

OLD FORGE BOROUGH COUNCIL
OLD FORGE, PENNSYLVANIA

IN RE: REGULAR MEETING OF COUNCIL

SEPTEMBER 21, 2021

7:00 P.M.

EAGLE MCCLURE HOSE COMPANY

MILWAUKEE AVENUE

OLD FORGE, PENNSYLVANIA

COUNCIL MEMBERS:

RUSSELL RINALDI, PRESIDENT

RICK NOTARI, VICE-PRESIDENT

LOUIS FEBBO

JAMES HOOVER

MICHAEL LETTIERI

MICHELLE AVVISATO

MICHAEL KOMENSKY

WILLIAM RINALDI, ESQUIRE, SOLICITOR

Mark Wozniak
Official Court Reporter

1 MR. RUSSELL RINALDI: Good evening,
2 ladies and gentlemen. I'd liked to call the
3 meeting to order with the Pledge of
4 Allegiance.

5 (The Pledge of Allegiance was
6 recited.)

7 MR. RUSSELL RINALDI: Roll call,
8 please, Marylynn.

9 MS. BARTOLETTI: Councilwoman
10 Avvisato?

11 MS. AVVISATO: Here.

12 MS. BARTOLETTI: Councilman Febbo?

13 MR. FEBBO: Here.

14 MS. BARTOLETTI: Councilman Hoover?

15 MR. HOOVER: Present.

16 MS. BARTOLETTI: Councilman
17 Komensky?

18 MR. KOMENSKY: Here.

19 MS. BARTOLETTI: Councilman
20 Lettieri?

21 MR. LETTIERI: Present.

22 MS. BARTOLETTI: Councilman Notari?

23 MR. NOTARI: Present.

24 MS. BARTOLETTI: Councilman Rinaldi?

25 MR. RUSSELL RINALDI: Here. Once

1 again, ladies and gentlemen, welcome to the
2 Old Forge Borough regular meeting. Tonight
3 is Tuesday, September 21, 2021. The purpose
4 of tonight's meeting is to go to all our
5 department heads, we'll hear from them.

6 We have a public sign-in sheet if
7 anybody would like to sign in. I have it in
8 front of me if anyone didn't sign. If
9 anybody would like to just let us know.

10 We'll go down the table, hear from
11 some of our council members, then we'll get
12 to new business.

13 With that said, we're going to start
14 some of our housekeeping motions. The first
15 motion, the chair is going to entertain to
16 approve the minutes from the prior meeting.

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

19 MR. RUSSELL RINALDI: By
20 Councilwoman Avvisato.

21 MR. LETTIERI: Second.

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

25 MS. BARTOLETTI: Councilwoman

1 Avvisato?

2 MS. AVVISATO: Yes.

3 MS. BARTOLETTI: Councilman Febbo?

4 MR. FEBBO: Yes.

5 MS. BARTOLETTI: Councilman Hoover?

6 MR. HOOVER: Yes.

7 MS. BARTOLETTI: Councilman

8 Komensky?

9 MR. KOMENSKY: Yes.

10 MS. BARTOLETTI: Councilman

11 Lettieri?

12 MR. LETTIERI: Yes.

13 MS. BARTOLETTI: Councilman Notari?

14 MR. NOTARI: Yes.

15 MS. BARTOLETTI: Councilman Rinaldi?

16 MR. RUSSELL RINALDI: Yes. The

17 second item under housekeeping is motion to

18 approve treasurer's report. Please note

19 this does not include the sewer account.

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

21 MR. RUSSELL RINALDI: By Councilman

22 Febbo.

23 MR. NOTARI: I'll second it.

24 MR. RUSSELL RINALDI: Seconded by

25 Councilman Notari. On the question? Public

1 input? Roll call, please.

