can qualify the landfill as a  
22 structure. If you check the legal definition  
23 it is qualified as a structure. I appreciate  
24 everybody's time. I just wanted to give my  
25 input from the people who care about you from

1 the outside.

2 MR. DEMPSEY: Melanie Naro.

3 MS. NARO: Good evening everyone. I  
4 don't think this mic is on because we can't  
5 hear in the back. Where I was standing the  
6 sound system am is bad.

7 First of all, I want to thank  
8 Council. This is a hard job. It's a thankless  
9 job. So thank you. And I hope that you're  
10 listening to everybody. While I was in the  
11 back after the learned counsel here and the  
12 landfill's engineer were speaking, I Googled  
13 like everyone else did what the definition of a  
14 structure is. And this is what I found.

15 The arrangement of relations between  
16 the parts of elements of something complex.  
17 Well, nothing is more complex than this  
18 landfill with the layers and a top and it has  
19 to be very structured. I give applause to the  
20 DeNaples family because it is a  
21 state-of-the-art complex.

22 Secondly, I looked -- I downloaded  
23 an app, a legal app, a dictionary. And they  
24 gave me the definition of, A framework or  
25 construction with elements identifiable giving

1 stability and form and able to resist strains  
2 and stresses.

3 Well, that's what the landfill is  
4 supposed to do because if it collapses, our  
5 whole water structure is destroyed. So I think  
6 it fills structure. And I think that's what  
7 President of Council wanted. Those are the  
8 definitions that I found. So --

9 MR. DEMPSEY: Thank you.

10 MS. NARO: I implore this Council to  
11 deny this request. It's very simple. Just  
12 vote no to it. When I was on Council many  
13 years ago some of you may remember our town was  
14 faced with an application for the methadone  
15 clinic.

16 And we had our meeting in the gym.  
17 I want Council to know that people are standing  
18 in the hallway because you can't see it.  
19 People are in the out doors. I think we're at  
20 capacity here. So shame on you for not having  
21 it where everybody could be heard and hear  
22 what's going on.

23 You knew people were going to come  
24 out tonight and oppose this. But when I was on  
25 Council we listened to what members said and

1 especially on the methadone clinic. You had  
2 seven noes. So if you're against this  
3 amendment please clap and let this Council  
4 hear. You're elected by these people. You  
5 should listen to these people. Thank you.

6 MR. DEMPSEY: Beth Zangardi.

7 MS. ZANGARDI: I'm a little nervous  
8 all of a sudden. My name is Beth McDonald  
9 Zangardi. I just have a few points that I've  
10 been -- I swore I wasn't going to talk but, you  
11 know. I'd like to ask -- I heard Tom  
12 Hennigan -- or I'm sorry. See how nervous I  
13 am, Tom. You're against the landfill?

14 MR. HALLINAN: I can't say anything  
15 right now.

16 MR. DEMPSEY: Miss Zangardi, if you  
17 want to make comments, please do. We're not  
18 going --

19 MS. ZANGARDI: I'm just asking a  
20 question.

21 MR. HALLINAN: I'm not going to give  
22 a predetermined opinion.

23 MS. ZANGARDI: Tom Ehnot, are you  
24 against the landfill? Carol, are you against  
25 the landfill? Mr. Cummings, are you against

1 the landfill?

2 ATTY. CUMMINGS: I don't vote.

3 MS. ZANGARDI: Do you live in  
4 Dunmore?

5 ATTY. CUMMINGS: Yes, I do.

6 MS. ZANGARDI: You live in Dunmore?  
7 Well, we know you have a business in Dunmore.  
8 Do you live in Dunmore or do you live in  
9 Moscow?

10 ATTY. CUMMINGS: This is way out of  
11 order.

12 MS. ZANGARDI: My second question  
13 would be Keystone Landfill -- the difference  
14 between landfills and other landfills, this  
15 landfill is in our backyard. It's in Swinick  
16 Development's backyard. You could walk a half  
17 a mile or a quarter of a mile to that landfill.

18 My husband and I moved from Smith  
19 Street to Homestead Street. And we walked out  
20 of the house and I was like, what is that  
21 smell? And he said it's the landfill. I  
22 almost fell over. I couldn't believe it. I  
23 heard about it but never smelled it on my own.

