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(Pledge of Allegiance.)

MR. MCHALE: If everybody could remain standing for one second to -- a moment of silence for the tragedy that happened about 10 days ago and remember Corporal Bryon Dickson, Dunmore native who lived a couple blocks from here and keep Trooper Alex Douglas in your prayers. If we can have a moment of silence. Thank you.

(Moment of Silence.)

ATTY. CUMMINGS: Mrs. Scrimalli.
MS. SCRIMALLI: Present.
ATTY. CUMMINGS: Mr. Burke.
MR. BURKE: Present.
ATTY. CUMMINGS: Mr. Verrastro.
MR. VERRASTRO: Present.
ATTY. CUMMINGS: Mr. Dempsey.
MR. DEMPSEY: Here.
ATTY. CUMMINGS: Mr. Hallinan.
MR. HALLINAN: Present.

1 ATTY. CUMMINGS: Mr. Nardozzi.

2 MR. NARDOZZI: Here.

3 ATTY. CUMMINGS: Mr. McHale.

4 MR. MCHALE: Here.

5 ATTY. CUMMINGS: Public comment on
6 agenda items.

7 MR. MCHALE: Does anybody have any
8 comments on agenda items only? There will be a
9 separate section that you could speak about
10 anything outside of the agenda.

11 MR. BOLUS: Good evening, Council,
12 Bob Bolus, 1445 East Drinker Street. Just on
13 the number seven, the host fee here, I didn't
14 see anything out here regarding to it or what
15 the contract is if it's changing, if you're
16 getting money -- more money per ton or are we
17 just leaving it status quo especially with all
18 the additional stuff coming in beyond just
19 garbage.

20 You have tons coming in under the
21 Marcellus Shale. Now you have all the fluff
22 coming in and who knows what else is going to
23 come in this landfill down the road.

24 Originally I think when the
25 contracts were done, were based on garbage and

1 tonnage. You have a lot of material going in
2 and out of here just out of the quarry alone
3 that is being moved.

4 How do you guys determine what your
5 fee is going to be or is it going to be like it
6 was before? Are we going to start looking at
7 more money to the community instead of just
8 kind of sitting back and leave it like it is?
9 And that's my question for tonight.

10 MR. MCHALE: That's fine. Do you
11 want to go?

12 MR. VERRASTRO: We had started to
13 make -- we had some talks. We have some
14 paperwork here for everybody to look at tonight
15 that we gave to them. I think it's a
16 considerable amount of money, an awful lot of
17 money that we'll get into the actual numbers
18 and give everybody a complete overview of it as
19 we go on.

20 Mike has a copy. He's going to read
21 it. We went over several times. We talked to
22 him. And Mike really crunched the numbers so I
23 don't want to mess the numbers up when it comes
24 down to the actual percentages and stuff like
25 that.

1 MR. MCHALE: And to answer your
2 question, I think directly is anything that
3 goes in that landfill is subject to DEP
4 approval, not -- we do have inspectors up there
5 but we get paid on everything that goes in
6 there, yes. We'd like to have more of a say
7 but, you know, we do what we can.

8 MR. BOLUS: Right. What about the
9 fee arrangement that you're going to make to
10 get more money for what's going in?

11 MR. MCHALE: We'll explain that in
12 number seven.

13 MR. BOLUS: Will there be a separate
14 meeting on that or is that already been
15 determined?

16 MR. MCHALE: We've negotiated. And
17 it's going to be voted on tonight if that's
18 what you're asking.

19 MR. BOLUS: Okay. So the public
20 will only hear about it actually tonight --

21 MR. BURKE: I got copies right here
22 if you want to look at it. It will give you a
23 little bit of time to if -- Mike, if it's all
24 right? It's not the -- except for the month is
25 only one that changed, right, Tom?

1 MR. BOLUS: But it's kind of hard to
2 do it right now for everybody to really
3 understand what it is and take it apart and
4 look at it. I think it should be, you know,
5 looked at tonight and possibly --

6 MR. MCHALE: We're going to explain
7 it in detail tonight.

8 MR. BOLUS: I think the public
9 should have -- my own opinion --

10 MR. MCHALE: I appreciate that.

11 MR. BOLUS: -- my business is in
12 this community. I think we all should table it
13 until the people here have an opportunity to
14 review it and then discuss it --

15 MR. VERRASTRO: But, Bob, one of the
16 things we're going to explain is that this has
17 nothing to do with what's going on in the
18 future. We're talking about what's going on
19 today.

20 MR. BOLUS: No, I understand that.

21 MR. VERRASTRO: No, no disrespect;
22 but you don't understand what our contract has.
23 Our contract has nothing to do with Phase III.
24 We're getting stuff in writing for today.
25 Nothing else.

1 MR. BOLUS: In other words --

2 MR. MCHALE: We're not voting on --
3 we have no say in DEP's approval anyway. We're
4 not voting a yes vote or nothing -- no
5 confidence vote, nothing with Phase III.

6 MR. BOLUS: I understand all of
7 that. I'm looking at the dollar and cents.
8 Let's forget about DEP. That will be for our
9 public comments later for about what the
10 landfill is going to do expansion, etc. I
11 think that is later. That's not my question
12 now.

13 My question now is, the fee that
14 you're getting now that you've agreed to take
15 the waste in, whether it's approved with DEP
16 that's secondary right now. The primary thing
17 is how much money are we in the community going
18 to get that the public here should be made
19 aware of prior to you voting on it to get their
20 input as to what we think is agreeable to us,
21 because after all, we are the taxpayers and
22 ultimately down the road we pay the burden as
23 costs go up and things go on.

24 And I think it should be at the
25 discretion of the people here. It's our

1 landfill that's a problem here too. It's not
2 just a handful of people. And I think it
3 should be addressed tonight and then tabled
4 after it's discussed with the people here and
5 then vote on it when we actually all look at
6 the dollars and see if it's fair for us, not
7 what's fair for the landfill and put in their
8 pocket. We want to make sure what is fair for
9 all of us. And I think that's the issue we
10 have.

11 MR. VERRASTRO: And that's what I'm
12 here for, Bob.

13 MR. BOLUS: Pardon?

14 MR. VERRASTRO: That's what I'm here
15 for.

16 MR. MCHALE: We're all here for
17 that.

18 MR. BOLUS: Right. I know you're
19 here for that.

20 MR. VERRASTRO: I'm not here to make
21 it fair for the landfill. I'm here to get the
22 best possible deal I could get for the
23 taxpayers.

24 MR. BOLUS: Well, we don't know what
25 that is until after you voted on it. We'd like

1 to know about it beforehand.

2 MR. MCHALE: We're going to explain
3 it in detail.

4 MR. VERRASTRO: We're going to
5 explain it now. It has nothing to do with the
6 future. It has to do with today.

7 MR. BOLUS: What I'm getting at --
8 and I'm not trying to be argumentative. What
9 I'm getting at is, you're going to vote on it
10 tonight. You guys are up here to take care of
11 the best interest of the people.

12 MR. MCHALE: That's right.

13 MR. BOLUS: Well, we've been in
14 Dunmore a long, long time, okay? We're the
15 ones for the future. And after we're all gone,
16 it's our generation that we leave behind that's
17 going to deal with this.

18 So I think in fairness to the
19 people, nothing against the Council or anything
20 else what you decided, but I think the people
21 need to know, discuss it, have an opening
22 meeting on it and then come up with a number
23 that we think is agreeable for all of us too,
24 not just what we think the landfill and Council
25 come up to.

1 There's a lot of variables. There's
2 a lot of intelligent people here. And I think
3 they should all be heard before an agreement is
4 made. That's all. And I think it's the same
5 thing with the City of Scranton and look what
6 they did. They turned around and wound up
7 paying \$300 to people that dump their garbage
8 now.

9 So, you know, it's the unhidden that
10 we don't know about. And I think they should
11 have all their input in it. Thank you.

12 MR. MCHALE: Thank you. Anybody
13 else?

14 MR. CLARK: Can we ask questions on
15 this?

16 MR. MCHALE: Could you ask
17 questions? Please do. If you could say your
18 name and address for the record?

19 MR. CLARK: Sure. Pat Clark, 1516
20 Jefferson Avenue. So obviously just looking
21 through this very quickly, is there a term on
22 this agreement?

23 MR. MCHALE: It's the life of the
24 landfill.

25 ATTY. CUMMINGS: Mr. McHale?

1 MR. MCHALE: Yeah.

2 ATTY. CUMMINGS: If I could suggest
3 if there's going to be a dialog on it, you may
4 want to go through the agenda, have the
5 presentation of the host municipality fee
6 agreement and then open for public comment
7 before the vote. That would be the structure
8 of the law and I think it would be better for
9 the people.

10 MR. MCHALE: Thank you, Attorney
11 Cummings. Anybody else? Before that -- again,
12 we'll do a presentation and then open it up
13 before we take a vote.

14 MR. DUNCAN: Gary Duncan, 117 Barton
15 Street. I just with the air conditioning in
16 the back so forgive me. We're going -- this
17 will be read aloud or explained to everybody
18 tonight, Mr. McHale?

19 MR. MCHALE: Both.

20 MR. DUNCAN: All right. And my
21 other question is, at our last Council meeting
22 I know there was a question about a search for
23 an environmental lawyer. And I wondered before
24 we get into this where that search led us or
25 what was the result of that area?

1 MR. NARDOZZI: Gary, that's for
2 later you can bring that up. Right now the
3 questions are anything that's on our agenda.

4 MR. DUNCAN: Okay.

5 MR. MCHALE: Quickly to tell you
6 that -- this -- what we're going to do tonight
7 does not preclude us to not hire another lawyer
8 to continue a fight or argument or research or
9 whatever you want to say. It's not going to
10 end tonight --

11 MR. DUNCAN: Okay. Thank you.

12 MR. MCHALE: -- for the record.
13 Anybody else?

14 (No response.)

15 MR. MCHALE: Mr. Cummings.

16 ATTY. CUMMINGS: Item number four is
17 personnel matters. There's a vacancy in the
18 fire department. The Manning Clause requires
19 it be filled immediately. There would be a
20 motion to obtain firefighter -- current
21 firefighter Todd Flaherty as a full-time active
22 reserve.

23 MR. NARDOZZI: Mr. Chairman, I'll
24 make that motion.

25 MS. SCRIMALLI: I'd like to second

1 that.

2 MR. MCHALE: I have a motion and a
3 second. On the question.

4 (No response.)

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

7 ALL MEMBERS: Aye.

8 MR. MCHALE: Opposed?

9 (No response.)

10 MR. MCHALE: The ayes have it and so
11 moved.

12 ATTY. CUMMINGS: Item number five is
13 a motion to distribute cell tower revenue to
14 parks.

15 MR. MCHALE: Do I have a motion?

16 MR. VERRASTRO: I'll make that
17 motion.

18 MR. BURKE: Second.

19 MR. MCHALE: I have a motion and a
20 second. On the question. Quickly on the
21 question to explain those in the public,
22 there's a cell tower outside our backyard here
23 that years ago if we have the ability to do so,
24 we made that money available to youth
25 organizations, to clubs, you know, if and when

1 we can do so.

2 The Missy League has a large project
3 going on. Sherwood Park houses a ton of
4 soccer -- as many parents here would attest.
5 St. Anthony's was putting a new basketball
6 court in. And the Oilers Football is our
7 football organization for our young kids.

8 And it is who we chose for the
9 worthy recipients this year. In prior years
10 the Little League we helped out. Vito and I
11 had gotten a grant for \$35,000. Anybody who
12 hasn't seen the Little League take a walk up
13 there and the lighting that's up there, the new
14 pavilion, the new field, we're very, very proud
15 of it.

16 So and this program helped the
17 Little League last year as well and will help
18 in the future hopefully. So I have a motion
19 and second. Anybody else on the question?

20 (No response.)

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

23 ALL MEMBERS: Aye.

24 MR. MCHALE: Opposed?

25 (No response.)

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

3 ATTY. CUMMINGS: Item six is
4 ratification of DPW contract.

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

6 MR. VERRASTRO: I'll second.

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

9 MR. VERRASTRO: On the question, I'd
10 just like to say I'm very happy with the
11 contract that was negotiated for from day
12 one --

13 UNIDENTIFIED MAN: Can you put the
14 mic closer? With the air conditioning you
15 can't hear.

16 MR. VERRASTRO: I feel it was a
17 very --

18 UNIDENTIFIED MAN: We still can't
19 hear.

20 MR. MCHALE: Is Chris here? Chris,
21 can you turn that off? No? Okay.

22 MR. VERRASTRO: I'll try to talk
23 louder. It was long -- there was a lot of
24 times where -- I don't know if any of you were
25 here. I was disliked for my opinions. But we

1 came to a deal that I feel was very good for
2 both the taxpayers and for the people that were
3 working there.

4 To -- a quick run down of it is,
5 they are now going to start to contribute to
6 their health care. I believe the portion is
7 ten dollars per paycheck. And their rate
8 increase is going to be 50 cents the first
9 year. I believe it's 25 the second; 30 the
10 third; 40 the fourth; 25 the fifth.

11 And because it took so long for us
12 to do the contract, we put 55 and made it a six
13 year contract so we didn't have to go right
14 into negotiations at the end of this year. I
15 think in all, it's -- was it approximately 2
16 percent raise over the course of the whole
17 contract if you go for percentages?

18 I don't know who else was -- I know
19 there was other people there had some in
20 negotiations, some more than others.

21 MR. MCHALE: I'll quickly add that
22 the one thing that you may have heard in past
23 meetings that -- that bugged us about the DPW
24 contract is they have the same exact health
25 care as our police and fire department and

1 clerical unions.

2 Every single one of them have the
3 same one. They had their insurance -- same
4 carrier, same everything through their union.
5 And it cost us 30, 40, \$50,000 more a year,
6 same exact coverage. So it took a lot longer
7 than we anticipated. But we did get the
8 control of our insurance so we can control our
9 costs.

10 We've done so in the past couple
11 years to some great advantages in our health
12 care and savings. So we're very happy with
13 that. We're very happy the DPW sat down at the
14 table and bargained faithfully. So we do
15 appreciate that. Anybody else?

16 (No response.)

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

19 ALL MEMBERS: Aye.

20 MR. MCHALE: Opposed?

21 (No response.)

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

24 ATTY. CUMMINGS: Item number seven
25 is the host municipality fee agreement. By way

1 of introduction, I should note that we have
2 retained Martin and Martin as independent
3 engineer to review the application submitted
4 to DEP.

5 And we are to schedule a meeting.
6 We are unable to schedule the meeting to date
7 because there was an open issue regarding core
8 borings for identifying mine voids and
9 remediation plan if some were identified.

10 On Friday the Borough received a
11 letter from Geoscience Engineering indicating
12 that the matter had been addressed and a plan
13 was in place and would be submitted to DEP.

14 And today we received Form 11
15 Mineral Deposits Information Phase 1 indicating
16 that there are no voids in question. But this
17 goes to DEP. It's not for us to decide. But
18 the -- according to the study evidently there's
19 no problem.

20 But now this will go to Martin and
21 Martin. And they will have adequate
22 information to address the entire application
23 to give to their report at a public meeting.

24 As to the host municipality fee
25 agreement, Council asked me to do a little

1 research in the background of the matter.
2 Historically prior to 1979, the Borough of
3 Dunmore operated a landfill on 50 acre site
4 that was owned by the Pennsylvania Coal
5 Company.

6 Pennsylvania Coal Company gave
7 notice to the Borough of Dunmore that they no
8 longer were interested in leasing premises to
9 Dunmore and that Dunmore should either
10 terminate the use or buy the land -- the
11 50-some acres.

12 Dunmore Borough purchased acreage
13 and then ran into problems according to the
14 minutes of the meetings with illegal tipping,
15 operation and maintenance difficulties, and
16 changes in meeting the DEP regulations.

17 At that time I would note that waste
18 disposal was 50 cents a yard. There were no
19 scales and that there were at least seven if
20 not more permitted landfills within Lackawanna
21 County and identified multiple illegal dump
22 sites within the county.

23 In 1979, the Council opted to put
24 out an RFP to address the issue. And in
25 February of '79, they received two responses.

1 One was a response to accept all -- to dispose
2 of all Borough trash for a six year period for
3 \$445,200 equated at \$6,183 a month.

4 The second proposal was presented
5 was that Keystone would lease the landfill site
6 for \$72,000 for six years and in turn the
7 Borough could tip at the landfill for a
8 thousand a month for the seven year period.

9 In effect and that -- that they
10 would operate -- operate and control the
11 landfill and the Borough would be able to tip
12 free of charge. Proposal two was accepted
13 unanimously by Borough Council.

14 In December of 1980, Councilman
15 Beardell gave lengthy dissertation on the
16 history on the landfill, the current
17 conditions, and a proposal to divest ownership
18 of the landfill.

19 In response, a new RFP offering the
20 borough site for sale, there was one responder
21 being Keystone who offered to purchase the 50
22 plus acres site known as the Borough Landfill.

23 And in consideration, Keystone would
24 process all waste generated from the Borough
25 from April 1st, 1985, through April 1st, 1992,

1 which at the time was the anticipated life of
2 the 54 acre landfill. They would pay to the
3 Borough \$84,000 in increments of 41,000 -- I'm
4 sorry, 4,100.

5 And the Borough could continue to
6 tip at no cost. In January of 1981, it was
7 approved and the landfill property was conveyed
8 and in exchange for extension of 1979 agreement
9 through April of 1992, again in that
10 arrangement whereby Keystone would take title
11 to the landfill and would accept Borough
12 waste -- all waste generated from the Borough
13 at no cost through 1992 as a consideration.

14 The next document is in September of
15 1999, wherein the Borough issued a host
16 community benefit agreement citing benefits
17 without specific description and did not have
18 anything in the agreement regarding tipping
19 fees or rights to future tipping.

20 We have been though receiving since
21 1988 I believe 41 cents per ton. That is not
22 an agreement between the Borough and the
23 landfill. Act 101 of 1998 mandates a host
24 municipality fee for one dollar per ton.

25 That is the only mandated benefit

1 that a landfill must pay to the host
2 municipality. There are other fees that the
3 landfill pays to the state. There's an
4 environmental fund. There's a recycling fund.
5 There's a closure fund.

6 But as to the municipality, it is
7 the one dollar per ton. And it is the only
8 mandated benefit to the municipality. In our
9 particular situation, DEP determined that 41
10 percent of the permitted landfill lies within
11 the confines of the Borough of Dunmore, thus we
12 receive 41 cents on the dollar.