2 MS. BARTOLETTI: Councilwoman

3 Avvisato?

4 MS. AVVISATO: Yes.

5 MS. BARTOLETTI: Councilman Febbo?

6 MR. FEBBO: Yes.

7 MS. BARTOLETTI: Councilman Hoover?

8 MR. HOOVER: Yes.

9 MS. BARTOLETTI: Councilman

10 Komensky?

11 MR. KOMENSKY: Yes.

12 MS. BARTOLETTI: Councilman

13 Lettieri?

14 MR. LETTIERI: Yes.

15 MS. BARTOLETTI: Councilman Notari?

16 MR. NOTARI: Yes.

17 MS. BARTOLETTI: Councilman Rinaldi?

18 MR. RUSSELL RINALDI: Yes. The

19 third item is motion to approve invoices for

20 payment. Once again, please note this does

21 not include the sewer account.

22 MR. LETTIERI: I'll make that

23 motion.

24 MR. RUSSELL RINALDI: By Councilman

25 Lettieri.

1 MS. AVVISATO: I'll second the
2 motion.

3 MR. RUSSELL RINALDI: Seconded by
4 Councilwoman Avvisato. On the question?
5 Public input? Roll call, please.

6 MS. BARTOLETTI: Councilwoman
7 Avvisato?

8 MS. AVVISATO: Yes.

9 MS. BARTOLETTI: Councilman Febbo?

10 MR. FEBBO: Yes.

11 MS. BARTOLETTI: Councilman Hoover?

12 MR. HOOVER: Yes.

13 MS. BARTOLETTI: Councilman
14 Komensky?

15 MR. KOMENSKY: Yes.

16 MS. BARTOLETTI: Councilman
17 Lettieri?

18 MR. LETTIERI: Yes.

19 MS. BARTOLETTI: Councilman Notari?

20 MR. NOTARI: Yes.

21 MS. BARTOLETTI: Councilman Rinaldi?

22 MR. RUSSELL RINALDI: Yes. The
23 fourth item is motion to approve sewer
24 department financial report.

25 MS. AVVISATO: I'll make that

1 motion.

2 MR. RUSSELL RINALDI: By
3 Councilwoman Avvisato.

4 MR. NOTARI: I'll second it.

5 MR. RUSSELL RINALDI: Seconded by
6 Councilman Notari. On the question? Public
7 input? Roll call, please.

8 MS. BARTOLETTI: Councilwoman
9 Avvisato?

10 MS. AVVISATO: Yes.

11 MS. BARTOLETTI: Councilman Febbo?

12 MR. FEBBO: Yes.

13 MS. BARTOLETTI: Councilman Hoover?

14 MR. HOOVER: Yes.

15 MS. BARTOLETTI: Councilman
16 Komensky?

17 MR. KOMENSKY: Yes.

18 MS. BARTOLETTI: Councilman
19 Lettieri?

20 MR. LETTIERI: Yes.

21 MS. BARTOLETTI: Councilman Notari?

22 MR. NOTARI: Yes.

23 MS. BARTOLETTI: Councilman Rinaldi?

24 MR. RUSSELL RINALDI: Yes. The last
25 item under housekeeping, motion to approve

1 sewer department invoices for payment.

2 MR. NOTARI: I'll make that motion.

3 MR. RUSSELL RINALDI: By Councilman
4 Notari.

5 MR. LETTIERI: I'll second it.

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

9 MS. BARTOLETTI: Councilwoman
10 Avvisato?

11 MS. AVVISATO: Yes.

12 MS. BARTOLETTI: Councilman Febbo?

13 MR. FEBBO: Yes.

14 MS. BARTOLETTI: Councilman Hoover?

15 MR. HOOVER: Yes.

16 MS. BARTOLETTI: Councilman
17 Komensky?

18 MR. KOMENSKY: Yes.

19 MS. BARTOLETTI: Councilman
20 Lettieri?

21 MR. LETTIERI: Yes.

22 MS. BARTOLETTI: Councilman Notari?

23 MR. NOTARI: Yes.

24 MS. BARTOLETTI: Councilman Rinaldi?

25 MR. RUSSELL RINALDI: Yes. We'll go

1 to some of our department heads. We have
2 your report, DPW Manager Joseph Lenceski.
3 Anything to add?

