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COUNCIL FOR THE BOROUGH OF DUNMORE

HELD:

Monday, August 14, 2017

TIME:

7:00 P.M.

LOCATION:

DUNMORE COMMUNITY CENTER  
1414 Monroe Avenue  
Dunmore, Pennsylvania

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

MICHAEL MCHALE, President

MICHAEL DEMPSEY, Vice President - absent

TIMOTHY BURKE - absent

CAROL SCRIMALLI

THOMAS HALLINAN

VINCE AMICO

SAL VERRASTRO

THOMAS P. CUMMINGS, Esquire, Solicitor

MARIA McCOOL, RPR  
OFFICIAL COURT REPORTER

1 (Pledge of Allegiance.)

2

3 ATTY. CUMMINGS: Mr. Burke. Mrs.

4 Scrimalli.

5 MS. SCRIMALLI: Present.

6 ATTY. CUMMINGS: Mr. Verrastro.

7 MR. VERRASTRO: Present.

8 ATTY. CUMMINGS: Mr. Amico.

9 MR. AMICO: Present.

10 ATTY. CUMMINGS: Mr. Hallinan.

11 MR. HALLINAN: Present.

12 ATTY. CUMMINGS: Mr. Dempsey. Mr.

13 McHale.

14 MR. MCHALE: Here.

15 ATTY. CUMMINGS: There is an

16 amendment to the agenda for this evening.

17 Items number three and four are being removed.

18 The application is my understanding is

19 withdrawn. Is that correct, Mr. Ruggiero?

20 MR. RUGGIERO: Yes, it was. At 4:40

21 this afternoon, I received a phone call from

22 the attorney stating please remove it off the

23 agenda.

24 ATTY. CUMMINGS: Attorney Bishop,

25 do you have any comments, questions, or

1 statements to make?

2 ATTY. BISHOP: Just to confirm that  
3 the information I got the same phone call. I  
4 didn't know if the borough office was open.  
5 I'm here with Mr. Patel here. And we're very  
6 happy to see that they have withdrawn the  
7 application to move another liquor license into  
8 the Borough of Dunmore. Did you get a copy of  
9 the letter?

10 MR. RUGGIERO: I did not get a  
11 formal letter.

12 ATTY. BISHOP: I have a letter from  
13 Attorney Anderson --

14 ATTY. CUMMINGS: Attorney Bishop --

15 MR. MCHALE: He forwarded that in an  
16 e-mail, and I forwarded it to everybody.

17 ATTY. CUMMINGS: Attorney Bishop, if  
18 you would for the court reporter, fully  
19 identify yourself and your client.

20 ATTY. BISHOP: Sure. I'm Richard  
21 Bishop. I'm here for the corporation trading  
22 as Joe's Six Pack and Mr. Patel is with me.  
23 And we just wanted to confirm and the letter is  
24 on record electronically that they've withdrawn  
25 the intermunicipal transfer request for liquor

1 license number R-4480, LID number 64767 and  
2 completed with an apology for the late notice  
3 and any inconvenience it may have caused to  
4 anyone.

5 ATTY. CUMMINGS: Thank you. That  
6 matter is now concluded.

7 MR. MCHALE: Thank you, sir. Tom,  
8 quickly, Vito, you told me this afternoon and  
9 please follow up that there is a \$495 fee that  
10 we paid to advertise in the Scranton Times?

11 MR. RUGGIERO: Somewhere around  
12 there, that's correct.

13 MR. MCHALE: Please have the  
14 applicant still pay that.

15 MR. RUGGIERO: I'll send a letter  
16 tomorrow requesting that reimbursement.

17 ATTY. CUMMINGS: The second  
18 amendment to the agenda is item number ten  
19 following the presentation from the Chamber of  
20 Commerce, Mr. Durkin will have a public hearing  
21 on the formation of Parks and Recreation  
22 Authority. So the next item will be  
23 Mr. Durkin.

24 MR. DURKIN: Well, good evening,  
25 Council members and citizens. This is a great



1 know, we get contacts in very different ways,  
2 sometimes from the state, the governor's action  
3 team. Sometime we get it from other local  
4 partners. And sometimes the call just sort of  
5 comes in serendipitous. And in a way, that is  
6 kind of what happened here.

7 And I shouldn't speak for Joe  
8 because he could tell you a better interesting  
9 story. But the reason I feel compelled to just  
10 offer this to you is, it's important for us  
11 that the community know when the Chamber is  
12 successful in bringing these jobs in.

13 Unfortunately, the stories that were  
14 printed a week so or ago omitted any reference  
15 to the Chamber. And that was a little bit  
16 disconcerting on our part given the fact that  
17 we were the one instrumental in bringing it  
18 here. And the person that did that is Bruce  
19 Redic{sic.} Bruce is in the back of the room.

20 He's one of our economic development  
21 specialists with the Chamber and the Scranton  
22 Plan. So we're really proud of that. And  
23 frankly, there's a part of me that wanted to  
24 make sure that the people of Dunmore knew that.  
25 It was the Chamber and the Scranton Plan but

1           also it was this young man who has been working  
2           his tail off to bring jobs into Lackawanna  
3           County.

4                       And we had a lot of great successes  
5           recently scattered all over from Vandling,  
6           Archbald, Jessup, and Scott Township and two  
7           other places where we have properties and a few  
8           big successes and a few small successes here  
9           and there in Scranton and Dunmore.

10                      So I wanted to ask Joe if he wants  
11           to come up. Joe Fernandez, the owner and  
12           developer of SoCafe. And he's going to be one  
13           of your newest residents.

14                      MR. FERNANDEZ: Hi everyone. I just  
15           wanted to say thank you to the Council for  
16           giving us your attention to the community.  
17           We're very excited. This has been a plan in  
18           the making for about two years. We came in.  
19           We identified this area. This is somewhere we  
20           wanted to call home.