24 If this goes through you can  
25 guarantee you're never going to sell your house

1           ever. Your property values will plummet  
2           because they already have. You walk out our  
3           doors now and it smells. Then at the  
4           mountain, we all see the mountain going up 81,  
5           going down 81, going to work over the O'Neill  
6           Highway, going into the Swinick Development,  
7           going up the O'Neill Highway to Big Lots. We  
8           all see it.

9                         We all smell it. We all know it's  
10           there. If it goes through you're not going to  
11           get the property value. You're not going to  
12           get the money you put into your house, Mandi.  
13           It's not going to happen.

14                        Mr. Overstreet says there has been  
15           no argument in 40 years against this landfill.  
16           That is a flat out lie. My brother Kevin  
17           dragged us out for years fighting this  
18           landfill. Where's Ed Flannigan? Janet Brier,  
19           years. We had to get up and go out and fight  
20           that fight 40 years ago.

21                        1982, I was a kid. Here we are 37  
22           years later and what are we doing? Fighting  
23           the same fight. We would not need unending  
24           years of litigation if you would stop. Just  
25           stop. The real last thought I had been texting

1 people to please, come down, come down, come  
2 down.

3 I was told that there was a large  
4 number of people outside who are not allowed  
5 in. My suggestion would be we should have it  
6 next time if there is a next time in the  
7 gymnasium so we can all gather and fight this  
8 landfill. Thank you.

9 MR. DEMPSEY: Max Conway.

10 MR. CONWAY: Hi. My name is Max  
11 Conway. I recently own a house down on Adams  
12 Avenue as of Friday. So I'm probably one of  
13 Dunmore's newest residents. I apologize. I  
14 don't know your name. But in response to the  
15 one attorney's comments where he said why  
16 didn't people come forward a long time ago  
17 about this issue?

18 One, a lot of us weren't alive. You  
19 spill a drop of coffee on yourself you don't  
20 then just take a whole mug and pour on it on  
21 yourself and say, well, what can you do. The  
22 important thing is that we're here now.

23 And, by the way, Council, you know,  
24 if this is approved, good luck getting young  
25 people to move here and start families. Now, I

1 don't mean to pick on Mr. Hallinan. I know you  
2 have an important vote tonight.

3 But I know members of my family and  
4 I voted for you primarily because when asked by  
5 the Scranton Times in article titled Business  
6 Primary for Dunmore Borough Council published  
7 on May 6th, 2017, you said you opposed the  
8 landfill expansion.

9 I don't know how you're voting  
10 tonight. But I beg you to stick to your guns  
11 and represent the people who put you on the  
12 Council and not one corporation. A vote in  
13 support of Keystone Landfill would be a slap in  
14 the face to those who supported you. Thank you  
15 for your time.

16 MR. DEMPSEY: Tom, Mayor Burke  
17 signed in. Is he part of the public or would  
18 he comment on Council comment? I just don't  
19 want to go out of order.

20 ATTY. CUMMINGS: Under MPC Council  
21 is just Council. So the Mayor could go.

22 MR. DEMPSEY: Mayor Burke.

23 MAYOR BURKE: Okay. Can I sit here,  
24 Mike?

25 MR. DEMPSEY: Sure.



1                   MAYOR BURKE: I agree with what  
2                   everybody in the audience. The threats, it  
3                   doesn't scare me. And I know it doesn't scare  
4                   these people here. You could threaten us all  
5                   you want, landfill. But like this young  
6                   gentleman that spoke before when Keystone was  
7                   passed and nobody said anything about the  
8                   structure or the landfill, the landfill didn't  
9                   have a liner 40 years ago, did it? The  
10                  landfill wasn't accepting fracking 40 years  
11                  ago, was it? Right now they are.

12                  And there's a lot unknown about  
13                  fracking. What is known is not any good.  
14                  Right now the DEP is getting sued in Ohio over  
15                  accepting fracking from -- being forced to  
16                  accept fracking because the DEP forced them to  
17                  accept and treat it at their plant and it  
18                  killed all the (inaudible) plant which fought  
19                  the bacteria.

