

OLD FORGE BOROUGH COUNCIL  
OLD FORGE, PENNSYLVANIA

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IN RE: REGULAR MEETING OF COUNCIL

DECEMBER 20, 2022

7:45 P.M.

OLD FORGE MUNICIPAL BUILDING  
314 SOUTH MAIN STREET  
OLD FORGE, PENNSYLVANIA

COUNCIL MEMBERS:

- RUSSELL RINALDI, PRESIDENT
- LOUIS FEBBO
- MICHELLE AVVISATO
- JAMES HOOVER
- ANDREW BUTLER
- WILLIAM RINALDI, ESQUIRE, SOLICITOR
- MARYLYNN BARTOLETTI, BOROUGH MANAGER
- ROBERT LEGG, MAYOR

Mark Wozniak  
Official Court Reporter

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MR. RUSSELL RINALDI: Ladies and gentlemen, I'd like to call the meeting to order with the Pledge of Allegiance.

(The Pledge of Allegiance was recited.)

MR. RUSSELL RINALDI: Roll call, please.

ATTY. RINALDI: Ms. Avvisato?

MS. AVVISATO: Here.

ATTY. RINALDI: Mr. Butler?

MR. BUTLER: Here.

ATTY. RINALDI: Mr. Febbo?

MR. FEBBO: Present.

ATTY. RINALDI: Mr. Hoover?

MR. HOOVER: Present.

ATTY. RINALDI: Mr. Lettieri is absent, Mr. Notari is absent. Mr. Rinaldi?

MR. RUSSELL RINALDI: Here. Once again, ladies and gentlemen, welcome to the regular meeting of the Old Forge Borough. Tonight is Tuesday, December 20, 2022. First of all, I'd like to apologize. The meeting should have started at 7:00. We had a few committee meetings earlier. It ran a little bit longer. Sometimes it happens.

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But I'd just like to apologize from all of us. Just so everybody understands what we were doing.

With that said, the purpose of tonight's meeting is we're going to go through a few housekeeping motions, we're going to go through our department heads. The chief just gave me a sheet. If anyone else from the public would like to sign in, at the end of the meeting we'll give you a few moments.

We'll also hear from our solicitor at the end of the meeting, our mayor, and we'll go down the table and hear from the rest of our borough council members if anybody has anything to add.

With that said, we're going to move to our first housekeeping motion, and that's going to be a motion to approve the minutes of the prior meeting.

MS. AVVISATO: I'll make that motion.

MR. RUSSELL RINALDI: By Councilwoman Avvisato.

MR. BUTLER: I'll second it.

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MR. RUSSELL RINALDI: Seconded by Councilman Butler. On the question? Public input? Roll call, please, Bill.

ATTY. RINALDI: Ms. Avvisato?

MS. AVVISATO: Yes.

ATTY. RINALDI: Mr. Febbo?

MR. FEBBO: Yes.

ATTY. RINALDI: Mr. Butler?

MR. BUTLER: Yes.

ATTY. RINALDI: Mr. Hoover?

MR. HOOVER: Yes.

ATTY. RINALDI: Mr. Rinaldi?

MR. RUSSELL RINALDI: Yes. Second item is motion to approve treasurer's report. Please note this does not include the sewer account.

MR. FEBBO: I'll make that motion.

MR. RUSSELL RINALDI: By Councilman Febbo.

MR. HOOVER: I'll second it.

MR. RUSSELL RINALDI: Seconded by Councilman Hoover. On the question? Public input? Roll call, please.

ATTY. RINALDI: Ms. Avvisato?

MS. AVVISATO: Yes.

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ATTY. RINALDI: Mr. Febbo?

MR. FEBBO: Yes.

ATTY. RINALDI: Mr. Butler?

MR. BUTLER: Yes.

ATTY. RINALDI: Mr. Hoover?

MR. HOOVER: Yes.

ATTY. RINALDI: Mr. Rinaldi?

MR. RUSSELL RINALDI: Yes. Third  
item is motion to approve invoices for  
payment. Once again note this does not  
include the sewer account.

MR. BUTLER: I'll make that motion.

MS. AVVISATO: Second.

MR. RUSSELL RINALDI: Motion by  
Councilman Butler, seconded by Councilwoman  
Avvisato. On the question? Public input?  
Roll call, please.

ATTY. RINALDI: Ms. Avvisato?

MS. AVVISATO: Yes.

ATTY. RINALDI: Mr. Febbo?

MR. FEBBO: Yes.

ATTY. RINALDI: Mr. Butler?

MR. BUTLER: Yes.

ATTY. RINALDI: Mr. Hoover?

MR. HOOVER: Yes.

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ATTY. RINALDI: Mr. Rinaldi?

MR. RUSSELL RINALDI: Yes. Fourth item is motion to approve sewer department financial reports.

MR. FEBBO: I'll make that.

MS. AVVISATO: I'll second that.

MR. RUSSELL RINALDI: Motion by Councilman Febbo, seconded by Councilwoman Avvisato. On the question? Public input? Roll call, please.

ATTY. RINALDI: Ms. Avvisato?

MS. AVVISATO: Yes.

ATTY. RINALDI: Mr. Febbo?

MR. FEBBO: Yes.

ATTY. RINALDI: Mr. Butler?

MR. BUTLER: Yes.

ATTY. RINALDI: Mr. Hoover?

MR. HOOVER: Yes.

ATTY. RINALDI: Mr. Rinaldi?

MR. RUSSELL RINALDI: Yes. Last item under housekeeping is motion to approve sewer department invoices for payment.

MR. HOOVER: I'll make that motion.

MR. RUSSELL RINALDI: By Councilman Hoover.

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MR. BUTLER: I'll second it.

MR. RUSSELL RINALDI: Seconded by Councilman Butler. On the question? Public input? Roll call, please.

ATTY. RINALDI: Ms. Avvisato?

MS. AVVISATO: Yes.

ATTY. RINALDI: Mr. Febbo?

MR. FEBBO: Yes.

ATTY. RINALDI: Mr. Butler?

MR. BUTLER: Yes.

ATTY. RINALDI: Mr. Hoover?

MR. HOOVER: Yes.

ATTY. RINALDI: Mr. Rinaldi?

MR. RUSSELL RINALDI: Yes. We're going to move to our department heads. First up is DPW manager, Joseph Lenceski. Joe, anything for the meeting?

MR. LENCESKI: Nothing for the meeting.

MR. RUSSELL RINALDI: Anybody have any questions for the DPW manager? Joe, I know we all told you already, but great job for you and your crew on the storm last week. The town was handled very well. Appreciate it.

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Chris Hart, code and zoning enforcement officer, anything for the meeting?

MR. HART: Nothing.

MR. RUSSELL RINALDI: Anybody have any questions for the zoning officer?

MR. HOOVER: Chris, you had a zoning board meeting for the shed?

MR. HART: The zoning meeting was actually cancelled. The guy that owns the shed, I was speaking to Mr. Butler. What happened was he refuses to move it, he refuses to go through with the variance. He was mad. I then spoke with attorney Joe Campolieto, the zoning solicitor. He advised me to write a letter of zoning violation, give him 30 days on it, and then it would go in front of the zoning hearing board for a violation. So that's where it stands. He just refused. Unfortunately, there was nothing I could do.

MR. HOOVER: Do we know when Dunn Avenue, that area, was ordained a borough road?

MR. LENCESKI: Has to be the '90s.

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MR. HART: Forge Estates.

MR. HOOVER: It's the third phase.

ATTY. RINALDI: I just happened to come across their maps. I can pull it up and tell you.

MR. HART: I have them as well. But he's complaining about many other properties within that development that are not up to code with our zoning ordinances as well.

MR. HOOVER: Did zoning meet? What did they say?

MR. HART: No, I spoke with attorney Joe Campolieto. He was the only one that was on the hearing, so we did not have the hearing to save costs here. But like I said, he informed me to send out the letter and that's where we stand now.

Now, I will tell you guys, I mean, they're completely against it. It's in violation. But he still wants that hearing.

MR. RUSSEL RINALDI: Who's against it? Is the zoning board against it?

MR. HART: Yeah. It's in complete violation. The setbacks state clearly right --

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MR. RUSSELL RINALDI: Is the resident aware that he's able to apply for a variance?

MR. HART: Yes.

MR. RUSSELL RINALDI: He didn't apply?

MR. HART: No, he pulled his application back. That's why the meeting was cancelled. He pulled his application back and said when everybody else is in compliance with the zoning, then I'll be in compliance. Otherwise, my shed is staying.

MR. RUSSELL RINALDI: So we're following the proper procedure.

MR. HART: Yeah. Joe Campolieto, he already noted part of the ordinance that we needed to know. I sent him a letter of zoning violation on that. He has 30 days to appeal in front of the board. Otherwise, the penalties will be set in place.

MR. HOOVER: He named a coupe of other different lots in the area that also have zoning ordinances that they didn't do a variance. I was wondering, Bill, what's the date that that 30 days was taken over?