13 All permitting and operational
14 landfill facility is controlled by the
15 Commonwealth of Pennsylvania. The local
16 government has control vis-a-vis planning and
17 zoning, a control that controls the horizontal
18 area of the landfill, the footprint, access to
19 landfill, storm water and other impacts.

20 But once permitted, the local
21 municipality is subservient to the state and
22 federal regulations in all matters. In the
23 matter at hand, we receive a host municipality
24 fee on a quarterly basis since inception.

25 We have received without request

1 document or mandate benefits in addition to
2 those municipality fee in form of we have not
3 been billed nor has payment been demanded for
4 disposal of our waste. We have received
5 materials, equipment, and financial
6 contributions.

7 Having been informed of the
8 voluntary benefit that is -- having been
9 informed that the voluntary benefit free
10 tipping, equipment, buildings, etc., was no
11 longer deemed acceptable, Keystone Sanitary
12 Landfill has provided an offer to document and
13 mandate his contribution to its home community
14 of Dunmore in the form of new host municipality
15 fee agreement.

16 I note the host municipality fee
17 agreement that will be presented tonight does
18 not create an endorsement nor comment on Phase
19 III proposed. It sits silent. The agreement
20 offered is nine paragraphs in length. And for
21 descriptive purposes, paragraph one forgives
22 the back balance on the tipping fees.

23 We've tipped for free from 1992 to
24 today. We have no contractual right for that.
25 And there is -- at least had been on an annual

1 basis a bill presented to the Borough which the
2 Borough promptly ignored. So paragraph one of
3 the agreement forgives that back balance.

4 Number two is free tipping. For the
5 anticipated life of the landfill or extensions
6 thereof, the Borough of Dunmore will be able to
7 tip all of its waste at the landfill at no fee
8 or cost.

9 Number three gives us a right to the
10 air space so that although there is no charge,
11 they are also guaranteeing that when -- while
12 air spaced is available it will be afforded to
13 the Borough of Dunmore for the life of the
14 landfill.

15 Item number four is of great import.
16 It increases our host municipality fee from 41
17 cents to one dollar per ton. So it's an
18 increase at inception of 59 cents per ton. And
19 it will be calculated on a quarterly basis and
20 paid within 30 days.

21 Phase III, paragraph six of the
22 agreement, if Phase III is approved, then there
23 will be an increase in that fee from a dollar
24 up to \$1.50 with 1 percent increments in five
25 year anniversaries thereof.

1 If Phase III does not kick in, we
2 will still benefit with the one dollar that we
3 are receiving under paragraph four. Item
4 number seven is a late penalty payment fee if
5 the payment is not received within the 30 days,
6 there's significant penalties.

7 Item number eight is of great
8 import. If there's a future expansion of the
9 landfill beyond the footprint, then we can in
10 that event could go for more money and more
11 benefit. Right now the landfill is confined by
12 Dunham, Reeves, Route 6, and the Marshwood
13 Road.

14 So if there was an application to go
15 beyond that geographic footprint the horizontal
16 boundary, we would then have the rights to come
17 in and ask for an increase. And the 1999
18 agreement would still stand. We don't want to
19 void that.

20 This is a voluntary offer by
21 Keystone in response to the Borough's concerns.
22 And it goes forward regardless of Phase III and
23 does not commit the Borough to future action or
24 endorsement with regard to Phase III.

25 I believe that the dollar amounts

1 are significant. But I believe Mr. McHale will
2 speak to that.

3 MR. MCHALE: Quick question for you,
4 Mr. Cummings. In your opinion, did Keystone
5 need to sit down and make this offer or
6 negotiate with us?

7 ATTY. CUMMINGS: They are not
8 mandated to do so.

9 MR. MCHALE: The Phase III approval
10 in your opinion does that mandate them to sit
11 down and negotiate with us?

12 ATTY. CUMMINGS: It does not.

13 MR. MCHALE: Okay.

14 ATTY. CUMMINGS: I -- the only thing
15 they're mandated to do is pay the dollar
16 fee -- gross fee, 41 cents.

17 MR. MCHALE: Which is 59 to Throop
18 and 41 to us which is our current agreement
19 right now.

20 ATTY. CUMMINGS: Correct.

21 MR. MCHALE: You know, we're often
22 compared to Throop. And, Tommy, please jump in
23 or anybody on Council jump in. We're often
24 compared to Throop and that they get \$2 a ton.
25 You know, I've been in a lot of negotiations in

1 what I do for a living.

2 And, you know, it's tough to
3 negotiate when you don't hold any cards.
4 Throop held every card when he was trying to
5 expand into Throop because they had to change
6 their zoning, so on and so forth.

7 Our opportunity was in 1999. And we
8 didn't do anything -- '88, Tom, '99? I know
9 there's a couple different --

10 ATTY. CUMMINGS: '99 is the current
11 agreement. 1988 was the Act 101 that changed
12 the regulations. Prior to the change in
13 regulations, landfills did not need to have
14 liners. That's why there was so many of them.

15 But then the leachate from the
16 landfill would just go right down into the mine
17 water and the water table. And 1988's changed
18 the regulations which were here to the 1999
19 expansion and since this agreement.

20 And that changed it where the --
21 there had to be liner, then a drainage zone,
22 then a second liner, then the waste. Then that
23 would have to go into a preliminary sewage
24 treatment plant and then the affluent would be
25 treated and then disposed into a regular sewage

1 plant.

2 And then the final capping would be
3 impervious material with either three or eight
4 feet of soils with rye grass, etc., planted on
5 top of that. So that's what's in place now. I
6 believe 1999 was the expansion to the current
7 footprint. And that's what gave rise to the
8 agreement.

9 MR. MCHALE: Okay. My point is that
10 we didn't hold a lot of cards. We still don't
11 hold a lot of cards. Since I've been on
12 Council Tim was president, then Sal after him.
13 We tried to negotiate for the five, six years
14 that I'm on Council several, several times.

15 And over the past couple months, I
16 would say a year that we ramped up our
17 negotiation trying to get something better.
18 You know, to Keystone's credit -- and please
19 don't take this the wrong way.

20 To Keystone's credit, they did
21 provide a lot of services here. But our
22 standing the whole time was we'd much rather
23 have cash. You know, a couple years ago we
24 were bankrupt. And, yes, we pulled out of
25 there.

1 And I think that was a big deal to
2 Keystone to see that we put our financial feet
3 under us per se before, you know, they were
4 able to hand over cash because they don't want
5 it spent crazy.

6 And, you know, after this, I at
7 least and I know several other members of this
8 Council are totally on board with this to pass
9 ordinances to restrict this money and to
10 certain things on this equipment, debt,
11 reduction of taxes, whatever the case may be.

12 So if that ever is changed in post
13 councils after this Council, they'll have to do
14 it from here and tell you people about it. So
15 let me just go through a little bit of the
16 dollar amounts to give you an idea of where
17 this agreement stands and, you know, the hard
18 work that's gone into this.

19 Over the next nine years, I'm just
20 going to consider the next nine years to begin
21 with because that's the life of the landfill as
22 it stands today. And as you could see in this
23 agreement, it's going to start as of December
24 1st so not even considering the impact this
25 year, which is not small.

1 But for the next nine years under
2 the existing agreement which is the 41 cents
3 per ton a memo of understanding, not
4 necessarily an agreement that we've hammered
5 out.

6 The Borough will receive
7 approximately 8 million dollars based on my
8 calculations. Under the new agreement adding
9 the 59 cents on top of the 41 over the next
10 nine years, getting the forgiveness of the past
11 payable 4.8 million dollars, forgiving the
12 interest payable on that accrued past payable
13 is 2.5 million dollars and free tipping for the
14 life of the landfill.

15 Again, handshake agreement not in
16 writing anywhere. So if that landfill was sold
17 tomorrow, not only would we owe everything, we
18 would have to tip in our backyard. We'd have
19 to pay for tipping. So that to me was huge to
20 get in writing.

21 So with those main points of just
22 where we stand today not considering
23 Phase III -- the expansion -- the vertical
24 expansion, we are in line to receive 35 million
25 dollars of benefits as opposed to 8, which is

1 27.3 million dollars over the next 9 years that
2 is going to be passed tonight -- well, is going
3 to be voted on tonight, I should say.

4 To give you an idea why we sought to
5 get this done now because there's going to be a
6 lot of hearings on Phase III. There may be a
7 lot of hard feelings as well. I thought it was
8 important not to put in jeopardy of the
9 financial part of Dunmore in jeopardy by doing
10 anything.

11 I wanted to get it done now for the
12 mere fact that, you know, I -- we could hurt
13 our bargaining position with the negotiations
14 going on in Phase III.

15 So I sought to -- we sought to get
16 this done ASAP. And that's why it's on the
17 agenda tonight. To give you an idea of Phase
18 III, I put -- when we negotiated, we put in
19 Phase III the five cents over the next ten
20 years which they agreed to because again, once
21 all -- everything is said and done, we don't
22 have a lot of bargaining chips.

23 And -- but I wanted something in
24 writing to at least if this happens that
25 Dunmore could be -- at least get some monetary

1 benefit out of it. I'm not going to sit here
2 and say I'm for the landfill because there's a
3 lot more concerns outside of financial
4 responsibilities that are on my mind.

5 But we also have to worry about the
6 taxpayers of Dunmore if and when that gets
7 passed. So this agreement takes care of that,
8 doesn't erase the thought process of the
9 environmental concerns that I personally have
10 and I will continue to address. But it does
11 take care of Dunmore for the next 50 years if,
12 in fact, that Phase III does go through.

13 So if it does go through to give you
14 an idea the impact based on the current
15 agreement the 41 cents, we would get over the
16 next 50 years 51 million dollars approximately.
17 If Phase III is passed including the benefits
18 that we receive starting December 1st, the
19 impact would be 202 million dollars.

20 So and that benefit -- and that
21 change 187 million dollars over the next 50
22 years. It's been a tough couple weeks, couple
23 months, you know, negotiating this. And, you
24 know, I don't bring light to it. It's not easy
25 sitting up here taking criticism when you

1 really do think you're trying to do the best
2 for the taxpayers financially.

3 You know, I'll answer as many
4 questions as you guys have because I did do a
5 lot of the negotiating -- excuse me --
6 negotiating. It's a significant sum of money
7 that no other Council in 40 years -- 30 years
8 was able to get an agreement done. So, you
9 know, I'm pretty proud that we at least got to
10 this point because we do not have any
11 bargaining chips but yet we got this done.

12 So on that part, yes, I am -- even
13 if it's for nine years, I'm proud of what we've
14 accomplished. So I'm going to open up to the
15 rest of Council if you guys want to make any
16 comments before --

17 MR. VERRASTRO: I just want to
18 elaborate what I started to talk about. We're
19 not even talking about Phase III. All the
20 meetings that we're still going to have with
21 DEP or the meeting we're going to have or how
22 many the amount it is, if we're going to hire
23 an environmental lawyer, that's all the future
24 stuff.

25 That is why I said we're talking

1 about what today is. And if we -- if we vote
2 on this tonight to pass it, we're looking at
3 the 35 million dollars. That 35 million
4 dollars is something that -- the difference of
5 20-some million dollars we would be losing
6 whether we go to Phase III or not.

7 Mike and I had several conversations
8 over this. And numerous times we looked at
9 each other and said, we're bringing money to
10 the table and getting something done that
11 nobody has been able to do in the history of
12 the landfill since we lost our landfill.

13 And we're both petrified to even
14 come up and pitch it because everybody gets
15 this idea of Throop. We spend over \$2,000 a
16 day dumping our garbage right now at the
17 current price. That doesn't mean that next
18 year if tipping fees go up from whatever the
19 tonnage is, it's going to be more.

20 This year we spend over \$2,000 a day
21 Monday through Friday to dump garbage. That's
22 included in here. That -- if you compare us to
23 Throop, 14,000 residents compared to 3,000. So
24 that's what, approximately five times more
25 garbage we dump every day compared to Throop

1 that we have tried to figure into this number
2 to try to get to the dollars that we got to
3 with it.

4 If you look at it percentagewise, I
5 believe we're within our 41 percent boundary.
6 Correct me if I'm wrong, Mike, but I think our
7 numbers pretty much matched where we have to be
8 to protect the landfill for what we currently
9 have in our backyard.

10 It's to me the scarey part is and
11 I'll say it again, I probably shouldn't because
12 just like everybody else I have concerns about
13 what may be up in that landfill, what may
14 happen with the new development of it; but
15 there's two things that we have to worry about.
16 The bottom line is that landfill is never going
17 anywhere.

18 If it closes in nine years,
19 everything that's in the ground now is still in
20 the ground. So you might as well get paid for
21 what we have there. That was my thinking on
22 this. It's in our backyard. We should get
23 paid for what we have there. And we're going
24 to try to get everything that we can for what's
25 there.

1 If that landfill closes in nine
2 years, it's still in our backyard. And now
3 we're going to have to pay to have our garbage
4 shipped someplace else. And not only do we
5 have to come up with at bare minimum \$2,000 a
6 day, now we're going to have to pay somebody to
7 transport it somewhere else.

8 And I have no idea what those costs
9 would be. I didn't even try to figure them
10 out. Maybe that is shame on me. But that will
11 probably go with Phase III with this. I don't
12 know if anybody else -- if anybody -- I just
13 know that a couple of times we talked and Mike
14 took the lead on it after we started talking,
15 you know, thank God because the numbers and the
16 couple of extra things that happened, I wasn't
17 sure what was going to happen. And it
18 happened. Thank you for that, Mike.

19 MR. MCHALE: Anybody else want to?

20 MR. NARDOZZI: Yes, Mr. Chairman, if
21 I may. Just to add a little bit to the history
22 lesson that Tom -- and thank you, Tom, for
23 doing that -- the research you did. Back in
24 the expansion back in 1988, a lot of people
25 always -- it's been kicked around everybody is

1 talking about what Throop gets this and Dunmore
2 got that.

3 The reason for that was because when
4 Keystone expanded into Throop, their land was
5 zoned different. Throop had to change their
6 zoning to permit a landfill to go in. So they
7 kind of held a gun to the landfill. They held
8 a gun to their head. And it was a big
9 financial number.

10 Keystone Landfill had to come up and
11 kick in a ton of money to the Borough of
12 Throop, not only to the Borough of Throop, but
13 to the Throop Taxpayers Association. I believe
14 they got approximately half a million dollars
15 so they wouldn't fight the expansion.

16 And they wouldn't fight the change
17 in the zoning that Throop had passed in order
18 for that landfill to expand. That is the major
19 reason why Throop got so much more money. My
20 opinion back in the day there was the roads
21 leading into the landfill were in Dunmore.

22 I to this day never understood why
23 Dunmore Borough didn't try to negotiate or try
24 to get something back then because the roads
25 into the landfill always were in Dunmore. But

1 that was 25, 26 years ago. I can't answer for
2 what happened back then.

3 This -- there is two concerns
4 everybody on Council have here. And it's been
5 addressed here and kicked around by residents
6 and nonresidents who have come in here.
7 They're both environmental concerns and
8 financial concerns.

9 I assure everybody here on Council
10 has number one on their mind of the
11 environmental concerns and number two
12 financial. Like Sal and Mike said, this is a
13 substantial amount of money to the Borough.
14 That landfill is going to be there no matter
15 what.

16 And it's, you know, we're going to
17 take a little bit of advantage of that if this
18 agreement tonight passes. Of course, we're
19 going to listen to what anybody has to say.
20 We're willing to sit here and listen.

21 But I just want to show you this --
22 again I want to reiterate. I've been
23 questioned and, you know, people ask me over
24 and over again, Dunmore Borough does not have a
25 say in what happens with that Phase III

1 expansion. That's all on DEP.

2 Are they going to listen? I can't
3 answer to that. That's why we're going to
4 schedule a meeting. That's why we're looking
5 into getting environmental attorneys. And
6 that's still going to go through. I don't want
7 anybody to think that this is a sellout because
8 it's not.

9 We're taking advantage of what is
10 there right now. And like Mike said, this is
11 basically the landfill is going to go for right
12 now nine more years. And Dunmore Borough's
13 going to get some extra compensation that we
14 probably should have been getting for a long
15 time. And just like Mike said the first time
16 in 30 years this has happened. Thank you.

17 MR. MCHALE: Anybody else?

18 MR. BURKE: Yes, on number eight,
19 Tom, it says horizontal boundary expansion.
20 Does that mean that they are allowed to do what
21 they are trying to do now vertical? Or does
22 this permit -- or does this permit them to go
23 vertical? Right now it says in number eight
24 horizontal boundary expansion.

25 ATTY. CUMMINGS: It doesn't permit

1 them to do anything. But it specifically says
2 that if they go beyond the horizontal border by
3 the four roads, then it's a whole new deal.
4 And, you know, for example, if they went on the
5 other side of Route 6, I think that's zoned
6 conservation.

7 MR. BURKE: The reason I'm asking is
8 because right now what landfills -- what's new
9 in landfills is what they are doing now in
10 Dunmore and Throop is going vertical.

11 ATTY. CUMMINGS: Correct.

12 MR. BURKE: So does this protect us
13 from them going vertical after they fill up the
14 48 years if Phase III goes through? Could they
15 go vertical in between these parameters?

16 UNIDENTIFIED WOMAN: On top of the
17 current vertical?

18 MR. MCHALE: You'll have your
19 chance. I apologize. She'll kill us.

20 MR. BURKE: On top of right there
21 with the boundaries.

22 ATTY. CUMMINGS: If they went higher
23 than the proposed Phase III?

24 MR. BURKE: Right. It's like right
25 now it says within the parameters of Reeves

1 Street, Dunham Drive, Route 6, Marshwood Road.

2 ATTY. CUMMINGS: Right.

3 MR. BURKE: Then it says horizontal.
4 Could they go vertical just like they are going
5 to do -- trying to do within these parameters
6 and it be okay? Would this protect the
7 landfill to go vertical?

8 ATTY. CUMMINGS: It doesn't address
9 the vertical. It only addresses the horizontal
10 because my understanding is that's what we can
11 control that the vertical is a DEP regulation.

12 MR. BURKE: So then we're not really
13 protected vertical in this --

14 ATTY. CUMMINGS: It does not
15 preclude vertical, no. It pays us for
16 vertical. But it does not preclude it, nor
17 does it endorse it, nor condone it.