21                      And Bruce right off from the Chamber  
22           was instrumental at bringing us here both  
23           assisting with contacts, everything from  
24           contractors all the way to state level  
25           officials. So it was really instrumental part

1 of us forming our decision to come to Dunmore,  
2 find a building and ultimately realize what we  
3 wanted to do. We're very excited.

4 Like I said, the plan is to have  
5 about 130 jobs by month 36 of our move. We  
6 should start 100 percent manufacturing about  
7 May of next year. And we're very excited about  
8 being here. This is a big transformation for  
9 us.

10 We're moving a business that's 30  
11 plus years in New Jersey to Pennsylvania.  
12 We're doing it with a lot of enthusiasm and  
13 excitement. It's bitter sweet in a way because  
14 I grew up not too far from here actually. But  
15 being in New Jersey was just, you know, it was  
16 time for us to go. Coming here, there's a lot  
17 of manufacturing incentives.

18 There's a lot of growth. There's a  
19 lot of space. It's a very probusiness  
20 environment. And for us, it's what we're  
21 looking for. So we're very happy to be part of  
22 the community. We look forward to talking to  
23 anyone and everyone who has questions. We're  
24 going to be holding job interviews probably  
25 somewhere around December.

1                   We're going to start ramping down in  
2                   New Jersey and ramping up in Dunmore. So we're  
3                   going to be looking for a lot of assistance,  
4                   forklift operators, mechanics, these are all  
5                   basically manufacturing jobs.

6                   And we look forward to the community  
7                   coming out and talking to us and hopefully  
8                   applying. You know, we want to bring in  
9                   residents from the local area. We want as many  
10                  people from Dunmore and Lackawanna County to  
11                  apply for these jobs. So with that I just want  
12                  to say thank you for everyone's time.

13                  A lot of people here have really  
14                  contributed to us moving here and really made  
15                  the area look really appealing for us, not only  
16                  for my business but for my family as well.  
17                  This is a big transition for everyone. So I  
18                  appreciate everyone's time. And I want to say  
19                  a big thank you to the Borough of Dunmore.

20                  MR. HALLINAN: Thank you.

21                  MS. SCRIMALLI: Thank you.

22                  MR. MCHALE: Thank you.

23                  ATTY. CUMMINGS: Next item will be  
24                  with reference to item number ten, that being a  
25                  public hearing on the formation of Parks and

1           Recreation Authority. So we would suspend the  
2           regular business, open a hearing at this time  
3           with Council running the hearing.

4                     The Parks and Recreation Authority  
5           would be formed under the Pennsylvania  
6           Municipal Authority's Act to control and  
7           promote both the parks and recreation within  
8           the Borough. As you know, we've attained title  
9           to Schautz Stadium which is the absolute jewel  
10          of the northeast, especially with the work that  
11          is planned.

12                    We also have a multitude of  
13          facilities here at the McHale Park. And it was  
14          the thinking of Council that the Parks and  
15          Recreation Authority would be a stand alone  
16          body to manage and control those facilities,  
17          make sure they prosper, properly maintained and  
18          achieve continuity as the authority is a five  
19          member panel with one member expiring as far as  
20          their term each year so that there is a  
21          continuance of the philosophy and the works so  
22          you don't have all new members trying to pick  
23          up.

24                    It just keeps rolling through the  
25          years to the betterment of Dunmore. So, Mr.

1           McHale, if you would please chair that portion,  
2           and address any questions from Council and then  
3           the public.

4                   MR. MCHALE: Does anybody have  
5           questions in regards to the authority to  
6           address to Council tonight?

7                   (No response.)

8                   MR. MCHALE: Anybody on Council with  
9           any questions?

10                   (No response.)

11                   MR. MCHALE: Mr. Cummings.

12                   ATTY. CUMMINGS: There being none,  
13           you're free to conclude the meeting. That's  
14           what's required by the Municipal Authority's  
15           Act. They actually conduct a public hearing  
16           and you could either act on it at this  
17           evening's meeting since it's on the agenda or  
18           in Mr. Dempsey's absence, you could continue it  
19           to the September meeting which would be within  
20           the 30-day period from the hearing date.

21                   MR. MCHALE: I would rather do the  
22           later if that is okay with the rest of Council.  
23           Both Mr. Burke and Mr. Dempsey couldn't make it  
24           this evening. And obviously on an important  
25           issue, I would like all the input from all of

1 Council members. So if we could postpone until  
2 September to do the appointments.

3 ATTY. CUMMINGS: So item number ten  
4 will be removed from this evening's agenda,  
5 recessed, and continued to the September  
6 meeting.

7 MR. MCHALE: Yes, Tom, please. So  
8 we'll conclude the meeting.

9 ATTY. CUMMINGS: Yes. The hearing  
10 is concluded. Reopen the meeting. Number five  
11 is public comment on agenda items.

12 MR. MCHALE: Anybody like to comment  
13 on agenda items, there's a separate line item  
14 for nonagenda items, but anybody on agenda  
15 items tonight like to address Council?

16 (No response.)

17 MR. MCHALE: Seeing none.

18 ATTY. CUMMINGS: Motion to approve  
19 the minutes.

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

21 MR. VERRASTRO: I'll make that  
22 motion.

23 MR. MCHALE: Do I have a second?

24 MR. HALLINAN: I'll second it.

25 MR. MCHALE: I have a motion and a

1 second. On the question.

2 (No response.)

3 MR. MCHALE: All those in favor  
4 signify by saying aye.

5 ALL MEMBERS: Aye.

6 MR. MCHALE: Opposed?

7 (No response.)

8 MR. MCHALE: The ayes have it and so  
9 moved.

10 ATTY. CUMMINGS: Item number seven  
11 is a motion to approve and pay the open bills.

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

14 MR. VERRASTRO: Second.

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

17 (No response.)