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Because it was private before. You know what I mean?

ATTY. RINALDI: I know it was after 2002 because we put -- if it's the one I'm thinking of, put in some drains and everything that they hadn't done in --

MR. HOOVER: We didn't own it by then and people did that work. We can't do anything about it.

MR. HART: 2002, that was when phase three was supposed to be started. I have those maps as well. But the other properties, they're way before.

ATTY. RINALDI: So is the shed on somebody else's property?

MR. HART: No, the shed is on his, but the shed is illegal according to our setbacks. Our setbacks state that on any corner lot you have to follow the front setback. So it's 30 feet.

MR. RUSSELL RINALDI: This is the problem -- and I could be wrong. He has a corner lot. It starts on one side and wraps all the way around. I did speak to him. I'm sure he told you. Where the shed is, if

1 you look at it, it could actually be in the  
2 back-left of his yard, but the way the lot  
3 is cut on the street it looks like it's on  
4 the side-front of his yard. It's an odd  
5 shaped lot.

6 MR. HART: His argument -- and  
7 that's why I sent a letter that we're going  
8 to give him a hearing, because our ordinance  
9 states that you have to be 50 feet back from  
10 the corner and you have to follow our front  
11 yard setback, which is 30 feet. His shed is  
12 actually 65 feet.

13 So the question to the board is  
14 going to be do you consider it the back  
15 yard --

16 MR. RUSSELL RINALDI: His back yard  
17 or his front.

18 MR. HART: -- or his side yard. So  
19 that's when he came back and said forget the  
20 variance, forget everything. Send me a  
21 letter of violation and I'll take this in  
22 front of the board with my attorney and  
23 we'll go from there.

24 MR. FEBBO: Has he applied to zoning  
25 and to planning with a set of plans for a

1 permit?

2 MR. HART: No.

3 MR. FEBBO: Did he come to you for a  
4 permit?

5 MR. HART: No, he did not.

6 MR. FEBBO: Then why do we have  
7 ordinances? If he's saying that if I ran a  
8 stop sign and he saw me run the stop sign,  
9 he said he could run the stop sign, too,  
10 because I did?

11 MR. RUSSELL RINALDI: They're citing  
12 him --

13 MR. HART: He's cited. He got a  
14 letter of zoning violation. I can't just go  
15 there and take the shed.

16 MR. HOOVER: He's cited for not  
17 having a permit?

18 MR. HART: Yeah, he's cited for the  
19 zoning violation. He's cited for all that  
20 and that's where it goes. But like I said,  
21 he wants to fight this. So, I mean, there's  
22 nothing I can do on that part. He'll get a  
23 hearing and that will be it and we'll go  
24 from there.

25 MR. HOOVER: Okay.

1 MR. RUSSELL RINALDI: Anyone else  
2 have any questions for the zoning officer?  
3 Thanks, Chris.

4 Dave Lopatka, engineer, anything for  
5 the meeting?

6 MR. LOPATKA: I don't have anything  
7 for the meeting. I did talk to Pioneer  
8 regarding Hickory Street. I'm supposed to  
9 meet them next week or the first week of  
10 January. That's all I have.

11 MR. RUSSELL RINALDI: Does anybody  
12 have any questions for Dave?

13 MR. FEBBO: Dave, I never got your  
14 e-mail on Lonesome Road.

15 MR. LOPATKA: I'll send it to you.  
16 My mistake.

17 MR. RUSSELL RINALDI: Anyone else?

18 MR. HART: One thing. Down at Panel  
19 Prints, just so you guys know, I did reach  
20 out to UGI. Whoever organizes their road  
21 work, they're going to be reaching out this  
22 week in regards to that road that we talked  
23 about. The gas line that went in.

24 MR. HOOVER: Does the person know  
25 that they own 250 feet?

1                   ATTY. RINALDI: It's about 200. I  
2                   have a picture of the plan.

3                   MR. HOOVER: They own about 200 feet  
4                   of it. That's it.

5                   MR. HART: Right, but when it comes  
6                   to restoring the road they're willing to --

7                   MR. HOOVER: It's up to them.

8                   MR. HART: They're willing to sit  
9                   down -- according to our ordinance they have  
10                  to. They're going to reach out this week  
11                  and then I'll pass everything along to you  
12                  guys.

13                  MR. RUSSELL RINALDI: Anything else?

14                  MR. HART: That's it.

15                  MR. RUSSELL RINALDI: Chief  
16                  Dubernas, police report, anything for the  
17                  meeting?

18                  CHIEF DUBERNAS: The only thing I  
19                  gave you was the list for the sergeant's and  
20                  the traffic study regarding Apollo Drive  
21                  with opposing traffic for the winter months  
22                  in the county development.

23                  MR. RUSSELL RINALDI: Is there  
24                  anything that we have to do to approve this  
25                  or is this just up to you?

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CHIEF DUBERNAS: They usually do it in an ordinance. That's what they did with George Street. For the months of November through April they allow them to park downhill because of the winter months.

MR. RUSSELL RINALDI: Attorney Rinaldi is going to have to write it.

ATTY. RINALDI: If that's what you want to do, yes.

MR. RUSSELL RINALDI: Well, we do it on other streets.

CHIEF DUBERNAS: That's all that same area.

MR. RUSSELL RINALDI: It's up to the rest of council. Anything else, Chief?

CHIEF DUBERNAS: That's it.

MR. RUSSELL RINALDI: Anybody have any questions for the chief? Thanks, Chief.

Bill Stull isn't here this evening. Attorney Rinaldi, solicitor's report, anything for the meeting?

ATTY. RINALDI: You have an ordinance to adopt the comprehensive budget for calendar year 2023.

You have the second ordinance after

1           you adopt the budget affixing and levying  
2           taxes for the fiscal year 2023.

3           You have a resolution regarding the  
4           renaming of the street in front of the  
5           school to Joe "GI" Giglio Way.

6           You have a resolution with regard to  
7           the pit property. You approved the plans at  
8           the November meeting. The deed from the  
9           school district to the borough was sent to  
10          their solicitor. He's going to have that  
11          signed. The plans are signed. I'll have  
12          them recorded. Dave's going to record  
13          those. So that this resolution just changes  
14          the old resolution because we changed the  
15          plan. It was 3.68 acres, now it's going to  
16          be 3.48 and they're giving us a piece of  
17          property. It just amends that other  
18          resolution we did in 2021.

19          And just a reminder, I guess it's  
20          going to be weather permitting that we have  
21          the comprehensive plan meeting on the 22nd  
22          at 6:30.

23          Also, Mr. Gress is here today for  
24          RLS to present his application for a zoning  
25          change, which you can just recommend that --

1 well, Mr. Chairman, you can just send it to  
2 the planning commission for their  
3 recommendation and to the Lackawanna County  
4 Planning Commission for their  
5 recommendation. That process will then take  
6 place. His application's in and he's going  
7 to tell you about it at the appropriate  
8 comment section.

9 MR. RUSSELL RINALDI: He's on the  
10 list.

11 ATTY. RINALDI: I believe just  
12 waiting for a date to get everybody in to do  
13 your deeds.

14 MR. FEBBO: When you're ready.

15 ATTY. RINALDI: That's it.

16 MR. RUSSELL RINALDI: Anybody have  
17 any questions for the solicitor? Thanks,  
18 Bill.

19 Borough manager, we have her report,  
20 we have all of her documents. She left.  
21 She wasn't feeling well. If we need to  
22 contract her we can call her tomorrow or get  
23 he by e-mail.

24 Before we into new business we'll go  
25 into public comment. Glenn Gress?

1 MR. GRESS: I'm here tonight to  
2 apply for the rezoning. My family has owned  
3 Gress Refrigerated Services for three  
4 generations on North Keyser Avenue. In 2020  
5 we sold to RLS with the contingency that  
6 somebody (inaudible) and that was myself.

7 Here we are a couple years later and  
8 we want to expand our operation. We're  
9 looking at a piece of land that we'd like to  
10 build on on South Keyser Avenue and it needs  
11 to be rezoned. We'd like to put in probably  
12 close to 200,000 square feet and about  
13 25,000 to 30,000 pallet positions there. We  
14 estimate it would be around 40 to 50 jobs in  
15 that warehouse, and our shifts would be  
16 anywhere from 6 a.m. to 10 p.m. It's right  
17 next to the turnpike. It's in familiar  
18 territory on Keyser Avenue, where we've done  
19 business forever, and we think it would be a  
20 real home run for the borough and for us as  
21 well. So I'm here to ask for your approval  
22 for that.

23 MR. RUSSELL RINALDI: The type of  
24 business that you're looking to put in, the  
25 same type as you stated. You have a few of

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the other buildings and warehouses as you go up Keyser Avenue, more north, across from RJ Walker and up that way. Right?

MR. GRESS: Refrigerated cold storage, yes.

