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COUNCIL FOR THE BOROUGH OF DUNMORE

HELD:

Monday, December 12, 2016

TIME:

7:00 P.M.

LOCATION:

DUNMORE COMMUNITY CENTER  
1414 Monroe Avenue  
Dunmore, Pennsylvania

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

MICHAEL MCHALE, President

MICHAEL DEMPSEY, Vice President

TIMOTHY BURKE

CAROL SCRIMALLI

THOMAS HALLINAN

VINCE AMICO

SAL VERRASTRO

THOMAS P. CUMMINGS, Esquire, Solicitor

MARIA McCOOL, RPR  
OFFICIAL COURT REPORTER

1 (Pledge of Allegiance.)

2

3 ATTY. CUMMINGS: Mrs. Scrimalli.

4 MS. SCRIMALLI: Present.

5 ATTY. CUMMINGS: Mr. Burke.

6 MR. BURKE: Present.

7 ATTY. CUMMINGS: Mr. Verrastro.

8 MR. VERRASTRO: Present.

9 ATTY. CUMMINGS: Mr. Amico.

10 MR. AMICO: Present.

11 ATTY. CUMMINGS: Mr. Dempsey.

12 MR. DEMPSEY: Present.

13 ATTY. CUMMINGS: Mr. Hallinan.

14 MR. HALLINAN: Here.

15 ATTY. CUMMINGS: Mr. McHale.

16 MR. MCHALE: Here.

17 ATTY. CUMMINGS: Public comment on  
18 agenda items.

19 MR. MCHALE: Does anyone have any  
20 comments on agenda items tonight?

21 (No response.)

22 MR. MCHALE: Seeing none.

23 ATTY. CUMMINGS: Motion to approve  
24 the minutes.

25 MR. MCHALE: Motion to approve the

1           minutes we're on, Tom?

2                   ATTY. CUMMINGS: Yes, sir.

3                   MR. MCHALE: Do I have a motion?

4                   MR. BURKE: Motion.

5                   MR. VERRASTRO: Second.

6                   MR. MCHALE: I have a motion and a  
7           second. On the question.

8                   (No response.)

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

11                   ALL MEMBERS: Aye.

12                   MR. MCHALE: Opposed?

13                   (No response.)

14                   MR. MCHALE: The ayes have it and so  
15          moved.

16                   ATTY. CUMMINGS: Item number five is  
17          a motion to approve and pay the open bills.

18                   MR. MCHALE: I'll look for a motion.

19                   MR. DEMPSEY: I'll make that motion.

20                   MR. HALLINAN: I'll second it.

21                   MR. MCHALE: I have a motion and a  
22          second. On the question.

23                   (No response.)

24                   MR. MCHALE: All those in favor  
25          signify by saying aye.

1 ALL MEMBERS: Aye.

2 MR. MCHALE: Opposed?

3 (No response.)

4 MR. MCHALE: The ayes have it and so  
5 moved.

6 ATTY. CUMMINGS: Item number six is  
7 a motion to approve the final 2017 budget. For  
8 the record purpose, I note the budget was  
9 advertised for a 30 day period and a copy was  
10 available at the Borough Building for public  
11 inspection.

12 MS. SCRIMALLI: I'll make that  
13 motion.

14 MR. DEMPSEY: Second.

15 MR. MCHALE: I have a motion and a  
16 second. On the question.

17 (No response.)

18 MR. MCHALE: All those in favor  
19 signify by saying aye.

20 ALL MEMBERS: Aye.

21 MR. MCHALE: Opposed?

22 (No response.)

23 MR. MCHALE: The ayes have it and so  
24 moved. Quickly on the question, you'll see in  
25 item number seven the tax rate for the current

1 year will be the same as last year. We  
2 balanced our budget with income of \$11,488,597  
3 matching the expense of that amount. We  
4 considered this a very conservative budget on  
5 the revenue end.

6 And a very -- I don't want to say  
7 aggressive, but, you know, we think we've  
8 captured everything in the expense column as  
9 well. There are a couple items we're still  
10 working on refinancing to lower rates  
11 continues. We always beat up our insurance  
12 carriers both health and workers comp and so  
13 on. That's continuing.

14 But it can only go down at this  
15 point. So a lot of hard work went into this.  
16 We're very, very -- for the sixth or seventh  
17 year in a row there will be no tax increase in  
18 Dunmore. A couple years ago we had a tax  
19 reduction. We hope to do that again in the  
20 very near future.

21 We're proud that one more year, at  
22 least the sixth in a row since I've been here  
23 that there will not be a tax increase. Anybody  
24 else on the question?

25 (No response.)

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

3 ALL MEMBERS: Aye.

4 MR. MCHALE: Opposed?

5 (No response.)

6 MR. MCHALE: The ayes have it and so  
7 moved.

8 ATTY. CUMMINGS: Item number seven  
9 is a motion to approve the 2017 tax ordinance;  
10 General obligation 20 mills; Debt service 19  
11 mills; Pension services half a mill; Public  
12 Street lighting 1 mill; Fire equipment and  
13 training 2 mills; Firefighting services 1 mill;  
14 Rescue services one half of one mill totaling  
15 44 mills.

16 MR. MCHALE: I'll look for a motion.

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

18 MS. SCRIMALLI: I'll second that.

19 MR. MCHALE: I have a motion and a  
20 second. On the question.

21 (No response.)

22 MR. MCHALE: All those in favor  
23 signify by saying aye.

24 ALL MEMBERS: Aye.

25 MR. MCHALE: Opposed?

1 (No response.)

2 MR. MCHALE: The ayes have it and so  
3 moved.

4 ATTY. CUMMINGS: Item number eight  
5 is a motion to waive the Refuse Fee for  
6 calendar fiscal 2017.

7 MR. MCHALE: I'll look for a motion.

8 MR. BURKE: Motion.

9 MR. HALLINAN: Second.

10 MR. MCHALE: A motion and a second.

11 On the question, this is what we eliminated a  
12 few years ago. We are not as a formality, we  
13 are not reinstating it again for the current  
14 year. It was the \$150 per household fee that  
15 again is not being reenacted for this budget  
16 season. Anybody else on the question?

17 (No response.)