20                  That could happen here too,  
21                  especially if we go to the size we're looking  
22                  at. I beg Council just to protect my children  
23                  and my grandchildren and all of these people  
24                  here. This is our future. This is our last  
25                  chance. Please. I beg you. Do the right

1           thing for our family.

2                   MR. DEMPSEY: Is there a Richard  
3           Yost here?

4                   MR. YOST: I'm here and have no need  
5           to get up and talk because I'm not a resident  
6           of Dunmore. But if Mr. Bolus should be  
7           afforded that privilege I would like to speak  
8           in opposition to what I know he's going to say.

9                   MR. DEMPSEY: I'm sorry, sir. I  
10          can't allow that. We're here for a landfill.

11                  MR. YOST: It may be sufficient to  
12          say --

13                  MR. DEMPSEY: I can't let you speak.  
14          I apologize.

15                  MR. YOST: Understood.

16                  MR. DEMPSEY: Thank you. With that  
17          being said, Mr. Bolus.

18                  MR. BOLUS: Bob Bolus. I've been in  
19          Dunmore for 50-some years. I think your  
20          comment was out of context. I think it was the  
21          most asinine thing I heard from an individual  
22          for you to challenge me --

23                  MR. HALLINAN: Stop.

24                  MR. DEMPSEY: Stop.

25                  MR. BOLUS: My opinion doesn't make

1 a damn bit of difference one way or the other.

2 MR. YOST: I agree with that.

3 MR. BOLUS: That's your opinion --

4 MR. DEMPSEY: Sir.

5 MR. BOLUS: -- waste my time even  
6 addressing you. It's like talking in a vacuum.  
7 So I don't even want to talk to you.

8 MR. DEMPSEY: Mr. Bolus, we need  
9 to --

10 MR. BOLUS: I know. This is about a  
11 legal issue and leave it at that. Thank you.

12 MR. DEMPSEY: Molly Callahan.

13 MS. CALLAHAN: Hi. My name is Molly  
14 Early Callahan. And I have lived in Dunmore  
15 for several generations, my whole family has,  
16 not me. I have to start by saying the only  
17 other time I ever spoke in public like this I  
18 ended up bawling crying. So fingers crossed  
19 this goes a little bit better.

20 I very much debated about coming to  
21 speak tonight, not because I'm not passionate  
22 about the cause or have nothing to say. But  
23 because one, like I said, I tend to cry; and  
24 two, I'm not sure how much of a difference my  
25 speaking would make. And most importantly I'm

1 not an expert.

2 I'm not going to pretend like I am.  
3 But the more I thought about it, the more I  
4 realize that I really cry over things that I  
5 care about. My family has already proven that  
6 miracles happen when we fight together. And I  
7 am an expert on the power of this amazing  
8 community.

9 And that all has to do with my son  
10 Jack. If you haven't heard the name Jack  
11 Callahan lately, I kind of think you need to  
12 get out more. My son through no fault of his  
13 own has become a bit of a local hero. He's the  
14 kid that fought and recently beat cancer and  
15 not just any cancer but a crazy rare and very  
16 scary form of leukemia that came with a  
17 terrible prognosis.

18 He was just two weeks past his first  
19 birthday when he was diagnosed -- and saying  
20 that right now makes me realize how unfair this  
21 whole thing has really been for Jack. But my  
22 family never really had time to feel sorry for  
23 him because when Jack was diagnosed this  
24 amazing community rallied for him.

25 The outpouring of support was



1 the best way possible. The way our town sticks  
2 together and fights for one another is the  
3 reason so many of us have chosen to live in  
4 this wonderful little place. I'm not here to  
5 talk about cancer. I think we all know the  
6 statistics for this area and they're not good.

7 But I do know that if the rates in  
8 this area have anything to do with the place  
9 that we live, we need to try our best to stop  
10 what is happening and not have another family  
11 have to live like we just did or maybe even  
12 worse.

13 Like I said in the beginning, I'm  
14 not sure how much of a difference my speaking  
15 will make. But given my luck these days I  
16 thought I'd give it a shot. I ask you what  
17 will changing these laws do for our kids and  
18 their kids' future?

19 Will our families choose to stay  
20 here like we did? Will they feel as lucky as I  
21 do to live here or will they move away for fear  
22 of their health and their wellness? Will they  
23 be known as the town who did anything for  
24 their neighbor or as the town next to a giant  
25 mountain of garbage.