18 MR. BURKE: So we can be looking at
19 a vertical expansion within these parameters
20 after the 48 years, not me I won't be around
21 but --

22 ATTY. CUMMINGS: Theoretically, yes.

23 MR. BURKE: So, I mean, that's what
24 the landfills prefer to do now is go vertical.
25 As far as the contract in '88, I do believe

1 that '88's contract we at least had free
2 dumping in '88 which '99 nothing was -- most of
3 you seen '99's contract. There was absolutely
4 nothing.

5 But our '88 contract was actually
6 better than our '99 contract -- our verbal
7 agreement because we did have free dumping in
8 '88, I believe.

9 ATTY. CUMMINGS: I have not seen an
10 '88 written agreement.

11 MR. BURKE: From what I read, they
12 didn't start changing until -- was it -- I
13 don't have the dates. But one time we
14 weren't -- we weren't paying to dump there.

15 ATTY. CUMMINGS: We had no tipping
16 fee through April 1st of 1992.

17 MR. BURKE: I think we made our last
18 payment in 1998 we made our last payment to the
19 landfill.

20 ATTY. CUMMINGS: Okay.

21 MR. BURKE: It was I believe
22 \$246,000 we paid the landfill. And then all of
23 a sudden, Dunmore stopped paying.

24 ATTY. CUMMINGS: They kept billing
25 but we stopped paying.

1 MR. BURKE: Right. To this day, I
2 never talked to a Borough Manager that ever
3 showed me a bill from Keystone Landfill for
4 landfill tipping fees. I don't know if anybody
5 on Council's ever seen one. I know I've never
6 seen one. I know Vito's never seen one.

7 I know the Borough Manager before
8 Vito's never seen one. I don't know if anybody
9 seen one.

10 MR. MCHALE: I got from Keystone
11 Landfill's accounting department a year by year
12 accounts receivable on their end starting in
13 December of '98. It's not been paid.

14 ATTY. CUMMINGS: But may I just for
15 the record, the only thing I could find prior
16 to 1999 is a 1980 which occurred in 1981 which
17 allowed us to tip at no cost through 1992 and
18 then that terminated.

19 MR. BURKE: So at least until '92 we
20 had some kind of agreement.

21 ATTY. CUMMINGS: Yeah, from -- it
22 commenced in '80 -- I'm sorry, it commenced in
23 '79, was amended in '80, voted on in '81 to
24 take us through April 1st of 1992. And
25 basically it was in that that they were buying

1 the landfill for "X" dollars a month and we
2 were paying them the same "X" dollars to tip
3 our waste. But there is no 1988 agreement that
4 I could find.

5 MR. BURKE: That was -- '98 was the
6 last expansion, right, Tom, or --

7 ATTY. CUMMINGS: I have the '99 --
8 1988 was Act 101 which changed the ranks.

9 MR. NARDOZZI: But, Tom, '88 is when
10 they actually expanded the landfill when it
11 went into the Borough of Throop was in 1988.

12 ATTY. CUMMINGS: But that didn't --
13 but that had no documentation with Dunmore.

14 MR. NARDOZZI: Right. Exactly.
15 They never had any. I never saw anything --

16 ATTY. CUMMINGS: A lot of things may
17 have happened verbally. I'm just saying there
18 is no document in 1988.

19 MR. NARDOZZI: I agree.

20 MR. MCHALE: Anything else, Tim?

21 MR. BURKE: Not right now, Mike.

22 MR. MCHALE: Anybody else have any
23 comment?

24 (No response.)

25 MR. MCHALE: Mr. Cummings, do up

1 want to open it up to anybody that wants to
2 come up and ask questions. I'll ask that you
3 state your name and address for the record.

4 MR. CLARK: Pat Clark, 1516
5 Jefferson Avenue in Dunmore. Is this the final
6 agreement that's going to be signed if it's
7 passed? This is the final one?

8 MR. MCHALE: Yes.

9 MR. CLARK: So clause one tipping
10 fees -- past tipping forgiving those fees;
11 clause two, free tippy. But by any rational
12 reading of clause three, Keystone can cancel
13 the free tipping to the Borough for any reason
14 at all by my reading of it.

15 MR. MCHALE: Mr. Cummings?

16 ATTY. CUMMINGS: That's
17 interpretation. Can it be cancelled, yes. It
18 has to be for cause and legitimate, yes.

19 MR. CLARK: Where does it say for
20 cause and legitimate? It says this obligation
21 may be modified or terminated at Keystone's
22 discretion following any external or internal
23 event that has a material adverse impact of
24 Keystone's ability to perform --

25 ATTY. CUMMINGS: Yeah, if the

1 landfill is not operational they don't have to
2 accept our waste.

3 MR. CLARK: But it reads much
4 broader than that. These events include but
5 are not limited to -- so that could be anything
6 can have adverse impact on them. So in essence
7 the free tipping clause can be revoked at any
8 time and used as leverage I would imagine by
9 any rational legal reading of this.

10 ATTY. CUMMINGS: That's your
11 interpretation. That's fine.

12 MR. CLARK: So we're going to enter
13 into an agreement that could be cancelled the
14 tipping fees at any time at their discretion.

15 ATTY. CUMMINGS: I would not agree
16 with that.

17 MR. CLARK: You would not agree with
18 my interpretation or the language?

19 ATTY. CUMMINGS: I would not agree
20 that's a correct interpretation -- language.

21 MR. CLARK: Okay. At Keystone's
22 discretion that has adverse impact on them.
23 That's unilateral in nature.

24 ATTY. CUMMINGS: Okay.

25 MR. CLARK: So just so we're clear,

1 they can cancel this --

2 ATTY. CUMMINGS: For cause.

3 MR. CLARK: It doesn't say for
4 cause.

5 ATTY. CUMMINGS: My interpretation
6 is for cause.

7 MR. CLARK: But it doesn't state
8 that. It doesn't say for cause which is a
9 legal term, right, Attorney?

10 ATTY. CUMMINGS: Yes, that's
11 correct.

12 MR. CLARK: Okay. It does not say
13 that for the record, right? Correct? Attorney
14 Cummings?

15 ATTY. CUMMINGS: I think it speaks
16 for itself.

17 MR. CLARK: I agree.

18 ATTY. CUMMINGS: A temporary or
19 permanent governmental mandated interpretation,
20 shutdown or closure of the landfill including
21 any permits, suspension, revocation or
22 unilateral modification.

23 A temporary government reduction in
24 permitted tonnage or restriction on the type of
25 waste, including restriction based on

1 geographic origin of the waste or Force
2 Majeure. In those three instances, yes, they
3 could limit or not honor it.

4 MR. CLARK: I went to law school as
5 well. But the clause right before that says
6 included or not limited to which means it could
7 be anything.

8 ATTY. CUMMINGS: It could be beyond
9 that, yes.

10 MR. CLARK: Meaning anything.

11 ATTY. CUMMINGS: If that's the way
12 you want to look at it.

13 MR. CLARK: That's the way it reads.

14 ATTY. CUMMINGS: Okay.

15 MR. CLARK: For the record. My only
16 other question, you know, on this agreement I'm
17 not getting into DEP conversations just on this
18 agreement so many of you -- we weren't in the
19 room. You guys negotiated. We respect that
20 you're elected to represent the best interest
21 of the Borough for this agreement.

22 It is almost disingenuous that I say
23 this does not take into account Phase III.
24 There's no increase at all for the next nine
25 and a half years in this agreement.

1 MR. MCHALE: Yes, there is, 59
2 cents.

3 MR. CLARK: No, from the one dollar
4 stays flat for 10 years.

5 MR. MCHALE: We have 41 cents. We
6 now get a full dollar.

7 MR. CLARK: Right. For the next
8 nine and a half years we'll get one dollar,
9 correct?

10 MR. MCHALE: Yes. That's an
11 increase of 59 cents.

12 MR. CLARK: Right now, but there's
13 no annual increase.

14 MR. MCHALE: There hasn't been an
15 increase over the 41 cents for 30 years.

16 MR. CLARK: I understand. But I'm
17 looking forward and I thought that you guys are
18 looking forward.

19 MR. MCHALE: If you want to answer
20 the question directly you're right, yes.

21 MR. CLARK: There is no increase for
22 the next nine -- for the existing permit there
23 is no increase to us other than a --

24 MR. VERRASTRO: No cost of living
25 for the next nine and a half.

1 MR. CLARK: Correct. It's a dollar
2 flat, correct?

3 MR. MCHALE: Yes.

4 MR. CLARK: So for us to say we're
5 not taking into account Phase III when the next
6 language says upon commencement of Phase III it
7 goes up five cents. We're not going to say
8 this implicitly or explicitly endorses Phase
9 III.

10 MR. MCHALE: It does not.

11 MR. CLARK: Correct. But implicitly
12 you could very well argue that it does.

13 MR. MCHALE: You could also argue
14 that this was put in place to protect us in the
15 event Phase III is passed by DEP.

16 MR. CLARK: Correct. I'm just
17 wondering why there is no increases from now
18 forward. Was that just negotiations?

19 MR. MCHALE: Yes.

20 MR. CLARK: Okay. So the dollar --
21 the first increase that will come -- it's
22 not -- it's interesting language choice here.
23 It's not if Phase III is approved, it says upon
24 commencement of Phase III. That's the first
25 time the increase would go --

1 MR. MCHALE: No, the first increase
2 will come as of December 1st, 2014 --

3 MR. CLARK: I understand the --

4 MR. MCHALE: -- which is
5 significant.

6 MR. CLARK: Yeah, we're thrilled.
7 I'm not -- but it's going to be a dollar flat
8 for --

9 MR. VERRASTRO: For nine years.

10 MR. CLARK: For nine years --

11 MR. MCHALE: Yep.

12 MR. CLARK: Okay. That's all my
13 questions.

14 ATTY. CUMMINGS: Thank you.

15 MR. KRANICK: Good evening, Council,
16 Francis Kranick, 227 Chestnut Street. The one
17 question to start, this document was produced
18 by whom?

19 MR. MCHALE: Mr. Cummings.

20 MR. KRANICK: Is this done by our
21 Dunmore Solicitor?

22 MR. MCHALE: Yes.

23 MR. KRANICK: Okay. The next
24 question I had was, who specifically negotiates
25 on behalf of Dunmore?

1 MR. VERRASTRO: I talked to him
2 several times. And Mike talked to him several
3 times. Sometimes we were together, sometimes
4 we were --

5 MR. MCHALE: Paul's been there.
6 Vito's been there. I've been there. Sal's
7 been there. Tommy's been there, just about
8 everybody's had a hand in this.

9 MR. KRANICK: Is there any reason or
10 is there any reason to give cause to say there
11 may be a conflict of interest at any point with
12 any of the people he has -- you have spoken to
13 or he has spoken to on Council?

14 MR. VERRASTRO: I have no
15 affiliation with Mr. DeNaples or Keystone
16 Landfill at all. And I'll put that in writing.
17 I do zero business with him.

18 MR. MCHALE: I did the majority, I
19 guess, of the negotiations. And I have
20 literally -- my business interests are in New
21 Jersey.

22 MR. VERRASTRO: I don't know if
23 that -- I --

24 MR. KRANICK: No, no, that's pretty
25 much what, you know, if everything stayed the

1 same and, you know, Phase III got approved and
2 five years down the road we find out that
3 somebody was related, somebody was at a party,
4 somebody did business, whatever, I'd rather
5 clear that out now --

6 MR. MCHALE: You're right.

7 MR. KRANICK: -- and know where
8 we're coming from.

9 MR. VERRASTRO: I do zero business
10 with him. I have a motorcycle that I purchased
11 from somebody else, not -- up at Rusty Palmers.
12 I don't do business with him at all.

13 MR. KRANICK: Okay. Now it's been
14 said that the 1999 agreement was our chance to
15 extract any more money that we could possibly
16 have had on that. Mr. Nardozzi's signature is
17 on that agreement. And I submit that you were
18 saying our hands are tied is kind of
19 disappointing that nothing could be done.

20 Council as a legislative body of
21 Dunmore representing the people of Dunmore, the
22 taxpayers of Dunmore missed this opportunity in
23 1999.

24 And I submit there's got to be
25 something that Dunmore can do as a host

1 municipality besides ringing our hands and
2 saying it's up to DEP. We have no control over
3 anything?

4 MR. MCHALE: Over Phase III or day
5 to day operation right now?

6 MR. KRANICK: Here, ten years from
7 now we have -- we do control zoning and there
8 was another that we did control.

9 MR. VERRASTRO: Planning.

10 MR. NARDOZZI: Planning.

11 MR. VERRASTRO: Planning and zoning,
12 yes. And he has his permits for it. That's
13 why we say -- he already has his permits to be
14 there. He's already zoned to be a landfill.

15 MR. MCHALE: There's no such change.

16 MR. VERRASTRO: My understanding of
17 what you're asking, he's already zoned to be a
18 landfill. So we lost that vote until he tries
19 to cross the road if he tries to cross the
20 street on the other side of the highway --

21 MR. KRANICK: Which is the question
22 about the expansion going vertical.

23 MR. VERRASTRO: Yes.

24 MR. KRANICK: All right. Well,
25 thank you.

1 MR. MCHALE: Thank you.

2 MR. BOLUS: Bob Bolus, well, I've
3 drafted a lot of agreements in my time in a
4 business. Mr. Cummings knows that. This is
5 probably one of the poorest read -- and please
6 don't take offense to this -- agreement I've
7 ever seen. It's open-ended for the landfill.

8 It really doesn't protect the
9 Borough at all. This is all at the discretion
10 of the landfill. To sit here and say that we
11 have no leverage that Keystone has all the
12 leverage, well, first of all, I believe there
13 should have been three readings to this, not
14 just throw it on everybody tonight because this
15 is a think tank and a process.

16 This is a bing, bang, doom deal.
17 There should be three readings. At least give
18 everybody the opportunity here to decide what
19 goes on not just sit here and try and take
20 notes tonight.

21 First of all, it's not free dumping.
22 We're not getting nothing for free. Nobody
23 gets anything for free. And if it's free, it's
24 too good to be true. Okay, we're paying for it
25 indirectly by not getting the proper amount of

1 money we should be getting.

2 And as the President said the last
3 time I was here this Council pays for
4 everything it gets now. There's no more games,
5 no more game cards for this or that which I
6 have total respect for. So let's get our
7 money. And we'll pay our fee.

8 We're not getting nothing for free.
9 You're saying we have no leverage. Well, let
10 me tell you a little bit about leverage. We'll
11 put a weight limit on that road on Dunham
12 Drive. It's in the Borough. Nothing goes in
13 the landfill. You want leverage? Guess what,
14 they'll be going in with pickup trucks instead
15 of tractor-trailers.

16 Okay, that's part of our leverage if
17 you want to play leverage here because we're
18 being leveraged by the landfill. They're
19 telling us how to live, not the other way
20 around.

21 If you look at the money -- and Mike
22 said, you know, over the years we're going to
23 make all of this money. Where is the economist
24 report that we need to tell us what's going to
25 happen in 50 years from today, how much it's

1 going to cost us? It's not in here. What are
2 you getting a dollar? It's nothing.

3 Go to the gas pumps tomorrow and gas
4 goes up a dollar, we're all going to pay it
5 anyway. The gas companies are going to sit
6 there. It didn't cost them any more for the
7 oil that's sitting in Iraq today because it
8 didn't even come out of the ground.

9 When there's an issue, they raise
10 the price up. And we already got the gas here.
11 So it's a big game. We have the leverage.
12 It's our Borough. It's our town, not Keystone
13 or anybody else. I don't care who it is. It's
14 up to us to make these decisions. They are not
15 easy ones. But we're not weak in our
16 negotiations. We're only weak if we allow to
17 be bullied.

18 In here -- and I think this is --
19 and I'm sure -- and it was brought up on number
20 three, terminated modified at Keystone's
21 discretion. You have no say. You might as
22 well tear this agreement up when you're done
23 with it because you have nothing to say here.

24 It's all at their discretion. What
25 if they bring in contaminated soil and the

1 landfill gets shut down? You have it here.
2 They don't have to pay you a dime now. They
3 don't have to do anything even if they screw it
4 up which is a good possibility in today's
5 market what's going on.

6 I think a provision should be in
7 here that would say that if Keystone for any of
8 these provisions under number three creates a
9 default, Keystone makes arrangements with
10 another landfill at their expense to dump
11 Dunmore's garbage. We're not left holding the
12 bag here.

13 Right now you are. What are you
14 going to do? They shut down, are you going to
15 pay to go dump your garbage anyway?

16 MR. NARDOZZI: One minute, Bob.

17 MR. BOLUS: I didn't know we had a
18 time limit.

19 MR. NARDOZZI: Five minutes. You're
20 used to it in Scranton.

21 MR. BOLUS: You sound like the City
22 of Scranton. Well, then we should have three
23 readings. Well, this is a little more
24 important five cents per ton in January. The
25 numbers you are putting here are really crazy.

1 You're climbing over the dollars to
2 get at the pennies, gentlemen. This agreement
3 should be tabled, pay more attention to what
4 you are doing here. It's an open-ended
5 agreement. Late payment of 5 percent. What is
6 it? It's nothing.

7 But you're paying all of this money
8 and you're not coming anywhere else especially
9 figuring out 50 years. Where you're at right
10 now, you'll be like making a penny if you're
11 lucky in 50 years on what you are getting on
12 this rate. It's not realistic. It's about as
13 unrealistic as it could possibly be in the
14 economics of business.

15 I'm talking business here. And in
16 this here, I think Dunmore should act and treat
17 this as a business agreement not a municipal
18 agreement or anything else. You're a business
19 right now.

20 You have the ability right here and
21 now to bring in enough money into this Borough
22 so we don't have to worry about paying the old
23 debt. In a year you'll pay that off in no time
24 if you get the proper fee.

25 You have the leverage. And another

1 thing you could do is, why don't you put a \$500
2 fee on every truck coming in here that's
3 dumping? Other permits are done. Other
4 landfills do it. Other municipals do it. You
5 could do that too. I don't see that in here.

6 I don't see anything open ending
7 that this town and this Borough has any bite or
8 any teeth in this agreement to protect the
9 Borough. This is all about Keystone. We got
10 to put up with the stench. We got to put up
11 with the dirt on the roads. We got to put up
12 with everything else out here beyond what's
13 being done already.

14 You have the opportunity today to
15 table this and put the right amount of money in
16 here that we're entitled to and you do have the
17 leverage if you want to exercise it. If you
18 don't, you're going to be bullied by Keystone
19 Landfill. And we're going to pay the price
20 down the road.