4 MR. LENCESKI: I don't have anything
5 to add.

6 MR. RUSSELL RINALDI: Anybody have
7 any questions for the DPW manager?

8 MR. NOTARI: Joe, the new drain on
9 Hoover Street, does it seem to be working?

10 MR. LENCESKI: It's working perfect.

11 MR. NOTARI: Are we going to get it
12 sealed, the pave cut --

13 MR. LENCESKI: What we have to do, I
14 got some prices of a paving vendor to do
15 restoration like American Water Company has
16 come in. There's a lot of patches that
17 they -- we had one do all of our sewer work
18 and they're not properly putting them back
19 together. We need to bring somebody in to
20 come back in for restoration of the
21 blacktop, do a better job.

22 MR. NOTARI: Probably get that done
23 by the winter?

24 MR. LENCESKI: Definitely. I want
25 to put a list together and present it to

1 council. There's a variety of areas in town
2 that they've done work on that just settled
3 below the actual break of the road. As they
4 get larger they get cheaper. I have that in
5 the office.

6 MR. NOTARI: Thank you.

7 MR. FEBBO: Thanks, Joe.

8 MR. RUSSELL RINALDI: Anybody else
9 have any questions for Joe?

10 MR. HOOVER: Joe, did we check that
11 new drain for Apache Drive? In front of the
12 driveway.

13 MR. LENCESKI: Yes, I did.

14 MR. HOOVER: Do you think we can put
15 that there?

16 MR. LENCESKI: There is one 50 feet
17 from the driveway.

18 MR. RUSSELL RINALDI: Going which
19 way?

20 MR. LENCESKI: To the right of the
21 house.

22 MR. HOOVER: Is the water going
23 there?

24 MR. LENCESKI: It is. It's just
25 when it's coming off Cheyenne. There's

1 drains everywhere. Just when you get an
2 overwhelming surge of water when it rains
3 four inches. There's a lot of places in
4 town that fall victim to that. I don't
5 know, putting a drain in there, I don't
6 think that's the answer for that situation.
7 It's a bad situation.

8 MS. STRAZIK: Three times since last
9 meeting my garage was flooded because of
10 that rain. The drain is past my house. We
11 need one before the house.

12 MS. AVVISATO: Can we put a storm
13 drain there?

14 MR. LENCESKI: Sure.

15 MS. AVVISATO: She gets flooded all
16 the time.

17 MR. RUSSELL RINALDI: If we put the
18 storm drain in -- you said there's one 50
19 feet from the house. If we put one in
20 closer to the house is it tying in to that
21 one that's 50 feet and going down the same
22 stretch of road?

23 MR. HOOVER: Is the water coming
24 from Grace Street?

25 MR. LENCESKI: I'll have to double

1 check. I don't think it's coming in that
2 direction. They're all coming up and going
3 towards the school.

4 MS. STRAZIK: I'm the lowest spot.
5 It comes both ways, but that drain handles
6 it coming from the school. Like I said,
7 Cheyenne, those two drains. But Apache
8 comes down. There's only one other drain at
9 the top of the hill on Apache Drive, so all
10 of Apache Drive comes down directly and
11 crosses in front of my driveway.

12 MR. LENCESKI: Get Dave up there and
13 look at it.

14 MR. FEBBO: Make sure she's home
15 when you do.

16 MR. RUSSELL RINALDI: Let's look and
17 see if we can pinpoint a drain closer.

18 MR. FEBBO: Give Joe your number.
19 You call her, Joe, please.

20 MR. RUSSELL RINALDI: Anybody else
21 have any other questions for Joe? Thanks,
22 Joe.

23 Chris Hart, zoning/code enforcement
24 officer. We all have his report. Anyone
25 have any questions for him?

1 MR. NOTARI: No questions, but,
2 Chris, excellent job. The list of permits
3 is bigger than I've ever seen in my --
4 however long I'm here, four or five years.
5 So it's good to know that the people in town
6 know that we have somebody on the job that's
7 doing the job. I appreciate the work.