1                   This is an easy decision. I want  
2                   you to say -- I wanted to say that in my family  
3                   and throughout Jack's entire treatment we have  
4                   a saying, "You're rough. You're tough. You're  
5                   tough and rough. You come from Dunmore and  
6                   that's enough." Be tough. Do the right thing.  
7                   Go up against the big guys and help this  
8                   community stay the amazing place that it is to  
9                   grow and live and thrive together. Thank you.

10                   MR. DEMPSEY: I didn't think I was  
11                   going to cry tonight either. Rich Wilson.

12                   MR. WILSON: My name is Rich Wilson.  
13                   I'm from Dunmore. And I'm asking Council not  
14                   to vote in favor of this amendment. Just leave  
15                   it as it is and we'll see if our ordinances can  
16                   hold up in court. And we don't need to expose  
17                   the children of this Borough and their  
18                   children's children to further environmental  
19                   hazards.

20                   Mrs. Callahan, I know a young lady  
21                   Emily who died from a very rare cancer about 15  
22                   years ago. And it had to do with environmental  
23                   factors. And I don't think we should be  
24                   exposing the children of our area to further  
25                   hazards with regard to increasing the landfill.

1                   And if this vote can delay an  
2                   increase, that's the thing you should do. Just  
3                   vote no or don't vote at all in favor of this  
4                   amendment. I also ask the officials of the  
5                   landfill if -- you're very good at building  
6                   landfills now. If you can just start a new  
7                   landfill maybe further down 81, I'm sure you'll  
8                   do a good job at it. And there's a lot of  
9                   highways around here that could handle changing  
10                  the direction of the environment. It's just  
11                  something for you guys to think about. I thank  
12                  you for the time.

13                  MR. DEMPSEY: Pat Clark.

14                  MR. CLARK: Maria's going to yell at  
15                  me to talk slowly. Thank you. So it's almost  
16                  exactly five years to the day of the first time  
17                  this room filled up like on a landfill issue.  
18                  It was September, 2014. The fact that this  
19                  room is still filled like this shows how much  
20                  people care locally about this.

21                  I had five or six pages of stuff  
22                  written down and covered almost all of it. So  
23                  I have very little to say today. I do want to  
24                  clarify a couple of misconceptions that have  
25                  come from my left and then make a couple extra



1 points as well.

2 The first question is why are we  
3 here. And Attorney Overstreet indicated  
4 because we sued the Borough. To be clear of  
5 the record, both actions on this height and  
6 landfill structure issue were initiated by KSL.  
7 They asked the zoning board for a clarification  
8 years ago. They tried to include zoning  
9 language in the agreement of 2014. And then  
10 they recently asked for this amendment tonight.

11 So to imply that opponents of the  
12 landfill or FOL are driving this consternation  
13 in our town is simply not true. Each time this  
14 is brought up it has been initiated by KSL.  
15 Repeatedly what KSL has done when they don't  
16 get their way is threaten.

17 You saw it. AI did it perfectly  
18 right on cue. Well done. The Scranton Times  
19 has a new product if you all want to try it.  
20 It's archive access. It's great. Five bucks a  
21 month. You could search back all the history  
22 of every word that's been in the Scranton  
23 Times.

24 Every "X" years this landfill  
25 threatens the Borough with something. For 20

1           years it was we're going to make you start  
2           paying for your own garbage, which we did.  
3           We're not going wipe out your bills which  
4           you (inaudible) and I'll just cap it off with  
5           this best one ever.

6                         We're going shut it down and you're  
7           going to have increased taxes. There is no  
8           town in the world which survives on the cost of  
9           landfill fees supporting everything. The  
10          question isn't what are taxes going to do. The  
11          question is how do we build a sustainable  
12          community here and not have it reliant upon a  
13          landfill.

14                        The first way to do it is to stop  
15          giving them everything they want and bowing  
16          over every single time they want something.  
17          We've done it for 30 years. It's time that we  
18          stop. This is an example where you talk about  
19          the court case right now.

