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DUNMORE BOROUGH COUNCIL
DUNMORE, PENNSYLVANIA

IN RE: REGULAR MEETING OF COUNCIL

DECEMBER 9, 2019
6:00 P.M.

DUNMORE COMMUNITY CENTER
MONROE AVENUE
DUNMORE, PENNSYLVANIA

COUNCIL MEMBERS:

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

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

Mark Wozniak
Official Court Reporter

1 MR. DEMPSEY: Please rise for the
2 Pledge of Allegiance.

3 (The Pledge of Allegiance was
4 recited.)

5 ATTY. CUMMINGS: Mr. Amico?

6 MR. AMICO: Here.

7 ATTY. CUMMINGS: Mr. Dempsey?

8 MR. DEMPSEY: Here.

9 ATTY. CUMMINGS: Mr. Ehnnot?

10 MR. EHNOT: Here.

11 ATTY. CUMMINGS: Mr. Hallinan?

12 MR. HALLINAN: Here.

13 ATTY. CUMMINGS: Mr. Hayes?

14 MR. HAYES: Here.

15 ATTY. CUMMINGS: Mr. McHale?

16 MR. MCHALE: Here.

17 ATTY. CUMMINGS: Ms. Scrimali?

18 MS. SCRIMALI: Here.

19 ATTY. CUMMINGS: Mr. Burke?

20 MR. BURKE: Here.

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

23 MR. DEMPSEY: Would anyone like to
24 address council tonight on agenda items
25 only? Seeing none.

1 ATTY. CUMMINGS: Item number four is
2 a motion to approve the minutes.

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

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

6 MR. DEMPSEY: Do I have a second?

7 MR. AMICO: I'll second it.

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

11 MS. SCRIMALI: Aye.

12 MR. EHNOT: Aye.

13 MR. MCHALE: Aye.

14 MR. DEMPSEY: Aye.

15 MR. HALLINAN: Aye.

16 MR. AMICO: Aye.

17 MR. HAYES: Aye.

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

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

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

24 MR. EHNOT: I'll make a motion to
25 pay the open bills.

1 MS. SCRIMALI: I'll second that.

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

5 MS. SCRIMALI: Aye.

6 MR. EHNOT: Aye.

7 MR. MCHALE: Aye.

8 MR. DEMPSEY: Aye.

9 MR. HALLINAN: Aye.

10 MR. AMICO: Aye.

11 MR. HAYES: Aye.

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

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

16 MR. DEMPSEY: Do I have a motion?

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

19 MR. HALLINAN: I'll second it.

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

22 MR. MCHALE: We went through on this
23 last month, and contrary to what was
24 reported in the Times it was a balanced
25 budget last month. It still is this month.

1 I did not get any feedback, so we're going
2 to run with this, and obviously we can
3 change it -- you guys can change it going
4 forward. But the income and expense equals
5 \$12,421,294 as a balanced budget. So again,
6 ten years, pretty proud of that. So that's
7 all I have.

8 MR. DEMPSEY: Thank you, Mr. McHale.
9 Anyone else on the question? All those in
10 favor signify by saying aye.

11 MS. SCRIMALI: Aye.

12 MR. EHNOT: Aye.

13 MR. MCHALE: Aye.

14 MR. DEMPSEY: Aye.

15 MR. HALLINAN: Aye.

16 MR. AMICO: Aye.

17 MR. HAYES: Aye.

18 MR. DEMPSEY: Opposed? The ayes
19 have it. So move.

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

23 MR. DEMPSEY: Look for a motion.

24 MS. SCRIMALI: I'll make that
25 motion.

1 MR. HALLINAN: I'll second it.

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

6 MS. SCRIMALI: Aye.

7 MR. EHNOT: Aye.

8 MR. MCHALE: Aye.

9 MR. DEMPSEY: Aye.

10 MR. HALLINAN: Aye.

11 MR. AMICO: Aye.

12 MR. HAYES: Aye.

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

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

24 MR. DEMPSEY: Do I have a motion?

25 MR. EHNOT: I'll make the motion to

1 approve it.