18 MR. MCHALE: All those in favor  
19 signify by saying aye.

20 ALL MEMBERS: Aye.

21 MR. MCHALE: Opposed?

22 (No response.)

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

25 ATTY. CUMMINGS: Item number nine is

1 a motion to authorize borrowing from First  
2 National Community Bank in the amount up to one  
3 million dollars at an interest rate not to  
4 exceed 1.6 percent for the 2017 that Tax  
5 Anticipation Note.

6 Approval will authorize the  
7 President of Council and Borough Solicitor to  
8 take all actions necessary to bring this matter  
9 to fruition. We'll not -- for the record, this  
10 will be tantamount to a line of credit.

11 MR. MCHALE: I'll look for a motion.

12 MS. SCRIMALLI: I'll make that  
13 motion.

14 MR. DEMPSEY: Second.

15 MR. MCHALE: I have a motion and a  
16 second. On the question, this is again the Tax  
17 Anticipation Note we get every year. We rarely  
18 use a lot of it. But we do it in form of a  
19 line of credit similar to what you would do in  
20 your home.

21 You could see based on what Scranton  
22 got compared to what we got 4, 5 percent a heck  
23 of a lot of cost. And we get 1.6 with minimal,  
24 if any, cost on our line of credit. Again, we  
25 have done this every year and pay it off pretty



1 quickly.

2 It's a -- we're hopeful we never  
3 have to use our TAN. But realistically until  
4 the taxes start rolling in, in February, March,  
5 and April, this sometimes covers in a cash flow  
6 situation, so very, very good rate once again.

7 And that's again a testament to our  
8 getting our financial house in order that  
9 we're very proud of. So anybody else on the  
10 question?

11 (No response.)

12 MR. MCHALE: All those in favor  
13 signify by saying aye.

14 ALL MEMBERS: Aye.

15 MR. MCHALE: Opposed?

16 (No response.)

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

19 ATTY. CUMMINGS: Item number 10 is a  
20 motion to amend and approve the borrowing  
21 ordinance. You had at a prior meeting  
22 authorized the borrowing at the bulk of  
23 \$9,400,000. Since that time you renegotiated  
24 the rates of some existing debt. So that's no  
25 longer necessary to borrow.

1                   We also have recaption 5 million  
2 dollars of the new borrowing specifically for  
3 pension fund. All of this changed all to the  
4 Borough's benefit but requires amendment to the  
5 ordinance by Council so the same may be  
6 submitted to the state and go with the loan  
7 package.

8                   MR. MCHALE: I'll look for a motion.

9                   MR. HALLINAN: I'll make that  
10 motion.

11                  MR. MCHALE: Second.

12                  MR. DEMPSEY: I'll second it.

13                  MR. MCHALE: I have a motion and  
14 second. Again this is what I spoke of earlier.  
15 This is -- and we've had to read this because  
16 we changed terms and renegotiated terms to the  
17 betterment for Dunmore, bring the rates down.  
18 We're refinancing a lot of our debt.

19                  Some of the debt is going to be used  
20 to push money into our pension plan, which is  
21 in essence debt. Our unfunded liability is  
22 debt. So the more we are able to put in the  
23 pension our MMO, our Minimum Municipal  
24 Obligation goes down even more so.

25                  So it's a mathematical equation to

1 try to get there and because we can get very  
2 good rates and putting some money into the  
3 pension plan, it helps even more so for the  
4 Borough.

5 It helped us before. We've looked  
6 into it again. And based on our lending  
7 capabilities we think this is a very good move.  
8 And again, we continue to negotiate the rate  
9 lower and lower as they are available. So  
10 we're able to use those savings from prior  
11 borrowings and put them into the pension plan  
12 and/or capital improvements that are sorely  
13 needed. So anybody else on the question?

14 (No response.)

15 MR. MCHALE: All those in favor  
16 signify by saying aye.

17 ALL MEMBERS: Aye.

18 MR. MCHALE: Opposed?

19 (No response.)

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

22 ATTY. CUMMINGS: Item number 11 is a  
23 motion to adopt Resolution 11 of 2016 for the  
24 submission of a Keystone Community Grant  
25 application for the Lackawanna County

1           Redevelopment Authority for funding to  
2           revitalize and improve the downtown business  
3           district currently known as Dunmore Corners.

4                     MR. MCHALE: I'll look for a motion.

5                     MR. VERRASTRO: I'll make that  
6           motion.

7                     MR. AMICO: I'll second it.

8                     MR. MCHALE: I have a motion and a  
9           second. On the question. Vince, do you want  
10          to -- this has been yours. Do you want to say  
11          anything on this?

12                    MR. AMICO: Just basically what  
13          we're looking to try to redevelop the corners,  
14          bringing -- really the sky is the limit as far  
15          as what we can do with the corners, new  
16          sidewalks, revitalize the downtown facades.  
17          But this specifically is just to get the ball  
18          rolling in order to get the architectural  
19          drawings and renderings. So this is just the  
20          first step and look of hopefully a bigger and  
21          brighter downtown. So that's what this motion  
22          is for.

23                    MR. MCHALE: Thanks, Vince.

24                    Anybody else on the question?

25                    (No response.)

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

3 ALL MEMBERS: Aye.

4 MR. MCHALE: Opposed?

5 (No response.)

6 MR. MCHALE: The ayes have it and so  
7 moved.

8 ATTY. CUMMINGS: Item number 12 is  
9 public comment and we'll start with Gary  
10 Duncan.

11 MR. DUNCAN: Gary Duncan, 117 Barton  
12 Street, Dunmore, PA. I spoke to Chris -- or  
13 Chris spoke to me before the meeting just a  
14 reminder for next week for the neighborhood  
15 watch meeting we have Judge Margaret Moyle from  
16 the Court of Common Pleas who's going to be  
17 joining the neighborhood watch next week to  
18 discuss the new Domestic Violence Program in  
19 Lackawanna County and Billy McCarthy who is the  
20 Lackawanna County Director of Probation and  
21 Parole who is going to discuss pretrial  
22 services here in the Lackawanna County criminal  
23 courts.