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

20 ALL MEMBERS: Aye.

21 MR. MCHALE: Opposed?

22 (No response.)

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

25 ATTY. CUMMINGS: Personnel matters,

1 number eight, Mr. Hallinan.

2 MR. HALLINAN: At this time, I'd  
3 like to thank all the applicants for our  
4 Controller/Treasurer job that interviewed. And  
5 it was really a toss-up. Any one of them would  
6 have been great.

7 But at this time, we're going to --  
8 I would like to nominate John Errico as the  
9 Treasurer/Controller for the Dunmore Borough.

10 MR. MCHALE: I have a motion. Do I  
11 have a second?

12 MS. SCRIMALLI: I'll second that.

13 MR. MCHALE: I have a motion and a  
14 second. On the question.

15 (No response.)

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

18 ALL MEMBERS: Aye.

19 MR. MCHALE: Opposed?

20 (No response.)

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

23 ATTY. CUMMINGS: Item number nine is  
24 a motion to approve the acceptance of Dunda  
25 Road as an ordained public street per prior

1 submitted plans.

2 Some years ago there was a  
3 subdivision, which right now you would know it  
4 as Five Star. And then there's a construction  
5 company behind it. And then I believe Coon  
6 Concrete. And there was an AT & T facility.  
7 When the original subdivision came before  
8 Council for -- some years ago, for some reason,  
9 the street was not accepted as an ordained  
10 street.

11 So now they are in a bit of an  
12 easement situation. It's my understanding that  
13 they -- the corporate headquarters would like  
14 to locate there. But one of their  
15 preconditions is that it be a public street.  
16 The 51 percent of the property owners  
17 constitute 51 percent of the front footage or  
18 more have acquiesced and requested that we pick  
19 up the -- ordaining the street from the prior  
20 submission.

21 And they acknowledge that any  
22 additional improvements would be borne by the  
23 property owners on a front footage basis, not  
24 by the Borough.

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

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

3 MS. SCRIMALLI: I'll second that.

4 MR. MCHALE: I have a motion and a  
5 second. On the question.

6 (No response.)

7 MR. MCHALE: All those in favor  
8 signify by saying aye.

9 ALL MEMBERS: Aye.

10 MR. MCHALE: Opposed?

11 (No response.)

12 MR. MCHALE: The ayes have it and so  
13 moved.

14 ATTY. CUMMINGS: Item number 11 is a  
15 motion to award the 2017 paving contract for  
16 American Asphalt and authorize the Borough  
17 Engineer to issue the appropriate notices to  
18 proceed.

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

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

21 MR. HALLINAN: I'll second that.

22 MR. MCHALE: I have a motion and a  
23 second. On the question. Mr. Lopatka our  
24 Borough engineer is here. Just for the record  
25 I think the original estimate was in the

1 neighborhood of 1.5 million dollars?

2 MR. LOPATKA: Correct.

3 MR. MCHALE: The final contract came  
4 in a little under a million dollars?

5 MR. LOPATKA: Yes. I actually you  
6 forwarded the agreement --

7 MR. MCHALE: That's part of that.

8 MR. LOPATKA: Once you sign that and  
9 get that to me I could get this back to the  
10 paving company for signature.

11 MR. MCHALE: We'll do that at the  
12 conclusion of the meeting. Thank you, Mr.  
13 Lopatka. Anybody else on the question?

14 (No response.)

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

17 ALL MEMBERS: Aye.

18 MR. MCHALE: Opposed?

19 (No response.)

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

22 ATTY. CUMMINGS: Item number 12 is a  
23 brief presentation by Dave Lopatka, Director of  
24 Civil Engineering from Reuther Bowen the  
25 Borough Engineer regarding an update to the

1 Quincy Avenue, Electric Street intersection  
2 rehabilitation project the Five Leg Earmark  
3 Project.

4 MR. LOPATKA: I'll be brief. I want  
5 to give a little update as to where we are on  
6 the project. The majority of the project  
7 actually has been designed at this point. John  
8 Pfeiffer[sic] from PennDOT Signals Division is  
9 actually here also if anybody has questions  
10 with regards to that.

11 I know it will be a little difficult  
12 to see. I'll try to do the best I can with  
13 regards to explain it a little bit. Just to  
14 give you a little background, this is Quincy  
15 Avenue coming out of the school -- actually  
16 this is Electric Street, Drinker Street, and  
17 then Quincy Avenue going over towards Delaware  
18 Street.

19 That's kind of the current  
20 condition. Basically what's going to happen,  
21 the area you see shaded is an area that we're  
22 planning on milling it overlaying it as part of  
23 the project. In addition, there's a number of  
24 areas where we're actually going to put new  
25 handicap ramps, new crosswalks. There will be

1 new signals going in. So there will be all new  
2 mast arms going up. It's hard to see, I guess,  
3 from where you guys are at. But there's a  
4 bunch of new signals that are going to go in.

5 In addition to the signals, we're  
6 going to add some turning lanes which will help  
7 traffic movement coming in and out of the  
8 school. In addition, it's kind of a goofy  
9 intersection. Most intersections we see are  
10 kind of four way, 90 degree. This one is kind  
11 of an odd shape.

12 So it's a little bit difficult to --  
13 it's little challenging to design and to get  
14 the traffic to flow the proper way. Basically  
15 coming out of the school isn't going to change  
16 all that much. You're still going to have two  
17 lanes with a, you know, an exit, entrance into  
18 the school basically the way they were.

19 What we're trying to do on Electric  
20 Street coming up from Scranton would be to put  
21 a turning lane in -- actually two turning  
22 lanes, a right turn only lane and a straight  
23 and a left turn into the school, same coming  
24 down Electric Street.

25 We'll have actually just one lane

1            basically the way it is. Coming down Drinker  
2            Street we'll add a left turn lane to turn left  
3            onto Quincy Avenue. And then we'll have a  
4            straight and right-hand turn going into the  
5            school.