8 MR. HART: Thank you.

9 MR. FEBBO: On Main Street, too.

10 MR. LETTIERI: What did we find out
11 about the roosters?

12 MR. HART: I'm going over there with
13 Liz. Two of them don't speak English, so
14 I'm going over with her to translate for me.

15 The other one by Miles Park, she's
16 actually trying to rehome it. I just spoke
17 with her yesterday, actually. She didn't
18 know. She had chickens and the one turned
19 into a rooster.

20 MR. LETTIERI: So the code
21 enforcement, they can't have them?

22 MR. HART: You can't have a rooster.
23 You can have chickens but you cannot have a
24 rooster. It's a nuisance. Noise.

25 MR. FEBBO: There's only one allowed

1 in Old Forge. Domiano.

2 MR. HART: The other two, I'm trying
3 to get them home during the day to meet up
4 with them.

5 MR. RUSSELL RINALDI: Any other
6 questions for Chris? Thanks, Chris.

7 Engineer's report, Dave Lopatka. We
8 have your report. Anything to add?

9 MR. LOPATKA: Give you an update.
10 The majority of the inside has been done. I
11 know they put carpet down in the main entry,
12 that whole area. A lot of the inside is
13 done. Couple of things that were added in
14 the police area. There's a door with
15 special -- it has to swing both ways where
16 the cell is. There's that and some electric
17 and communications stuff that needs to be
18 added to what was going to be a cell and is
19 now an interview room. It wasn't included
20 before. They're updating that.

21 They're supposed to start the stucco
22 this week. They haven't done that. Mostly
23 the outside is what needs to be finished.
24 The paving in the back, the elevator has to
25 be done. I know me and Marylynn called

1 Comcast because they need an active phone
2 number to get the elevator to operate
3 properly and get it approved by code. So
4 that's in the process.

5 MS. BARTOLETTI: We've been back and
6 forth a couple times.

7 MR. LOPATKA: And the blue stone,
8 they've called. We're at the time frame
9 where they had given us eight to ten weeks,
10 and we're at that time frame. They're
11 hoping to have it any day. As soon as that
12 comes they can finish that. Hopefully the
13 stuff gets done. I know they started
14 grading everything outside. They put down a
15 bunch of topsoil, getting ready to seed
16 that. Kind of waiting to seed that until
17 they get the stone work and stuff.

18 It looks a lot better outside now
19 that they got some of that grading done.

20 MR. NOTARI: What's our time frame?

21 MR. LOPATKA: He didn't give me a
22 final time frame, but we do have some --
23 there were some changes, especially a couple
24 on the slate tonight. One is that
25 additional stucco for the other pieces that

1 weren't getting stuccoed, and then the other
2 change was the store front in front of the
3 senior center. Sooner the better so we can
4 get all that stuff ordered and moving.

5 I know we talked about this. I
6 don't think we necessarily need the store
7 front for the senior center to be completed
8 prior to moving in, so I'm hoping we can get
9 the stucco and blue stone up so they can
10 finalize everything outside. The inside's
11 mostly done other than a couple wires and
12 some of that stuff in the police area.

13 MR. NOTARI: November 1st?

14 MR. LOPATKA: Hopefully soon. A lot
15 of things have been changed since it's been
16 going.

17 MR. NOTARI: I'd like you to push
18 them for October 1st.

19 MR. LOPATKA: I would love for it to
20 be finished myself.

21 MR. NOTARI: I'm sure. I know
22 you're putting a lot of work in. So with
23 all the add-ons, what is the date that they
24 should be complete? Like, when does it run
25 over where we start penalizing them?

1 MR. LOPATKA: I'll calculate that,
2 the numbers. I'll get it to Marylynn.

3 MR. NOTARI: I'd appreciate that
4 sooner than later. And how about over
5 budget? How much over budget are we to this
6 point?