24 So if we're not going to be here  
25 next week if somebody can get in touch with me

1 right away so I could let Judge Moyle and  
2 Director McCarthy know if we can meet up at the  
3 Borough Building. But it's Monday night. And  
4 I just need as much time as possible so I can  
5 get through to all of those people and let  
6 everybody from the neighborhood watch know.

7 I'm thrilled that they both want to  
8 join us for this meeting. Director McCarthy  
9 always has a rep from probation and parole with  
10 us but to have Judge Moyle join us and discuss  
11 a new program I think it's a real great thing  
12 that look at Dunmore and want to come up and  
13 speak with us.

14 With that said, Mike Dempsey, I know  
15 I spoke to you over the weekend. The situation  
16 still exists with the barber shop,  
17 Mr. Genovese's down by the tank on Short  
18 Street. I don't know what we can do down  
19 there. I was at the barber shop Saturday and  
20 just sitting in the chair, the cars do fly  
21 through there. It's the S turn.

22 I don't know -- there is no miles  
23 per hour signs I know. People don't read  
24 signs. They can't make people drive slower.  
25 But the simple fact of the matter is that area

1           there was a sign there I believe at one time.  
2           The sign is gone that had the 25 miles per  
3           hour. And I don't think there's anything up  
4           even higher.

5                       Tom, I always look to you because I  
6           know you worked for PennDOT. I don't know, you  
7           have a lot of experience in this area. I don't  
8           even know if we can get, like, a slow -- it's  
9           that S turn. They whip around there. I don't  
10          know what you do.

11                      He had a handicap customer and the  
12          guy went to pull out and the customer almost  
13          got clipped. So I don't know what we do. It's  
14          just -- he's just totally frustrated, Mr.  
15          Genovese. And that's a long-time community  
16          barber shop. It was his dad's for God's sake.  
17          Mr. Genovese is no kid.

18                      MR. HALLINAN: The speed limit is 25  
19          miles per hour. And they only have to be every  
20          half of mile. So what we can do is ask to put  
21          up a -- ask the state to look at maybe with  
22          that turn there, maybe they could put up like a  
23          cautionary -- did you ever see the yellow speed  
24          limit but more or less a slower speed. Maybe  
25          they could put up something 15 or something,

1           whatever they would think.

2                   MR. DUNCAN: He even asked you know  
3 lights up by Holy Cross he even said can we get  
4 something like that. I said I could ask  
5 Council. I don't know about that. I just  
6 wanted to bring it up tonight.

7                   MR. HALLINAN: That's because of the  
8 school.

9                   MR. DUNCAN: I said I'd ask.

10                  MR. HALLINAN: We can ask them to  
11 see if they would put something to just slow  
12 them down through there.

13                  MR. DUNCAN: Okay, thanks a lot.  
14 Anyway and the other thing is and I know Gerard  
15 Hetman is not here tonight. Back in May I had  
16 written a request for a Community Reinvest  
17 Program Grant to the County Commissioners. And  
18 they are not here tonight. Mr. Hetman is not.

19                   I want to publically thank them.  
20 They gave us a grant for \$10,000 for the  
21 Dunmore Historical Society, which they should  
22 really be another one of the gems of the  
23 Borough. And it will help us with insulation  
24 with gutters on that building.

25                   I wish Gerard was here to hear it.



1 But for the record I want to thank those folks.  
2 Again, if you could just let me know, Vito, or  
3 somebody where we can meet next Monday. I hate  
4 to cancel it.

5 MR. RUGGIERO: Sure.

6 MR. DUNCAN: I don't know when she  
7 would have the opportunity again, and Merry  
8 Christmas everybody and thanks very much.

9 MR. MCHALE: Thanks, Gary.

10 MS. SCRIMALLI: Thanks, Gary.

11 ATTY. CUMMINGS: Other public  
12 comment.

13 MR. MCHALE: Anybody like to address  
14 Council tonight?

15 MS. CUFF: Sharon Cuff, 315 Spring  
16 Street. First off, I want to thank Vito for  
17 getting that notice of violation up on the  
18 website right away from the last time. I  
19 appreciate it. You weren't here when I was  
20 here last time. I just want to say thanks.

21 Secondly, I wanted to see if Council  
22 found out any more information regarding the  
23 leachate spills in April and October of this  
24 year?

25 MR. AMICO: October is still under

1 investigation.

2 MS. CUFF: And still haven't  
3 received that formal notice of violation other  
4 than from me?

5 MR. AMICO: Not to our knowledge.

6 MS. CUFF: Okay. And again, I told  
7 you guys I did ask for all the information  
8 related to both and they told me I would get it  
9 December 23rd. I'll share it with you as soon  
10 as I get it.

11 Next question, I was wondering if  
12 Council received any notices on violations of  
13 the Clean Air Act this year 2016?

14 MR. MCHALE: Mrs. Cuff, not to my  
15 knowledge. Vito, I know you've only been back  
16 a little while.

17 MR. RUGGIERO: Not since my return.  
18 I can try to reach to see if anybody has it  
19 anywhere else. But I didn't see anything.

20 MS. CUFF: Okay. So I have been  
21 doing a little searching on the various web  
22 sites that are available regarding the Keystone  
23 Sanitary Landfill. So there is data on the  
24 landfill air emissions. And you could find  
25 those on the Pennsylvania Department of

1 Environmental Protection. They are publically  
2 available on eFacts, which is where you know we  
3 usually find most of the information. And they  
4 have other websites as well. And one of them  
5 is called Echo, which is Enforcement and  
6 Compliance History Online.

7 And again, all of this is available  
8 online for anybody. It's public information.  
9 So in doing so searching on these websites, it  
10 appears that there were two violations this  
11 year in 2016 of the Clean Air Act. The most  
12 recent was on November 30th.

13 And that's the more significant one.  
14 And it's titled HPV history, HPV equals High  
15 Priority Violation. So it's a federally  
16 reportable violation. I really can't tell you  
17 what the violation is because as much as I was  
18 digging, I didn't actually find which  
19 particular pollutant or what the source is at  
20 this point.

21 And today honestly I just did not  
22 have the opportunity during my workday to  
23 contact EPA and DEP to find anymore out. But I  
24 wanted to see if you guys were aware and if you  
25 received notice.