6                            We're going to widen a portion of  
7            each of these streets. There's a section along  
8            Electric Street heading into Quincy Avenue that  
9            we're actually going to move back slightly.  
10           We'll put new curb in along there. We'll put  
11           new curb in, a few parking spaces heading into  
12           Quincy avenue, all new handicap accessibility.

13                           Some of these ramps and crosswalks  
14           are kind of made a little bit to make it a  
15           little bit easier instead of everybody coming  
16           to one point. We're also moving bumping out a  
17           little bit this curb on the end of where the  
18           market is just to kind of control traffic a  
19           little bit more to kind of keep it -- everybody  
20           from just driving all over in that  
21           intersection.

22                           So that's basically what the project  
23           is. The majority of it is designed at this  
24           point. We're coordinating with PennDOT at that  
25           point, a little bit more each of us have to do.

1 I believe the project right now we're looking  
2 to probably bid it in January or February with  
3 summer work right when everybody gets out of  
4 school so that it's not interfering with  
5 traffic for the school.

6 So if anybody has questions or if  
7 they want to see a little bit more detail, I  
8 have a set of half-scale drawings I would be  
9 willing to stick around a little bit afterwards  
10 if anybody has questions or I could explain  
11 anything more.

12 MR. HALLINAN: The lights, are they  
13 emergency vehicles sensors will be installed?

14 PENNDOT: That wasn't part of the  
15 plan --

16 MR. HALLINAN: I thought we  
17 allocated some money for that. I just want to  
18 make sure it's there, okay?

19 PENNDOT: I don't recall off the top  
20 of my head.

21 MR. MCHALE: You're sitting next to  
22 the fire chief.

23 MR. HALLINAN: Are there going to be  
24 sensors in the ground also for --

25 PENNDOT: Video cameras in case

1 anything fails in the blacktop, it's easy to  
2 repair.

3 MR. HALLINAN: Okay. Gotcha. Thank  
4 you very much.

5 MR. LOPATKA: Anyone else?

6 MR. MCHALE: Thanks, Dave.

7 MR. RUGGIERO: Council, just on the  
8 question for the record, this Five Leg Earmark  
9 Project is the result of a grant that sat  
10 dormant for years when some language was  
11 changed. Dave and I kind of looked at this  
12 grant with help from April Hannon from PennDOT  
13 resurrecting the grant. This is the result of  
14 that. I believe it's 75/25, Dave?

15 MR. LOPATKA: Correct.

16 MR. RUGGIERO: I think 75 percent is  
17 \$345,000. That will be taken care of by this.

18 MR. MCHALE: Thank you, Mr.  
19 Ruggiero.

20 ATTY. CUMMINGS: Public comment on  
21 nonagenda items starting with Mr. Duncan.

22 MR. MCHALE: Mr. Duncan, please.

23 MR. DUNCAN: Gary Duncan, 117 Barton  
24 Street. I'll be really quick tonight. I sent  
25 out the minutes from the last neighborhood

1 watch meeting. I hope you all received them.  
2 I know Vince confirmed. I don't know if  
3 anybody else did. We're having a meeting  
4 obviously a week tonight. It will be here at  
5 7:00. And, Chief Marchese, you're here, you  
6 know, if one or two of the officers can join us  
7 that would be appreciated. That's it. Have a  
8 great week everybody. Thank you very much.

9 MS. SCRIMALLI: Thank you very much.

10 MR. MCHALE: Anybody like to address  
11 Council please come up and state your name for  
12 the record.

13 MR. SARDO: Vince Sardo, Dunmore  
14 Local firefighter, Local 860 President. We  
15 just wanted to actually come up and invite  
16 Council, your families, the community to the  
17 first annual charity softball team. It will be  
18 the hotshot charity softball team Dunmore  
19 Police challenges the -- the Dunmore Fire  
20 challenges the Dunmore Police.

21 This event will take place on  
22 September 17th at 4:30 at Sherwood Park  
23 provided the police show up. So the money that  
24 will be raised we want to actually -- I got  
25 together with Tom Richardson and Chief Marchese

1           who did a fantastic job with the Night Out to  
2           help try to generate money for youth  
3           organizations in Dunmore.

4                        So the money will go to the Little  
5           League, Bidy Basketball, the cheerleaders,  
6           whoever we can help, you know, raise funds for.  
7           We're going to do that by possibly selling  
8           T-shirts that we're going to sell, do a pass  
9           the hat, basket raffles, 50/50 drawings, you  
10          know, as we go around.

11                      And so what we're doing is in  
12          addition to inviting the community, asking the  
13          community and the businesses for some support  
14          if they could, there are donations that could  
15          be made from the businesses. One would be a  
16          bronze sponsorship of \$50 and \$125 for silver,  
17          a gold of 250, and a platinum for 300 and  
18          above.

19                      And again, all that money is going  
20          to go back to the kids and selling T-shirts and  
21          all that type of stuff. We hope to see  
22          everybody out there. As far as the residents,  
23          if they wanted to donate baskets to help, that  
24          would be fantastic as well.

25                      MR. MCHALE: Great idea, Vince.

1 MR. SARDO: Thank you, guys.

2 MR. MCHALE: Thank you. Anybody  
3 else? Please come up and state your name for  
4 the record.

5 MR. BIANCHI: Joe Bianchi. I'm here  
6 since they accepted a grant. I have a question  
7 to ask the Borough. Since the fire department  
8 was awarded a grant of eight hundred and some  
9 thousand, as a citizen I'm a concerned citizen.  
10 I want to know why this wasn't voted on or  
11 accepted yet when there is only four days left.  
12 What is Council going to do?

13 MR. AMICO: Do you want me to take  
14 that?

15 MR. MCHALE: Yeah.

16 MR. AMICO: Joe, I made it very  
17 clear to your apartment that we're not  
18 accepting nor denying this grant.

19 MR. BIANCHI: That's the answer I  
20 figured I was going to get. So in other words,  
21 that is another word for saying, no, you're not  
22 accepting anything.