7 MR. LOPATKA: About eight percent, I
8 think, over what the original bid was.

9 MS. BARTOLETTI: Once we added on
10 the front of the senior center portion, that
11 pushed the number up a little higher.

12 MR. NOTARI: Which isn't that bad.

13 MR. LOPATKA: No. A lot of times in
14 renovation project we usually budget
15 somewhere around ten.

16 MR. HOOVER: It's an existing
17 building, too. Now you're trying to tie
18 everything in, new to the old.

19 MR. NOTARI: Mare, how many days is
20 it going to take you to move back in?

21 MS. BARTOLETTI: I don't know.
22 We'll do it as fast as we can.

23 MR. NOTARI: Okay, Dave. Pagnotti
24 dugouts, are we anywhere with that project?

25 MR. LOPATKA: Yes. I'll have them.

1 I know I was supposed to have them. I'm a
2 little short handed at the office. Probably
3 within the next two weeks.

4 MR. NOTARI: I'd like to get that
5 done before the spring.

6 MR. RUSSELL RINALDI: Anybody else
7 have any questions for Dave? Thanks, Dave.

8 Police Chief Dubernas, we have his
9 report. Chief, anything to add?

10 CHIEF DUBERNAS: No. I just have an
11 update on the mayor. I got a text from his
12 daughter. He's up and alert. Several
13 stitches and he's going to go for x-rays of
14 his ankle. He's conscious and alert,
15 talking to them.

16 MR. RUSSELL RINALDI: Anyone from
17 the public doesn't know, the mayor was
18 involved in a motorcycle accident tonight
19 coming to the meeting on the corner of
20 Keyser and Oak.

21 CHIEF DUBERNAS: The only other
22 thing, too, I just got another e-mail from
23 Alex from the DA's office. This Friday
24 night we'll be participating in a countywide
25 saturation patrol, and we also got more

1 money for buckle up/car seat enforcement.
2 So if you see cars from out of town in town
3 on Friday night that's why. PSP, the entire
4 county's involved in it. You might see cars
5 from Archbald here, state police cars back
6 and forth from Jessup.

7 MR. RUSSELL RINALDI: All marked?

8 CHIEF DUBERNAS: No. The drug
9 enforcement guys will be out, everybody will
10 be out. That's it.

11 MR. RUSSELL RINALDI: Anybody have
12 any questions for the chief?

13 MR. NOTARI: Chief, are we partaking
14 in that new county police training program?

15 CHIEF DUBERNAS: The one that
16 actually starts this Friday? Yeah, I got
17 two officers going Friday and four on
18 Monday.

19 MR. NOTARI: The other thing,
20 football game night parking. There's
21 nothing we can do for this year and I don't
22 even know for the future, but just can we
23 have our patrols keep an eye on things, make
24 sure there's cars legally parked?

25 CHIEF DUBERNAS: I know they issued

1 a pile of parking tickets at the last two
2 home games.

3 MR. NOTARI: I don't know if I want
4 to go that far as to tell them to ticket
5 everybody, but I know there was a car in a
6 driveway that led to another problem, and
7 the property where Anthony Cusumano lives,
8 behind him. There was a truck parked behind
9 his driveway and he couldn't get out. It
10 wasn't that he was blocked in, but the way
11 traffic was he couldn't back out of his
12 driveway. Just keep an eye on things or
13 maybe early, before the game starts. That's
14 all I have.

15 MR. RUSSELL RINALDI: Anybody else
16 have any questions for the chief? Thank
17 you, Chief.

18 Assistant Fire Chief Stull, anything
19 to report on?

20 MR. STULL: No.

21 MR. RUSSELL RINALDI: Anybody have
22 any questions for the fire chief? Thanks,
23 Bill.

24 Attorney Rinaldi, solicitor's
25 report.

1 ATTY. RINALDI: So on the agenda
2 tonight you have the ordinance for the no
3 parking on Main Street, and that's going to
4 be the easterly side of South Main Street,
5 20 feet north of the driveway entranceway
6 for the property located at 825 South Main
7 Street.