MR. RUSSELL RINALDI: Bill, I know we just approve to send him to the next --

ATTY. RINALDI: That's all we're doing. Here first, then you're going to forward it to planning for their recommendation, then Lackawanna County gets to look at it as well.

MR. RUSSELL RINALDI: So, then, we have to put him on the agenda tonight to pass it?

ATTY. RINALDI: You can just ask for a resolution to send him to the planning commission -- Lackawanna County and Old Forge Borough planning commissions for their recommendation.

MR. RUSSELL RINALDI: So we'd have to vote on that tonight?

ATTY. RINALDI: That part, yes.

MR. HOOVER: My name's Jim Hoover. I live on Bubernak, which is two blocks --

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one block off Amity. On the other side of the creek, what are your intentions on putting there?

MR. GRESS: Well, there is wooded area there right now. We would provide any type of buffer zone necessary. We can plant more trees, we can put up a wall. Whatever would comfort the neighborhood and make sure that everybody feels better about what's going on we're flexible to do.

MR. HOOVER: The neighbors behind me have been putting up with problems from the adjacent property for years. I talked to some of them already and they kind of know what's going on, but your property is only going to affect about five houses.

MR. GRESS: Well, we'll do whatever we can to make sure that those five houses feel like they're not going to have life's misery back there behind this.

MR. HOOVER: I already told them that and I showed them the picture of the building that we got last week off of Chris and they were thrilled. I don't believe you're going to have any issues with them.

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But it's the people going up the street a little more you're going to have to worry about.

MR. GRESS: I know there's some equipment that operates back there now, but I highly doubt it would be any more loud than that.

ATTY. RINALDI: That will come about -- right now he wants to change it from C-3 to an I-1 light industrial, what their plan is. So, then, if that was voted on by council to change that and make a zoning ordinance, then he would draw up his plans, land subdivision plans, and go to planning where that would be worked out before, then you would approve the final plan.

MR. HOOVER: We have to put in the stipulation the plan involves --

ATTY. RINALDI: Well, we can talk about that when we get the recommendation back from planning.

MR. GRESS: It will not be a 24-hour facility. It will be normal hours, close around 10 p.m.

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MR. FEBBO: Compressor noise?

MR. GRESS: No compressor noise.

That will all be inside.

MR. RUSSELL RINALDI: Any other questions? Thank you. Appreciate you coming.

Pamela Evans?

MS. EVANS: First, I want to assure everyone that I was not near my uncle, who did test positive more than two weeks. I wouldn't do that. I don't want anybody being nervous.

MR. RUSSELL RINALDI: Nobody in the room before you entered thought you would do that. We just asked them to go out and ask you. They say the hearing was cancelled on your family's part because they said about Covid. So we just wanted to make sure.

MS. EVANS: First, I'd like to ask attorney Rinaldi if the engineer checked the foundation.

ATTY. RINALDI: I know he hasn't because he's been out sick, but he was here. We discussed it two weeks ago but he's been --

1 MS. EVANS: But it's on the list and  
2 it's going to be checked?

3 MR. LOPATKA: Yes.

4 MS. EVANS: Secondly, I would like  
5 to know the last meeting I was here -- I'm  
6 not quite sure which one. I know, Russell,  
7 you were here. Do you clearly remember me  
8 asking Chris Hart if all three properties  
9 and all zoning violations were included?

10 MR. RUSSELL RINALDI: Yes.

11 MS. EVANS: Do you remember me  
12 asking that?

13 MR. RUSSELL RINALDI: I do.

14 MS. EVANS: And he said yes. So we  
15 get to the magistrate and there's one  
16 property, not three. So what we're doing is  
17 we're prolonging this whole process because  
18 now we have to do two more properties. So  
19 every time attorney Rinaldi has to go down  
20 to the magistrate for another property you  
21 pay him a hundred and some dollars an hour.  
22 We're doing this again and again and again.  
23 I asked him in front of each and every one  
24 of you -- and I can't ask him because he'll  
25 tell me yes and it's not true. He did not

1 include all them inaudible) with one  
2 property because it's just a commercial  
3 property. You were all here when he said he  
4 included all three. This is just another  
5 lie. Dishonesty again and again, and now  
6 you're seeing it firsthand. I have it in  
7 black and white, which I would like to get  
8 the minutes because they're not posted  
9 either. I could have more black and white  
10 and show you that he's dishonest and he's  
11 telling me whatever I want to hear and I'm  
12 tired of it.

13 I've been coming to these meetings  
14 since May and I don't feel like I'm any  
15 further ahead than I was in May. So those  
16 three properties, one property is at the  
17 magistrate right now. Can you ask him why?

18 MR. HART: Can I speak?

19 MR. RUSSELL RINALDI: Sure.

20 MR. HART: There's two properties at  
21 the magistrate and the third property is in  
22 front of the zoning hearing board. That is  
23 three properties. Billy's aware of that,  
24 Billy knows, and he's stated at a meeting  
25 the zoning violation for the third property,

1 the zoning violation for the  
2 tractor-trailer, that property, we put that  
3 one in front of zoning. I put the one  
4 property in front of the magistrate, which  
5 he pled guilty to, which Billy and I went  
6 to, and we have one more property that has  
7 not been through the court system yet. It's  
8 not coming up until January.

9 MS. EVANS: There's nothing on the  
10 dockets.

11 MR. HART: Billy has the --

12 MS. EVANS: Attorney Rinaldi, when  
13 we were there I heard you tell him that he  
14 could not have that trailer because it's a  
15 residential property, and I did hear you  
16 tell him that. Like, is there anything  
17 documented stating that it needs to be  
18 removed from there?

19 ATTY. RINALDI: Is this the one next  
20 door to your --

21 MS. EVANS: This is the one.  
22 Correct.

23 ATTY. RINALDI: He had a week, and  
24 if he didn't --

25 MS. EVANS: It's not. It's still

1           there.

2                   ATTY. RINALDI: He's going to be  
3           cited. It's supposed to be moved.

4                   MS. EVANS: It's not. So how do we  
5           go about making this happen? Like, is that  
6           Chris' job to go cite him?

7                   ATTY. RINALDI: Well, Chris and  
8           then --

9                   MS. EVANS: Okay. So --

10                  MR. HART: Like I said, it's a  
11           zoning violation.

12                  ATTY. RINALDI: That's a zoning  
13           violation. So it's not like you just file a  
14           code violation. That's a zoning violation.  
15           He gets a letter, remove the trailer. It's  
16           in violation of the zoning ordinance. He's  
17           got 30 days to appeal that. Maybe he got  
18           that letter. I don't know.

19                  MS. EVANS: So did he receive --

20                  ATTY. RINALDI: That would be at the  
21           magistrate's office.

22                  MS. EVANS: No, did he receive  
23           documentation stating -- I heard you  
24           verbally tell him that that trailer had to  
25           be moved because it was residential, which

1 in the beginning of all this I was the one  
2 who had to go find out that it couldn't be  
3 there. You guys were all like oh, the  
4 attorney told us it was legal, but it's a  
5 residential property. I'm the one who had  
6 to dig up all that stuff and then go to you  
7 and ask you because it's residential can  
8 that be there. Like, I don't think as a  
9 resident I should be digging as deep as I'm  
10 digging.

11 ATTY. RINALDI: Well, I don't drive  
12 around looking --

13 MS. EVANS: No, I'm not saying you,  
14 but when I brought it to him initially --  
15 like, just like he said at the magistrate,  
16 you told me that you were unaware of the  
17 foundation, but he was aware of the  
18 foundation, the dilapidated foundation  
19 that's falling over, and he has dirt piled  
20 on side of it, because he told me himself he  
21 put the dirt there because it's going to  
22 fall. Do you see what I'm saying?

23 I'm not saying you, but I'm saying  
24 I'm bringing all these problems here and I  
25 have to keep coming back every month and

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addressing them because they're not being addressed. So they're not all attended to.

MR. HART: The wall, the dirt pile, we spoke about that. It came down to that was an old paper road and it became an issue between landowners. It wasn't in our hands. We spoke about that, Bill. You pulled the maps for me. That was that roadway going down the center.

ATTY. RINALDI: That road, it's your property. He's encroaching on it. The wall's a separate issue. If it's falling over it's --

MS. EVANS: The wall.

ATTY. RINALDI: If it's a dangerous --

MS. EVANS: I have --

ATTY. RINALDI: The wall's a separate issue, and the engineer's going to look at it and see if it's endangering property or a person.

MS. EVANS: So the residential property, you're telling me, is already filed. Is that what you're saying?

MR. HART: It's a zoning violation,

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yes. He received a letter.

MS. EVANS: So that's at the  
magistrate?

MR. HART: No, it's not going in  
front of the magistrate.

MS. EVANS: Where he lives.

MR. HART: The zoning violation does  
not go in front of the magistrate, it goes  
to the zoning hearing board.

ATTY. RINALDI: He has 30 days to  
fix the problem or appeal it to the zoning  
hearing board and get a hearing. Then once  
the zoning hearing board decides if it's --

MS. EVANS: For what issue are we  
speaking of?