23 MR. AMICO: No, that's not fair. I  
24 would like to talk. I spent a lot of time with  
25 your chief and with your union going over this.

1           And I said I made it very clear we need to  
2           speak to our attorneys to make sure everything  
3           is squared away. I find it unfair that you're  
4           coming up here tonight basically accusing of us  
5           of not --

6                       MR. BIANCHI: No, I'm not.

7                       MR. AMICO: Yeah, you are.

8                       MR. BIANCHI: I'm asking a simple  
9           question.

10                      MR. AMICO: And I'm giving you a  
11           simple answer. We're having a meeting tomorrow  
12           with our attorney to get this squared away.

13                      MR. BIANCHI: All I'm saying is why  
14           are you waiting until the last minute?

15                      MR. AMICO: Because we need to sit  
16           down with our attorney.

17                      MR. BIANCHI: Can you tell me how  
18           long --

19                      MR. AMICO: I'm not going to discuss  
20           the details right now.

21                      MR. BIANCHI: That's what I figured  
22           I was going to get. But thank for answering my  
23           question.

24                      MR. AMICO: I'm not quite sure what  
25           you're looking for.

1 MR. BIANCHI: I'm just looking for  
2 an answer if they were accepting it --

3 MR. AMICO: We're looking into it.

4 MR. BIANCHI: It's a lot of money.

5 MR. AMICO: It is a lot of money.

6 But it's a lot of money on our side too.

7 MR. BIANCHI: And I understand what  
8 you're saying. And as a citizen -- there's  
9 going to be a lot of guys leaving in the  
10 future.

11 MR. AMICO: Again, these are all  
12 details that we need to sit down and go over.

13 MR. BIANCHI: I'll wait until next  
14 meeting. Thank you.

15 MR. MCHALE: Anybody else like to  
16 address Council tonight? Going once?

17 (No response.)

18 MR. MCHALE: Tom.

19 ATTY. CUMMINGS: Public officials.

20 MR. BARTOS: I have a question here.  
21 Can I talk?

22 MR. MCHALE: Please.

23 MR. BARTOS: Joe Bartos, 110 Sunset  
24 Drive. When's the Paving Program starting in  
25 Dunmore or is there one?

1 MR. MCHALE: We just voted on it  
2 five minutes ago.

3 MR. BARTOS: Well, I wasn't here.

4 MR. MCHALE: That's okay. We  
5 literally just voted on it five minutes ago.

6 MR. BARTOS: And?

7 MR. MCHALE: The engineers, it's in  
8 the engineer's hand. He will deliver it to the  
9 company tomorrow. There was a low bidder --  
10 and a couple weeks?

11 MR. LOPATKA: Probably within two or  
12 three weeks.

13 MR. MCHALE: Two or three weeks it  
14 will get started to get done.

15 MR. BARTOS: Can you tell me the  
16 list of roads or are they too long or too short  
17 for this hearing?

18 MR. MCHALE: I don't have them with  
19 me. We can provide that if you want to leave  
20 your contact --

21 MR. BARTOS: Potter Street.

22 MR. HALLINAN: Potter Street is  
23 being off of it -- I'm sorry. Mr. Lorince will  
24 answer that question.

25 MR. LORINCE: Potter Street will be

1           paid by utilities. They will put new services  
2           underground. And they will be paving that.

3                   MR. LOPATKA: Water company is  
4           actually doing that.

5                   MR. BARTOS: Do you know if they  
6           were going to fix Summer Street up? They said  
7           two years ago there was a trench down the  
8           middle of it, stuff in it. Summer Street up  
9           before you get to Smith right at the -- going  
10          up the hill. There was -- it's like in the  
11          middle of the road. It's like about 3 feet  
12          long and a foot wide.

13                   MR. MCHALE: Joe, if that's --

14                   MR. BARTOS: They patched it one  
15          time.

16                   MR. MCHALE: Joe, if that's on the  
17          list, can you please go up there tomorrow and  
18          see what he's speaking of?

19                   MR. LORINCE: Sure.

20                   MR. MCHALE: At minimum, we'll take  
21          a look at it tomorrow. I don't know if it's on  
22          the list or not. I don't think it is.

23                   MR. BARTOS: Okay. That's all.

24          Thank you.

25                   MR. MCHALE: Thank you, sir. Tom,

1 public officials.

2 ATTY. CUMMINGS: Public officials.

3 MR. MCHALE: Mr. Ruggiero, do you  
4 have anything tonight?

5 MR. RUGGIERO: No.

6 MR. MCHALE: Mr. Kearney?

7 MR. KEARNEY: Yeah, I would like to  
8 thank Council for all the support for our  
9 Summer Program. We wrapped it up last week.  
10 We had a final all parks day here. We had over  
11 100 kids. We had pizza, ice cream, a bunch of  
12 games, art activities.

13 The whole summer went really well.  
14 And I want to thank all of you, especially  
15 Mr. Hallinan. He was my contact guy with all  
16 the pizza shops in Dunmore. That was a big  
17 help.

18 MR. HALLINAN: Pick on the fat guy.

19 MR. MCHALE: That's it, Chris?

20 MR. KEARNEY: Yeah.

21 MR. MCHALE: Mr. Judge, do you have  
22 anything?

23 MR. JUDGE: No.

24 MR. MCHALE: Chief Marchese.

25 CHIEF MARCHESE: No.

1 MR. MCHALE: Mr. Taylor, back there,  
2 no?

3 MR. TAYLOR: No.

4 MR. MCHALE: Chief DeNaples, I'm  
5 sorry.

6 CHIEF DENAPLES: I have one thing  
7 that I would like to ask Council to revisit.  
8 About a year or so ago we had a little bit of  
9 an issue going up East Drinker Street right in  
10 the area with the farmer's market with the  
11 crosswalk signs.