21 Long after we're all gone, we're
22 going to pay that price. It's up to you,
23 gentlemen. But I think this agreement it's
24 ridiculous. It's -- I mean, it's -- I mean,
25 why is this a drop dead tonight -- we must do

1 it tonight. Why? Is the world going to change
2 tomorrow?

3 It's not going to happen. We need
4 more time and more energy and you need to
5 negotiate, not on Keystone's terms but on the
6 Borough's terms. And then this agreement,
7 Mr. Cummings, and all due respect, sir, this is
8 Keystone's agreement not the Borough's
9 agreement.

10 This protects them. It doesn't do a
11 thing for us. It's all open-ended. Give us
12 some teeth in our mouth here that we haven't
13 had in the 20, 30 years we put up with it. You
14 have a landfill that's going to be digging out
15 the old garbage -- the old landfill that was --
16 he wants to take 2 million ton out of was all
17 unpermitted. You have a ticking time bomb and
18 you got to pay attention to what's going on
19 here.

20 Look at the environmental issues.
21 You don't have none of that in here. It's
22 everything about Keystone. What about us?
23 What about if they screw up? How do we get our
24 garbage dumped? You don't have anything in
25 here to protect us. And I'm not here to insult

1 anybody --

2 MR. VERRASTRO: We have nothing now,
3 Bob.

4 MR. BOLUS: Well, if you put a
5 weight limit on the road and DeNaples -- don't
6 shake your head. Look, if you sit back and let
7 a bully chase you, until you stand up to a
8 bully and you don't cross the street and walk
9 from him every day. The old adage is, when you
10 finally stand up to a bully, you'll get
11 something done.

12 MR. VERRASTRO: And that is what I
13 did here.

14 MR. BOLUS: What?

15 MR. VERRASTRO: And that is what I
16 did with this --

17 MR. BOLUS: I couldn't hear.

18 MR. VERRASTRO: And that is what I
19 did with this piece of paper. I walked into a
20 room and sat down and got something that he
21 didn't have to talk to me about.

22 MR. BOLUS: Yeah, he has to talk to
23 you about it.

24 MR. VERRASTRO: No, he does not.

25 MR. BOLUS: Trust me, if you take

1 what you need to do with this, he has to talk.
2 You got the strength right here in this -- put
3 a weight limit on the road. Go with the
4 leachate line coming out of Dunmore with the
5 leachate line that's a host community and
6 charge ten dollars a gallon just for the host
7 community of the -- let Sewer Authority do what
8 they're doing. Go ahead, put that in there
9 tomorrow.

10 MR. VERRASTRO: The Borough don't
11 own those lines. How do we do that?

12 MR. BOLUS: I didn't say you own the
13 lines. I said as a host community, we own the
14 land the line goes through. It goes over. It
15 goes through the Borough. Go put it on there.
16 Go add five or ten dollars a gallon. You have
17 the wherewithal to do it.

18 You want leverage, I'll give you all
19 the leverage you want. But this is a one-sided
20 negotiation, gentlemen. And I'm not here to
21 insult.

22 MR. VERRASTRO: But you are. You're
23 insulting me.

24 MR. BOLUS: No, I've been in this
25 Borough for over 40 years.

1 MR. VERRASTRO: No, you live in
2 Scranton and you do business in the Borough of
3 Dunmore.

4 MR. BOLUS: No, no, get used it.
5 I've had businesses in this place --

6 MR. VERRASTRO: And you still do and
7 I appreciate that you have them. But you don't
8 live here.

9 MR. BOLUS: I don't have to live
10 here.

11 MR. VERRASTRO: You don't.

12 MR. BOLUS: That's right.

13 MR. VERRASTRO: But you said you
14 lived here.

15 MR. BOLUS: I said my borough
16 business is on Drinker Street in Dunmore.

17 MR. VERRASTRO: That's not what you
18 said.

19 MR. BOLUS: It took me a year to get
20 a building permit up here.

21 MR. MCHALE: Bob, if you could wrap
22 up.

23 MR. BOLUS: I don't want to get into
24 a lot of stuff here, okay?

25 MR. NARDOZZI: Boy, you're way over

1 the time limit.

2 MR. BOLUS: But what I'm getting at
3 is you have the leverage. We as a business or
4 the residents of this town have a lot to say
5 about it, okay? And if you want to go a step
6 further --

7 MR. VERRASTRO: That is Phase III --

8 MR. BOLUS: Let me take you a step
9 further.

10 MR. MCHALE: Bob, wrap up.

11 MR. BOLUS: I was born and raised in
12 Dunmore on the Boulevard. My parents still
13 have the house there -- my sister. So I do
14 have an interest in Dunmore, whether you like
15 it or not.

16 MR. VERRASTRO: I didn't say you
17 didn't have an interest in Dunmore.

18 MR. BOLUS: Okay, well, I find it
19 insulting --

20 MR. VERRASTRO: But you said you
21 lived in Dunmore.

22 MR. BOLUS: I put more --

23 MR. VERRASTRO: You've been
24 insulting me since you got up there. So don't
25 take offense to what I --

1 MR. BOLUS: I'm raising business
2 issues here and that's what this is about.

3 MR. VERRASTRO: No, it's not.

4 MR. BOLUS: You're defending a
5 landfill rather than defending the Borough.

6 MR. VERRASTRO: I didn't defend the
7 landfill. I defended what I did.

8 MR. BOLUS: Thank you. I said my
9 peace.

10 MR. MILLER: Good evening, Council,
11 my name is Doug Miller. I'm from Scranton.
12 And although I'm not a resident here, I'm
13 taking part of, you know, the discussion taking
14 place here tonight. Obviously the landfill and
15 the negotiation on the fee, you know, plays a
16 vital role not just in the Borough of Dunmore
17 but a lot of the surrounding communities
18 because close nearby communities we come
19 together in tough times and we certainly work
20 together, you know, in Scranton and Dunmore and
21 a lot of the other surrounding Boroughs.

22 But as someone who's been actively
23 involved in Scranton government in the last 12
24 years and kind of seen how when we discuss very
25 critical issues, serious issues that obviously,

1 through in one night I think is doing an
2 injustice to the people that you represent. I
3 understand you don't meet weekly as the City
4 does so, you know, the idea of, you know,
5 Scranton having three readings, we do these
6 weekly.

7 However, if it was appropriate which
8 I'm sure in your case it'd certainly allow you
9 to hold a special meeting or a caucus if that
10 was the case to allow the public more time to
11 come forward, you know, as other speakers have
12 stated.

13 You know, the need to put this
14 through this evening I think maybe isn't
15 necessarily appropriate and allowing more
16 people to come forward and get more input so
17 that you could make a decision that's certainly
18 carried out in a way that -- for the public is
19 viewed as more transparent and open and a
20 government that's going to hold themselves
21 accountable to those that they represent. And
22 I'm not here to tell you how to run your
23 government certainly.

24 I'm not a Dunmore resident. But
25 just taking in how other municipalities, you

1 know, conduct their business, it's just my
2 opinion I -- that I do feel strongly about
3 openness, transparency, and accountability.
4 And I feel very strongly about the importance
5 of allowing residents to come forward and offer
6 their suggestions.

7 And something this critical should
8 not be voted on and put through in one night.
9 It's just not the appropriate thing to do. I
10 do appreciate your time and thank you for the
11 opportunity to address you this evening.

12 MR. HALLINAN: Thank you.

13 MS. DEMPSEY: Hi, I'm Michele
14 Dempsey. I live in Jefferson Township, grew up
15 in Dunmore. Decades ago, a landfill was
16 permitted to be built on the land that is
17 currently the Keystone Sanitary Landfill.

18 I'm sure nobody at that time ever
19 anticipated that a small, low volume landfill
20 where fill implies garbage being buried below
21 the surface would one day become a humongous
22 high volume mountain of trash and that nobody
23 anticipated how harmful it could potentially be
24 to the community or how handcuffed the
25 municipalities would become to its existence.

1 Like many harmful things, the growth
2 of the landfill happened slowly over time. In
3 fact, there have been two previous expansions
4 that passed without so much as a whisper in
5 opposition from the community.

6 However, as the dump has grown so
7 have the real environmental hazards, some
8 apparent and others more inconspicuous. We
9 know the foul smells. It accepts radioactive
10 drill cuttings. Seagulls carry their waste
11 around our area and into our waters by their
12 droppings and so on.

13 And there are landfill liners that
14 receive more and more weight every day. And
15 there isn't an article I've read that says that
16 the liners last forever. What happens to our
17 water the day they fail? How would we ever
18 know?

19 Still despite all of those awful
20 realities and concerns, some people still can't
21 see a future that is possible without the
22 existence of the money from the landfill. I am
23 not here to minimize the real financial impact
24 the loss of the landfill would have on the
25 community.

1 I am here to reframe the
2 conversation and offer possibility. Though my
3 personal primary concern is the health and
4 safety of our community, if I was forced to
5 look at this purely from an economic point of
6 view I guess I would ask the question what will
7 be the image of our area and the value of our
8 homes once there's a mountain of trash almost
9 the size of Montage Mountain in the middle of
10 our community?

11 And if it starts sinking due to mine
12 subsidence under such incredible weight and the
13 liners crack which seems inevitable at some
14 point, our water is irreversibly -- our water
15 is irreversibly contaminated throughout the
16 better part of the valley and we become another
17 Centralia.

18 Who would want to live in an area
19 with contaminated water, with a mountain of
20 trash and with no home values? What impact
21 would that have on businesses? What impact
22 would that have on your personal finances,
23 especially when most people's biggest asset is
24 their home.

25 What impact would that have on

1 municipalities? Today's financial challenges
2 will be dwarfed by what could be. Richard C.
3 Ready in his article, Do Landfills Always
4 Depress Nearby Property Values, states that
5 landfills that accept high volumes of waste
6 which is 500 tons per day or more -- and this
7 one accepts 5,000 tons per day by comparison.

8 Landfills that accept high volumes
9 of waste decrease adjacent property values by
10 13.7 percent on average. This means that a
11 \$175,000 home will lose almost \$24,000 worth of
12 value dropping it's worth well below the median
13 property value.

14 The article states that a small low
15 volume landfill has no impact on property
16 values but that as a landfill grows, property
17 values decrease accordingly. What do you think
18 your home will be worth as the landfill gets
19 bigger? It's already worth almost 14 percent
20 less than those who don't live nearby it.

21 Again, I understand that if the
22 landfill closed today it would have a
23 significant impact on the finances of Dunmore
24 and Throop. However, the truth is that neither
25 municipality should have a landfill as an

1 economic driver. We survived before its
2 existence. And we will survive after.

3 I wholeheartedly believe that this
4 area has bright people who have almost ten
5 years to figure out a new economic engine
6 before the landfill maximizes its current
7 permit and is capped.

8 I could not read when this landfill
9 came into existence literally. I was too
10 young. I believe that no one at the time could
11 ever have imagined what is being proposed in
12 this permit. Yet, the DEP is telling us that
13 as long as the owners follow the rules, there
14 is nothing we could do but approve it.

15 History has been plagued with
16 atrocities performed by people who just follow
17 the rules. I don't accept that we, the people,
18 have no voice in this matter that we can't
19 overturn a decision made when I couldn't read.

20 We, the people of the United States
21 of America where we have the right to life,
22 liberty and the pursuit of happiness, where we
23 have the right to be heard and to stand up for
24 what we believe. Well, we have the right to
25 preserve our health and safety and welfare for

1 ourselves and for our posterity.

2 And this is not a case of what
3 politicians call NIMBY, not in my backyard. We
4 have allowed the trash from New York and New
5 Jersey in our backyard for decades. This is
6 simply a case of enough. Simple as that. And
7 if you had enough, please e-mail the DEP and
8 Senator Blake's office and let them know.

9 Remind them that are we are in the
10 United States of America where citizens have a
11 voice and our elected officials are here to
12 represent us. Let them hear your voice.

13 Finally, just in case we shout and
14 no one will listen, a group of concerned
15 citizens hired an environmental lawyer to
16 represent us so that we can ensure the rules
17 are being followed. We are starting a
18 nonprofit called Friends of Lackawanna.

19 We will need private donations to
20 continue to ensure we are represented in this
21 process. It is important to note that you
22 could donate anonymously. The information will
23 be posted on a website called Friends of
24 Lackawanna dot com. And it will be live in
25 approximately a week.

1 And in the meantime, we'll have a
2 Facebook page with the same information. I see
3 the possibility of capping the landfill within
4 ten years as originally proposed in the last
5 permit stopping further risk of environmental
6 disaster and returning the walls of our valley
7 to their bucolic origin so that all of our
8 families can enjoy the area as they grow and
9 prosper.

10 Please donate or even just
11 participate if you believe that a megalandfill
12 does not belong in the middle of a thriving
13 residential community. We need you. And you
14 will make a difference.

15 And as for tonight, I vehemently
16 request that we table this agreement until the
17 legal language can be reviewed by another
18 solicitor in light of the issues with this
19 agreement that has been brought up this evening
20 and in light of the fact that I believe it
21 gives implicit consent to Phase III. Thank you
22 very much.

23 MR. MCHALE: Before you start,
24 quickly just a point that -- of clarification.
25 And I agree with 99 percent of what you said.

1 But in fairness when you're saying property
2 values decrease, it's been there for a very,
3 very long time whether that has happened yet or
4 will continue to do so is an argument that we
5 could have.

6 But I could also argue on the other
7 side the financial impact that we could -- if
8 that landfill is not there -- after ten years I
9 understand. Believe me, I like that fight.
10 But after ten years, if the money's not there
11 and taxes go sky high. You want an example,
12 look at Scranton. Look at their own property
13 values.

14 You know, we're trying to control
15 costs as best we can. But we pulled a lot of
16 rabbits out of our hat over the past five years
17 and we're going to continue to do so. Like you
18 said, after ten years, I like that fight.

19 This agreement gives us more fight
20 over the next ten years. So that's just for
21 clarity purposes.

22 MR. VERRASTRO: It's basically --
23 it's for now. Why refuse 35 million dollars
24 for now? It has nothing to do with --

25 MR. MCHALE: Please.

1 MS. CLARK: Kristen Clark, 1516
2 Jefferson Avenue. If you approve the
3 agreement, will it be this agreement -- this
4 actual paper document in front of us tonight?

5 ATTY. CUMMINGS: That's what is
6 proposed to Council, yes.

7 MS. CLARK: I have a question on
8 paragraph one, the balance. Have they actually
9 billed Dunmore?

10 ATTY. CUMMINGS: They provided
11 Mr. McHale with an accounting when we requested
12 that it be zeroed out because that threat
13 continues to rise.

14 MR. MCHALE: It's been brought up to
15 us several times.

16 MS. CLARK: But they never sent an
17 invoice?

18 MR. MCHALE: They have sent
19 invoices, not every single one of these because
20 Dunmore's never paid them.

21 MR. VERRASTRO: His comment was they
22 stopped sending the invoices because you don't
23 pay the bill anyway.

24 MR. MCHALE: He could send an
25 invoice tomorrow.

1 MS. CLARK: Is there a contract?

2 MR. VERRASTRO: No.

3 MR. MCHALE: No.

4 MS. CLARK: There's no contract?

5 MR. VERRASTRO: That's what this
6 is -- that why we're trying to get this in
7 place before it gets messy.

8 MS. CLARK: Mr. Cummings, is there a
9 statute of limitations issue on the balance
10 there if it's for 30 years -- 25 years?

11 ATTY. CUMMINGS: I don't think it's
12 for 25 years. Yeah, I would argue seven -- at
13 the outset, three perhaps.

14 MS. CLARK: So I think we would have
15 a good case that we wouldn't have to pay that
16 5 million dollars balance, correct? I mean,
17 they haven't been sending bills.

18 ATTY. CUMMINGS: I think it's
19 close --

20 MS. CLARK: We haven't been paying
21 them. There's a course of performance issue
22 there too?

23 ATTY. CUMMINGS: I think it's closer
24 to seven with the interest and things Mr.
25 McHale put in. But I would agree with you that

1 they would be hard pressed to collect all of
2 it. Could they collect some of it, yes. Could
3 they start billing us tomorrow, yes.

4 MS. CLARK: So Keystone could sue us
5 in court? They can sue Dunmore?

6 ATTY. CUMMINGS: They would have the
7 right to if they wish.

8 MS. CLARK: Okay. I'm just curious.
9 To have it in the contract is kind of
10 consenting that we agree with that balance
11 though which probably is incorrect, correct?

12 ATTY. CUMMINGS: That's the balance
13 that they presented to Council. And the
14 important thing in the agreement as far as I
15 was concerned it would be drawn to a zero
16 balance.

17 MS. CLARK: It may be help to have
18 language in there that, you know, we're not
19 actually agreeing that this a liability or
20 something like that so they would have no
21 recourse in the future? I'm just -- and I
22 know, Mike, I think -- or, Mr. McHale, I think
23 your numbers maybe incorporated in that balance
24 plus an accrued interest on the five million?

25 MR. MCHALE: It does.

1 MS. CLARK: Is there anywhere where
2 we can view your reports just to see the
3 numbers that you calculated?

4 MR. MCHALE: I will definitely make
5 it available. I made a mistake on the second
6 page. Otherwise, I would have handed it out
7 tonight.

8 MS. CLARK: Okay.

9 MR. MCHALE: But -- and you live
10 near me. I could give it -- e-mail it to
11 anybody that would like it.

12 MS. CLARK: That would be great. I
13 have to agree with a couple other people just
14 about the contract terms. I think they are
15 very one-sided. I feel like there's a lot of
16 stuff that, you know, is missing from the
17 agreement.

18 I don't really see a clear term on
19 it. Also in terms of a dispute resolution and
20 venue and jurisdiction and all of that is not
21 in here. And I also don't see anything about
22 amendments would have to be signed by both
23 parties in the future -- that type of thing.

24 I think there are ways that probably
25 as other people have brought up this actual

1 legal contract could be more in favor of
2 Dunmore and more thorough.

3 Just, you know, if you have a
4 contract, the more terms that are in there the
5 better it is in the future if there is a
6 dispute. In terms of the -- paragraph six the
7 one percent if there was a Phase III, what
8 would that be in 50 years --

9 MR. MCHALE: It's --

10 MS. CLARK: -- have you calculated
11 like the --

12 MR. MCHALE: It's approximately 2
13 cents every five years.

14 MS. CLARK: Okay.

15 MR. MCHALE: And for the record,
16 that matches Throop's agreement.

17 MS. CLARK: Okay. Is there going to
18 be -- are you going to discuss -- I know we had
19 brought up Phase III. But in terms of an
20 environmental expert or environmental attorney,
21 are you guys talking about it after we close on
22 this agreement or --

23 MR. MCHALE: It doesn't preclude us
24 to do anything. We are going to have a
25 hearing. If the majority of Council wants to

1 hire an environmental attorney they still will
2 do so.