ATTY. RINALDI: So the lot that he  
cleaned up and left the tailers on. I said  
you're going to get a letter. That's the  
one you sent a letter on?

MR. HART: Yes.

ATTY. RINALDI: That is a zoning  
violation. Zoning violations are letters  
from the zoning officer saying you're  
violating the zoning ordinance. You have 30  
days to correct the problem or appeal this

1 decision. It's not corrected in 30 days and  
2 you don't appeal it we will file it -- then  
3 you file at the magistrate for a fine. If  
4 they appeal to the zoning hearing board, the  
5 zoning hearing board makes a determination  
6 if he's violating it or not. If they find  
7 in his favor nothing happens. If they find  
8 in the borough's favor, then we can go down  
9 and fine him. The other property, that's  
10 the one with the residential house on it?

11 MS. EVANS: That's the one that's  
12 separate. That's the private drive. It's a  
13 residential lot. They turned it into a  
14 private drive. So that is one, where the  
15 trailer is. The one where he lives.

16 So, another issue I have is you just  
17 said that 30 days -- now, this doesn't all  
18 have to run with this. So when you give  
19 someone a warning they get 30 days. Right?

20 ATTY. RINALDI: Well, it's a notice.  
21 They can fix it in five days --

22 MS. EVANS: Okay, right.

23 ATTY. RINALDI: As long as they do  
24 it in 30.

25 MS. EVANS: Right. Chris sent a

1 violation to my uncle who was already  
2 cleaned up in September because he mentioned  
3 something at the last hearing where we had  
4 the incorrect pin number. So he went and  
5 just sent a fine to my uncle.

6 ATTY. RINALDI: Now, that's  
7 different because that is a borough zoning  
8 ordinance, that you have to clean up your  
9 property. That's not a zoning violation.  
10 That can be done not by a letter giving you  
11 notice, that can be just, like, here's your  
12 fine. We're citing you. So there's  
13 ordinance -- like, you were at the  
14 magistrate for an ordinance violation. He  
15 had junk on his property. Chris sent him a  
16 letter for the zoning violation, which is  
17 parking trailers on a residential property.  
18 They're two different things that go two  
19 different ways. One goes --

20 MS. EVANS: Well, an ordinance  
21 violation, my uncle. His pool is green.  
22 Right? So he didn't get to cover it. My  
23 husband and my son had to help him cover it.  
24 It's maintained all summer long. It's  
25 green, it was September. He didn't put

1 chemicals in it. He was waiting on it, my  
2 uncle, so he sent him a fine. Now, it  
3 doesn't really matter because it's covered,  
4 and everything that he wrote in there was  
5 already taken care of early in September,  
6 but in October he sends him a fine. So this  
7 is what he's doing to try to get at me.  
8 He's trying to go play games with my uncle,  
9 who's 80 years old, and he sent everybody  
10 else a warning. You get a warning, get  
11 another warning, get another warning. This  
12 one he directly just sent my uncle. And it  
13 is irrelevant because it was already taken  
14 care of in September when he initially  
15 mentioned it at the last meeting.

16 ATTY. RINALDI: Well, there's no  
17 requirement for --

18 MS. EVANS: No, there's not, but  
19 what I'm saying is firm, fair and  
20 consistent. We're not playing firm, fair  
21 and consistent. You know what I'm saying?

22 ATTY. RINALDI: I don't know --

23 MS. EVANS: I was a corrections  
24 officer for 22 years. Firm, fair and  
25 consistent is what gets you places, and

1 that's what gets you coming out of those  
2 walls at night. Not playing games like  
3 that. If you're going to treat someone like  
4 this, then you treat that person like that.  
5 And it was already cleaned up in September  
6 anyway, so had he went and looked in  
7 October, when he wrote it, he waisted your  
8 time and he wasted the magistrate's time and  
9 he's wasting everyone's time because he's  
10 not guilty.

11 ATTY. RINALDI: No, he was found  
12 guilty when we were down there and he was  
13 fined. Then the magistrate said if it's not  
14 done you're getting another \$500 each day  
15 thereafter.

16 MS. EVANS: Who?

17 ATTY. RINALDI: The magistrate. The  
18 last hearing I was at he was --

19 MS. EVANS: No, I'm saying my uncle.  
20 So my uncle -- he said this at the last  
21 meeting where the pin number was wrong, and  
22 the magistrate said it's irrelevant. So my  
23 uncle immediately went and took care of  
24 every little thing that he said was wrong.  
25 That was in September.

1                   So in October he writes a fine up,  
2                   and he just pled not guilty. But it's just  
3                   wasting people's time. Wasting time to pay  
4                   you to go down there, wasting -- if he went  
5                   down and looked in October before he  
6                   submitted he would have seen that there  
7                   wasn't anything there. But this is what  
8                   he's doing and I don't appreciate it.

9                   MR. HART: My pictures are time  
10                  stamped from when I received them and when I  
11                  wrote the letter. Whatever the  
12                  magistrate -- whenever they put it out I  
13                  couldn't tell you. But I received the  
14                  pictures from somebody and it's all time  
15                  stamped and sent.

16                 MR. RUSSELL RINALDI: So you're  
17                 saying the time stamp was from October?

18                 MR. HART: Everything matches, yes.  
19                 I'll be honest, we go into court,  
20                 everything's cleaned up, the magistrate gets  
21                 rid of it and that's it. But we --

22                 MS. EVANS: So you're saying that  
23                 October, the date that you wrote on the  
24                 citation you sent him, the dumpster left  
25                 September 22nd, and I can show you the

1 receipt for it.

2 MR. HART: I know the dumpster left.  
3 I do.

4 MS. EVANS: Right, and it was  
5 cleaned up.

6 MR. HART: But the pictures from the  
7 back yard came the day I wrote --

8 MS. EVANS: You saw the dumpster  
9 left and you didn't look at it again before  
10 you resubmitted --

11 MR. HART: I did. I looked in the  
12 back yard, and I have the pictures that --

13 MS. EVANS: I have pictures as well.  
14 But do you see what I'm saying? I come here  
15 every month because we're forgetting  
16 something. So the property that he lives  
17 on, if you want to talk about a pool, the  
18 in-ground pool is full of debris. Did you  
19 take pictures of that and cite him for that?

20 MR. HART: No. I was not on his  
21 property because he did not want me on his  
22 property in the back.

23 MS. EVANS: Okay, but we submitted  
24 early. All three of those properties --

25 MR. HART: I don't have pictures of

1 the property all the way in the back corner.  
2 It is private property, it is noted private  
3 property --

4 MS. EVANS: Now you can see more --

5 MR. HART: I was not in the back.  
6 He did not allow me on his property in the  
7 back, there.

8 MS. EVANS: You were out there when  
9 he --

10 MR. HART: Everything was cited for  
11 the Preate property, the winery property,  
12 and he pleaded guilty. So I don't  
13 understand where the issue is because -- I  
14 have him cited for three properties. Three  
15 properties that I was able to access. The  
16 one property I was not able to access. It  
17 is private property. He did not allow me on  
18 the property.

19 MS. EVANS: But why last week did  
20 you say they were all submitted, then?

21 MR. HART: Because I did submit for  
22 three properties of his.

23 MS. EVANS: The three adjacent --

24 MR. HART: Three properties of his.  
25 There's another one down the road, and then

1 there's one over on Milwaukee Avenue. I  
2 cited him for every property that he has.  
3 The properties that I was able to -- and I  
4 stated that in the minutes. I stated that  
5 and I read that. You guys can read that as  
6 well, that I cited four of his properties.  
7 I didn't state specifically which ones, but  
8 I stated and you can read it in the minutes.

9 MR. RUSSELL RINALDI: I would have  
10 to go back in the minutes.

11 MR. HART: Like I said, his back  
12 property -- which the back property, part of  
13 it is still owned by Preates back there.

14 MS. EVANS: We're talking about --

15 MR. HART: I understand which  
16 property you are referring to. I understand  
17 that. Like I said, he did not allow me on  
18 his residential property. We cited  
19 everything around it. Everything. Did we  
20 not? He pled guilty. Bill, you were there.  
21 He pled guilty. He agreed to clean up all  
22 of his properties by February 1st.

23 ATTY. RINALDI: I'm assuming the  
24 third property is the one with the  
25 residential house on it.

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MS. EVANS: Correct.

ATTY. RINALDI: And there's a pool there?

MS. EVANS: Uh-huh. It's full of debris. When we first brought this there were three properties. That's what I addressed you with. Not the property down on Main Street or whatever ones you're talking about. I wouldn't care about someone three blocks away from me. Okay? We addressed that. You said they were all submitted.

We go to the first hearing, they're not all submitted. They have the wrong pin number. Then we started over again. Then I had to come back to another meeting to get you to resubmit it. And don't just sit there and roll your eyes, just answer me.