12 So what we did was, I went over to  
13 Joe. Joe actually had this -- they were doing  
14 good with it for a while. At the end of the  
15 farmer's market they removed it and put it on  
16 the sidewalk. And in the morning before the  
17 vendors get there, they put them back out.

18 When there's cars parked on the side  
19 there it makes it pretty difficult for fire  
20 apparatus to pass through there. I'm not sure  
21 if that's something that needs to be voted on  
22 by Council. I'm not sure if that's why it  
23 stopped.

24 But I was behind a triaxial dump  
25 truck coming down East Drinker Street the other

1           day. It was during the week. The farmer's  
2           market wasn't going on. And it kicked one up  
3           and a motorcycle was coming up the other way.  
4           It literally missed it by probably about a  
5           foot.

6                        So I pulled over and I put it back  
7           in place so it wasn't laying in the middle of  
8           the road. I was just wondering if that's  
9           something we can look at potentially doing  
10          again. I know they're absolutely necessary  
11          when that is going on for the safety of the  
12          people attending that.

13                       But if we can look at possibly doing  
14          what we used to do moving to them to the side  
15          and then putting them back.

16                       MR. MCHALE: Tom?

17                       MR. HALLINAN: Yeah, I don't think  
18          that should be a problem at all. That's no  
19          problem.

20                       MR. MCHALE: Yeah, it's tight even  
21          in a SUV.

22                       CHIEF DENAPLES: It's not too bad  
23          when there's not cars parked on the side. When  
24          there's cars parked, it makes it's really  
25          difficult.

1 MR. HALLINAN: And the market  
2 probably going to be -- it has three weeks  
3 left.

4 CHIEF DENAPLES: No problem. Like  
5 I said, they are definitely necessary when that  
6 is going on there just to slow traffic down.

7 MR. MCHALE: Anything else, Chief?

8 CHIEF DENAPLES: That's it.

9 MR. MCHALE: Vince, do you want to  
10 lead us off tonight?

11 MR. AMICO: I have nothing tonight.  
12 Thank you.

13 MR. MCHALE: Mr. Hallinan.

14 MR. HALLINAN: I think it was a  
15 great thing the police versus the firemen. I  
16 would probably be on the police side, but if  
17 you guys need an umpire, I'm sure we can get  
18 some guys that -- I can't guarantee you the  
19 outcome of the score.

20 That's really nice that you guys are  
21 doing this. And SoCafe, thank you for picking  
22 Dunmore. I'm sure Mr. McHale will have a few  
23 other words to tell you about the project  
24 behind your place. And thank you for choosing  
25 Dunmore to relocate to, really appreciate it.

1 Thank you.

2 MR. MCHALE: Mrs. Scrimalli.

3 MS. SCRIMALLI: Yes, thank you. I  
4 would like to just applaud Tom Richardson and  
5 the police department and the fire department  
6 for the wonderful Night Out. It was fantastic,  
7 great job, exciting, well organized and fun.

8 I also want to remind all that  
9 Sherwood Park is having the Dunmore Summer  
10 Festival that is slated for Thursday, Friday,  
11 and Saturday. So if you would like to come to  
12 that we would love to see you there.

13 And for SoCafe, I'm very excited.  
14 And thank you Mr. Fernandez for choosing us.  
15 And thank you for the Scranton Chamber for  
16 doing the hard work that you did to bring them  
17 here. And that's all I have tonight. Thank  
18 you.

19 MR. MCHALE: Mr. Verrastro.

20 MR. VERRASTRO: I have nothing  
21 tonight. Thank you.

22 ATTY. CUMMINGS: Thank you. First  
23 and foremost, the Night Out I would like to  
24 compliment the Chief and Officer Richardson and  
25 the police department. I've attended quite a

1           few of them both this year and prior years.  
2           And I'll tell you by population and community  
3           spirit, we're ahead of the pack. And I  
4           appreciate Mr. Caines from Olyphant letting me  
5           ride in the back of his fire truck.

6                     The Dunmore fire trucks were full by  
7           the time I got there. But it was an awful lot  
8           of fun. And really the fireworks, the people  
9           having hot dogs and hamburgs and seeing the  
10          kids having a great time, I really think it's  
11          wonderful. You should be really proud of  
12          yourselves.

13                    The second item, Mr. Ruggiero  
14          received two requests one from Councilman Burke  
15          and one from a lawyer in Philadelphia. The  
16          attorney in Philadelphia wanted to know why a  
17          Dunmore lawyer was involved in the Sewer  
18          Authority deal. And I will answer that first.  
19          Cummings Law has over 30 years of experience in  
20          Sewer Authority matters.

21                    I served personally as Dunmore's  
22          representative on the Sewer Authority for five  
23          years from 2005 until 2010. I will tell you  
24          when I went on, it was a disaster. Work had  
25          not been completed. The ten year plan that the

1 EPA hand mandated hadn't even started. And it  
2 was in the ninth year, had not even started.  
3 And so luckily, Gene Barrett -- Mr. Barrett was  
4 put in as executive director and we made great  
5 progress in those years as far as coming into  
6 compliance with the EPA demands, coming into  
7 compliance with DEP demands and addressing some  
8 really hazardous situations at the plant.

9 My very first meeting I noted that  
10 there was the electrical room control panel,  
11 which the fire department would be well aware  
12 of was listed as critical hazard and unsafe.  
13 If you recall some years ago at Montage, an  
14 electrical panel of that nature exploded,  
15 nearly killed the one guy.

16 And the heat is so intense it melted  
17 his hardhat to his glasses and his cheek. And  
18 so immediately at that meeting caused an  
19 emergency situation be declared and had that  
20 remedied. There were problems like that going  
21 back to 1968 that hadn't been addressed. So  
22 that was my experience, you know, 30 years with  
23 Sewer Authority work, etc.