3 MS. CLARK: Okay.

4 MR. MCHALE: This does not change
5 anything that we've said in prior meetings. It
6 just enhances the next nine years for the
7 Borough of Dunmore.

8 MS. CLARK: Where is the term -- the
9 nine year term on this?

10 MR. MCHALE: The life of the
11 landfill prior to Phase III, the estimated life
12 of the landfill is nine and a half years.

13 MS. CLARK: Okay.

14 MR. VERRASTRO: It could go in
15 seven. It could go in 11. They are
16 estimating --

17 MR. MCHALE: They're estimating.

18 MR. VERRASTRO: -- how many tons it
19 takes in per day. If they take in less tonnage
20 for some reason or -- you can never take --
21 they are going by maximum tonnage of what they
22 are taking in now.

23 MS. CLARK: Okay.

24 MR. MCHALE: Which is 7,500 not
25 5,000, by the way. It was agreed 7,500 a day.

1 That was agreed to three or four years ago.

2 MS. CLARK: Okay. The only other
3 thing that I'd have to agree on paragraph three
4 with Mr. Clark that it gives a lot -- Keystone
5 a lot of discretion and also the Phase III
6 language in paragraph six, it seemed very much
7 like an endorsement. Thank you.

8 MR. MCHALE: Thank you.

9 MR. CLARK: Can I ask one more
10 question?

11 MR. MCHALE: Will you let everybody
12 and then you could come back.

13 MR. CLARK: Sure.

14 MR. MCHALE: Anybody else want to
15 say anything?

16 MR. BOYANOWSKI: Hi, my name is Jeff
17 Boyanowski, 1626 Madison Avenue. Just a few
18 quick questions for you, gentlemen. When were
19 the negotiations started on this particular
20 contract?

21 MR. VERRASTRO: Six years ago when
22 I went on Council I started going over and
23 begging him to give me something in writing.

24 MR. BOYANOWSKI: More recently.

25 MR. MCHALE: Last six months.

1 MR. BOYANOWSKI: Okay. So when Mrs.
2 Dempsey presented at this last meeting, no more
3 than four weeks ago, no one mentioned any sort
4 of ongoing negotiations. Did a lot of this
5 come to fruition in the last three or four
6 weeks --

7 MR. MCHALE: No.

8 MR. BOYANOWSKI: -- years of no
9 negotiations, no movement whatsoever?

10 MR. MCHALE: The majority of this
11 was agreed to two months ago maybe. And --

12 MR. BOYANOWSKI: How come it wasn't
13 presented last month --

14 MR. MCHALE: Let me finish real
15 quick. On the landfill -- on your question on
16 the minutes you'll see that I did say that
17 negotiations are going on right now. And
18 obviously two sides have to negotiate. So as
19 best that we can do it, we did it.

20 MR. BOYANOWSKI: Were these numbers
21 presented by Keystone?

22 MR. MCHALE: No.

23 MR. BOYANOWSKI: Or are these back
24 and forth negotiations?

25 MR. MCHALE: A little bit back and

1 forth.

2 MR. BOYANOWSKI: Are there records
3 of those negotiations or anything along those
4 lines or it's all verbal communications
5 between --

6 MR. MCHALE: All verbal
7 communications.

8 MR. BOYANOWSKI: Okay. Somebody
9 mentioned earlier about the financial side of
10 it. And working in that particular area of the
11 market I agree. This Borough does need an
12 inflow for the long-term.

13 Have you guys put together
14 calculations what type of surplus we would have
15 if we collected over the next nine years that
16 landfill closes that we can actually put aside
17 to prevent further tax increases down the
18 road --

19 MR. MCHALE: Sure.

20 MR. BOYANOWSKI: -- and how long
21 that would actually --

22 MR. MCHALE: 27.3 million dollars.

23 MR. BOYANOWSKI: Yeah, but how long
24 if you created a surplus basically to offset --
25 somebody mentioned earlier about potential tax

1 increases against housing defaults if you
2 looked on one side of equation versus --

3 MR. MCHALE: I understand.

4 MR. BOYANOWSKI: -- the other.

5 MR. MCHALE: I understand but
6 honestly --

7 MR. BOYANOWSKI: Could that study be
8 put into effect or --

9 MR. MCHALE: I do. It's 27.3
10 million dollars over the current agreement. So
11 that's net cash positive to Dunmore over the
12 next nine years. So, yes, could that be put
13 aside? As I said earlier, you know, I plan on
14 introducing new ordinances if we spend anything
15 it's going to be controlled.

16 We've done it for five years since
17 I've been here, under Tim's guidance, under
18 Sal's guidance, we're going to continue to
19 spend wisely. It's not going to be a spending
20 spree if this money comes in.

21 MR. BOYANOWSKI: The 5 million
22 dollars --

23 MR. VERRASTRO: Just to help you
24 with that -- to help you with that if you took
25 the \$2,000 a day like I said earlier, that's

1 what we're currently spending. So 2000 times
2 five days week figure --

3 MR. MCHALE: Six days --

4 MR. VERRASTRO: Well, we only pick
5 up garbage five days a week.

6 MR. MCHALE: Yeah.

7 MR. VERRASTRO: Costwise, that's
8 what it would cost us to get rid of our garbage
9 next year approximately. There's high days,
10 low days. But the average is approximately
11 2000 a day. So whatever that comes to a year
12 would be --

13 MR. BOYANOWSKI: I'm not arguing any
14 of the --

15 MR. VERRASTRO: No, no, no, I'm
16 trying to answer you. You said how long would
17 that 27 million last.

18 MR. BOYANOWSKI: Last. What
19 would --

20 MR. VERRASTRO: Plus transportation.

21 MR. BOYANOWSKI: Take that
22 calculation to the next level I think would be
23 helpful in just everyone understanding how long
24 and how important the financial aspect of this
25 is.

1 The 4.8 million that basically is on
2 Keystone's receivable side, is it actually on
3 the Borough's payable side? Has it been on
4 any --

5 MR. MCHALE: It's not on our audits
6 if that's what you're going to ask.

7 MR. BOYANOWSKI: So has that
8 affected the -- basically the financial
9 hardship this Borough has had for the last ten
10 years?

11 MR. MCHALE: You want an accounting
12 answer, it's a cash basis financial statement
13 that we do so they don't show --

14 MR. BOYANOWSKI: So the answer is
15 no.

16 MR. MCHALE: But I could tell you in
17 negotiations and anything that I've done in the
18 five years with the Keystone Landfill, that's
19 brought up every single time.

20 MR. BOYANOWSKI: I want to get back
21 quickly to something Mr. Burke said earlier. I
22 don't have the number because my copy was cut
23 off in the last paragraph. Mr. Burke, were you
24 basically trying to imply that by signing the
25 agreement in its current state that we would in

1 essence be implicitly supporting vertical
2 expansion? Is that sort of what you're trying
3 to get at by having including that actual
4 verbage --

5 MR. BURKE: Right, because now
6 landfills -- I talked --

7 MR. BOYANOWSKI: -- it's only on the
8 horizontal side?

9 MR. BURKE: Right. The
10 environmental lawyers that I talk to told me
11 that is the way to go. And that is the way
12 landfills like to do to avoid this. And
13 lawyers that I talked to told me too that DEP
14 is more likely to be happier with it. For what
15 reason, I don't know.

16 I wanted to hire an environmental
17 lawyer to handle this whole thing that is the
18 reason I'm going to vote to table this until
19 what Mr. Clark brought up is very important. I
20 thought what I just brought up we're talking
21 about now is very important.

22 I commend Council for working hard.
23 I know Mike -- Mike's a very hard worker. I
24 would never deny that. Sal too, never find any
25 two guys harder working than these two guys.

1 We don't always disagree on things but we can
2 agree to disagree.

3 I believe that an environmental
4 lawyer could answer Mr. Clark's questions and
5 not say anything wrong with Tom, but I would
6 think if that's your forte let's go with it
7 because I was looking at other contracts from
8 other host municipalities.

9 And they did hire environmental
10 lawyers. And they did pretty well. And
11 that's -- I mean, that was the reason I wanted
12 an environmental lawyer. But, yes, that's --
13 I'm worried about when this is all said and
14 done. Like I said, 48 years I won't be around.
15 But my grandchildren and children they will
16 have to worry about a vertical expansion.

17 That's what I get after reading
18 paragraph 8. And I am worried now what Mr.
19 Clark just brought up. I'm very worried about
20 that. I think -- I don't believe this has to
21 be done tonight.

22 And I would vote that, you know, let
23 the audience give us more input on this
24 especially if we get people like Mr. Clark and
25 Mrs. Clark, the things they brought up are very

1 big.

2 Mrs. Dempsey, same issues there.
3 It's a short period. This is just thrown in
4 front of you tonight. I got to look at it for
5 a week. But there's important issues that you
6 did bring up. And we didn't even have our town
7 hall meeting yet. And that's another thing
8 that bothers me.

9 It's just too many things -- and not
10 to knock the work that Mike and Sal have done.
11 Like I said, I've never known any guys that
12 work harder than these two guys since I've been
13 on Council. But I think this -- I think we
14 could be rushing this. And I am worried about
15 that.

16 MR. VERRASTRO: Timmy, I don't think
17 you are knocking me at all. Please don't think
18 that. And I appreciate what you're saying. My
19 whole thing is, this is not on Phase III. And
20 that is what I talked about today. And I don't
21 blame you if you don't want to do it for your
22 concerns. You want to table it for your
23 concerns.

24 I appreciate that. But I'm not
25 talking about Phase III. This has nothing to

1 do with Phase III. This is to make sure that
2 when it gets ugly with Phase III -- and it's
3 going to get ugly because the people in this
4 room have very big concerns and important
5 concerns.

6 And we are probably going to end up
7 with an environmental attorney to talk about
8 that phase with DEP. But this is for what
9 we're receiving right now that we have nothing
10 in writing for. That's my position on this.

11 MR. BURKE: Oh, I agree with you on
12 that we have nothing in writing.

13 MR. VERRASTRO: And kind of when we
14 were negotiating, you know, we don't have a
15 written deadline. But it's like, you know, I
16 want your answer because if we don't give him
17 an answer then he might take it as a no and a
18 month from now we might go in and that's
19 exactly what this is.

20 It's a negotiation. Tomorrow he
21 could push it away from the table and say I
22 changed my mind. Right now we have something
23 in -- we have the potential to have this in
24 writing with numbers on here that are going to
25 protect us for the next nine years -- the

1 important nine years, the last nine years of
2 the original landfill.

3 And if we lose this and we go to
4 fight, we're no better off than we were
5 yesterday or before this meeting started
6 tonight. With this, at least we have an extra
7 35 million dollars -- a potential 35 million
8 dollars. It could be a hair less or a little
9 more.

10 Mike might yell at me because he's
11 never wrong with his numbers usually so it's
12 probably that number. But to say -- for me to
13 sit here and say I want to table it, what if he
14 says I change my mind? Then we're starting
15 with what we had before, nothing.

16 MR. BURKE: To that I have to say
17 what the Clarks brought up here I think is a
18 very important issue. If we're signing this
19 knowing that this is a mistake or not knowing,
20 we're not sure. We have one lawyer saying one
21 thing and another lawyer saying another thing.

22 Mr. Bolus brought up important issue
23 on we do have a hammer in that dump road. And
24 I mentioned that before.

25 MR. VERRASTRO: I believe though

1 when we looked into it we were told we
2 couldn't -- we couldn't do it. If you have a
3 business there or -- and you change it
4 midstream, he's going to get some type of a
5 grandfather clause or something that, you know,
6 you can't do this to me now.

7 I mean, he's going fight whatever we
8 do obviously. And that's going to cost --
9 could be tens of thousands, it could be
10 hundreds of thousands. I know the
11 environmental lawyer that we were considering
12 using, their projected fees for Phase III are
13 over \$200,000 that we'll have to take out of
14 the budget that we may have the money to use
15 right now for that.

16 MR. BURKE: I know it's you get what
17 you pay for.

18 MR. VERRASTRO: No, I'm just -- I'm
19 just -- I'm just giving my -- you know I have
20 respect for you.

21 MR. BURKE: Right.

22 MR. VERRASTRO: But I take no -- no,
23 no offense to anything that you're doing.
24 Please don't take it that way.

25 MR. BURKE: No, I don't, Sal.

1 MR. VERRASTRO: I'm sorry if I feel
2 like I'm pushing this. I don't mean to be
3 pushing it down somebody's throat. But like I
4 said earlier in the night, I was scared to come
5 here with this tonight because you're going to
6 get yelled at.

7 But you're -- I mean, I'm getting
8 yelled at for something that I'm doing for the
9 good of this town. I mean, you might think
10 it's a joke or you might laugh at me for it;
11 but I'm able to try to get --

12 MR. BURKE: As long as I've know
13 you, you've always worked hard for this town.
14 And I don't look at it that way at all.

15 MR. VERRASTRO: And I think you know
16 more than anybody that I don't have any
17 affiliations with --

18 MR. BURKE: No, and you guys I know
19 stood up to them. I know that.

20 MR. VERRASTRO: If anything, we bang
21 heads any time I get into a room. So I don't
22 know how else to put it.

23 MR. BURKE: Yeah, it's just I am
24 worried about what the Clarks brought up and
25 what Mrs. Dempsey said about -- I think it's

1 sad that -- but it is the fact that --

2 MR. VERRASTRO: They are good
3 concerns. I don't doubt that.

4 MR. BURKE: The landfill is the
5 engineer for this town. And that is sad that
6 we have to depend on that. But I do believe
7 ten years is a good amount of time to try to
8 straighten out.

9 It would be very hard -- and I know
10 like if we had a guy like Mike McHale and
11 yourself in here -- I don't know how long you
12 guys will stay on Council but worked out to get
13 Dunmore in a good position. They are in a lot
14 better position --

15 MR. VERRASTRO: After tonight, I
16 don't think too many of them want me to stay.

17 MR. BURKE: No. I'm just saying
18 that we don't always agree on everything. We
19 could agree to disagree. But with what the
20 Clarks brought up worries me. What I brought
21 up with the last gentleman was just talking
22 about would they be able to go vertical, that
23 worries me.

24 Do I think we have a hammer, yes,
25 with the dump road. The DEP told me personally

1 when I went to the state meeting election night
2 that we do have the right to negotiate. Our
3 lawyer told us we don't. DEP told me we do.

4 ATTY. CUMMINGS: Let me interject.
5 We can negotiate anytime we want. There's
6 nothing in the DEP rights that mandates they
7 increase above the 41 cents.

8 MR. BURKE: Correct.

9 MR. VERRASTRO: He doesn't have to
10 sit down with us. You have the right to try,
11 but --

12 MR. BURKE: Right. And just by
13 going by other landfills, I don't know what --
14 just what I brought up last meeting, Old Forge
15 they were offered a buck-twenty a ton that they
16 refused. They didn't want the landfill period.

17 They fought the landfill. And
18 Taylor and Newton Ransom accepted. Taylor is
19 making 1.90 for the last 25, 30 years. Newton
20 Ransom made \$1.40 for the last 25, 30 years.
21 Old Forge fought to close the landfill. They
22 didn't want -- so they turned down four years
23 ago an offer of a buck-twenty a ton.

24 MR. VERRASTRO: How did they make
25 out with that?

1 MR. BURKE: They turned it down
2 because they fought it. They didn't want the
3 landfill.

4 MR. VERRASTRO: Is the landfill
5 there?

6 MR. BURKE: Well, I mean, that's not
7 my say. That's -- they fought it and they
8 lost.

9 MR. VERRASTRO: I know. Not that
10 they lost, they won. They didn't want the
11 landfill. So now their neighbor is getting
12 \$1.90 a ton. They're minus \$1.20 a ton and
13 they still drive by the landfill.

14 MR. BURKE: Right. But they did not
15 want to be engineered by the landfill as
16 Mrs. Dempsey brought up. They fought the --
17 they fight and they lost. But they were not
18 going to depend on that buck-twenty. Their
19 health is more important.

20 MR. VERRASTRO: Well, hopefully with
21 the ordinances that we put in place before
22 we're gone, we won't depend on the buck-twenty
23 either. That's going to be our cushion.
24 That's going to be what makes this town better
25 than anybody else's.

1 MR. BURKE: Well, I agree that this
2 Council here would work very hard on that.
3 There's no doubt in my mind. But we're not
4 going to be here forever.

5 MR. VERRASTRO: No. That's why we
6 want the ordinances in place before we go.

7 MR. BURKE: Right.

8 MR. MCHALE: Please.

9 MS. SPANISH: Catherine Spanish, 100
10 Swinnick Drive. Just a couple questions. To
11 be clear tonight up for vote you seven people
12 will decide whether or not this agreement gets
13 passed. It doesn't have -- we have our say now
14 in order to sway you to vote against or for it;
15 is that accurate?

16 MR. HALLINAN: Yeah.

17 MS. SPANISH: So if we vote tonight
18 and you guys do not pass it because we perhaps
19 have swayed you not to pass it, do you get to
20 go back to the negotiation table and fight for
21 something that is what we believe to be in
22 better interest of our rights as citizens.

23 MR. VERRASTRO: He told me not to
24 come back.

25 MR. MCHALE: My personal opinion is

1 if we go back he'll -- we're done.

2 MS. SPANISH: Okay.

3 MR. MCHALE: So this is the best we
4 can do in my opinion.

5 MS. SPANISH: Interesting. So prior
6 to beginning the negotiations whether it was
7 six years ago, six weeks or two months
8 depending on the different timelines that we've
9 used, was it ever presented to the Borough who
10 would be negotiating on our behalf or was it
11 presumed that the Council would negotiate on
12 our behalf?

13 Was there ever a discussion about
14 hiring an outside attorney who's skilled in
15 legal negotiations to negotiate on our behalf?

16 MR. MCHALE: I brought it up to
17 Keystone to do so and they would not allow any
18 of those people in to speak to them.