MR. HART: What do you want me to answer? I gave --

MS. EVANS: I talked --

MR. RUSSELL RINALDI: Stop. Let's not yell. Listen, number one, let's not yell. Two, Mark is not --

MS. EVANS: I'm sorry, but do you

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know how frustrating this is?

MR. RUSSELL RINALDI: He cannot take the right notes with people yelling back and forth. One at a time and no yelling from both of you, please. Thank you.

MR. HART: I don't have anything to say.

MS. EVANS: So the foundation we're going to have to look at, the trailer we're going to cite him for that or he's being cited for that a week later, more than that. But whatever. When this property goes -- because I'm looking online at the magistrate's case. When this goes to February 3rd who determines the cleanliness? That is a huge factor to me, because when we went to the first hearing he went there defending him, saying it was cleaned up, and I can show you pictures from May and pictures from September that there wasn't a cleanup. So that's a huge factor to me, and who is going to determine this?

MR. RUSSELL RINALDI: He will.

MR. HART: Do you guys want to determine it?

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MR. RUSSELL RINALDI: The zoning officer would go and determine that.

ATTY. RINALDI: Ultimately the magistrate's going to make that decision.

MR. RUSSELL RINALDI: The zoning officer will go if you would like him to take pictures and bring them to the magistrate, then the magistrate would determine it. But he would need some visual proof.

MS. EVANS: I'll get you visual proof.

MR. RUSSELL RINALDI: If you would like to bring it, or we can have Chris get them as well or you both get it.

MS. EVANS: Okay.

MR. HART: That works.

MS. EVANS: That's all I ask. So the cleanup is determined by Chris. But we've got another magistrate hearing after February 3rd. Is that correct, attorney Rinaldi? There will be another hearing?

ATTY. RINALDI: For which one?

MS. EVANS: For the commercial one that we're going on now that he has 60 days

1 to clean up.

2 ATTY. RINALDI: Well, we would go  
3 down, just let the magistrate know to  
4 schedule a hearing because it's not cleaned  
5 up and we want \$500 a day.

6 MR. RUSSELL RINALDI: The cleanup  
7 should be in accordance with our borough  
8 code. That's number one.

9 Number two, Chris, if you would like  
10 to request -- or we will. We'll just ask  
11 Chris to go down there after he says it's  
12 cleaned up. Chris will go down there and  
13 take some photos, then he's going to bring  
14 them before the magistrate. Then eventually  
15 the magistrate can make the determination.  
16 It's going to be his ruling.

17 MS. EVANS: Okay. Do you understand  
18 the frustration I'm having? Like, I've been  
19 coming here since May and I don't feel like  
20 I'm any further ahead. Like, we're  
21 forgetting things. If we lumped this all  
22 into one, all the three properties, we would  
23 have been halfway through this by now -- and  
24 the correct pin number was on it the first  
25 time. Do you see what I'm saying? Like,

1 May, June, July, August, September, October.  
2 Like, what are we doing?

3 MR. HART: You can't file all  
4 properties all at once with multiple  
5 ordinances. The magistrate told me that  
6 himself. That is why everything is  
7 separated.

8 MS. EVANS: Well, he was complaining  
9 that they weren't all together when he said  
10 that last time, then you said no --

11 MR. HART: And I have a notice  
12 stating that you can only cite one violation  
13 per docket. That's why everything's  
14 separate.

15 ATTY. RINALDI: You have two  
16 different owners there.

17 MR. HART: They're all different  
18 owners, all different names. That's why  
19 it's extended out as long as it is.

20 MS. EVANS: So it's 60 days we have  
21 on the one property, the other property is  
22 being cited for the trailers for being  
23 there. That will go to zoning.

24 ATTY. RINALDI: That's a zoning  
25 violation.

1 MS. EVANS: And then the residential  
2 property that he lives in is where? Is that  
3 filed?

4 ATTY. RINALDI: I don't know. If I  
5 got a copy of that I didn't see the name on  
6 it.

7 MR. HART: I will reach out to --

8 ATTY. RINALDI: I usually get them  
9 four days before the hearing.

10 MR. HART: I will reach out to his  
11 attorney and him and ask permission once  
12 again to go on his property that you cannot  
13 see from the road or from --

14 MS. EVANS: So you're saying that  
15 property is not filed? Is that what you're  
16 saying?

17 MR. HART: No. I was not allowed on  
18 the property.

19 MS. EVANS: See? The last time he  
20 said that it was.

21 MR. HART: The only way that you  
22 were able to go on there --

23 MR. RUSSELL RINALDI: He just stated  
24 earlier that it wasn't, that he couldn't get  
25 on the property.

1 MR. HART: And the only reason --

2 MS. EVANS: At the last meeting I  
3 said are all three properties, he said yes.  
4 He knows what three properties I'm referring  
5 to, but he did the first one with the  
6 incorrect pin number. I asked him that and  
7 he's, like -- he doesn't even answer. He  
8 just mumbles and makes that face.

9 And then I asked him last meeting  
10 specifically for that reason because we're  
11 not putting it all in there. Now I have to  
12 keep coming back here. This is getting old.  
13 Like, how many times do I have to come here  
14 and address this? Do you know what I'm  
15 saying? Like, does anyone realize how  
16 frustrating this is? Like, I feel like I'm  
17 coming here and talking to the wall. I  
18 don't feel like anyone cares and I don't  
19 feel like anyone listens, and my neighbors  
20 are Pam, you're wasting your time because no  
21 one gives a shit. And I don't think that  
22 they're wrong because I really feel like  
23 that now.

24 MR. RUSSELL RINALDI: Pam, it's  
25 before the magistrate. It takes time. We

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can't determine the time --

MS. EVANS: I understand.

MR. RUSSELL RINALDI: -- the  
magistrate handles his business.

ATTY. RINALDI: I know the first  
complaint we got was that he was filling in  
a road, so I did research on the borough's  
time and said no, that's your property. You  
have to take action. We can't.

MS. EVANS: I took action. That's a  
civil suit. I understand that. But the  
last --

ATTY. RINALDI: The first complaint  
the borough got was that he was dumping onto  
a borough road. We jumped on that, I think,  
in a week or two weeks.

MR. HART: Less than a week.

MS. EVANS: In May myself and  
neighbors on both sides submitted ordinance  
violations to him.

ATTY. RINALDI: Well, that I didn't  
see.

MS. EVANS: I know you didn't see.

MR. HART: That was the one that  
we're going through with now. They're all

1 the same ones. It's all cleanliness, it's  
2 all health and sanitation. That's what it  
3 is for all these properties. And we've been  
4 going after him one by one. Now we finally  
5 got the biggest property that we had the  
6 issue with, he pled guilty. The Preate  
7 Winery property. He pled guilty and we have  
8 it February 1st. Then we have another one  
9 coming up in January, we have one in  
10 zoning --

11 MS. EVANS: So the one in January is  
12 not one of them that I'm referring to?

13 MR. HART: No. It's one of Tommy  
14 Chickey's properties. The one that you want  
15 are the ones that you're submitting pictures  
16 of all the way in the back corner.

17 ATTY. RINALDI: See, now that all  
18 the fall foliage is gone maybe Chris can go  
19 and talk to Michelle. Does she still own  
20 that property? See if he can go on her  
21 property and be able to see what's going on  
22 in the back yard of Tommy Chickey's  
23 property, get some pictures, because that's  
24 the only one that you can get to it from  
25 behind.

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MR. HART: The reason why he would not let me on the property is because he was presented the pictures and he is actually filing for trespassing.

MR. RUSSELL RINALDI: So my question to that, because I was waiting, Bill, he's the zoning officer.

ATTY. RINALDI: Right, but technically there's issues about that, that they can stop you and you've got to get a search warrant, and magistrates don't know how to do search warrants for zoning officers. I tried doing one once with another property and it was a nightmare.

MR. RUSSELL RINALDI: But if we do get a violation on someone's property and they say no, you can't come on it --

ATTY. RINALDI: No, they can.

MR. RUSSELL RINALDI: Just forget about it?

ATTY. RINALDI: No, you just get around it some way. We use drones.

MR. RUSSELL RINALDI: So let's get it done.

ATTY. RINALDI: Talk to the

1 neighbor.

2 MR. HART: I can get a drone expert.

3 MR. RUSSELL RINALDI: I don't like  
4 the fact that you feel there's some type of  
5 violation on someone's property and you go  
6 to the property owner and no, you can't come  
7 on. We're, like, okay, bye.

8 MR. HART: Taking it one property at  
9 a time to get back there without causing  
10 some kind of legal action against us for it.  
11 He's already obtained an attorney.

12 MR. RUSSELL RINALDI: Let's get on  
13 his property and let's get it cited.

14 MR. HART: Once February 1st hits,  
15 that's the main area. Then we work our way  
16 back in. If he doesn't comply with the  
17 front, then, like Billy said, we take a  
18 different route and we take different  
19 actions to try to get to the back of the  
20 property, even getting through there for  
21 inspection and I can get in there and get  
22 him to just say all right, you want to go  
23 back, go back. Once he allows me  
24 permission, then I'm good.