24 So when Mr. McHale took over  
25 Chairmanship, I was asked to come on basically

1 to monitor the situation of the sale because of  
2 the years of experience and having sat as a  
3 board member. So that's why a lawyer from  
4 Dunmore was involved.

5 And as far as Mr. Burke's request  
6 issued through Mr. Ruggiero, which he was -- I  
7 don't know if you want to ask me from the  
8 floor, but he wanted to know what I worked on,  
9 what was this itemization of the fees I  
10 charged. And it's fairly easy. It was the  
11 entire agreement and all aspects of the  
12 agreement.

13 And it was daily, literally daily,  
14 seven days a week contact with the other  
15 attorneys, with Pennsylvania American Water's  
16 attorneys and representatives, with the union,  
17 and with the administration of the Sewer  
18 Authority as well as the Sewer Authority Board.

19 In looking through my calendar, the  
20 single day in 2016 that I was not actively  
21 involved in reading documents, contacting  
22 people via e-mail and responding to situations  
23 was literally Christmas Day, the only day. We  
24 worked Good Friday. And my mother would come  
25 out of the grave and slap me for that.

1                   But we worked Good Friday, Holy  
2                   Saturday, Easter Sunday, my birthday, 4th of  
3                   July because it was 195 gross dollars, 195  
4                   million gross dollars, tremendously important  
5                   to everybody in the community and everybody  
6                   that uses the service. So it was the sale in  
7                   general.

8                   There was the memorandum of  
9                   understanding for the sale. There was the EPA  
10                  guidelines. There was the purchase agreement,  
11                  side agreements for the consultant that I  
12                  successfully reduced their fee. There was Penn  
13                  Vest. There was the union contract where we  
14                  insisted and were successful in making sure  
15                  that every employee from Dunmore and from  
16                  Scranton transferred over to the water company  
17                  at like or better wage.

18                  And then we even got them a thousand  
19                  dollar bonus for the inconvenience because we  
20                  realized it's easy to say, oh, everything's  
21                  going to be the same. But when a guy goes home  
22                  or a women goes home to his family and the  
23                  spouse and the kids want to know are we okay,  
24                  that creates a great deal of stress and a great  
25                  deal of uncertainty.

1                   And so there was an additional  
2                   thousand dollars to help compensate them for  
3                   that. And I'll tell you, they are better off  
4                   financially employmentwise than they were with  
5                   the Authority. So that's what the time was  
6                   spent on.

7                   At inception in 2015 it was itemized  
8                   as far as subjects. But then going forward I  
9                   think from July through January, it was simply  
10                  the entire global agreement. And those that  
11                  approved the bills were working hand-in-hand  
12                  with me and the other attorneys. So they well  
13                  knew everything that was going on. It wasn't  
14                  as though I was reporting to them at the end of  
15                  the month with a bill.

16                  As a matter of fact, I billed  
17                  monthly. I didn't send the bills in until  
18                  towards the end to make sure that the sale was  
19                  going through. And it was also this question  
20                  of, gee, it's a 195 million dollars why didn't  
21                  we get it all. Well, we did because it had  
22                  been set as a benchmark.

23                  So on the date that the agreement  
24                  was offered for bids, there was 30 million  
25                  dollars in the bank. So to everybody in

1 parity, we would consider that you're buying  
2 everything including our cash. Now, the cash  
3 was subject to a commission. And I  
4 successfully argued that that commission should  
5 be removed because we're selling cash for cash.

6 There was also contracts in  
7 progress. There was the Von Storch project.  
8 There was a project down near the Lackawanna  
9 Avenue and the Lackawanna River. And when they  
10 bid to purchase the Sewer Authority, they knew  
11 that these contracts were in place. And they  
12 knew they were ongoing.

13 So there was an additional decrease  
14 in cash and increase in debt because we were  
15 paying for these throughout the course of the  
16 18 months as we had to. So everybody that  
17 looked at it in 2014, 2015, was looking at the  
18 same piece of paper. And that's how we derived  
19 the gross figure of 195 subject to the  
20 adjustments.

21 Then during the course of the year,  
22 it was found that some easements were just  
23 never reported. And so if you have the ability  
24 to condemn, you don't have the ability to take  
25 by statute of limitations, 21 years, adverse

1           possession. So there's I think 12 million  
2           dollars in escrow to resolve the question, the  
3           easements. So that came off 195. There's also  
4           a trueing up. There was a date and moment  
5           certain at the water company offices between  
6           Christmas and New Years.

7                         And there were probably 14 to 18  
8           water company attorneys in the room. It was  
9           probably this big, all monitoring everything so  
10          that the EPA had approved, Penn Vest was  
11          satisfied. The notes and bonds were paid off.  
12          But it was a flux situation because we're still  
13          operating the plant. We're still billing  
14          people. People are still paying.

15                        We don't know what's coming in the  
16          mail that day. So there was also set aside for  
17          trueing up. We said, here are the balances on  
18          this date. And if more comes in, then at the  
19          end of the 18 months, we'll get the true-up  
20          money. If less came in and it was represented  
21          and agreed to by the parties, then the true-up  
22          money would go to water company.

23                        It's just fundamental fairness like  
24          an escrow at a real estate closing that, yes,  
25          we're going pay the taxes and we'll put this

1 money aside. And when we prove the taxes are  
2 paid, we'll get that money back.

3 So the -- I will tell you -- and I  
4 said this to Mr. McHale without equivocation,  
5 you make these decisions and you do this work  
6 and people throw rocks, what do you do? I'll  
7 tell you exactly what I do. I come down in the  
8 morning. I look at my children. And if what I  
9 did is in their benefit -- and now I have  
10 grandchildren thank God -- and my  
11 grandchildren's benefit, if it's good for them.