1           The other violation took place on  
2           March 25th, 2016. So again, type of action,  
3           notice of violation. So I will leave this with  
4           you guys. But basically I'm wondering is this  
5           Council taking active steps to look into and to  
6           continually ask questions from the federal and  
7           state agencies regarding issues like this since  
8           we found out that you weren't notified the last  
9           time? Are we actively pursuing anything with  
10          these agencies?

11           MR. MCHALE: You're looking at me.  
12          I've spoken to the DEP as I told you I believe  
13          last meeting on several occasions in regards to  
14          the prior -- the issue that has been brought  
15          up. And my main problem there is that we were  
16          never notified that you stand up there, you  
17          have a copy of a letter addressed to us that  
18          was never received.

19           And everything is cataloged that  
20          goes into that Borough Building. And I know  
21          Vince is constantly on top of -- as are other  
22          members are too. But, you know, I know you're  
23          looking for specifics that I personally don't  
24          have.

25           MS. CUFF: Right, well, I guess now

1 given that we have more violations that our  
2 Borough Council isn't notified of, I would  
3 think that you will be even more outraged just  
4 as we are because we need to --

5 MR. MCHALE: When you're saying we,  
6 are you speaking on a group, Mrs. Cuff?

7 MS. CUFF: We as in the Borough  
8 Council on --

9 MR. MCHALE: I didn't know if you  
10 were speaking on behalf of a group.

11 MS. CUFF: Nope, I'm speaking on  
12 behalf of a resident of the Borough of Dunmore  
13 who is concerned about the air quality, the  
14 water quality, soil, all of it.

15 MR. MCHALE: Absolutely.

16 MS. CUFF: That's what I'm speaking  
17 to. So I'm going to -- as you know, I'm going  
18 to keep digging.

19 MR. MCHALE: Please do.

20 MS. CUFF: I'm asking that all  
21 Council members each one of you take time, look  
22 at these websites, contact whoever you need to  
23 contact EPA, DEP, you know, your Congressman,  
24 your State Senators, whoever you feel would be  
25 most beneficial to get answers for all of us on

1           this very critical issue. It would be greatly  
2           appreciated.

3                   MR. MCHALE: Absolutely.

4                   MS. CUFF: Okay? Thank you.

5                   MR. MCHALE: Thank you, Mrs. Cuff.

6                   MS. SCRIMALLI: Thank you.

7                   MR. AMICO: What was the November  
8           date?

9                   MS. CUFF: November is November  
10          30th, 2016, and March 25th, 2016.

11                  MS. SCRIMALLI: What was name of the  
12          website?

13                  MS. CUFF: Echo. This is under the  
14          EPA. The EPA'S website if you go in and you  
15          look under Echo, which stands for Enforcement  
16          and Comply History Online. I could give you a  
17          copy of this.

18                  MR. HALLINAN: What I'm asking,  
19          Sharon, is did the federal government, EPA go  
20          up there and test the air or something and find  
21          violations that we weren't notified about?

22                  MS. CUFF: I don't know if they are  
23          self-reporting or if they went up and did the  
24          inspection. I haven't gotten that far. All I  
25          know is I have the document saying that. And I

1 haven't been able today --

2 MR. HALLINAN: This isn't DEP. This  
3 is federal or --

4 MS. CUFF: No, because DEP we have  
5 what they list as SIP, which is a State  
6 Implemented Program. So DEP should also be  
7 well aware of this. But again, I don't know  
8 that for certain because I didn't have an  
9 opportunity today to call anybody and find out.

10 MR. HALLINAN: Vito, would you find  
11 out for us, please why we're not getting  
12 informed of this stuff?

13 MR. DEMPSEY: Put it on letterhead.  
14 Send it on letterhead that we want to be  
15 notified of all violations.

16 MR. HALLINAN: Thank you. Thank  
17 you, Sharon.

18 MS. CUFF: You're welcome.

19 MR. MCHALE: Thank you.

20 MS. CUFF: Thank you very much.

21 MR. MCHALE: Thank you as always.

22 Anybody else?

23 MS. RICE: Good evening, Council.  
24 My name is Mary Rice. And I appeared here  
25 twice in the summer with some other residents

1 of North Apple Street. We're here this evening  
2 to thank all of you for the prompt attention  
3 that we received on our problem on Apple  
4 Street. We can't thank you enough.

5 We thought we would be waiting  
6 months for a solution. And the solution that  
7 Mr. Judge and Chief Marchese and Joe Lorince  
8 came up with is working out just great. And  
9 that's why we're here tonight to thank you. We  
10 know you get a lot of complaints. But you  
11 probably never get a lot of praise. And we  
12 certainly thank you from the bottom of our  
13 hearts.

14 MR. MCHALE: Thank you.

15 MR. DEMPSEY: Thanks.

16 MS. SCRIMALLI: Thank you.

17 MR. MCHALE: Anybody else like to  
18 address Council?

19 MS. O'DONNELL: Good evening. I'm  
20 Kristen O'Donnell, 1701 Monroe Avenue in  
21 Dunmore, and really here with some questions to  
22 help me learn a little bit more about how  
23 decisions are made in choosing vendors by the  
24 Council.

25 As a little bit of a background, I



1 consider myself a Dunmore girl born and raised  
2 in Swinick's, great childhood up there. And  
3 although I moved for the last 15 years to a  
4 house just outside of Dunmore, I never really  
5 left, came back every Sunday for mass at St.  
6 Mary's, take my clothes to Sack's for  
7 tailoring, and (inaudible) Cara Mias.

8 In October, I moved back to Dunmore  
9 because like my parents, I wanted to raise my  
10 children my six-year-old daughter and an  
11 eight-year-old daughter in Dunmore.  
12 Financially, I am now a residential taxpayer of  
13 the Borough and so I thought the Borough might  
14 be happy to have me back too.

15 In addition, I'm co-owner of Dempsey  
16 Uniform and Linen Supply. And I employ 21  
17 Dunmore residents who like myself partially  
18 depend on their livelihood for -- from  
19 customers like the Dunmore Borough. Today as I  
20 came through here in the community center, I  
21 walked over ten mats which used to be mine from  
22 a company called Cintas which is a 4 billion  
23 dollar publically traded company based out of  
24 Cincinnati.