20                        Attorney Overstreet is right. We  
21          might lose in court. You could absolutely win  
22          at the Commonwealth Court level. We're not  
23          going away. And Attorney Dempsey is correct.  
24          This isn't going to end litigation. And they  
25          threaten the cost of litigation.

1 Well, fortunately, years ago back in  
2 2014 when opposition to this expansion started  
3 a group called Friends of Lackawanna helped  
4 directly increase the fees that this Borough  
5 got by helping to reset the contract from about  
6 a dollar a ton up to \$1.50 or \$1.51 or  
7 something like that right now.

8 That's a tremendous budgetary impact  
9 to our town to the positive. I would suggest  
10 you could happily on behalf of the residents of  
11 this town use that money to pay for all the  
12 litigation they want to throw at you instead of  
13 the threats that they have been doing now.

14 You have money directly  
15 attributed to the landfill in a very ironic  
16 way. They're funding our defense. It's great.  
17 In terms of the facts of structures they know  
18 it's a structure. Attorney Belardi made what  
19 essentially was a closing argument. He was  
20 citing case law and court cases and arguments  
21 they are making in court right now to you all.  
22 That tells you this is a legal issue.

23 We are in court right now. So  
24 everyone knows what's going on, we're in  
25 Commonwealth Court right now. We had oral

1 arguments two days ago. That decision will be  
2 handed down by the state court somewhere  
3 between I would guess six weeks to a couple  
4 months.

5 And at that point we'll have an  
6 answer. Maybe we win, maybe we lose. But what  
7 this is in no uncertain terms is a direct end  
8 run around the legal process. There is no way  
9 to pitch this other than it's a direct favor  
10 for ownerships of KSL.

11 You've looked at for years and years  
12 and years all the skeptics of Dunmore -- and  
13 everyone in this room I think probably loves  
14 Dunmore. For 30 years all the skeptics of  
15 Dunmore say this Council, this town serves the  
16 pleasure of Mill Street.

17 Well, if you roll over and approve  
18 this, it's going to be tough if not impossible  
19 for us to decline that anymore. For eight  
20 years this Council stood up here and done good  
21 for the Borough and talked about we're  
22 operating a new style of government,  
23 transparent, open. We don't take favors. We  
24 don't do favors for people.

25 Well, all the donations the owners

1 of the landfill make to the Borough are not for  
2 return favors. Great. You don't owe them  
3 anything. No one owes them anything. Don't do  
4 it. If, however, it's for favors, that's not  
5 how the game is played anymore. You've at sat  
6 up here for years telling us how transparent we  
7 want to work and how we want the new Dunmore to  
8 be built. That all goes away, all the good  
9 you've done over the last eight years.

10 And I think there's tons of it. It  
11 all is erased tonight if you do what they  
12 simply suggest. By just giving them what they  
13 want on something as simple as an undisputed  
14 fact known in Pennsylvania whether a landfill  
15 is structure.

16 So it's really simple. Just vote it  
17 down. End it. Let the courts figure it out.  
18 The litigation is not going away. And finally,  
19 let's stick up for ourselves. Stop rolling  
20 over when the landfill and their owners ask for  
21 something in the Borough. Thank you.

22 MR. DEMPSEY: Pat is the last one on  
23 the sheet. But I think are there people in the  
24 back there? Is there anyone with a -- if  
25 you -- do you have a Dunmore address if you

1 could just state your name and address, please?

2 MS. LYONS: I certainly do. My name  
3 is Kelly Lyons. I live on Adams Avenue in  
4 Dunmore across from my new neighbor Max Conway.  
5 I was not going to speak. But I wanted to  
6 speak after Molly spoke. Just by a show of  
7 hands, could you raise your hand if you had  
8 someone afflicted with an illness, specifically  
9 cancer that was premature or non hereditary? I  
10 have. I suspect if we were in the another  
11 community that didn't rest on lines that carry  
12 poison, the number would be much less. Please  
13 vote this down.

14 MR. DEMPSEY: Thank you. Can you  
15 please state your name and address, please?

16 MS. KESTER: Mary Francis Kester,  
17 1310 Clay Avenue. So I wasn't anticipating  
18 speaking so forgive me for a moment here.  
19 Okay. So I looked up some stuff. And I found  
20 on Zillow that property values in Dunmore have  
21 decreased by 4 percent every year.