12 But I go a step further. Come down  
13 to the Summer Program one day lucky enough to  
14 bring pizza down. And I look at these kids.  
15 If I could look at them and say I earned every  
16 dollar and you got great value for your money,  
17 then I'm okay. I really don't care what other  
18 people think.

19 I know that I did the right job for  
20 the 50 years of people that paid into the  
21 system, my grandmother, my mother, my father,  
22 they're all dead and gone. They all paid into  
23 the system. And so not just that we did right  
24 by people that created a net of a 160 million  
25 dollars in value, but also for the next 50

1           years, that 160 million dollars in value, right  
2           now 17 and a half million of the Borough of  
3           Dunmore that they will benefit from that hard  
4           work. Okay, so there is no money missing.

5                         There's no secrete deals. There's  
6           no laptops that need to be destroyed. There is  
7           none of that nonsense. It was tremendously  
8           difficult -- 195 million dollars, okay? And  
9           the water company's job, okay, because they  
10          have ratepayers and they have shareholders,  
11          their job is to scoop as much back to their  
12          side of the table as they can.

13                        My job and the other attorneys' job  
14          and Mr. Barrett's job and the board's job was  
15          to make sure that all the money that was  
16          rightfully ours stayed on our side. And that's  
17          what we did. So on a dollar-to-dollar  
18          transaction, everybody made out quite well as  
19          far as the ratepayer, the taxpayers.

20                        And the money is now 17 million  
21          dollar plus whatever else comes in when the  
22          lien is resolved in the hands of the Borough of  
23          Dunmore and not just being, you know, being  
24          wasted. We're not just going out on a spending  
25          spree. It's being sequestered. And you have

1 things like Schautz Memorial Stadium, which  
2 will afford lacrosse and soccer to the children  
3 of Dunmore and I would imagine from East  
4 Scranton and Lackawanna College teams will have  
5 a place.

6 So right now, there's a lot of kids  
7 that like soccer but there is no field for them  
8 to play on. There's a lot of high school kids  
9 that might go to college for free with  
10 scholarships but we don't have a program.  
11 Lacrosse is nationwide except for Dunmore.

12 We should have a lacrosse team.  
13 Dunmore High School should have a place where  
14 they could go and play, not just for the  
15 physical activity and comradery and the  
16 learning experience, but believe me, having put  
17 four kids through college and different people  
18 are paying tuition now, it's 50, 60,000 a year  
19 at the University of Scranton.

20 If we can promote sports activities  
21 beyond football and baseball and include  
22 lacrosse and soccer, that opens up an entire  
23 nationwide circuit of money for our kids to  
24 succeed. That's what Council is wisely saving  
25 the money for and properly spending it.

1                   So that's what I did for 18 months.  
2                   And I'm very proud of it. And I will also tell  
3                   you, that's the last I'm talking about it.  
4                   Thank you.

5                   UNIDENTIFIED MAN: Are we permitted  
6                   to ask a question?

7                   MR. MCHALE: No, we're past that. I  
8                   apologize. Thank you, Mr. Cummings. I don't  
9                   know how to follow that up. But,  
10                  Mr. Fernandez, I wanted to again thank you for  
11                  putting the trust in this area, specifically  
12                  Dunmore. Mr. Cummings alluded to it. Schautz  
13                  Stadium we've acquired from Mr. Schautz who I'm  
14                  sure you've met. It was a jewel of our area,  
15                  has the potential to be that again. We're  
16                  very, very excited to do so.

17                  And we're going to be good neighbors  
18                  to you we promise and love you to be involved  
19                  in any way you can. We're going to open it up.  
20                  And as Mr. Cummings alluded, try to get the  
21                  youth in there for soccer, baseball. It was  
22                  traditionally a baseball stadium, but put in a  
23                  playground.

24                  We have a lot of big plans. We're  
25                  scraping every nonprofit foundation, all of our

1           representatives trying to get some money to  
2           finish it up in short order. But we're really  
3           looking forward to it and being great neighbors  
4           to you and couldn't be more excited to have you  
5           in town. So thank you again.

6                       MR. FERNANDEZ: You know in keeping  
7           with the history of the stadium and we are  
8           happy to participate. I wanted to stop for a  
9           second. And everyone here is saying thank you  
10          to us. I wanted to say thank you to everyone  
11          here because every step of this process was  
12          graciously helping us to find a new home.

13                      And it's amazing. This is so  
14          different than what we had run into in the past  
15          and having someone welcome us into their  
16          community is miles beyond what we're used to.  
17          So we really want to thank the community and  
18          you guys and everybody involved in this  
19          project. It's been great. We look forward to  
20          creating jobs and being a part of this  
21          community.

22                      MR. MCHALE: We look forward to  
23          having you. And finally to the National Night  
24          Out guys, Mr. Richardson, Chief, and all you  
25          guys, I was out of town on business. I did get

1 home to hear the fireworks that felt like they  
2 were above my house. But my kids couldn't stop  
3 talking about it.

4 They said it was best they've ever  
5 done. So thank you, all you guys. The fire  
6 department, Vince, whoever came up with that  
7 softball idea just to go and watch you guys  
8 will be fun to do. So any way we can help out,  
9 I personally will help out with what I can and  
10 just a great idea and another commitment to the  
11 youth of Dunmore that we couldn't be more happy  
12 to support. So thank you again. With that,  
13 I'll look for a motion to adjourn.

14 MS. SCRIMALLI: I'll make that  
15 motion.

16 MR. VERRASTRO: Second.

17 MR. MCHALE: All those in favor?

18 ALL MEMBERS: Aye.

19 MR. MCHALE: We're adjourned. Thank  
20 you.

21

22

23

24

25

C E R T I F I C A T E

1  
2  
3 I hereby certify that the proceedings and  
4 evidence are contained fully and accurately in the  
5 notes taken by me of the above-cause and that this copy  
6 is a correct transcript of the same to the best of my  
7 ability.

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