25 And on Sunday night, my six-year-old

1           smallfry basketball playing daughter used the  
2           restroom with dispensers full of soaps and air  
3           fresheners from Cintas. So I'm here as a  
4           citizen of Dunmore to ask questions about those  
5           services from Cintas.

6                         And my first question is when and  
7           where was the decision made by Council to use  
8           the Cintas' services?

9                         MR. MCHALE: Tom, I'm hesitating  
10          because litigation has been threatened by your  
11          company.

12                        MS. O'DONNELL: There is no  
13          litigation.

14                        MR. MCHALE: It's been threatened by  
15          your company.

16                        MS. O'DONNELL: I have very specific  
17          questions.

18                        ATTY. CUMMINGS: We were on notice  
19          from Attorney Lawrence Durkin who is  
20          representing Dempsey Linen Supply --

21                        MS. O'DONNELL: And have you spoken  
22          to him?

23                        ATTY. CUMMINGS: I placed two calls  
24          to him.

25                        MS. O'DONNELL: Have you spoken to

1           him?

2                   ATTY. CUMMINGS: I have not.

3                   MS. O'DONNELL: Okay, so, then you  
4           don't really know what's going on there, do  
5           you? If you have not spoken to him, you do not  
6           know if there is anything in that regard.

7                   ATTY. CUMMINGS: In what regard?

8                   MS. O'DONNELL: In with regard to  
9           litigation. I'm not asking about Dempsey right  
10          now. I'm asking about the decision that was  
11          made to use the services here. And my question  
12          was, when and where was the decision made by  
13          Council to use Cintas' services.

14                  ATTY. CUMMINGS: I could go through  
15          the file and prepare a written report. You  
16          could answer at your option. It's not public  
17          debate. It is public comment.

18                  MR. MCHALE: What's your  
19          recommendation, Tom? I want to answer any  
20          questions she has, but you tell me.

21                  ATTY. CUMMINGS: You would be free  
22          to answer in generality the procedure. But  
23          with due respect, I request that if you have  
24          questions to a particular contract that you  
25          afford me the opportunity to at least talk to

1 Larry Durkin and then respond to anything you  
2 have.

3 MS. O'DONNELL: I'm not asking about  
4 anything with regard to Dempsey Uniform and  
5 Linen. I'm trying to understand how the  
6 Borough would make a decision here with a  
7 particular vendor for services that they have.  
8 I'm not sure why that would be something  
9 secretive.

10 MR. MCHALE: It's not secretive.  
11 But when you threaten with litigation -- with  
12 all due respect I want -- I'll answer anything  
13 you want.

14 MS. O'DONNELL: No, you're not  
15 answering it.

16 MR. MCHALE: Then go ahead. Ask the  
17 question. I'll answer it.

18 MS. O'DONNELL: My question is, when  
19 and where was the decision made by Council --

20 MR. MCHALE: About two months ago we  
21 chose to -- and, Tom, cut me if I'm -- we chose  
22 to look at bids.

23 MR. DEMPSEY: I thought we're  
24 talking generalities. Or are we talking about  
25 a specific decision or about a general?

1 MS. O'DONNELL: I'm talking about  
2 when and where --

3 MR. MCHALE: So you are talking  
4 about Dempsey.

5 MR. DEMPSEY: So you're talking  
6 about the carpets.

7 MS. O'DONNELL: No, no, I'm not  
8 asking anything about --

9 MR. MCHALE: By the way, Dempsey  
10 does every other building as well.

11 MS. O'DONNELL: That is not my  
12 question. My question is about the mats I see  
13 here and my question is when and where did  
14 Council decide to use Cintas' services?

15 ATTY. CUMMINGS: There is a record  
16 being created.

17 MR. MCHALE: That's what I --

18 MR. DEMPSEY: I don't want to answer  
19 questions.

20 ATTY. CUMMINGS: I would not shoot  
21 from the hip. If you're not specifically aware  
22 of the time and date and who was present then  
23 reserve the right to respond to it.

24 MS. O'DONNELL: Can I ask if it was  
25 at a Council meeting that the decision was

1           made?

2                   ATTY. CUMMINGS: My response would  
3           be blank with everything.

4                   MR. MCHALE: Pardon me, Tom?

5                   ATTY. CUMMINGS: My response, if you  
6           don't know, then certainly accept the question  
7           and formulate a response when you have your  
8           information.

9                   MR. MCHALE: I mean, obviously on  
10          his guidance, I'll get you specific answers as  
11          you ask the questions.

12                   MS. ODONNELL: So you won't answer  
13          as to whether a decision on a vendor was made  
14          at a Council meeting?

15                   MR. MCHALE: Tom.

16                   ATTY. CUMMINGS: Again, accept --  
17          we'll accept the question and then they will  
18          prepare a response. I don't recall when it was  
19          made, how it was made. I don't. And I only  
20          miss one meeting --

21                   MS. ODONNELL: We're talking at most  
22          eight meetings, right, you said two months ago  
23          so was it made at a Council meeting is my  
24          question.

25                   MR. MCHALE: I don't recall.

1           Honestly, I'm not -- I don't recall if it was  
2           specifically at a meeting.

3                   MS. O'DONNELL: Did the Borough --  
4           did someone sign a contract for the services?

5                   MR. MCHALE: Ma'am, you're trying to  
6           get me on the record on something that to me  
7           you're setting up litigation. And I have  
8           counsel here telling me not to do so.

9                   MS. O'DONNELL: I don't see how  
10          this -- I'm asking very specific -- not about  
11          anything about a contract with Dempsey or  
12          Dempsey services. I'm asking about a vendor  
13          that --

14                  MR. MCHALE: But you're representing  
15          yourself from Dempsey. They were my contracts.  
16          With all due respect --

17                  MS. O'DONNELL: I'm not asking about  
18          that contract or its validity or anything  
19          about it.

20                  ATTY. CUMMINGS: I would suggest at  
21          this point because it looks like it's going to  
22          go on back and forth that you submit a Right to  
23          Know request and in five days they'll answer in  
24          writing.