19 MS. SPANISH: Interesting.

20 MR. MCHALE: It's interesting. I
21 know you're making that comment but --

22 MS. SPANISH: No, I know but it's --
23 that's a fascinating point.

24 MR. MCHALE: It's -- you're -- go
25 ahead.

1 MS. SPANISH: So what would they
2 have done if you brought those people just
3 turned us away altogether?

4 MR. MCHALE: Yep.

5 MS. SPANISH: And just maintained it
6 at the 40 cents.

7 MR. MCHALE: Yep.

8 MR. VERRASTRO: Forty-one.

9 MS. SPANISH: Forty-one.
10 Interesting.

11 MR. VERRASTRO: And we could have
12 started to pay for our garbage every day.

13 MR. MCHALE: The alternative is
14 not -- not very good.

15 MS. SPANISH: So in regards to Miss
16 Dempsey's statistic that property rates
17 traditionally near high volume landfills
18 decrease by 13 percent, I'm curious whether or
19 not the Borough has ever done any evaluation of
20 the property values of the Borough of Dunmore
21 compared to similar municipalities in the area
22 and like property values for those areas that
23 reside further away and how perhaps our home
24 values have a lower value than those perhaps in
25 let's say Clarks Summit.

1 MR. MCHALE: No.

2 MR. VERRASTRO: I only know that
3 what mine gained in the last 16 years.

4 MR. MCHALE: And there's a lot of
5 factors there. I mean, to be perfectly clear,
6 there's a lot of factors there. Taxes, we have
7 a paid fire department. We have paid police,
8 full DPW. We're not comparing apples to apples
9 in fairness. Just to say the landfill -- that
10 study would be --

11 MS. SPANISH: But no study has ever
12 been done to at least --

13 MR. MCHALE: No.

14 MR. VERRASTRO: Not to my knowledge.

15 MS. SPANISH: -- evaluated at all.

16 MR. MCHALE: No.

17 MS. SPANISH: Okay. So it seem as
18 though it's a little bit of foregone conclusion
19 that this is the best rate that we're ever
20 going to get if we're going pass something.
21 Now, must we sign the agreement that is
22 proposed tonight or do we have the opportunity
23 to include stronger language? Or was this the
24 language that was specifically agreed to by
25 Keystone?

1 MR. MCHALE: Tom?

2 MS. SPANISH: I'm not negotiating a
3 new rate, all the rates stay the same. But we
4 get to put in some stronger language.

5 ATTY. CUMMINGS: It started
6 stronger, okay? The reply was weaker. This is
7 where it's resolved to under the guise that
8 they are under no obligation to offer this.

9 MS. SPANISH: Okay. So again in my
10 opinion, this is a foregone conclusion that
11 this is basically it. To Mr. Verrastro's point
12 then, we now have Phase III at our hands and
13 there was the statement that it would cost
14 \$200,000 to hire an environmental attorney.

15 MR. VERRASTRO: Minimum.

16 MS. SPANISH: Minimum. By my
17 calculation --

18 MR. VERRASTRO: That is what we were
19 pitched.

20 MS. SPANISH: Okay. By my
21 calculation, we're getting 2.5 million a year
22 from the landfill at the dollar rate so that
23 seems like a decent expenditure in my opinion.

24 MR. MCHALE: 850 of which is
25 accounted for in the current budget. So then

1 that difference is what you're speaking of 1.3.

2 MR. VERRASTRO: That's what we'll be
3 getting, not what we --

4 MS. SPANISH: Which we will be
5 getting December -- was it December 1st, 2014?

6 MR. MCHALE: Correct.

7 MS. SPANISH: So --

8 MR. MCHALE: If it passes.

9 MS. SPANISH: Two month's time,
10 three month's time.

11 MR. VERRASTRO: But we're talking
12 about getting an environmental lawyer for Phase
13 III.

14 MS. SPANISH: Correct.

15 MR. VERRASTRO: For the current
16 thing for this --

17 MS. SPANISH: I'm in full
18 understanding of that. My point being --

19 MR. VERRASTRO: But my point is if
20 we try to go in with one now, we won't have any
21 negotiations.

22 MS. SPANISH: I understand. So I'm
23 again operating under the assumption that you
24 guys are going to vote this through tonight so
25 we will then be getting a dollar come December

1 1st, 2014, which would increase our rate from
2 about \$900,000 every year to 2.5 million which
3 to me would then say, Hey, I now have an
4 additional 1.2 million to hire an environmental
5 attorney on behalf of the Council.

6 MR. VERRASTRO: Exactly.

7 MS. SPANISH: Yeah? Okay, we are in
8 agreement that we can potentially use the funds
9 to perhaps stop the passage of Phase III.

10 MR. VERRASTRO: Either stop or get
11 what we have coming. I don't know what that
12 answer will be. So I'm not going to say, yeah,
13 to that if that makes sense to you.

14 MS. OVEN: Kathryn Oven, I live on
15 Madison Avenue. I just have a question for
16 Mr. Cummings. When we met in August we had
17 talked about a DEP meeting, DEP hearings.

18 ATTY. CUMMINGS: Yes.

19 MS. OVEN: I'm just wondering when
20 those are going to be?

21 ATTY. CUMMINGS: Now, that the core
22 borings and the report on the mine voids and
23 mine activity have been -- my understanding is,
24 we got the cover letter on Friday. We got the
25 submitted report today.

1 Now that that's at DEP, we'll also
2 provide a copy to Martin and Martin. That
3 will -- that -- the application is not deemed
4 complete. It's my understanding that the only
5 thing that was lacking was the core boring and
6 undermining void report.

7 Now that that's in unless they have
8 something else, I presume it's complete. And
9 so that goes down to Martin and Martin. He
10 needs at least a week or two to review it
11 then -- because it's Council's request that
12 Martin and Martin as the independent qualified
13 engineer would actually run the meeting.

14 So DEP would be present. The public
15 would be present. Council will be present.
16 Council will run the meeting. But Martin and
17 Martin will actually explain and answer
18 questions as an independent that we pay for.

19 Then if there's a DEP hearing, it
20 would be such -- if we have one it will be
21 subsequent to the meeting. There's separate
22 regulations on a meeting and hearing. It's
23 also my understanding that DEP would have a
24 hearing of their own volition.

25 MS. OVEN: So to be clear, the mine

1 survey is now done.

2 ATTY. CUMMINGS: Correct.

3 MS. OVEN: And they have said that
4 the mines underneath the landfill can sustain
5 the 200 feet increase. Is that what I'm
6 understanding?

7 ATTY. CUMMINGS: Give me one moment.

8 MR. VERRASTRO: I haven't seen the
9 reports. I couldn't tell you. I was just
10 trying to get ready for the meeting. I
11 don't --

12 ATTY. CUMMINGS: Dated September
13 15th, received with the Borough on September
14 19th from Richard Shellar of Geoscience
15 Engineering. Enclosed is our report for the
16 above-referenced project. The report has been
17 prepared in accord with their discussions with
18 Mr. DeNaples subsequent to authorization.

19 It is our opinion that once the
20 proposed remediation plan is completed, the
21 risk of subsidence will be mitigated and be
22 below the accepted threshold currently required
23 for the landfill development by PADEP.

24 So it's a DEP call. All I'm saying
25 is there was this open question that Martin

1 and Martin really couldn't give us a complete
2 answer because it was not a complete
3 application. DEP said that -- to my knowledge,
4 the only thing that was open was the report and
5 the plan of attack and requirements for the
6 undermine voids.

7 Now that that's in -- I'm not saying
8 it's right or wrong. I'm not saying it's safe
9 or unsafe. I'm saying that they're -- they
10 have now submitted to DEP Form 11 Mineral
11 Deposits Information Phase 1. That's also
12 dated on 9/15.

13 It's my understanding this has gone
14 down DEP. It is sealed by Mr. Shellar who is a
15 PAPE and then DEP will determine if that is
16 sufficient for their concerns. Once they
17 determine that, then there is a completed
18 application. And then you go through the
19 review process.

20 MS. OVEN: In layman's terms, is
21 that basically what that survey was saying that
22 the mines underneath can sustain the new
23 weight? Is that what --

24 ATTY. CUMMINGS: It mentions a
25 remediation plan. So that may mean -- I can't

1 answer that. I don't have the ability to. But
2 it says -- but it says they've identified
3 everything that's there and the remediation
4 plan once implemented will suffice or surpass
5 DEP regulations. We need the engineer. That's
6 why Martin and Martin would answer those
7 questions.

8 MS. OVEN: Okay. So I'll wait on
9 that. My other point was that I understand the
10 Borough is saying they have the -- Council is
11 saying they don't have any say in what goes on
12 that the DEP has the final answer.

13 But I think particularly as being
14 the host community, you guys could be more
15 involved in terms of pushing for an
16 environmental lawyer and trying to get more out
17 of the DEP instead of putting the onus on them
18 because I think you represent the residents and
19 the DEP people don't live here.

20 They're not dealing with the smell.
21 They're not concerned about their drinking
22 water. They're not concerned about what type
23 of fracking garbage is going in there, what
24 type of other sludge is going in there.

25 And so I do think that you could be

1 more proactive. I appreciate and I know you
2 guys worked really hard. But I think from an
3 environmental standpoint we need to explore
4 more options to get experts in here to really
5 pay attention to what exactly is going in there
6 because at this point, I have no idea.

7 I mean, it went from municipal
8 waste. Now it's residual waste. And when you
9 look at what is listed on what the landfill
10 takes, there's asbestos. There's residual
11 waste. There's sludge. I don't know what any
12 of this stuff is.

13 And all of that is potentially
14 getting into our water and our air. So I would
15 ask that maybe you can explore some of those
16 options. And the other thing that was brought
17 to our attention is that Dunmore is considered
18 a Pennsylvania Environmental Justice area which
19 if you have 20 percent of the population below
20 the poverty level, you're entitled to a lot
21 more information and -- as far as environmental
22 issues are concerned.

23 So I don't know if anybody's looked
24 into that. There is a contact person that I
25 called today and basically what this does is

1 for communities where they do have a certain
2 amount of people under poverty, they are more
3 informed. There's more public hearings. There
4 is more community awareness so as to not take
5 advantage of people that are of a lower
6 demographic. And I think that sometimes that
7 could happen in instances like this.

8 MR. BURKE: Would you be able to
9 give the info to the Borough Manager?

10 MS. OVEN: Yeah, I have it right
11 here. And that's all. Thank you.

12 MR. MCHALE: Thank you.

13 MR. VERRASTRO: Thank you.

14 MR. WOLFF: This meeting is like in
15 the old days, two hours here. Greg Wolff,
16 Jessup Street. I just want to do a quick
17 recap. It's looking like we're almost done
18 going back around. So my understanding is he's
19 under no obligation under law -- Keystone
20 Landfill is under no obligation under law to
21 negotiate with us whatsoever.

22 ATTY. CUMMINGS: They may. They are
23 not obligated.

24 MR. WOLFF: They may. They are
25 under no obligation whatsoever to negotiate.

1 ATTY. CUMMINGS: No, the mandate is
2 the 41 cents.

3 MR. WOLFF: The mandate's 41 cents.

4 ATTY. CUMMINGS: Yeah -- now,
5 contact your legislatures, tell them that it
6 was a dollar 30 years ago. There should have
7 been a cost of living increase at an annual
8 basis coming all the way forward implement now
9 and go forward then we'd reap the benefit of
10 that. But the mandate came from the state.

11 MR. WOLFF: But that changed in
12 legislation.

13 ATTY. CUMMINGS: Yeah.

14 MR. WOLFF: Right. But as of today,
15 there's no -- there's no -- under no legal
16 obligation.

17 ATTY. CUMMINGS: He has to abide by
18 the regulations and pay his 41 cents.

19 MR. WOLFF: Okay. So -- so he
20 doesn't have to sit at the table whatsoever.
21 There was talk about being bullied. I asked a
22 question -- and maybe I missed it in the paper,
23 maybe I missed it. Is Throop negotiating right
24 now -- renegotiating?

25 MR. VERRASTRO: I don't know. I

1 have no idea.

2 MR. WOLFF: When is the last time
3 they renegotiated?

4 MR. BURKE: '99.

5 MR. WOLFF: '99, so 15 years ago.
6 Fifteen years ago is the last time they
7 renegotiated. So Throop if I remember that
8 correctly, that was a pretty bitter war that
9 went on there. And they fought that pretty
10 good. And they haven't renegotiated in 15
11 years.

12 MR. VERRASTRO: Not to my knowledge.

13 MR. BURKE: They haven't expanded.
14 This is the last time they were -- this is the
15 first expansion since '99.

16 MR. WOLFF: Okay. But that is
17 under -- the expansion is under DEP, right?
18 That's the other part I want to recap. So this
19 has nothing to do so I understand, okay, I'm
20 going to get beat up here a little bit, but
21 this has nothing to do with the Phase III.

22 MR. VERRASTRO: No. What you saw
23 tonight has nothing to do with Phase III.

24 MR. WOLFF: And the money that if
25 this gets passed tonight, the money that we get

1 from this we can actually use against Keystone.

2 MR. MCHALE: We can use it against
3 anything we want.

4 MR. WOLFF: Okay. So if this gets
5 passed he's under no -- if we don't pass this
6 tonight and whether it's not -- whether or not
7 it's a perfect document or not is for
8 interpretation. But if we don't pass this
9 tonight, he could say, well, I'm done
10 negotiating and we lose out on an additional
11 1.5 million --

12 MR. VERRASTRO: Approximately.

13 MR. WOLFF: -- a year to fight him
14 on his own expansion.

15 MR. MCHALE: Perspectively, yeah.

16 MR. WOLFF: And to our knowledge,
17 Throop is not renegotiating now?

18 MR. BURKE: The council meeting I
19 went to, they talked about negotiating. They
20 are looking for more money.

21 MR. WOLFF: Have they -- have they
22 contacted -- we're comparing Dunmore to Throop.
23 So are they contacting environmental lawyers,
24 are they --

25 MR. BURKE: That I don't know. I

1 tried to get in contact with their Council
2 President many times. I've only talked to him
3 once. And he's never returned any of my calls
4 back after the first phone call.

5 MR. WOLFF: Okay. So to your
6 knowledge, they don't have anything on the
7 table. They don't have anything in place
8 whatsoever to get --

9 MR. NARDOZZI: Nothing.

10 MR. WOLFF: -- moving forward.

11 MR. BURKE: No, all I could say is I
12 went to their meeting and they were talking
13 about different ways of trying to get money out
14 of the landfill maybe taxing the gas that comes
15 out of there and different issues. I can't
16 remember. But I believe they put their minutes
17 online too.

18 MR. WOLFF: Okay. And by the ruling
19 in 1988 I believe it was, we're only entitled
20 to 41 percent of the proceeds, correct?

21 MR. NARDOZZI: Correct.

22 MR. VERRASTRO: Yes.

23 MR. WOLFF: Okay.

24 MR. BURKE: The state never
25 increased it -- and don't plan -- I don't

1 plan -- I don't think the state would increase
2 it. Landfill fees have gone up possibly.
3 We're getting the same 41 cents for the last 25
4 years.

5 MR. WOLFF: Yeah, I know.

6 MR. BURKE: Every time a landfill
7 expanded -- other landfills did go in an
8 negotiate and got better.

9 MR. WOLFF: Right.

10 MR. BURKE: Except us.

11 MR. WOLFF: Until now.

12 MR. BURKE: Until now. This is the
13 first Council that's acted on it.

14 MR. WOLFF: Right. And we have
15 spoken about this and you know how I feel
16 about -- I mean, I don't -- I don't
17 particularly enjoy a landfill in my backyard.
18 But it's here. And if that was -- if, you
19 know, the Phase III has nothing to do with this
20 so like, you know, again, it may not be a
21 perfect document but if we can get more money
22 to fight the landfill on -- fight them. I
23 would say let's do it. That's all I have.
24 Thank you.

25 MR. MCHALE: Thank you, Mr. Wolff.

1 MR. BURKE: I don't know if it says
2 Phase III is not in here because it's mentioned
3 in here.

4 MR. WOLFF: For that -- for that --
5 yeah, you'll get more money if it takes place,
6 correct?

7 MR. MCHALE: Yes.

8 MR. WOLFF: But this doesn't
9 affect -- this doesn't affect -- I'm sorry,
10 Maria, this doesn't affect those negotiations
11 whatsoever. They're two separate items,
12 correct?

13 MR. MCHALE: The financial end of it
14 it takes care of. It does not imply that we're
15 passing it.

16 MR. WOLFF: Correct.

17 MR. MCHALE: We can sit up here and
18 scream at the DEP meeting like probably
19 everybody up here will.

20 MR. WOLFF: Okay.

21 MR. MCHALE: It does not stop us.
22 But in the event it does pass, financially it
23 does cover that. It does the not give implicit
24 approval.

25 MR. WOLFF: Right. But it's

1 separate --

2 MR. MCHALE: It's separate.

3 MR. WOLFF: Other than those -- the
4 rate if it does take effect, those rates are
5 already negotiated. But it's a separate fight.

6 MR. MCHALE: Exactly.

7 MR. MANCOS: Ladies and gentlemen,
8 John Mancos{sic}, Throop, just a couple of
9 questions. Transcript going to be available
10 online?

11 MR. MCHALE: Not on line but you
12 could stop at the Borough Building and get a
13 copy or you could provide the e-mail to Mr.
14 Ruggiero and he will e-mail it to you.

15 MR. MANCOS: Are you aware of any
16 pending DEP regulations that would impact
17 Keystone or their competitors or Dunmore?

18 MR. MCHALE: Mr. Cummings.

19 ATTY. CUMMINGS: In particular what?

20 MR. MANCOS: I'm just asking if
21 there are any pending DEP regulations that are
22 looking to go into effect in say 2015 that
23 would impact on Keystone or their competitors
24 or Dunmore.

25 ATTY. CUMMINGS: I don't know of

1 any. There may be.

2 MR. MANCOS: Are there any
3 provisions or have you considered any
4 provisions for environmental contamination such
5 as mandatory testing or full liability on
6 Keystone to pay for any contamination?

7 MR. MCHALE: Do you want me to
8 answer that? That's a DEP --

9 ATTY. CUMMINGS: That's DEP.

10 MR. MANCOS: So if DEP changes their
11 regulations that could change tomorrow that
12 will affect Dunmore tomorrow. There's nothing
13 that --

14 MR. MCHALE: But understand we have
15 no say in that. That's DEP.

16 MR. MANCOS: Okay. So Dunmore's
17 precluded from that.

18 MR. MCHALE: Unfortunately --

19 MR. VERRASTRO: We don't make the
20 decision --

21 MR. MANCOS: Okay.

22 MR. VERRASTRO: -- we try our best
23 to influence the decision.

24 MR. MANCOS: Thanks for the
25 clarification. Who's responsible for

1 maintenance should the landfill be capped? Is
2 the landfill long-term Keystone's
3 responsibility?