2 MR. DEMPSEY: Second?

3 MR. AMICO: I'll second it.

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

7 MS. SCRIMALI: Aye.

8 MR. EHNOT: Aye.

9 MR. MCHALE: Aye.

10 MR. DEMPSEY: Aye.

11 MR. HALLINAN: Aye.

12 MR. AMICO: Aye?

13 MR. HAYES: Aye.

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

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

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

1 MR. HALLINAN: I'll make that
2 motion.

3 MR. DEMPSEY: Second?

4 MR. EHNOT: Second.

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

7 MS. SCRIMALI: Aye.

8 MR. EHNOT: Aye.

9 MR. MCHALE: Aye.

10 MR. DEMPSEY: Aye.

11 MR. HALLINAN: Aye.

12 MR. AMICO: Aye.

13 MR. HAYES: Aye.

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

16 ATTY. CUMMINGS: Item number ten is
17 a presentation by Christopher Speicher,
18 Dunmore Professional Center, LLP, regarding
19 the final phase of the Dunmore Professional
20 Center Meade Street Redevelopment Project
21 under LERTA. This matter was presented to
22 council through Lackawanna County. I
23 believe it was almost two years ago. It has
24 been approved by the Dunmore School
25 District.

1 The applicant is here this evening
2 to make presentation and answer any
3 questions you may have. Approval by the
4 borough of Dunmore is a condition
5 prerequisite to submission to Lackawanna
6 County. You may act on it this evening or
7 you may take and revert to the solicitor and
8 zoning code office for review, to be placed
9 on your next agenda.

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

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

24 So in light of that, we're trying to
25 get LERTA for the property, with your

1 assistance, and be able to attract the kind
2 of tenants that we have on the property up
3 there and continue to make it a very, very
4 productive piece of the tax rolls and the
5 last piece on that property.

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

9 MR. SPEICHER: LERTA is basically
10 taking the existing taxes on the property,
11 and that's the amount of taxes that would be
12 paid on it for a set period of time. The
13 normal LERTA, for example, in the city of
14 Scranton, most of the LERTAs that they're
15 doing there are ten years. For example, if
16 the property is built on the site and it's
17 to generate, say, \$100,000 taxes and there's
18 \$12,000 being paid in now only that \$12,000
19 will continue to be paid. The \$100,000
20 won't be paid until the LERTA is completed
21 in a ten-year time frame, and then that tax
22 revenue comes to the borough.

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

25 MR. SPEICHER: Yes.

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

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

23 ATTY. CUMMINGS: At that time did
24 anybody from the project meet with any
25 representatives from the Scranton Sewer

1 Authority or its operator, American Anglian,
2 at the time?

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

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

11 MR. SPEICHER: Yes.

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

14 MR. SPEICHER: We were charged a
15 \$7,500 fee by the sewer authority, and we in
16 turn turned around and charged that to the
17 tenants that came into the property.

18 ATTY. CUMMINGS: Was it a like
19 amount?

20 MR. SPEICHER: Yes, it was exactly.

21 ATTY. CUMMINGS: No profiteering?

22 MR. SPEICHER: No profiteering.

23 ATTY. CUMMINGS: And who pays the
24 treatment fees for the properties that are
25 connected?

1 MR. SPEICHER: The tenants. The
2 buildings that are located there are billed
3 by the sewer authority on a monthly basis.

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

6 MR. SPEICHER: That's correct.

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

10 MR. DEMPSEY: Thank you, attorney
11 Cummings.

12 MR. MCHALE: Mr. Speicher, I think
13 what attorney Cummings was getting at, we
14 were presented a bill because nobody took
15 credit for the hookup for the sewer
16 authority. I can speak for myself. I was
17 at my son's high school soccer game and a
18 guy came up to me screaming at me that they
19 had to go in on an emergency basis and fix
20 this, and this company, who fixed it, your
21 company said it's not our problem, sewer
22 authority said not our problem, someone else
23 claimed -- the property owner said not our
24 problem, and this contractor was left -- he
25 did the work, fixed it all, as we had sewage

1 going down the street. The one thing I'm
2 certain is it wasn't the borough of
3 Dunmore's problem.