8 Also, there is a contract that we
9 discussed with Urban Research and
10 Development Corp. to update our
11 comprehensive plan, our subdivision
12 ordinance, and there's an addition on there
13 to also do the subdivision and land
14 development ordinance as an option for an
15 extra \$8,700.

16 MR. RUSSELL RINALDI: I only have
17 that on mine. That's the one we wrote.
18 That's the one Bill's going to --

19 ATTY. RINALDI: It's in everybody's
20 packet. So, I mean, my suggestion is
21 they're here already doing your zoning, and
22 your subdivision works hand-in-hand with
23 that. For the extra \$8,700 I would include
24 that option, get it all done, because your
25 zoning ordinance, I think, goes back to '93.

1 The Unimac tax assessment appeal has
2 been agreed to by the school district and
3 the tax assessor's office. Our position's
4 always been if the school district's happy,
5 the borough is happy because they get the
6 majority of the tax. I did get the final
7 draft version, and really the only change is
8 from the last stipulation it went up another
9 \$5,000 to a total assessment of \$400,000.

10 The school is going to pass it
11 tomorrow night. There was a hearing
12 scheduled on the 9th of September that was
13 continued because they agreed to it the day
14 before and everybody needed time to have
15 their respective bodies approve it. So
16 we're doing it tonight, the school district
17 is doing it tomorrow night.

18 So the building value is \$370,000,
19 the land value is \$30,000. That's \$400,000
20 which if you multiply by the common level
21 ratio, which I think is probably
22 six-something at this time, you're looking
23 at a value of three point some million
24 dollars for the property.

25 The sewer ordinance is pretty much

1 self-explanatory.

2 I did get a back and forth from the
3 school district. They want to walk the
4 property line to see what they're getting.
5 We don't want them to think they're getting
6 the whole pit. We're still waiting on them,
7 which we'll have to reapprove the
8 subdivision again because it expired now.
9 It's over 90 days. Then we can transfer it
10 to the school district. We already voted to
11 give it to them. For whatever reason, they
12 were rethinking that option. That's all I
13 have.

14 MR. RUSSELL RINALDI: Anyone have
15 any questions for the solicitor? Thanks,
16 Bill.

17 Marylynn, borough manager's report.

18 MS. BARTOLETTI: Okay. My first
19 item is the financial reports. Does anyone
20 have any questions on any of them? All
21 right.

22 On the agenda tonight I have listed
23 to purchase a DPW truck, and it is part of
24 the 2021 budget. Do you want the figures
25 now or when we're going to vote on it?

1 MR. RUSSELL RINALDI: If you have
2 them now.

3 MR. FEBBO: On the dump truck?

4 MS. BARTOLETTI: Yes. So the truck
5 chassis portion is \$40,471.20, the body
6 portion, which is done at a different place,
7 is \$39,387.18, which gives a total of
8 \$79,858.38. It is budgeted.

9 MR. HOOVER: Which one is this
10 replacing? Or just a new one?

11 MS. BARTOLETTI: It's an additional
12 one.

13 MR. FEBBO: I want to thank you for
14 budgeting that. We have quite the fleet of
15 vehicles. Best maintained fleet in the area
16 as far as new. Joe has them kept up to date
17 and running. You see our trucks out there,
18 they're always clean, as is the DPW
19 facility. A new truck at this time is very
20 handy. We also want to consider perhaps,
21 down the road another pickup truck.

22 MS. BARTOLETTI: Right now, no.
23 We'll see. We're going to be working on the
24 budget again. But I think this is what we
25 need right now.

1 MR. FEBBO: We'll take the dump
2 truck right now, especially with the winter
3 coming in.

4 MS. BARTOLETTI: The other thing
5 that you're going to vote on tonight are
6 CDBG funds for 2021. It's \$139,992. You
7 just have to do a resolution for it. At
8 some point we will decide on a project to be
9 able to use this and other funds that we
10 have, but for now we're just voting to
11 accept it.