25                  MS. O'DONNELL: Okay. Here is the

1 Right to Know request which I will give a copy  
2 to each of the members of Council as well as to  
3 the Solicitor.

4 MR. MCHALE: By the way, your home  
5 is absolutely gorgeous.

6 MS. ODONNELL: Thank you. I'd like  
7 to think that the tax revenues is coming back a  
8 little bit.

9 MR. MCHALE: Anything else, Miss  
10 O'Donnell?

11 MS. ODONNELL: That's it.

12 MR. MCHALE: Would anybody else like  
13 to address Council?

14 MR. EDWARDS: Scott Edwards, 424  
15 Shirley Lane, Dunmore. Good evening, Council.  
16 For anybody who doesn't know me, I'm the owner  
17 of G and S Car Wash on 114 Monahan Avenue. I  
18 have been in business there for 35 years. And  
19 tonight I would like to talk to you about the  
20 condition of the roads that lead out of my  
21 place of business and how difficult it is to  
22 make a living cleaning vehicles with the  
23 conditions of the road.

24 I have some pictures here I would  
25 like Council to look at. These are pictures of



1 the road right in front of my place, right in  
2 front of the old Verizon -- it's the Verizon  
3 building. Anybody who uses my facility has  
4 only one way to get out of there. And that's  
5 to go down Monahan Avenue where it intersects  
6 with Reeves Street.

7 If they go right, they could head  
8 back to Swinick's and to Drinker Street, that  
9 area. They go left, they could go around the  
10 Industrial Park and come out by Sheetz. That's  
11 the only way that a tractor-trailer could exit  
12 our place. We have eight truck bays there.

13 And the average guy who spends \$20  
14 cannot get back to the O'Neill Highway without  
15 getting dirty because of what is on that road.  
16 If there was a light at the top of Monahan  
17 Avenue which back in 1995, PennDOT talking with  
18 me and three other business owners they had  
19 said they were going to do that when they  
20 reconfigured that road. And they never did  
21 that.

22 So cars that exit my place who don't  
23 want to go down through the dirt on the road,  
24 they take a left and go up through the Big Lots  
25 parking lot and that shouldn't be. It puts a

1           burden on their parking lot.

2                     It puts their customers at risk.

3           There should be a light there. And I being the  
4           distance that I am from the O'Neill Highway,  
5           PennDOT said that I really don't have any say  
6           in that. But since 1995, we have now a car  
7           dealership there. We also have a hotel there.  
8           And we also have a very busy clinic next to our  
9           facility.

10                    All of this extra traffic I think  
11           deserves at least a traffic study to show the  
12           merits of this. Getting back to the conditions  
13           of the road, especially Reeves Street, if  
14           anybody goes there now, they should see what a  
15           deplorable condition that road is in. The  
16           sides of the road are higher than the road  
17           itself from all the dirt and whatever.

18                    It's got many pavement cuts. It's  
19           got potholes. And right where Monahan Avenue  
20           meets Reeves Street, it's very bad there too.  
21           If you don't know right where the dip is,  
22           you'll be bouncing your head off the ceiling of  
23           your vehicle. And I don't know if Council has  
24           any plans to pave but -- or grants to do that.

25                    But those roads need to be

1           addressed. So that's why I'm here. I'm  
2           looking for answers. I'm looking for help  
3           because if things continue the way that they  
4           are, I'm not going to be in business much  
5           longer.

6                        Every year your business has to  
7           grow. And ours continues to decline because  
8           just the other day I had a guy -- now, I know  
9           we have a bad situation with Dunham Drive being  
10          collapsed. And I know that they are trying to  
11          fix that. But it's not -- this is the worst  
12          situation right now with Dunham Drive being  
13          closed because the garbage trucks come in and  
14          out of there.

15                      And some of them go right up through  
16          the Big Lots parking lot. And again, that  
17          should not be. PennDOT needs -- they had a  
18          chance to do something when they reconfigured  
19          that road and they didn't do it. And I know  
20          that they said they don't want to do anything  
21          because it would slow traffic coming off of  
22          that in the morning.

23                      But it's not right to make  
24          everything go around through that parking lot  
25          and use that light. So that's why I'm here.

1 MR. MCHALE: Tom, do you have any --

2 MR. HALLINAN: Yeah, we'll request a  
3 traffic study. I think like you said, you  
4 recognize the problems, the off ramp coming for  
5 Throop and then the short distance between  
6 there and Monahan Avenue. That's probably what  
7 they're looking for left turns. You could go  
8 up and make a right. But you can't make a  
9 left.

10 And that's the problem that --  
11 we'll request a traffic study. I understand  
12 your plight. I also want to ask you from these  
13 pictures, has this increased since the road has  
14 been damaged and you're getting more traffic  
15 and more dirt is carrying in through like that?

16 MR. EDWARDS: Obviously, I mean the  
17 landfill is looking to expand. The farther  
18 these trucks have to travel into the landfill,  
19 the more dirt they accumulate, the more dirt  
20 they accumulate on there, the more they bring  
21 out into the Borough.

22 MR. HALLINAN: Yeah, well, what I'm  
23 looking at is could we send a letter and have  
24 them maintain that street up there since there  
25 is an increase in truck traffic there because

1 of that entrance where they came in obviously  
2 it's incumbent upon them to keep that street  
3 clean, which we would do anyway. But I think  
4 we should go through the guy that's up there.

5 They're creating all of this traffic  
6 coming through your area and making the street  
7 dirtier. And as far as paving, yes, we are --  
8 I'm sure we've talked about paving programs.  
9 And again, I had other streets in mind. But I  
10 think Mr. McHale said to me when we were  
11 discussing putting paving in the Industrial  
12 Park is a mess.

13 MR. MCHALE: Mr. Edwards, I  
14 frequent --

15 MR. DEMPSEY: I'm there with both of  
16 our cars too. I know the problem, believe me.

17 MR. MCHALE: It's -- the road up  
18 there is just -- you're right. You have to  
19 check your fillings once you go up that road.  
20 And the ruts in it are -- we have to do  
21 something up there. That I think is something  
22 that all of this Council -- this budget does  
23 have capital improvements in it and a paving  
24 program.