4 MR. SPEICHER: Right, I would agree.

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

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

10 MR. MCHALE: Yes.

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

23 At that point -- and Mr. Cummings
24 can back me up -- we all basically said this
25 is your problem. Your contractor didn't

1 connection the line the way they should have
2 and it's your responsibility to repair it.

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

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

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

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

23 MR. MCHALE: Everybody knew about
24 it. I'm just speaking on behalf of council.
25 It's not me personally. I like you very

1 much and I think it's a tremendous project.

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

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

21 MR. SPEICHER: I would agree with
22 that.

23 MR. MCHALE: And I was told by these
24 people who were screaming that they can't
25 pay this, that this isn't theirs, that that

1 dye test would not work to prove it was the
2 accounting firm. And it wasn't the
3 accounting firm guy who came to me, by the
4 way. But nonetheless, they said there's no
5 way that that dye test would actually work.
6 So I'm not an engineer, I have no idea, but
7 again, for the fourth time, the one thing
8 I'm absolutely certain of it's not the
9 borough's responsibility.

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

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

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

1 Chairman.

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

4 MR. SPEICHER: No.

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

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

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

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

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

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

22 MR. DEMPSEY: Look for a motion.

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

24 MR. HAYES: Second.

25 MR. DEMPSEY: I have a motion and a

1 second. Anyone on the question?

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

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

11 MS. SCRIMALI: Aye.

12 MR. EHNOT: Aye.

13 MR. MCHALE: Aye.

14 MR. DEMPSEY: Aye.

15 MR. HALLINAN: Aye.

16 MR. AMICO: Aye.

17 MR. HAYES: Aye.

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

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

23 MS. SCRIMALI: I'll make that
24 motion.

25 MR. HAYES: I'll second that.

1 MR. DEMPSEY: Motion and a second.
2 Anyone on the question? All those in favor
3 signify by saying aye.

4 MS. SCRIMALI: Aye.

5 MR. EHNOT: Aye.

6 MR. MCHALE: Aye.

7 MR. DEMPSEY: Aye.

8 MR. HALLINAN: Aye.

9 MR. AMICO: Aye.

10 MR. HAYES: Aye.

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

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

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

22 The 19th, Mr. Dempsey, I believe the
23 sewer authority meeting is still on for the
24 19th. Nothing changed. Right?

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

1 sir.

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

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

6 MR. DUNCAN: Thank you very much.
7 Then did we get -- we're on for the second
8 council meeting?

9 MR. DEMPSEY: December? Yes.

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

12 MR. DEMPSEY: I believe we did, yes.

13 MR. DUNCAN: Thank you.

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

16 ATTY. CUMMINGS: Public officials?

17 MR. DEMPSEY: Mayor Burke?

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

24 MR. DEMPSEY: Thank you, Mayor

25 Burke. Mr. Ruggiero? Attorney Cummings?

1 ATTY. CUMMINGS: Nothing, sir.

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

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

6 MR. EHNOT: I have nothing.

7 MR. MCHALE: I have nothing further.

8 MR. HALLINAN: Great job on the
9 tree. Looks beautiful. I drove you nuts.
10 That's all.

11 MR. AMICO: I'm good.

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

20 MR. DEMPSEY: Thank you, Mr. Hayes.
21 Very quickly just on what Mayor Burke
22 stated, the police did go out this weekend
23 and decorated a home for somebody who was
24 unable to do it themselves. The police and
25 the fire department did a tremendous job.

1 There was a huge showing there. The
2 homeowners were absolutely thrilled. So I
3 appreciate the work that they did.

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

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

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

18 MR. AMICO: Second.

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

21 MS. SCRIMALI: Aye.

22 MR. EHNOT: Aye.

23 MR. MCHALE: Aye.

24 MR. DEMPSEY: Aye.

25 MR. HALLINAN: Aye.

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MR. AMICO: Aye.

MR. HAYES: Aye.

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

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C E R T I F I C A T E

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


Mark Wozniak
Official Court Reporter