25 MR. RUSSELL RINALDI: Find a legal

1 way to get there.

2 MR. HART: Billy has somebody with a  
3 drone. We can go that route. But trying to  
4 get through the front, that's our biggest  
5 hurdle right now. And it's there. It was  
6 won, it was done. Everything worked out  
7 well.

8 MS. EVANS: That's it.

9 MR. RUSSELL RINALDI: Anything else  
10 on that?

11 MR. HART: No.

12 MR. RUSSELL RINALDI: Thank you.  
13 John Jurowski?

14 MR. JUROWSKI: For years we've been  
15 fighting that mechanic down the street and  
16 we are always told leave these kids alone.  
17 Give these kids a chance.

18 MR. RUSSELL RINALDI: I don't know --

19 MR. JUROWSKI: Especially by the  
20 mayor. Give these kids a chance.

21 MR. RUSSELL RINALDI: Stop.

22 MR. HART: It's 250 Butler Street.

23 MR. RUSSELL RINALDI: Those words  
24 never came out of my mouth. You said you  
25 were told by all of us.

1 MR. JUROWSKI: No, I didn't say all  
2 of you, but it's on the record. I just want  
3 one last thing. Okay? So I pick on these  
4 kids. Now, these kids moved from that  
5 place, they stole the lift, they stole the  
6 compressors, they stole the furnace, and  
7 they stuck Ronny over \$25,000. But I was  
8 the bad guy picking on these kids and they  
9 stole everything out of --

10 MR. RUSSELL RINALDI: Again, for the  
11 record I don't think anybody sitting up here  
12 ever thought you were the bad guy.

13 MR. JUROWSKI: That's all I want to  
14 say. I'm done. I just want to make people  
15 aware that these kids stole everything out  
16 of that garage.

17 MR. RUSSELL RINALDI: And if that  
18 did happen -- and I'm not aware of it --  
19 that's between the property owner and --

20 MR. JUROWSKI: I wanted you to be  
21 aware. You thought --

22 MR. RUSSELL RINALDI: No, I didn't.  
23 You're saying it again. I did not think you  
24 guys were wrong.

25 MR. JUROWSKI: Some people did.

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MR. RUSSELL RINALDI: Well, okay,  
but don't say you.

MR. JUROWSKI: I just wanted to make  
you aware of what these kids did.

MR. RUSSELL RINALDI: I'm aware of  
what they did.

MR. JUROWSKI: These kids were  
protected. The question is why? Okay, I'm  
done.

MR. RUSSELL RINALDI: I know of no  
protection for the kids.

MS. EVANS: How about the minutes?  
You were supposed to look to see why they're  
not posted or updated since July. You're  
not putting the minutes online. They have  
not been since July.

MR. RUSSELL RINALDI: We have to talk  
to Marylynn. We've been having terrible  
internet issues, we've been having terrible  
website issues. Councilman Notari, last  
meeting, we're advertising for a new IT  
person. We want a new IT company to come in  
because our IT software here -- and the  
chief can verify it -- when we remodeled  
there's a lot of crossed wires, there's a

1 lot of bad connections. So we're bringing  
2 the new company --

3 MS. EVANS: Is there any way,  
4 because it is public knowledge, to access  
5 them without paying for them? Like, they're  
6 supposed to be posted. I don't know that  
7 it's done in a timely manner. It should be  
8 a timely manner, but there's not a specific  
9 time frame for these people to -- because I  
10 like to keep the copies for myself and  
11 they're not posted. But I don't want to pay  
12 \$40 every month for meeting minutes. Like,  
13 is there any way anyone can upload them from  
14 not in here? Like, just scan them and  
15 upload them to the website?

16 MR. RUSSELL RINALDI: Those are  
17 legal public minutes. They would have to  
18 come from the borough building or from the  
19 borough website. That's for legal purposes.  
20 Like, you wouldn't be able to go -- on your  
21 own computer, you mean, and download them?

22 MS. EVANS: No, whoever posted them  
23 when you worked from home during Covid and  
24 during remodeling. Do those people have  
25 that access at home with a computer where

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they can scan them and post them?

MR. RUSSELL RINALDI: They would only be able to be posted from inside the borough building.

MS. EVANS: So you can't post them from a home computer?

MR. RUSSELL RINALDI: I wouldn't think, no. We get them from our stenographer. Once he certifies them he sends them to us, then they're in the building or they're in a borough e-mail, taken out of the e-mail and then scanned or posted that way. They're not allowed to go any other place besides from our stenographer or our borough building.

But if you want to check with Marylynn. I don't know if she's going to be in tomorrow. She left early tonight. She wasn't feeling well -- she hasn't been feeling well for about three weeks to a month. But if you want to call her and see how you can obtain a copy.

James Rezzino?

MR. REZZINO: There are physical copies here at the borough building of the

1 minutes.

2 MR. RUSSELL RINALDI: They can be  
3 printed, yes.

4 MR. REZZINO: They can be reviewed  
5 also, if I'm not mistaken. They're here for  
6 the public to come in and review.

7 MR. RUSSELL RINALDI: You would have  
8 to check with Marylynn on that.

9 MS. EVANS: I can come in during  
10 business hours? Are they in a binder posted  
11 somewhere? The original copy that you have  
12 before you scan them and post them. Is  
13 there a binder or something that we can come  
14 here and look at them somewhere and access  
15 them?

16 MR. RUSSELL RINALDI: We'd have to  
17 ask the borough manager about that.

18 MR. REZZINO: But that's basically  
19 what they're for, aren't they? Originally,  
20 before computer and before everything, they  
21 were in the borough for the people to come  
22 in and they were able to read them. If they  
23 weren't at the meeting there's no other way  
24 to know what was going on with the  
25 publishing of them because they don't put

1                   them in the newspapers, I don't believe. I  
2                   mean, the Triboro used to publish them.

3                   MR. RUSSELL RINALDI: They would be  
4                   here. You could come in and request a copy,  
5                   pay for it and you would receive it.

6                   MR. REZZINO: Back in the mimeograph  
7                   days.

8                   MR. RUSSELL RINALDI: I wasn't here.  
9                   I don't know how they did it back then.

10                  MR. REZZINO: Even the borough  
11                  zoning map, that's not on the -- anywhere  
12                  online. That's supposedly only in the  
13                  borough office and that's only available to  
14                  see in the building also.

15                  MR. RUSSELL RINALDI: That's going  
16                  to fall under the new IT company. Like I  
17                  said, we have a lot of problems with our IT  
18                  company since we came back into the  
19                  building.

20                  MR. REZZINO: I believe that's been  
21                  the standard. In the e-code book it says  
22                  that it's in the borough -- the zoning map  
23                  of the borough is available in the borough  
24                  building and there's is no -- nothing  
25                  online.

1                    Now, for instance, next door you  
2                    take a look and it's just night and day how  
3                    they have theirs laid out. I never visited  
4                    the website. It's just night and they.

5                    MR. RUSSELL RINALDI: Who is they?

6                    MR. REZZINO: Taylor.

7                    MR. RUSSELL RINALDI: Again, I'm  
8                    saying we have to get our website under  
9                    control with a new IT company.

10                   MR. REZZINO: I was just in shock in  
11                   the difference. I mean, there's some type  
12                   of cost involved. I'm sure it's not cheap.  
13                   Anyway, I have to agree it's been a long  
14                   time since they updated it, and they are  
15                   transcribing them and they are being --  
16                   they're out there but people can't get them  
17                   other than buying them, having copies made.  
18                   Right now if I any wanted August, then if I  
19                   have to pay for it. I can't come in here  
20                   and photocopy it myself. If I skip through  
21                   it and take pictures with my cell phone. I  
22                   have a PDF converter in it.

23                   MR. RUSSELL RINALDI: Bill --

24                   ATTY. RINALDI: I'm looking at  
25                   Taylor's website. You're telling me they

1 have -- they'd have to have a lot of band  
2 width. Our meeting minutes are sometimes  
3 that thick. Do they have the paraphrased  
4 minutes? We have transcribed minutes, so  
5 our minutes our thick. Not one or two  
6 papers of short --

7 MS. EVANS: I don't think there is  
8 because I did look at their site as well.  
9 It was just like ours that were scanned.  
10 You just scan the 40 papers of hundred pages  
11 or whatever it was.

12 MR. REZZINO: I was talking about  
13 the website in general, not particularly the  
14 meeting minutes.

15 ATTY. RINALDI: That's all we have.  
16 I don't know that they are on the website  
17 because, like I said, they take up a lot of  
18 band width and storage. He prints out a  
19 book that's maybe 20, 30, 50 pages or a  
20 hundred.

21 MR. RUSSELL RINALDI: James, are  
22 saying that you want to obtain a copy  
23 without paying for them?

24 MR. REZZINO: Well, they usually  
25 post them on the website, Old Forge. Then

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once in a while they go into a lull and then you don't see them for, like, three, four, six, eight months, then all the sudden they show up.