4 ATTY. CUMMINGS: There's a closure
5 bond and a post closure bond deemed by DEP
6 sufficient to cover in both instances.

7 MR. MANCOS: And how much is that?

8 ATTY. CUMMINGS: That I don't know.

9 MR. MANCOS: You don't know?

10 ATTY. CUMMINGS: I do not know.

11 MR. MANCOS: Who would know?

12 ATTY. CUMMINGS: DEP.

13 MR. NARDOZZI: DEP.

14 MR. MANCOS: Who specifically from
15 Keystone said don't bother to come back if this
16 isn't passed tonight?

17 MR. VERRASTRO: He didn't say -- no,
18 no, no. He didn't say don't bother to come
19 back if this isn't passed tonight.

20 MR. MANCOS: What did he say
21 specifically?

22 MR. VERRASTRO: When I negotiated
23 with him he said this is my final offer
24 don't --

25 MR. MANCOS: Who said that?

1 Somebody said it, right? So who said it?

2 MR. VERRASTRO: He didn't say it

3 nasty. It was in a --

4 MR. MANCOS: No, that's fine.

5 MR. VERRASTRO: All right.

6 MR. MANCOS: Who said it?

7 MR. VERRASTRO: When I was with

8 Mr. DeNaples.

9 MR. MANCOS: Who?

10 MR. VERRASTRO: Mr. DeNaples.

11 MR. MANCOS: Mr. DeNaples said that?

12 MR. VERRASTRO: Yes.

13 MR. MANCOS: Mr. DeNaples as in son,
14 senior, I'm not familiar with the DeNaples
15 family.

16 MR. VERRASTRO: Louis. The owner --
17 one of the owners of Keystone.

18 MR. MANCOS: One of the owners?

19 MR. VERRASTRO: Yes.

20 MR. MANCOS: What's his first name?

21 MR. VERRASTRO: Louis.

22 MR. MANCOS: You mentioned that you
23 had received a report today, Mr. Solicitor?
24 What report was that? Was that the
25 Geoscience's report?

1 ATTY. CUMMINGS: It's the Form 11
2 Mineral Deposits Information Phase 1 submitted
3 to DEP and signed with a profession seal by
4 P. Richard Shellar.

5 MR. MANCOS: Is that available for
6 the public to review?

7 ATTY. CUMMINGS: It will be
8 available at the Borough Building tomorrow.

9 MR. MANCOS: Has everyone on the
10 Council received a copy and read that?

11 MR. VERRASTRO: Of what, the letter
12 that he has? No, not yet.

13 MR. MCHALE: It was received Friday
14 afternoon, so no.

15 MR. MANCOS: Last Friday?

16 MR. MCHALE: Tommy, it was
17 received --

18 ATTY. CUMMINGS: No, the cover
19 letter was Friday saying it's coming. But the
20 report actually came today at 2:30.

21 MR. MCHALE: So, no, we haven't
22 gotten a copy.

23 MR. MANCOS: So you're voting on
24 something --

25 MR. MCHALE: We're voting on

1 financial aspects of an agreement not the
2 environmental aspects which we do not control.

3 MR. MANCOS: Okay. After nine years
4 is Keystone required to cease usage of the
5 landfill or is that upon DEP?

6 MR. MCHALE: They have permitted
7 usage through certain amount of tonnage. When
8 they cap that they're done if they don't get
9 Phase III approval.

10 MR. MANCOS: And if after nine years
11 if nothing passes tonight, are they forced to
12 renegotiate in anything?

13 MR. MCHALE: No.

14 MR. MANCOS: Thank you.

15 MR. CLARK: Pat Clark, Jefferson
16 Avenue. Just two quick questions. Mr. McHale,
17 on this agreement -- this agreement only, Mr.
18 McHale, did we do a time value of money
19 calculated -- there's been a lot of talk today
20 about the 41 cents and whatever it is and
21 catching up with that, right?

22 Did we do the time value of money
23 what this \$1.50 in ten years is worth in 50
24 years from now?

25 MR. MCHALE: No.

1 MR. CLARK: I suspect that we can
2 actually look back in 50 years and say that's
3 worse than the agreement we have now. Did we
4 contemplate that?

5 MR. MCHALE: No.

6 MR. CLARK: So we're going to agree
7 to something for 50 years and future financial
8 lock in here that could be worse than what we
9 have today that we're complaining about. And
10 a dollar with the cost of living, what is that
11 worth in 50 years?

12 MR. MCHALE: I understand. I
13 understand.

14 MR. CLARK: You didn't take that --
15 we didn't do the calculation at all.

16 MR. MCHALE: No.

17 MR. CLARK: And this agreement we're
18 going to vote on tonight, right?

19 MR. MCHALE: That's the pleasure of
20 Council so --

21 MR. CLARK: That is borderline --
22 that's irresponsible in my opinion by the
23 Borough. Question to -- for Attorney Cummings.
24 I asked this but I didn't really contemplate
25 because we had an hour to read this. Is there

1 a term on this agreement?

2 ATTY. CUMMINGS: The life of the
3 landfill.

4 MR. CLARK: Where does it say that
5 because I cannot find? I find the fact that
6 they can -- they agree to accept our tipping
7 fee and cancel of their own demand for the life
8 of the landfill. This agreement in any place I
9 do not see any term at all unless I'm missing
10 it. And I actually don't think you could have
11 a contract without a term anyway, but that is
12 another point.

13 MR. MCHALE: Well, Tom, if I can, am
14 I wrong in saying that each phase that's
15 approved they're approved for a certain amount
16 of tonnage. So when that tonnage is met --

17 MR. CLARK: But it doesn't say that.

18 MR. MCHALE: But there can't be a
19 time. It's a DEP thing.

20 MR. CLARK: But if we get a dollar
21 per ton until the tonnage expires. It doesn't
22 say anything. They could cancel this tomorrow
23 and we have no recourse.

24 MR. MCHALE: They can cancel if
25 there's a material adverse impact.

1 MR. CLARK: No, they can cancel at
2 their right to accept our tipping fees for
3 that. They can cancel this paper as it's
4 written for any reason tomorrow with no notice.

5 MR. MCHALE: No.

6 MR. CLARK: Yes, they can.

7 MR. MCHALE: Okay. This obligation
8 may be modified or terminated at Keystone's
9 discretion following external or internal event
10 that has a material adverse effect --

11 MR. CLARK: Mr. McHale, with all due
12 respect, that is only related to clause two.
13 That is not related to this whole contract.

14 MR. MCHALE: It's related to the
15 whole contract.

16 MR. CLARK: No, it's not, sir.
17 Legally it is not.

18 MR. MCHALE: Okay.

19 MR. CLARK: I want it to be know on
20 the record we are agreeing -- voting on a
21 contract now that has no term in it, no
22 termination rights. They can cancel at any
23 time with no notice and no reason. That is how
24 this contract reads. I'm not --

25 MR. MCHALE: Tom, is that --

1 MR. CLARK: If Council is
2 comfortable with that, that is absurd.

3 MR. MCHALE: -- is that your
4 interpretation?

5 ATTY. CUMMINGS: Well, no it's --
6 everything that comes in on or after December
7 1st, 2014, we get the fee --

8 MR. CLARK: We can't hear you, sir.

9 ATTY. CUMMINGS: I said it states
10 that we get the fee and any waste accepted on
11 or after December 1st, 2014.

12 MR. CLARK: Correct. And they can
13 terminate December 2nd, 2014, with no notice or
14 reason.

15 ATTY. CUMMINGS: I don't believe --
16 I don't agree with that.

17 MR. CLARK: You don't agree with
18 that?

19 ATTY. CUMMINGS: I do not.

20 MR. CLARK: Sir, you're an attorney.

21 ATTY. CUMMINGS: Yes.

22 MR. CLARK: This is a contract
23 without a term or a termination clause or
24 notice. We're going to sign this as a borough
25 saying we're okay with this, plus an agreement

1 that's -- in 50 years worth arguably less than
2 today's dollars are worth.

3 And all we've done the first two
4 hours is complain about how we've been screwed
5 for 30 years. This is screwing us more --

6 ATTY. CUMMINGS: Well, we're --

7 MR. CLARK: -- sign this document.

8 ATTY. CUMMINGS: -- above the 41
9 cents. I know that --

10 MR. CLARK: You're talking 50 years
11 from now.

12 ATTY. CUMMINGS: Right. It started
13 with the premise they have no obligation to do
14 anything.

15 MR. CLARK: We're backed up and
16 worse case scenario by a state mandated
17 minimum, right?

18 ATTY. CUMMINGS: Yes.

19 MR. CLARK: So we have nine and a
20 half years to figure out with the legislator --
21 legislature -- perhaps if they would increase
22 that state mandated minimum. Instead, we're
23 voluntarily locking ourselves in for 50 years
24 to a number that arguably could be worth much
25 less than 41 cents today.

1 ATTY. CUMMINGS: Oh, no, I do
2 believe --

3 MR. MCHALE: What would 41 cents be
4 in 50 years?

5 MR. CLARK: We're doing a cost --

6 MR. MCHALE: No, listen, if we do
7 not do an agreement, he's mandated to do 41
8 cents for the life of the landfill.

9 MR. CLARK: -- you consider that --

10 MR. MCHALE: Well, listen. So 41
11 cents 50 years from now, do the present value
12 of that because that's what we would get.

13 MR. CLARK: You're assuming no
14 change from now and 50 years.

15 MR. MCHALE: Absolutely, assuming no
16 change.

17 MR. CLARK: But this could be
18 materially worse than what it would be then.

19 MR. MCHALE: Or it can be --

20 MR. CLARK: It can't be materially
21 better.

22 MR. MCHALE: Okay. All right. I
23 disagree.

24 MR. CLARK: We haven't run any
25 calculation as a CPA of what this is worth in

1 50 years.

2 MR. MCHALE: I'm a CPA, yes.

3 MR. CLARK: I mean the Council. I
4 don't mean you. We didn't run the financial
5 numbers on what that's worth? I know you guys
6 are taking a beating. But this is one hour of
7 a contract. I'm sure that people that do this
8 for a living can figure this out better than I
9 can in an hour. Are they valid points, Mr.
10 Verrastro?

11 MR. VERRASTRO: Absolutely. But I'm
12 going by the opinion of the Solicitor that we
13 (inaudible) to do this with us right now. I
14 don't know if -- I'm not an attorney. So
15 you're saying one thing. He's saying another.

16 MR. CLARK: I've had an hour to look
17 at this. I'm sure we can find more thorough --

18 MR. VERRASTRO: But also -- I don't
19 know if you're for this. I don't know if
20 you're against this. I don't know --

21 MR. CLARK: I'm for the best deal
22 that we can get for the Borough.

23 MR. VERRASTRO: And I am also.

24 MR. CLARK: This is not it. To lock
25 us up 50 years --

1 MR. VERRASTRO: You weren't sitting
2 down and negotiating that. You're looking at
3 the terms of what you think may be better.

4 MR. CLARK: I'm looking at a
5 contract, sir, that has 0.2 percent annual
6 increase starting 10 years from December 1st.

7 MR. VERRASTRO: Yes.

8 MR. CLARK: What is your -- what is
9 cost of living is what, several percent? We're
10 0.2 percent. I'm not trying to give you a hard
11 time. I doesn't look like we -- we're in it --
12 voting on this after --

13 MR. VERRASTRO: But we had nothing.
14 We had 41 cents.

15 MR. CLARK: That is not an argument
16 of 50 years from now.

17 MR. VERRASTRO: Sure it is.

18 MR. CLARK: It's not. You're
19 locking us in now for 50 years --
20 potentially (inaudible) right? And we're
21 sitting here saying we had our chance in '99.
22 I guarantee you this Council will be sitting
23 here in 10 years saying we had our chance in
24 '14 and will look at this agreement and say
25 (inaudible.)

1 MR. VERRASTRO: We may get more when
2 we go to negotiate Phase III.

3 MR. CLARK: No, we won't. It says
4 right here, right?

5 MR. VERRASTRO: No. It says that's
6 the minimum we're going to get basically. It
7 says we're guaranteed that.

8 MR. CLARK: No, it doesn't. It says
9 looking at it \$1.50 per ton increasing 1
10 percent on the fifth anniversary not even
11 annually.

12 MR. VERRASTRO: Yes.

13 MR. CLARK: Fifth anniversary
14 thereafter.

15 MR. VERRASTRO: Yes.

16 MR. CLARK: There's no minimum
17 there.

18 MR. MCHALE: It mirrored Throop's
19 agreement the 1 percent just for clarity.

20 MR. VERRASTRO: We put something in
21 to make sure we're getting something. That
22 doesn't mean we're not going to fight for even
23 more.

24 MR. CLARK: It doesn't mean we're
25 not going to fight for more.

1 MR. VERRASTRO: In Phase III.

2 MR. CLARK: So why include -- then
3 my question would be why include any Phase III
4 language in this if we're going to fight for
5 more?

6 MR. MCHALE: Because we run the risk
7 of getting nothing.

8 MR. CLARK: We also have nine and a
9 half years to figure that out.

10 MR. MCHALE: We do.

11 MR. CLARK: We also have nine and a
12 half years to get the legislature --
13 legislation changed to get above the 41 cents
14 for this.

15 MR. MCHALE: Or reduced.

16 MR. CLARK: It's not going to --
17 okay, you're right --

18 MR. MCHALE: They have lobbyists.
19 It went from 130 to one.

20 MR. CLARK: I think if we inform the
21 Borough of those options, I suspect many people
22 would be okay not signing -- not tabling this
23 agreement at least until we figure out what the
24 financial impact is of \$1.50 increasing at 0.2
25 percent for 50 years.

1 MR. VERRASTRO: I only know what I
2 went through for the last several years trying
3 to figure out how to make the Borough run when
4 we had nothing.

5 MR. CLARK: I understand. You guys
6 done a great job getting us out of the hole.

7 MR. VERRASTRO: No, you don't
8 understand. No, you don't understand
9 because --

10 MR. CLARK: Sure I do.

11 MR. VERRASTRO: I was there. I had
12 to walk into a room and lay off people. I had
13 to, you know, tell them, you know, I'm sorry
14 but there's no -- we can't afford to pay you.

15 MR. CLARK: Right. To be clear
16 we're trying to look forward with this,
17 correct?

18 MR. VERRASTRO: Pardon me?

19 MR. CLARK: We're trying to look
20 forward not what -- you guys have done a great
21 job getting us out of the hole.

22 MR. VERRASTRO: And I'm trying to
23 keep -- I'm trying to maintain that.

24 MR. CLARK: Trying to maintain that
25 or try to get the best deal we can.

1 MR. MCHALE: Both.

2 MR. VERRASTRO: Both. I'm sorry,
3 my -- I'm sorry, I'm not an English major.
4 It's your job to pick the English language
5 apart.

6 MR. CLARK: I don't practice as a
7 lawyer, I'm sorry.

8 MR. VERRASTRO: No, you're an
9 attorney and law goes very strongly on the
10 English language. Key words mess things up bad
11 in opinions, correct?

12 MR. CLARK: I agree. That's why I
13 think --

14 MR. VERRASTRO: All right.

15 MR. CLARK: -- it would be crazy to
16 sign this agreement because the language of
17 this agreement as you've just said is crazy.

18 MR. VERRASTRO: I didn't say the
19 language of this agreement is crazy.

20 MR. CLARK: I know you didn't. You
21 said the importance of language.

22 MR. VERRASTRO: Yes.

23 MR. CLARK: And I'm saying the
24 importance of language dictates when you redo
25 this agreement.

1 MR. VERRASTRO: And I'll say it
2 again that we can say we want to redo stuff.
3 We can try to redo stuff. This is what was put
4 forward for now.

5 MR. CLARK: Why don't we just cancel
6 all the Phase III language then? Just do the
7 nine and a half years. What's wrong with that?
8 Get the dollar for the next nine and a half
9 years. There's no downside to that. The
10 downside is in 9.5 years from now. Why not
11 just cross the Phase III language out?

12 You know, they're negotiating from
13 strength here and saying, yeah, we're going
14 lock in \$1.50, 50 years from now. Anyone would
15 do that. Why not just do the Phase 1 now what
16 they got? You keep saying this has nothing to
17 do with Phase III.

18 Yet the back end of that agreement
19 deals exclusively with the money we're going to
20 get in Phase III.

21 MR. VERRASTRO: The potential of
22 Phase III being there. Phase III may not be
23 there.

24 MR. CLARK: Correct. Then why
25 negotiate for it now?

1 MR. MCHALE: Because we run the risk
2 of getting nothing.

3 MR. CLARK: We also run the risk of
4 getting a lot more.

5 MR. MCHALE: I would argue with you
6 that I guarantee you you would get a lot less.

7 MR. CLARK: That's assuming no state
8 change.

9 MR. MCHALE: Well, I guarantee you
10 no state change.

11 MR. CLARK: You can guarantee that
12 50 years -- you can guarantee what the law --

13 MR. MCHALE: I guarantee you the
14 lobbyists for waste management and the sanitary
15 are much more powerful than us. So, yes, I'm
16 trying to be a realist.

17 MR. CLARK: What is your financial
18 opinion of a dollar --

19 MR. MCHALE: I'm not going give you
20 a professional opinion as a Council President.
21 I'm not going to do it. I don't get paid to do
22 it.

23 MR. CLARK: You get paid to
24 represent us though.

25 MR. MCHALE: I do. I do.

1 MR. CLARK: And this is the best we
2 can represent ourselves?

3 MR. MCHALE: Yes, in my opinion.

4 MR. CLARK: Is this -- that's what
5 my only question is, but to be clear is an
6 option to table this agreement tonight? This
7 language is absurd.

8 MR. VERRASTRO: I'm not saying that
9 the people don't have the option to table it.
10 I'm not forcing anybody to vote for this.

11 MR. CLARK: That's it.

12 MR. MCHALE: Thank you.

13 MS. SPANISH: Catherine Spanish, the
14 language of the agreement says that this
15 obligation may be modified or terminated at
16 Keystone's discretion following an external or
17 internal event that has a material adverse
18 impact of Keystone's ability to perform.

