

1 OLD FORGE BOROUGH COUNCIL
2 OLD FORGE, PENNSYLVANIA
3
4

5 IN RE: SPECIAL MEETING OF COUNCIL
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9 FEBRUARY 21, 2017

10 6:30 P.M.

11 OLD FORGE MUNICIPAL BUILDING

12 314 SOUTH MAIN STREET

13 OLD FORGE, PENNSYLVANIA
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17 COUNCIL MEMBERS:
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- 19 ROBERT SEMENZA, PRESIDENT
20 JOSEPH LENCESKI, VICE-PRESIDENT
21 JOSEPH FERRETT
22 RUSSELL RINALDI
23 DEVON BROWN
24 RICK NOTARI
25 WILLIAM RINALDI, ESQUIRE, SOLICITOR
MARYLYNN BARTOLETTI, BOROUGH MANAGER

Mark Wozniak
Official Court Reporter

1 MR. SEMENZA: I'll open the special
2 meeting with the Pledge of Allegiance.

3 (The Pledge of Allegiance was
4 recited.)

5 MR. SEMENZA: Tonight we're going to
6 have a special meeting. It's February 21st.
7 It's for the Chelland property at 211 Oak
8 Street, a public hearing. Steve, I'll just
9 turn it right over to you -- or Bill.

10 ATTY. RINALDI: Today is the date
11 and time set to show cause why the building
12 at 211 Oak Street, Old Forge, Pennsylvania,
13 should not be repaired, demolished or
14 vacated in accordance with the statement of
15 facts that was submitted to the borough
16 council from the borough engineer. There
17 was a certified letter sent to Mary Ann
18 Chelland, the property owner, by regular
19 mail and certified mail, and also hand
20 delivered by Steve, our zoning officer.

21 There was also a certified letter
22 sent to the two lienholders, which is
23 Manufacturers & Traders Trust Company and
24 Peoples Security Bank. Both of those
25 letters were accepted and signed for by the

1 Manufacturers & Traders Trust and Peoples
2 Security Bank. The two letters, one
3 certified, one regular mail, sent to Mary
4 Ann Chelland were returned as undeliverable,
5 but she was given hand delivery notice by
6 Steve of the fact of today's hearing. I
7 would turn it over to Steve, then.

8 MR. SEMENZA: Bill, could you do
9 roll call, please.

10 ATTY. RINALDI: Mr. Brown?

11 MR. BROWN: Here.

12 ATTY. RINALDI: Mr. Notari?

13 MR. NOTARI: Present.

14 ATTY. RINALDI: Mr. Rinaldi?

15 MR. RUSSELL RINALDI: Here.

16 ATTY. RINALDI: Mr. Lenceski?

17 MR. LENCESKI: Here.

18 ATTY. RINALDI: Mr. Ferrett?

19 MR. FERRETT: Here.

20 ATTY. RINALDI: Mr. Semenza?

21 MR. SEMENZA: Here.

22 ATTY. RINALDI: And the mayor is
23 here. We'll make these letters with return
24 receipts part of the record, and also a copy
25 of the letter that Steve hand delivered to

1 Mrs. Chelland as part of the record as well.

2 MR. BIERYLA: Well, at this point I
3 think you would want to hear the borough
4 engineer's report that he had on the
5 building since we went over. But prior to
6 that, I had sent a certified letter to Mary
7 Ann Chelland on the dangerous building which
8 was accepted and received January 14, 2017.
9 Then council had their date for this meeting
10 set after this letter on the 14th was
11 received.

12 Now, if you'd like either myself or
13 Dave to read the engineer's structural
14 report on it and Ruether & Bowen's
15 recommendations on the building.

16 ATTY. RINALDI: It should be noted
17 his report and recommendations were put into
18 the notice of this hearing in its entirety.
19 So the letter she received is identical to
20 your report.

21 MR. LOPATKA: The property at 211
22 Oak Street, the property includes a
23 two-story single-family dwelling which is a
24 primary structure, and a secondary structure
25 at the rear was presumed to be a former

1 garage. The main house is abandoned and in
2 a state of disrepair. Vegetation growth in
3 the form of vines on the porch along with
4 bushes, brush and trees growing against the
5 house foundation. Some of the windows are
6 boarded over and several windows are broken
7 or open to the weather.