MR. RUSSELL RINALDI: That's because we're having problems with the IT company. I can't say it again. I said it seven times.

MR. REZZINO: Well, my point is it just feels like you're missing something.

MR. RUSSELL RINALDI: I'm missing it?

MR. REZZINO: No, not you. The public is like -- me, I feel like I'm missing a half a year, I don't know what's going on. Then all the sudden everything hits.

MR. FEBBO: I hear what you're saying back and forth. I think what we're trying to get across is that this building has been renovated over the last two years. It was a nightmare to get done. We have a lot of issues that are still not up to par yet. One of them is our IT program and computers.

That being said, I'm sure that if

1           you want the information you're looking for  
2           it's accessible in the office with the  
3           business manager. We're not in a position  
4           here where we can speak on her behalf and  
5           she's not here to tell you.

6                     That being said, if you want to come  
7           in or even call on the phone in the daytime  
8           and ask for whatever information you want,  
9           address it to Marylynn, she'll be happy to  
10          answer it for you. Unfortunately, we don't  
11          have the answer to what you're looking for.  
12          All we know is that, again, we have a lot of  
13          issues that are not up to snuff that we're  
14          working on really hard. Everybody's  
15          catching a lot of slack because of it.  
16          We're embarrassed to tell the public you  
17          have a beautiful building but there's some  
18          issues that are not right, and until we do  
19          have them right we're not going to be happy.  
20          So we as a council sitting here are kind of  
21          defenseless.

22                     Again, refer to Marylynn, the  
23          business manager, and she'll help you out  
24          with what you're asking for.

25                     MR. REZZINO: The transparency. I

1 mean --

2 MR. FEBBO: We agree.

3 MR. REZZINO: I'm sure other people  
4 know as I'm saying. I'm thinking why are  
5 you waiting. But you're explaining it and I  
6 understand, but you explained more today  
7 that by law the broadcasting of it or the  
8 uploading or whatnot has to be done through  
9 the facility.

10 MR. HOOVER: Call Marylynn tomorrow.

11 MR. RUSSELL RINALDI: Marie Gething?

12 MS. GETHING: I just wanted to say  
13 thank you for listening to me last month  
14 about Apollo Drive and for Chief Jason.  
15 Thanks for taking care of it.

16 MR. RUSSELL RINALDI: I'm sure you  
17 heard us already. The solicitor's going to  
18 draw up an ordinance and then council's  
19 going to vote on it in January.

20 Before we go into new business would  
21 anyone else from the public like to speak?  
22 Okay, we're going to go into new business.

23 First ordinance is ordinance No. 8,  
24 and it's to adopt the comprehensive budget  
25 for calendar year 2023. "An ordinance of

1 the Borough of Old Forge, Lackawanna County,  
2 Pennsylvania, adopting a comprehensive  
3 budget for the calendar year 2023  
4 appropriating specific sums estimated to be  
5 required for the specific purposes of the  
6 municipal government hereinafter set forth  
7 during calendar year of 2023."

8 The budget right now has an  
9 anticipated revenue of \$10,7850,564, with  
10 anticipated expenditures of \$6,397,749.

11 Motion to approve the budget for  
12 2023.

13 MR. BUTLER: I'll make that motion.

14 MR. RUSSEL RINALDI: Motion by  
15 Councilman Butler.

16 MR. FEBBO: I'll second that.

17 MR. RUSSELL RINALDI: Seconded by  
18 Councilman Febbo. On the question? Public  
19 input? Roll call, please.

20 ATTY. RINALDI: Ms. Avvisato?

21 MS. AVVISATO: Yes.

22 ATTY. RINALDI: Mr. Febbo?

23 MR. FEBBO: Yes.

24 ATTY. RINALDI: Mr. Butler?

25 MR. BUTLER: Yes.

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ATTY. RINALDI: Mr. Hoover?

MR. HOOVER: Yes.

ATTY. RINALDI: Mr. Rinaldi?

MR. RUSSELL RINALDI: Yes. Item two is ordinance No. 9, fixing and levying a tax for general borough purposes for the calendar year of 2023. Ordinance No. 9 states "an ordinance of the Borough of Old Forge, Lackawanna County, Pennsylvania, fixing and levying a tax for general borough purposes for calendar year 2023, and for the purpose of creating and maintaining a special fund to be used by the borough in making permanent street improvements, to pay contract prices for paving and other permanent street improvements."

MR. HOOVER: I don't think that's correct.

ATTY. RINALDI: Paving and other street improvements but we use it for everything.

MR. HOOVER: But it doesn't specify what we really want it for.

ATTY. RINALDI: You're talking about the 1 mill?

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MR. RUSSELL RINALDI: The 1.5.  
That's in there.

ATTY. RINALDI: That's what you can  
pass the 1 mill tax for. That's what you've  
always passed.

MR. RUSSELL RINALDI: This is to add  
the 1.5 --

ATTY. RINALDI: You always have in  
your general and we've had probably since  
2003 a 1 mill tax for road paving.

MR. HOOVER: The reason we're  
raising taxes 1.5 mills isn't because of  
paving.

ATTY. RINALDI: Right. It's in the  
20.75.

MR. RUSSELL RINALDI: That's the  
total. The 20.75 is --

ATTY. RINALDI: No, that's the  
general plus one, so your total would be  
21.75 mills. You were 19.25 last year.

MR. RUSSELL RINALDI: So the borough  
tax from the budget for 2023 has an increase  
millage of 1.5 mills. We're specifying that  
for a safety tax. Part of that is going to  
the fire department and part of that is

1 going to hire police officers in January to  
2 add to the department and to also add a  
3 police officer in the school. So that's  
4 where that 1.5 mill tax increase is going to  
5 be added into the budget.

6 With that said, motion to approve  
7 ordinance No. 9.

8 MR. HOOVER: I'll make that motion.

9 MR. RUSSELL RINALDI: Motion by  
10 Councilman Hoover.

11 MR. BUTLER: I'll second it.

12 MR. RUSSELL RINALDI: Seconded by  
13 Councilman Butler. On the question? Public  
14 input?

15 MR. HOOVER: Even though there's two  
16 councilmen not here they're voting for this.

17 MR. RUSSELL RINALDI: On the  
18 question? Public input? Roll call, please.

19 ATTY. RINALDI: Ms. Avvisato?

20 MS. AVVISATO: Yes.

21 ATTY. RINALDI: Mr. Febbo?

22 MR. FEBBO: Yes.

23 ATTY. RINALDI: Mr. Butler?

24 MR. BUTLER: Yes.

25 ATTY. RINALDI: Mr. Hoover?

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MR. HOOVER: Yes.

ATTY. RINALDI: Mr. Rinaldi?

MR. RUSSELL RINALDI: Yes. Item number three is ordinance No. 10 entitled Joe "GI" Giglio Way. "An ordinance establishing the name and boundaries of a certain street to be named Joe 'GI' Giglio Way within the borough of Old Forge, Lackawanna County, Pennsylvania."

Chief, for the record that street is starting at?

CHIEF DUBERNAS: West Grace going to Railroad. It's Marion Street, the 300 block. Railroad Street to West Grace.

MR. RUSSELL RINALDI: From Railroad to West Grace. Motion to approve ordinance No. 10.

MR. FEBBO: I'd be honored to make that motion.

MR. RUSSELL RINALDI: Motion by Councilman Febbo.

MR. BUTLER: I'll second it.

MR. RUSSELL RINALDI: Seconded by Councilman Butler. On the question? Public input? Roll call, please.

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ATTY. RINALDI: Ms. Avvisato?

MS. AVVISATO: Yes.

ATTY. RINALDI: Mr. Febbo?

MR. FEBBO: Yes.

ATTY. RINALDI: Mr. Butler?

MR. BUTLER: Yes.

ATTY. RINALDI: Mr. Hoover?

MR. HOOVER: Yes.

ATTY. RINALDI: Mr. Rinaldi?

MR. RUSSELL RINALDI: Yes. Item number four is going to be a motion to table, and that's for the hiring of full time police officers. The reason for the motion to table is because we're waiting for the civil service to get us a certified list.

MS. AVVISATO: I'll make that motion.

MR. RUSSELL RINALDI: By Councilwoman Avvisato.

MR. HOOVER: I'll second it.

MR. RUSSELL RINALDI: Seconded by Councilman Hoover. On the question? Public input? Roll call, please.

ATTY. RINALDI: Ms. Avvisato?

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MS. AVVISATO: Yes.

ATTY. RINALDI: Mr. Febbo?

MR. FEBBO: Yes.

ATTY. RINALDI: Mr. Butler?

MR. BUTLER: Yes.

ATTY. RINALDI: Mr. Hoover?

MR. HOOVER: Yes.

ATTY. RINALDI: Mr. Rinaldi?

MR. RUSSELL RINALDI: Yes. Item number five is also going to be a motion to table invoices for Dunbar Evergreen Landscaping. The reason being Mr. Dunbar sent the wrong number on the invoice, so we asked him to correct the invoice and send it back to the borough manager's office and we'll look at it in January. So motion to table item five.