22 The projected property values is  
23 decreased by 4 percent next year. The  
24 population of Dunmore has decreased by 7  
25 percent the last ten years. We all know people

1           who have moved out of Dunmore, their hometown  
2           because in large part of the landfill.

3                     The noxious smell that we have to  
4           endure on a daily basis, the proven harms to  
5           our children's health, to our health, to the  
6           health of our families, to our community. If  
7           somebody threatened your child's health with a  
8           lawsuit would you say, go ahead. Poison my  
9           child, just don't sue me. That makes no  
10          sense.

11                    Whatever benefits has come -- the  
12          threats of decreased taxes. How about when we  
13          all -- our property values are going to crap.  
14          People can't sell their house in Dunmore.  
15          They're leaving by -- where is your tax base  
16          then? They say, oh, we've given you fire  
17          trucks. We've given you cop cars.

18                    That's called bribery, okay, when  
19          you are doing it for a favor. Pat Clark made a  
20          very good point. We can't be the poster  
21          children for nepotism and for corruption  
22          anymore. We need to stand up for our community  
23          and not for ourselves and our personal  
24          interest.

25                    Landfills are made up of cells,

1 complex structures with 8 foot thick walls with  
2 complex leachate systems and water drainage.  
3 They require contractors and bids to construct,  
4 to construct. They are nonmobile. They don't  
5 move. They're fixed. Maybe that's not enough  
6 for you.

7 Maybe the arguments that have been  
8 made aren't enough for you. The Mercer County  
9 case that said landfills are a structure is not  
10 enough for you. But which one of you can say  
11 without a question with no doubt in your head  
12 this is not a structure that you could say by  
13 no -- this is absolutely not a structure.

14 I don't think any one of you could  
15 do that, can overlook the facts. Now, maybe  
16 you don't want to make that decision and say,  
17 well, it is a structure. Then leave it to the  
18 courts. Thank you very much.

19 MR. DEMPSEY: Okay. Item number  
20 eight, Tom.

21 ATTY. CUMMINGS: Item number eight  
22 is rebuttal or additional statements by  
23 Keystone Sanitary Landfill representatives.

24 MR. DEMPSEY: Just before we get  
25 that started, Maria, are you okay?



1                   ATTY. OVERSTREET: I'm sorry?

2                   MR. DEMPSEY: I was checking to see  
3 if she was all right.

4                   ATTY. OVERSTREET: We have no  
5 further comment.

6                   ATTY. CUMMINGS: Any other comment  
7 by Council?

8                   MR. DEMPSEY: Does anyone else --  
9 would anyone else like to address anything?

10                  MR. AMICO: I will.

11                  MR. DEMPSEY: Vince?

12                  MR. AMICO: I just want to read this  
13 comment relatively quickly. The information  
14 from this came from Advance Disposal's website.  
15 They're the fourth largest solid waste company  
16 in the United States and operate in 16 states  
17 and in the Bahamas.

18                  First question on their website is  
19 what is a landfill? A landfill is a carefully  
20 designed and monitored structure built into or  
21 on top of the ground in which trash is  
22 separated from the area around it. What is the  
23 difference between a dump and a landfill? A  
24 dump is an open hole in the ground where trash  
25 is buried and where animals often swarm.

1                   Dumps offer no environmental  
2                   protection and are not regulated. KSL is  
3                   obviously not a dump. A landfill is a  
4                   carefully designed and monitored structure that  
5                   isolates trash from the surrounding  
6                   environment, example, ground water, air, and  
7                   rain.

8                   This isolation is accomplished with  
9                   the use of a bottom liner and daily covering of  
10                  soil. This includes a leachate collection  
11                  system, stormwater drainage, and methane  
12                  collection system, ground water system, a  
13                  ground water monitoring system and a cap.

14                  And this is from the Scranton Times,  
15                  May 12th, 2019, their editorial page.

16                  Keystone is not a dump. They have said what a  
17                  high tech engineering marvel. It includes a  
18                  state-of-the-art system to collect and treat  
19                  landfill runoff known as leachate and other  
20                  system that collects methane to be used as fuel  
21                  for power generation and to prevent its escape  
22                  into the atmosphere.