8 The steps on the side entry are
9 water damaged, collapsing and unsafe to use.
10 The roof over the side porch is failing and
11 draining into the siding and through the
12 facade, into the interior. Some of the
13 gutters are missing or broken away from the
14 building.

15 The front door to the home was open,
16 so we viewed the front room from the porch
17 area and the kitchen into the rear. There
18 was garbage and debris strewn about the
19 floor. Obvious signs the floor framing was
20 rotted and collapsing into the basement at
21 the doorway leading into the kitchen. The
22 paint is peeling from the ceilings.

23 This along with the floor failing is
24 likely caused by water leakage through the
25 structure over a long duration.

1 There's also widespread evidence of
2 animal infestation in the form of furniture
3 ripped apart by clawing cats or other
4 varmints. There's a strong objectionable
5 odor in the front room which is very likely
6 animal feces and urine.

7 We do not feel that this structure
8 was structurally safe to enter the building
9 beyond the front porch.

10 The former garage structure to the
11 rear is presently a three-sided structure
12 with no roof or doors. The footprint of the
13 garage is covered with small trees and
14 overgrowth.

15 In summary, the garage structure may
16 collapse in the near term due to instability
17 and overgrowth of vegetation. One of these
18 walls is adjacent to a property line and has
19 the potential to collapse towards the
20 neighboring property.

21 We feel the primary house structure
22 is at risk of becoming unstable in the near
23 term due to unmanaged storm water around the
24 perimeter and total lack of weather
25 protection and maintenance of the primary

1 superstructure above grade. (Leaking roof,
2 open and broken windows, damaged siding,
3 collapsing porch, et cetera.)

4 The trees and vegetation growing
5 close to the foundation may also be
6 compromising the foundation. It's likely
7 rotted floor framing we witnessed on the
8 first floor near the point of entry is
9 systematic to the roof framing, second floor
10 framing and the remainder of the first
11 floor. The upper stories had wood decay due
12 to exposure to water damage.

13 As such, we feel that the structure
14 is not safe to enter without substantial and
15 immediate repairs, bracing and shoring.
16 This is the type of work that would need to
17 be done by experienced contractors with
18 specialized experience. In its current
19 state the structure is also a potential fire
20 hazard.

21 That's basically our report with
22 regard to 211 Oak Street.

23 MR. SEMENZA: Thanks, Dave.

24 ATTY. RINALDI: Mr. Chairman, I
25 would just ask that the record reflect that

1 there was nobody here -- Ms. Chelland is not
2 here, nobody is here representing
3 Ms. Chelland, and nobody is here
4 representing M&T Bank, nor Peoples Bank.

5 However, I would like to just
6 additionally introduce into the record that
7 there is a -- the borough was served with a
8 rule to show cause for a judicial sale for
9 the county of Lackawanna. I can just put
10 that rule to show cause in as an exhibit.

11 The county is attempting to --
12 there's a hearing scheduled for March 16,
13 2017 at 10 a.m. Because this property was
14 exposed to tax sale on several occasions and
15 nobody bid on it the county is now asking
16 for a judicial sale, which means the
17 property may be sold after that date free
18 and clear of all liens.

19 The total the county is seeking in
20 back taxes up to 2015 is \$17,170.94.

21 The lienholders -- that being
22 Manufacturers & Traders Trust, Old Forge
23 Bank, now Peoples Security Bank, were also
24 notified that this hearing will take place
25 on March 16th. We can discuss this later at

1 the regular meeting. I just wanted to make
2 that part of the record, too.

3 MR. SEMENZA: So that's pretty much
4 it for the special meeting.

5 ATTY. RINALDI: If nobody's here to
6 show cause why council shouldn't take
7 action, we'll get the transcript, put
8 together findings of fact and council can
9 vote at the next meeting.

10 MR. SEMENZA: At this time the chair
11 would entertain a motion to adjourn the
12 special meeting.

13 MR. FERRETT: I'll make the motion.

14 MR. SEMENZA: Motion by Councilman
15 Ferrett. All in favor?

16 (Unanimous. Special hearing
17 adjourned.)

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C E R T I F I C A T E

I hereby certify that I attended the foregoing proceeding, took stenographic notes of the same, that the foregoing, consisting of 9 pages, is a true and correct copy, done to the best of my ability, of same and the whole thereof.



Mark Wozniak
Official Court Reporter