19 If DEP did not pass Phase III, would
20 that be a material adverse impact of Keystone's
21 ability to perform thus nullifying the nine
22 years of a dollar rate?

23 MR. MCHALE: It would be open for
24 nine years. So they have the ability to
25 perform.

1 MS. SPANISH: But they can cancel
2 this agreement if anything affects their
3 ability to perform which Phase III would be an
4 impact of their ability to perform at extended
5 levels; therefore, they can terminate this at
6 their discretion because it's says their
7 discretion at any given time thus putting us
8 back to our 41 cents anyway.

9 MR. MCHALE: Tom, do you want to
10 address that?

11 ATTY. CUMMINGS: I believe it would
12 kick in at year nine. The quantity of waste we
13 produce is de minimis compared to what they
14 take in in a day. I think they're permitted
15 for 7,500 tons per day.

16 The ability to void I think is on
17 the reserved air space where they're guaranteed
18 to give us air space. If they were closed, if
19 they were shut down or suspended as they
20 were I think in the late 90s and they actually
21 paid to have Dunmore's waste processed at Waste
22 Management's transfer station, taken to another
23 landfill at no cost to us.

24 So my presumption is if Phase III
25 doesn't go through, we'd still be good until

1 the end of the year nine -- or the end of the
2 current life of the Phase II.

3 MS. SPANISH: But that would be open
4 to interpretation by attorneys who would be
5 looking at this and say, hey, you guys used my
6 additional 2.8 million dollars or one point
7 million dollars to fight me on this, screw you.
8 You know, I can cancel this because now DEP
9 said I can't get Phase III, potentially.

10 ATTY. CUMMINGS: It's a possibility,
11 yes.

12 MS. SPANISH: It's a possibility.
13 And then I -- it's been overwhelming amongst
14 the Council here that Keystone is under no
15 obligation to negotiate. To me that begs the
16 question why is he then?

17 MR. VERRASTRO: Pardon me?

18 MS. SPANISH: Why is he then?

19 MR. BURKE: Exactly. I agree why is
20 he doing it?

21 MS. SPANISH: Right now --

22 MR. BURKE: Because he's a good guy?

23 MS. SPANISH: -- all of this stuff
24 is happening, why right now is he willing to
25 all of a sudden bend over backwards and

1 increase our rate when he's under no obligate
2 to.

3 MR. VERRASTRO: I don't think he
4 bent over backwards.

5 MS. SPANISH: You may all have your
6 opinions, just a little food for thought here,
7 but it would seem to me that that's a back door
8 deal that he just made --

9 MR. VERRASTRO: I'm sorry, I didn't
10 to do any back door deal.

11 MS. SPANISH: No, no, no, I didn't
12 say you. I said he, not you. That is not
13 meant to offend.

14 MR. VERRASTRO: And it didn't feel
15 like he was bending over backwards when I was
16 in there going back and forth with him, I'm
17 sorry.

18 MS. SPANISH: But why now? That's
19 a -- that's food for thought.

20 MR. BURKE: Well, here's another
21 thing, why would he bring up the four point
22 eight hundred and twelve thousand dollars or
23 four million eight hundred and twelve thousand
24 dollars which he verbally agreed to we could
25 dump for free but it's in the contract now that

1 we don't.

2 MR. MCHALE: Because we asked for
3 it.

4 MR. BOLUS: I'm going to be brief.

5 MR. MCHALE: Please.

6 MR. DEMPSEY: Can we take five?

7 MR. MCHALE: Do you want to? Tom,
8 can we take a five recess?

9 ATTY. CUMMINGS: Yeah, sure. I have
10 9:07. We'll recess until 9:15.

11

12 (A brief recess was taken.)

13

14 MR. MCHALE: Mr. Bolus, please.

15 MR. BOLUS: Just briefly, I mean,
16 tonight I think we've listen to the people
17 here. And there's been some really great input
18 I think that's been beneficial to the Council.
19 But, you know, I have a couple of questions
20 that I thought about more as we went here.

21

22 First of all, this is a one-sided
23 agreement. How come we don't have a provision
24 in this agreement where we can cancel at any
25 time? Why are we allowing someone to tell us
we'll cancel at our discretion and tie our

1 hands?

2 We should have the clout just equal
3 in the agreement as any agreement is. There's
4 always a provision for either side to cancel an
5 agreement. This is one-sided. So it's got to
6 get changed. That's number one.

7 Number two, I'd take number nine
8 right out of this. Does not repeal or limit
9 the rights and responsibility. If we're going
10 to a new agreement, let's go to a new agreement
11 period. Let's not tie ourselves in to the '99
12 agreement.

13 This is for a new rate, new
14 agreement in today's agreement, not
15 yesterday's. So let's forget about number
16 nine. And on the other part, it's at their
17 discretion. And I don't think we should be
18 told that we're going to receive, you know, any
19 kind like five cents or a nickel here or there.

20 We need to take a lot of this out of
21 this agreement. Make a simple agreement. It
22 should be two paragraphs, how much we're going
23 to get, when it starts, and the termination on
24 both sides period. I don't think we should
25 have a single thing in here about the Phase

1 III.

2 That's like we're agreeing that when
3 Phase III comes, this is the rate we're going
4 to do. Well, I don't think we should agree to
5 a rate for Phase III if, in fact, it ever
6 happens. That's a whole new monster. I don't
7 think it should be part of this. So again, I
8 would say that part should be taken out of
9 here.

10 We're not talking about Phase III.
11 We haven't had the public meeting. We haven't
12 had the public input. And there's legal
13 litigation no matter what DEP wants to say, DEP
14 is a political organization. It's controlled
15 by the Governor. It's controlled by politics.

16 They don't live here as was said
17 before. This is our community, our town. We
18 shouldn't even be discussing Phase III,
19 especially signing our name to this agreement
20 tonight because we're basically saying when
21 Phase III happens we already got the rate in
22 place.

23 Maybe we want \$20 a ton in Phase
24 III, okay? Maybe we want more. We can't have
25 somebody dictating how we live. We're not

1 taking a dime out of DeNaples' pocket.
2 Remember that. Just like we don't take a dime
3 out of the oil companies. When they raise
4 their rate, we didn't take a dime. They still
5 made the same money no matter what happens.

6 And no matter what the rate is here
7 with DeNaples today with Keystone Landfill, if
8 it's ten dollars a ton he just adds ten dollars
9 a ton to whoever is bring the garbage in. He's
10 not losing a damn dime. So let's not sit here
11 from a point of weakness, gentlemen. Tonight
12 is the time to come from a point of strength.

13 It's time to tell people how we're
14 going to live in this Borough not how they're
15 going to tell us we're going to live. This is
16 about the people. And I'm going to set
17 something very clear. My business address is
18 1445 East Drinker Street.

19 And I am a former resident of
20 Dunmore so we get that clear, okay? And I've
21 been in this community almost 40 years. So
22 I'm speaking out not only on where I come from
23 as a businessman but also as a person who has
24 major investment here with the people that work
25 for me and that are going to live in this

1 community.

2 We have to smell the stench. We
3 have to put up with the dirt. We have to put
4 up with a lot of things. And the Borough
5 hasn't been compliant on any of that. You
6 could put a fee in for clean air. You could do
7 anything you want to do.

8 You guys at this table have more
9 power than DEP does right now because it's our
10 municipality. Table this. Let's have a public
11 meeting, get more input and simplify this
12 agreement because as I said earlier, this is
13 one of the worst written agreements I've seen.
14 It's all one-sided. Thank you.

15 MR. MCHALE: Anybody else?

16 (No response.)

17 MR. MCHALE: Mr. Cummings.

18 ATTY. CUMMINGS: The matter is ripe
19 for motion.

20 MR. MCHALE: Do we have a motion?

21 MR. BURKE: I have a motion to table
22 this agreement with the Keystone Landfill.

23 MR. HALLINAN: I'll second that.

24 MR. MCHALE: I have a motion and a
25 second. On the question. Tom, can we do roll

1 call?

2 MR. VERRASTRO: I'm sorry, on the
3 question I just have one thing. We will
4 discuss it at our next schedule meeting? Or
5 are we going to have a different meeting so
6 that we know what we're doing?

7 MR. MCHALE: I would say next
8 scheduled meeting.

9 MR. VERRASTRO: And that's going to
10 be changed because it's a holiday, correct?

11 MR. MCHALE: October 13th is a
12 holiday, Columbus Day. So we'll put it on the
13 14th and advertise as such, Tom, please --
14 Vito.

15 MR. VERRASTRO: This way I don't
16 want anybody to think we changed the date and
17 tried to slip something through on a Tuesday
18 when everybody showed up on Monday and nobody
19 is here.

20 MR. MCHALE: Anybody else on the
21 question? Tommy?

22 ATTY. CUMMINGS: On the motion to
23 table, Mrs. Scrimalli.

24 MS. SCRIMALLI: No, I don't agree to
25 table it.

1 ATTY. CUMMINGS: Mr. Burke.

2 MR. BURKE: I agree to table it.

3 ATTY. CUMMINGS: Mr. Verrastro.

4 MR. VERRASTRO: Yeah, we'll table
5 it.

6 ATTY. CUMMINGS: Mr. Nardozzi.

7 MR. NARDOZZI: Yes.

8 ATTY. CUMMINGS: Mr. Hallinan.

9 MR. HALLINAN: I'm voting to table
10 it.

11 ATTY. CUMMINGS: Mr. Dempsey?

12 MR. DEMPSEY: Yes, to table it.

13 ATTY. CUMMINGS: Mr. McHale.

14 MR. MCHALE: Yes.

15 ATTY. CUMMINGS: The matter is
16 tabled.

17 MR. MCHALE: Okay. We'll move onto
18 number eight -- I'm sorry, we already did
19 public comment.

20 MR. VERRASTRO: Twice.

21 MR. MCHALE: Sorry about that, I'm
22 getting a little tired. I get up at four in
23 the morning so I apologize. Public officials.
24 Mr. Cummings.

25 ATTY. CUMMINGS: Nothing, sir.

1 MR. MCHALE: Mr. Ruggiero.

2 MR. RUGGIERO: Nothing.

3 MR. MCHALE: I saw Chris here --
4 Chris Kearney.

5 MR. KEARNEY: Nothing.

6 MR. MCHALE: Mr. Judge.

7 MR. JUDGE: I have nothing.

8 MR. MCHALE: Joe Lorince gone for
9 the night? Anybody else? Mister -- Attorney
10 Dempsey, do you want to speak first tonight?

11 MR. DEMPSEY: Sure. First of all,
12 my sincerest condolences to the Dickson family
13 for their loss. That's most important. And I
14 had an opportunity -- I work the downtown so I
15 had an opportunity to see the funeral services
16 and they were absolutely amazing.

17 And the DPW, Dunmore Police
18 Department, and the Dunmore Fire Department,
19 everybody involved with the Borough did such a
20 class job in representing the Borough.

21 And I just want to give my thanks --
22 my public thanks to all our departments for
23 performing the way they did in such a class
24 organization.

25 You know, going up Drinker -- or

1 Green Ridge Street, South Blakely Street into
2 the cemetery it was a beautiful, beautiful
3 ceremony and well deserved for a fallen hero.
4 So I just wanted to say that.

5 I think we heard enough about the
6 landfill tonight. But tabling it was the right
7 thing to do at this time and to review the
8 contract a little more thoroughly. So with
9 that being said, I don't have anything else.

10 MR. MCHALE: Mr. Hallinan.

11 MR. HALLINAN: I'm going to echo
12 Mr. Dempsey with the State Police. Our DPW,
13 Fire Department, everybody that -- it was an
14 out -- it was unbelievable. I pray to God it
15 never happens again. And I -- my heart goes
16 out to that family and even the trooper that's
17 recovering. I worked the funeral. I
18 volunteered for it. And it was just so sad.
19 And my heart bleeds for them.

20 I couldn't even -- I don't even --
21 there's no words to say what they probably
22 most likely are going through. And about the
23 landfill, thank you for your input, Mr. Clark
24 and the laddies and everybody else that spoke,
25 Mr. Bolus, because on one hand, I mean, I kind

1 of agree that we need the money in the Borough.

2 On the other hand, I'm not
3 sacrificing, you know, our environment for
4 anybody. And if the language comes back to
5 where we want it and, you know, and it's nine
6 years, I don't have a problem. And I said this
7 before at the last meeting, I can't predict
8 what's going to happen out there 50 years as
9 Mr. Clark said.

10 I said that at the last meeting. I
11 don't know the cost of inflation or what's
12 going to happen. There's people that do that.
13 So we need experts. And, you know, if we have
14 money to, you know, do this stuff than so be
15 it.

16 And I do like the point -- and
17 actually, you know, you said we -- I think we
18 did the right thing in tabling it. Thank you
19 all for coming out.

20 MR. MCHALE: Mr. Nardozzi.

21 MR. NARDOZZI: Thank you, Mr.
22 Chairman. Again, to echo what these guys said
23 the heartfelt condolences to the Dickson family
24 and prayers for Alex Douglas's speedy recovery.
25 Our departments did a great job and showed the

1 class of Dunmore.

2 But one guy who was behind it that
3 helped organize it all was Vito Ruggiero. I'd
4 like to thank Vito. I know he worked
5 tireless -- tirelessly for a couple of days to
6 make sure everything was in place for the
7 funeral procession.

8 But also most importantly tonight, I
9 thank everybody who came up here with some very
10 valid points because to speak for myself, there
11 were things that I think I overlooked. And
12 there were points that were brought out here
13 that I didn't even think of.

14 I thank everybody for those points
15 that were brought up. And that's all I have
16 for tonight, Mr. Chairman.

17 MR. MCHALE: Mr. Verrastro.

18 MR. VERRASTRO: Yes, again, I'll
19 echo what everybody was saying about the stuff
20 with our contract and the DEP and the firemen
21 and all that we've done or they've done and Mr.
22 Ruggiero for the tragedy that our Borough
23 suffered when we lost a resident.

24 And I apologize if you think I'm
25 harsh or I'm coming at you with this because I

1 really -- I'm not. With our contract we're
2 talking about tonight with the landfill, Maria
3 constantly asks me to raise my voice because
4 she can't hear everything I'm saying. For some
5 reason I can't get the right pitch for her, I
6 don't know.

7 Sometimes I'm upset and it's tough
8 when you're sitting up here and you're trying
9 to defend something that you think you did a
10 good job with and you have people giving you
11 smirky faces and laughing -- not that you did
12 but it's out there and they whisper to each
13 other.

14 And there's always some stuff that
15 you don't pick up like Paul said with some
16 language that -- there's some points that you
17 made that could be -- and again maybe you're
18 not right, Mr. Clark. I don't know. That's
19 not my field with that.

20 I don't know if tabling is going to
21 hurt us or help us. I don't know if it will
22 change anything. But at least we'll get a
23 clear picture of what we may or may not vote to
24 approve next time. And -- but I do respect
25 what you have to say. I don't not -- I do

1 care.

2 And I'm trying to do what I can for
3 you. Hopefully it will work out. And if it
4 doesn't, well, you always can look to get rid
5 of me which I'm sure you probably are anyway.
6 Hey, I do what I could for the Borough.

7 And if this goes through, whoever
8 comes here can laugh and giggle and joke and
9 spend all the extra money I got for them while
10 they're trying to figure it out because it will
11 be easy for them if this goes through and I
12 lose -- if I run.

13 MR. MCHALE: Mr. Burke.

14 MR. BURKE: My condolences to the
15 Dickson family and great work for the Borough,
16 Vito, Fire Department, DPW accommodating, doing
17 the best they could for the family.

18 And another story -- police story,
19 Anthony Cali, kudos to him for saving a life.
20 I don't know if you read the paper of talking
21 somebody out of suicide. Anthony's one of the
22 best police officers in town. Thank God we
23 have him.

24 He saved a life too. And I want to
25 thank you, the people for coming out. I want

1 to thank you big time. We could -- I mean, I
2 keep hearing it's DEP, DEP. No, it's you. And
3 you proved it tonight. Thank you for coming
4 out. And that's all I have. Thank you.

5 MR. MCHALE: Mrs. Scrimalli.

6 MS. SCRIMALLI: Yes, I just want to
7 thank everyone for coming. These decisions
8 that we make up here as you know are very
9 difficult. We have -- we have a very wonderful
10 group of people here.

11 The gentlemen to my left are world
12 class. And together with the help of your
13 input and all of us here, I think we'll make
14 the right decision. So thank you again.

15 And also just for Corporal Dickson
16 and his family, my deepest condolences. And
17 wonderful job, Vito, in doing what you did for
18 this family. Thank you.

19 MR. MCHALE: Very quickly again to
20 echo Vito, Didge, everybody who's involved. It
21 was, you know, a great effort for a great hero.
22 You know, speaking last you kind of repeat
23 everything that these guys say.

24 But kudos to everybody involved and
25 prayers to both Corporal Dickson's family and

1 Trooper Douglas as he's recovering.

2 Quickly on the landfill, you know, I
3 was I guess the lead negotiator in doing so.
4 And the financial parameters of this are very
5 significant. But I appreciate everybody coming
6 up, especially Mr. Clark and being so blunt. I
7 appreciate your feedback. I'll take it as best
8 I can.

9 I promise you my heart's in the
10 right place. I'm trying to do the right thing,
11 done so for the five years that I am here and
12 the 15 months that I have left. So we'll do
13 everything in our power to clean this up where
14 it's acceptable to everybody if it's still
15 available -- if we still can.

16 It won't go without effort. I
17 promise you that. That's all I have. Does
18 anybody else have anything else?

19 MR. HALLINAN: I'd like to just say
20 one more thing. The DPW I hope everybody
21 realized, they started early that day in
22 cleaning up, street sweepers, picking up
23 garbage. Everything was cleaned up on that
24 route that -- and Nick Delucci putting up the
25 flags with Vito.

1 And, I mean, I even had troopers --
2 the Commissioner come up to me and tell me --
3 Commissioner Noonan said that he was so proud
4 of the town and how wonderful it looked coming
5 through Dunmore under those circumstances. He
6 said it's a proud bunch of people you have
7 living in this town.

8 And even with the environmental
9 thing tonight, you show it every time. Thank
10 you. I'm sorry, Mr. McHale, I just had to say
11 that because I know they woke me up at five in
12 the morning.

13 MR. MCHALE: Do we have a motion to
14 adjourn?

15 MR. NARDOZZI: I'll make that
16 motion.

17 MR. BURKE: Second.

18 MR. MCHALE: We're adjourned.

19

20

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C E R T I F I C A T E

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