25 Is it going to be a 2 million dollar

1 paving program, no. But I do think your area  
2 is definitely a priority because of a lot of  
3 the runoff is an issue. I think those roads  
4 were put in. And a lot of the park went up  
5 specifically where you are afterwards.

6 The roads were not built for the  
7 amount of traffic that it's handling now. And  
8 that's very evident based on all of the ruts.  
9 So I do think something definitely has to be  
10 done with the runoffs off the roads and the  
11 weight limits, whatever the case may be.

12 I think we should have -- and you  
13 and I spoke of it several times and now with  
14 Dunham Street closed to have a cop up in  
15 Bi-lo -- I'm calling it Bi-lo. I'm dating  
16 myself -- Big Lots.

17 ATTY. CUMMINGS: The Miracle Mart.

18 MR. MCHALE: But I agree with you  
19 that --

20 MR. EDWARDS: I don't want to see  
21 anybody getting ticketed. That's, you know,  
22 exacerbating the problem because you can't take  
23 the one way that they have to get out of there  
24 clean by ticketing them. You can't do --

25 MR. MCHALE: No, but they shouldn't

1 be going down your road is my point. At this  
2 point, they should go up to the road where the  
3 State Police is. Forgive me, I don't even know  
4 the name of that road. And that was -- the 18  
5 wheeler should not be going down cutting to Big  
6 Lots.

7 MR. SCOTT: And the same -- that's  
8 true, okay. But the same trucks that are  
9 creating that mess -- see, there is no clean  
10 way to get from Monahan back there because the  
11 trucks are using Reeves Street. And they are  
12 dropping mud. So anybody that comes out of my  
13 place clean -- the other day a guy spent \$30  
14 and washed his tractor and trailer.

15 And he left and he got to Reeves  
16 Street. And the landfill trying to clean the  
17 road up, they had that big water tank and they  
18 flushed the road. Well, the last thing that  
19 somebody wants to see after they spent \$30  
20 cleaning their truck is to see a flooded  
21 street.

22 And he came back and, you know, he  
23 reamed me out. And it's not -- I don't like  
24 being yelled at for something I have no control  
25 of.

1 MR. MCHALE: Right.

2 MR. EDWARDS: And so that's why I'm  
3 here. There has to be something -- there has  
4 to be something done, you know, whether it's  
5 the landfill has to rinse their trucks off  
6 before they leave --

7 MR. AMICO: I think one solution  
8 will be that the landfill does have a truck  
9 wash. And it shouldn't be -- I believe it  
10 shouldn't be incumbent on the Borough.

11 MR. MCHALE: It should be mandatory.

12 MR. AMICO: It should be because  
13 what they're carrying out of the landfill  
14 ultimately, you know, theoretically could end  
15 up in your house. For example, if you lived in  
16 Swinick's -- just a simple thing. If you lived  
17 in Swinick and you drove down Reeves Street and  
18 pull your car directly into your garage, now  
19 you're tracking that into your house and that  
20 shouldn't be.

21 MR. MCHALE: I agree.

22 MR. AMICO: And you're tracking it  
23 through Borough roads. And you are creating  
24 more of a mess in front of a gentleman's  
25 property which it shouldn't be incumbent on the



1           Borough to take care of that. It should be  
2           fixed where the problem originates, I believe.

3                   MR. MCHALE: Couldn't agree more.

4                   MR. BURKE: Also the water spays  
5           that he has, all they do is block up our storm  
6           basins which our rate payers have to end up  
7           paying to get cleaned out. So the waters give  
8           us absolutely nothing but give us higher rates  
9           with our sewer bills.

10                   We have to send men up there to  
11           clean them out. There should be street  
12           cleaners -- the landfill should have street  
13           cleaners going up there at least 10 or more  
14           times a day because it's a dust storm if you  
15           drive up that road no matter what time of the  
16           year it is.

17                   MR. EDWARDS: They used to use a  
18           product that was calcium based product to keep  
19           the dust out. And I know this because there  
20           was a man that came into our facility and he  
21           said -- I asked him how he was and he said, oh,  
22           not good. He said because the landfill isn't  
23           going to use my product anymore.

24                   That is when they started to use the  
25           water truck to keep the dust out. And that

1 water truck may be, you know, a cost effective  
2 way for them to deal with keeping the dust  
3 down. But instead of dealing with dust, now  
4 you're dealing with mud.

5 MR. MCHALE: Vito, do you think you  
6 could go meet with Mr. O'Brien and bring  
7 Mr. Edwards' concerns?

8 MR. RUGGIERO: Sure.

9 MR. EDWARDS: Mr. O'Brien knows my  
10 concerns.

11 MR. MCHALE: Can you speak on behalf  
12 of Council? I don't want to speak for  
13 everybody but I think I do that everybody  
14 agrees that there's issues up there that need  
15 to be addressed immediately.

16 MR. RUGGIERO: Sure.

17 MR. MCHALE: And on a positive note,  
18 I have been telling you this for two years  
19 every time -- the once a week I see you  
20 cleaning my car. We are having a street  
21 sweeper state of the art delivered, this week?

22 ATTY. CUMMINGS: Before the first of  
23 the year.

24 MR. MCHALE: Not that it will be out  
25 in the winter but we'll be over helping, I

1           promise.

2                   MR. EDWARDS: Thank you.

3                   MR. MCHALE: Thank you.

4                   MR. MCGRAW: I have something. Jim  
5 McGraw, Delaware Street. Point of information  
6 that I would like to receive if you have any  
7 answers on it is the impact fee that the  
8 drillers up in the other counties -- the gas  
9 drillers, there's an impact fee that they pay  
10 into I believe the state.

11                   And road damage up in that  
12 neighborhood as I understand it I called Kevin  
13 Haggerty, I've been laid up for a month. I  
14 didn't get the answer. But if there's money  
15 available up in that area for roads, damage,  
16 and other problems that the gas drillers  
17 caused, well, you have any number of their  
18 trucks entering that dump that come in with the  
19 residue that we don't know if it's healthy or  
20 not to start with, but these vehicles do come  
21 to the dump up there.