23                  Clearly the Dunmore dump of the past  
24                  is not the sanitary landfill of today. It's  
25                  obviously to me and I believe it's obviously a

1 structure to everybody in this room. That's  
2 all I have. Thank you.

3 MR. DEMPSEY: Thank you, Mr. Amico.  
4 Mr. McHale.

5 MR. MCHALE: Quickly, I didn't plan  
6 on speaking. But obviously we're -- the -- I  
7 don't even know what to call it in this room,  
8 the passion I guess is probably the best word.  
9 I hope everyone knows and I'm not looking for  
10 any sympathy whatsoever how not easy it is to  
11 sit in this position.

12 I constantly hear you're on the take  
13 type thing. Let me give you a backstory of my  
14 person. I think I'm a pretty successful CPA  
15 who had -- has a very good career. And I've  
16 been unemployed for a year. I shouldn't say  
17 this out loud, especially to a group of 2, 300  
18 people.

19 But I'm close to bankruptcy. So if  
20 you ever think that I'm on the take or anybody  
21 up here is on the take, far from it. This is  
22 not an easy decision to make for me. I have  
23 not received phone calls -- I have received  
24 phone calls from Friends of Lackawanna, from  
25 friends, from enemies.

1 I've been called names. At the last  
2 meeting my kids were called names. That  
3 doesn't change anything. I have to make a  
4 decision based upon on what I think is the  
5 right thing to do. And it may not be what you  
6 people think or what people outside think.  
7 It's by the letter of the law.

8 And unfortunately, that may not  
9 please everybody in this room or everybody  
10 outside. I left here last time getting yelled  
11 at for anything you could think of I got yelled  
12 at for. I sat in Michael's position. It's not  
13 an enviable position to sit up here, let alone  
14 sit in the middle.

15 So like I said, I wasn't going speak  
16 tonight. I haven't spoken to any of these  
17 seven people in days. I take that back. I  
18 spoke to Michael over some structural things  
19 for how this meeting was going to go. But  
20 that's it. I have not spoken to Louis DeNaples  
21 in well over a month. And that was for Schautz  
22 Stadium, something that we're very proud of.

23 Pat brought up a point that kind of  
24 hits home with me. Anybody who knows me knows  
25 how much homework that I do before I do

1 anything whatsoever whether it be a budget or  
2 an issue or anything. I do my homework. I did  
3 so here.

4 And it's tough to sit up here and  
5 continually get criticism, whether it be  
6 warranted or not. I can stand up here and tell  
7 you in ten years every decision that I have  
8 made I could support, including the landfill.  
9 Pat's right with the whole agreement that we  
10 worked through. And as much as we were called  
11 a pittance and I was called every name in the  
12 book by some people in this room, I'm still  
13 here.

14 And I may not be here long. I got  
15 to be honest with you. This has taken a lot  
16 out of me. It's taken a lot out of my family.  
17 But I needed to say that to all of you tonight.  
18 What I do here has nothing to do with my  
19 nonexistent relationship with Keystone  
20 Landfill.

21 My relationship -- Pat and I, I  
22 consider friends. I just needed to tell you  
23 that. So with that I'll end my dissertation.

24 MR. DEMPSEY: Anybody else on  
25 Council?

1                   ATTY. CUMMINGS: It would be  
2 appropriate for a motion to adjourn the public  
3 hearing.

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

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

7                   MR. DEMPSEY: Do I have a second?

8                   MR. EHNOT: Second.

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

11                   ALL MEMBERS: Aye.

12                   MR. DEMPSEY: Opposed?

13                   (No response.)

14                   MR. DEMPSEY: Okay. We're  
15 adjourned.

16                   ATTY. CUMMINGS: The public meeting  
17 is set for 8:00. I would suggest 8:10 to give  
18 the court reporter and Council a few minutes  
19 break.

20                   MR. DEMPSEY: Maria, is 8:10 okay  
21 with you? Okay, we'll reconvene at 8:10.

22

23

24

25

C E R T I F I C A T E

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

I hereby certify that the proceedings and evidence are contained fully and accurately in the notes taken by me of the above-cause and that this copy is a correct transcript of the same to the best of my ability.

\_\_\_\_\_  
Maria McCool, RPR  
Official Court Reporter

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