MS. AVVISATO: I'll make that motion.

MR. RUSSELL RINALDI: By Councilwoman Avvisato.

MR. BUTLER: I'll second it.

MR. RUSSELL RINALDI: Seconded by Councilman Butler. On the question? Public input? Roll call, please.

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ATTY. RINALDI: Ms. Avvisato?

MS. AVVISATO: Yes.

ATTY. RINALDI: Mr. Febbo?

MR. FEBBO: Yes.

ATTY. RINALDI: Mr. Butler?

MR. BUTLER: Yes.

ATTY. RINALDI: Mr. Hoover?

MR. HOOVER: Yes.

ATTY. RINALDI: Mr. Rinaldi?

MR. RUSSELL RINALDI: Yes. The next item is just going to be a motion to add this to the agenda. We have to add resolution No. 13 to the agenda. This is just a motion to add it.

MR. HOOVER: I'll make that motion.

MR. RUSSEL RINALDI: By Councilman Hoover.

MR. FEBBO: I'll second it.

MR. RUSSELL RINALDI: Seconded by Councilman Febbo. On the question? Public input? Roll call, please.

ATTY. RINALDI: Ms. Avvisato?

MS. AVVISATO: Yes.

ATTY. RINALDI: Mr. Febbo?

MR. FEBBO: Yes.

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ATTY. RINALDI: Mr. Butler?

MR. BUTLER: Yes.

ATTY. RINALDI: Mr. Hoover?

MR. HOOVER: Yes.

ATTY. RINALDI: Mr. Rinaldi?

MR. RUSSELL RINALDI: Yes. The next item will be a motion to approve resolution No. 13, "a resolution of the Borough of Old Forge, Lackawanna County, Pennsylvania, amending resolution No. 1 of 2021 authorizing the subdivision and conveyance of a parcel of land located adjacent to Old Forge School District property and Marion Street Park to the Old Forge School District."

MR. HOOVER: I'll make that motion.

MR. RUSSELL RINALDI: Motion by Councilman Hoover.

MR. BUTLER: I'll second it.

MR. RUSSELL RINALDI: Seconded by Councilman Butler. On the question? Public input? Roll call, please.

ATTY. RINALDI: Ms. Avvisato?

MS. AVVISATO: Yes.

ATTY. RINALDI: Mr. Febbo?

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MR. FEBBO: Yes.

ATTY. RINALDI: Mr. Butler?

MR. BUTLER: Yes.

ATTY. RINALDI: Mr. Hoover?

MR. HOOVER: Yes.

ATTY. RINALDI: Mr. Rinaldi?

MR. RUSSELL RINALDI: Yes. The next item is going to be a motion to add the promotion of a sergeant to the police department. This is just a motion to add it.

MS. AVVISATO: I'll make that motion.

MR. RUSSELL RINALDI: By Councilwoman Avvisato.

MR. BUTLER: I'll second it.

MR. RUSSELL RINALDI: Seconded by Councilman Butler. On the question? Public input? Roll call, please.

ATTY. RINALDI: Ms. Avvisato?

MS. AVVISATO: Yes.

ATTY. RINALDI: Mr. Febbo?

MR. FEBBO: Yes.

ATTY. RINALDI: Mr. Butler?

MR. BUTLER: Yes.

1 ATTY. RINALDI: Mr. Hoover?

2 MR. HOOVER: Yes.

3 ATTY. RINALDI: Mr. Rinaldi?

4 MR. RUSSELL RINALDI: Yes. Next  
5 motion is going to be a motion to promote  
6 Officer Dennis Terhune to the rank of  
7 sergeant of the Old Forge Police Department.  
8 Before, Chief, would you just like to  
9 explain the process.

10 CHIEF DUBERNAS: Civil service had  
11 the written portion. Unfortunately, he's  
12 the only one that passes out of the three  
13 candidates.

14 MR. RUSSELL RINALDI: So this is a  
15 motion to promote Officer Dennis Terhune to  
16 the rank of sergeant.

17 MS. AVVISATO: I'll make that  
18 motion.

19 MR. RUSSELL RINALDI: By  
20 Councilwoman Avvisato.

21 MR. FEBBO: I'll second it.

22 MR. RUSSELL RINALDI: Seconded by  
23 Councilman Febbo. On the question? Public  
24 input? Roll call, please.

25 ATTY. RINALDI: Ms. Avvisato?

1 MS. AVVISATO: Yes.

2 ATTY. RINALDI: Mr. Febbo?

3 MR. FEBBO: Yes.

4 ATTY. RINALDI: Mr. Butler?

5 MR. BUTLER: Yes.

6 ATTY. RINALDI: Mr. Hoover?

7 MR. HOOVER: Yes.

8 ATTY. RINALDI: Mr. Rinaldi?

9 MR. RUSSELL RINALDI: Yes.

10 Congratulations to Officer Terhune.

11 The next item, Bill, did you want me  
12 to make a motion to add --

13 ATTY. RINALDI: No, it's  
14 administerial. You're just making a motion  
15 to refer the application of RLS Gress to the  
16 Old Forge Borough Planning Commission and  
17 the Lackawanna County Planning Commission  
18 for their recommendations. Then I'll work  
19 with Marylynn to get a public hearing when  
20 the time comes.

21 MR. RUSSELL RINALDI: Motion on the  
22 floor to recommend RLS Gress to the Old  
23 Forge Planning Commission and the Lackawanna  
24 County Planning Commission for their  
25 recommendation.

1 MR. FEBBO: I'll make that motion.

2 MR. RUSSEL RINALDI: By Councilman  
3 Febbo.

4 MS. AVVISATO: I'll second that  
5 motion.

6 MR. RUSSELL RINALDI: Seconded by  
7 Councilwoman Avvisato. On the question?  
8 Public input? Roll call, please.

9 ATTY. RINALDI: Ms. Avvisato?

10 MS. AVVISATO: Yes.

11 ATTY. RINALDI: Mr. Febbo?

12 MR. FEBBO: Yes.

13 ATTY. RINALDI: Mr. Butler?

14 MR. BUTLER: Yes.

15 ATTY. RINALDI: Mr. Hoover?

16 MR. HOOVER: Yes.

17 ATTY. RINALDI: Mr. Rinaldi?

18 MR. RUSSELL RINALDI: Yes. No more  
19 items under new business? At this time  
20 there's no more items under new business.  
21 The chair would go down the table to see if  
22 any of the members or the mayor have  
23 anything to add. Mayor Legg?

24 MAYOR LEGG: I'd just like to wish  
25 everyone a Merry Christmas and Happy New

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Year. Stay safe and stay warm.

MR. FEBBO: I'll back up what Mayor Legg said. Happy holidays, be safe, stay warm. See you guys next year.

MR. BUTLER: I have nothing.

MS. AVVISATO: I will echo as well. Happy holidays and I hope and pray it's a safe one. God bless.

MR. HOOVER: I'm good.

MR. RUSSELL RINALDI: Holiday wishes. I hope everyone in the room and everyone in the community has a safe, healthy and happy holiday with your family. Merry Christmas, Happy New Year.

Also, I'd like to thank all the borough workers once again this year right down from the top. Marylynn Bartoletti, our borough manager, for all her hard work. All the girls in her officer for all their hard work. Our chief of police, our police officers. Our DPW manager, Joe Lenceski, all the DPW works, our park crew. Chris Hart, our zoning officer, for his effort in the zoning department, the code enforcement department. I'd like to thank Bill for his

1 work, and also the mayor and the rest of  
2 council. This isn't an easy job. I've been  
3 sitting up here a pretty long time. Most of  
4 them have been up here a long time, too. I  
5 know Mr. Butler is new.

6 But this is a selfless job. We sit  
7 up here and we take a lot of stuff year in  
8 and year out. I'll be honest with you, I  
9 enjoy it. I don't mind doing it. I don't  
10 think any of them do as well. We like to  
11 help the people, we like to help the  
12 community, and we want to do our best. I  
13 think we do that effort for all of you. I  
14 mean, I appreciate everybody who comes to  
15 the meetings. I appreciate you if you have  
16 good questions or bad questions. I  
17 appreciate if you argue with me or not.  
18 That's why we're here. We're here to solve  
19 problems, do our best and help you out as  
20 much as we can.

21 So with that said, Happy Holidays,  
22 Merry Christmas, Happy New Year, God bless.

23 MR. FEBBO: Adjourn the meeting.

24 MR. RUSSELL RINALDI: Motion to  
25 adjourn the meeting.

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MS. AVVISATO: I'll make that  
motion.

MR. RUSSELL RINALDI: By  
Councilwoman Avvisato. All in favor?  
(Unanimous. Meeting adjourned.)

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 77 pages, is a true and correct copy, done to the best of my ability, of same and the whole thereof.

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Mark Wozniak  
Official Court Reporter

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