22                   And when they come, that they must  
23 have an impact on this community. And if the  
24 rural areas -- you hear them fixing sidewalks,  
25 fixing roadways, you have maybe a \$300,000

1           problem up on the dump road, right, that you're  
2           looking for money for; and if this money is  
3           available in the state -- now, one that I did  
4           call they said, well, maybe there would be  
5           legislation.

6                     You can't wait for legislation  
7           because right now you're not going to get  
8           anything approved against the oil and fuel  
9           companies, you know. It doesn't look in the  
10          foreseeable future that you get anything out of  
11          Harrisburg.

12                    So what you have to go after is the  
13          legislation that is already in. And if there  
14          is an impact fee, why can't we get money out of  
15          it because it does affect us directly, not just  
16          indirectly.

17                    So, you know, somebody that has the  
18          authority to seek this information, maybe it's  
19          available. Maybe we can get money and help  
20          this gentleman out. But like I said, if I was  
21          up around, I'd have some figures for you.  
22          Thank you.

23                    MR. MCHALE: Thank you, Mr. McGraw.

24                    MR. DEMPSEY: Thanks.

25                    MR. MCHALE: I think it's a good



1 me -- you were going to get a report on the  
2 delinquent refuse fees that we had outstanding?

3 ATTY. CUMMINGS: Yeah, the profit  
4 versus loss for the year shows that we had  
5 optimistically stated 25,000. But we're  
6 already at \$40,000. We're at 162 percent  
7 collections. I presume that will keep going  
8 up. And then when the final letters go out,  
9 we'll revisit the matter. And then Council can  
10 decide if they want to file a lien which adds a  
11 significant cost -- not property of the Borough  
12 but costs at recording, etc. So we're 40  
13 grand.

14 MR. HALLINAN: Thank you. Also,  
15 Vito, you'll request a traffic study from  
16 PennDOT over at Monahan and O'Neill Highway?  
17 We want a traffic study there, please.

18 MR. MCHALE: Yeah.

19 MR. HALLINAN: And also I want to  
20 thank the DPW for one, picking up all the  
21 leaves. My God, just driving around the sixth  
22 ward, you deserve a medal for that. And the  
23 snow removal, your gentlemen did an outstanding  
24 job. It got a little dicey there the other  
25 night. Thank you for doing a good job. And I

1 would like to just say thank you to Mike McHale  
2 for working very hard on this budget.

3 And, you know, it's pretty eye  
4 opening when you see the numbers and the unions  
5 and dealing with everything that goes on here.  
6 And I just want to say thank you, Mike, for the  
7 hard work you put in, the countless hours.  
8 That alone is a savings without hiring somebody  
9 to do what you do.

10 And it's, you know, you helped this  
11 town out. I'm very thankful for what you do.  
12 And I would like to thank everybody for coming  
13 and say Merry Christmas to everybody. Thank  
14 you.

15 MR. MCHALE: Thanks, Tom. Attorney  
16 Dempsey.

17 MR. DEMPSEY: Yeah, very quickly,  
18 I'm glad, Chief, that you're here. Last night  
19 I was at the same basketball camp that  
20 Mrs. O'Donnell referenced when I got a text  
21 message on my phone that I get all the fire  
22 calls that come in.

23 And it happened to be my address  
24 while I was sitting here. We had a -- we -- a  
25 little bit of mishap meaning my wife but I

1           won't admit -- you guys were terrific. I tried  
2           to thank every one of them. I couldn't get to  
3           all of them. It looked like the entire block  
4           was on fire.

5                        So I apologize to the neighbors.  
6           But thank you. You guys were terrific and  
7           please pass along my gratitude. That's all I  
8           have.

9                        MR. MCHALE: Thank you, sir.  
10          Mr. Verrastro.

11                       MR. VERRASTRO: I have nothing  
12          tonight.

13                       MR. MCHALE: Mr. Burke.

14                       MR. BURKE: Yes, Vito, I was  
15          wondering if you could check into everything  
16          Mr. McGraw said about the impact fee if there  
17          is any way to recover any of that money.

18                       And also, a street cleaner is really  
19          in need for Mill Street very badly. If you  
20          drive up Mill Street with all the work that's  
21          going on there, same thing, you can't go up  
22          that street with a clean car when another car  
23          is going down another way.

24                       If we can get something up there to  
25          get that street cleaned at least once a day



1 while they are doing this work up there because  
2 it's really bad. And I would like to wish  
3 everybody a Merry Christmas. Thank you.

4 MR. MCHALE: Thanks, Tim.

5 Mrs. Scrimalli.

6 MS. SCRIMALLI: I would also like to  
7 thank the DPW Department and Didge for a great  
8 job on the roads. It was incredible. It was  
9 so dangerous. We appreciate you so much. And  
10 also, Chief, with the fire department you guys  
11 are great. Thank you so much. And I would  
12 just like to thank everyone for coming and have  
13 a great Christmas.

14 MR. MCHALE: Thanks, Mrs. Scrimalli.  
15 I did get that text too. Literally, a pizza  
16 box caught on?

17 MR. DEMPSEY: Yeah.

18 MR. MCHALE: I did most of the  
19 speaking tonight so I'll be quick. Mr. Judge,  
20 I talk to you all of the time. And I couldn't  
21 thank you more for everything that you have  
22 done specifically, you know, it's easy for us  
23 to try to get you the equipment that you have.

24 But when you have guys to get out  
25 and do the work like you guys have done

1 comparing -- when I left my home today and  
2 driving through Scranton seeing the difference  
3 as you go across the line, it is unbelievable  
4 and still is unbelievable.

5 So thank you. Please pass it along  
6 to your men and continue your hard work. I  
7 assume we're okay with salt and everything,  
8 Didge? I know you're always on top of that.

9 MR. JUDGE: Yes, we just ordered  
10 some today.

11 MR. MCHALE: All right. With that,  
12 I wish everybody a happy holidays and I'll look  
13 for a motion to adjourn.

14 MR. DEMPSEY: Motion.

15 MR. MCHALE: Second?

16 MR. HALLINAN: Second.

17 MR. MCHALE: All in favor?

18 ALL MEMBERS: Aye.

19 MR. MCHALE: We're adjourned.  
20  
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C E R T I F I C A T E

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3 I hereby certify that the proceedings and  
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