12 MR. RUSSELL RINALDI: Does this fall
13 under item nine, resolution nine?

14 MS. BARTOLETTI: I put it as number
15 13.

16 ATTY. RINALDI: It's 14 on your
17 list.

18 MS. BARTOLETTI: And then items one
19 and two under new business, they're the
20 MMOs, minimum municipal obligations for two
21 of the pensions. The first one listed is the
22 police pension, and the amount for 2022 is
23 \$31,887.

24 And for the non-union administrative
25 pension, which is item number two, is

1 \$14,986.

2 MR. NOTARI: The CDBG funds, is that
3 for 2022 or this year?

4 MS. BARTOLETTI: 2021. Then also
5 under new business you can see there are
6 several payment applications and change
7 orders, but all of you have all the
8 information on that. If anyone has any
9 questions myself or Dave can answer them.

10 MR. RUSSELL RINALDI: Anybody have
11 any questions for the borough manager?
12 Thanks, Mare.

13 We're going to go to public comment
14 right now. First is Dave Marhelski.

15 MR. MARHELSKI: I was just wondering
16 if the borough manager had come up with any
17 recommendation on storm drains for Lori
18 Lane, Kelly Drive and Mowry Street? The
19 borough engineer, did he come up with any
20 recommendations since the last time I spoke
21 with him with the water runoff?

22 MR. RUSSELL RINALDI: You said the
23 borough manager. Dave, remember on Keyser
24 Avenue, down the bottom, across the street.
25 In front of Mucciolo's house.

1 MR. LOPATKA: I didn't get down
2 there when it was raining anyway. I'll get
3 down there.

4 MR. RUSSELL RINALDI: Didn't we have
5 to contact PennDOT on that?

6 MR. LOPATKA: State road. Only
7 something they're going to be able to do.
8 We can probably do it. You have to get
9 permits for it.

10 MR. RUSSELL RINALDI: We would need
11 their permission first. Correct?

12 MR. LOPATKA: Permit.

13 MR. NOTARI: Joe, can you and Dave
14 put that on the top of the list? We've been
15 trying to deal with this now for too many
16 months. You're afraid it's going to pool
17 and ice?

18 MR. MARHELSKI: Well, it does. When
19 you get that big storm and the car comes by
20 it's like a lake.

21 MR. NOTARI: It's not flowing across
22 the street enough?

23 MR. MARHELSKI: There's not enough
24 to go across the street. They have the
25 storm drain on Muccio's side. There's

1 none on Bubernak, Kelly, Mowry.

2 MR. NOTARI: I drove by during the
3 big storm and there was a ton of water
4 there, but I just thought it wasn't getting
5 across the street.

6 MR. RUSSELL RINALDI: We'll get him
7 up there. Dave Cushner?

8 MR. CUSHNER: For zoning, okay, my
9 wife and I recently had a privacy fence
10 installed on one side of our property, and
11 there comes a time to have it sealed with a
12 preservative. Do we have the right to go
13 over onto the neighbor's side and seal the
14 fence if I do it myself or if I have
15 somebody do it?

16 MR. HART: I'll give her a call
17 tomorrow. I'm sure she won't have an issue.

18 MR. CUSHNER: I don't know when
19 we're going to do it, but when the time
20 comes.

21 MR. HART: I'll give her a call
22 tomorrow.

23 MR. RUSSELL RINALDI: Bill, if it's
24 his fence, it's permitted, it's properly
25 installed, and he wants to seal coat his

1 side. He'd have to go on their property.
2 If there was an issue with her letting him
3 on the property, is there any way he can get
4 on the property with some type of authority?

5 ATTY. RINALDI: It's her property.
6 I would think she'd want the fence to look
7 nice.

8 MR. CUSHNER: I doesn't enhance her
9 side very much. It enhances our property.
10 And I always thought as long as you don't
11 damage somebody's property you can go over
12 and seal it.

13 MR. HART: The fence is directly on
14 the line. I'll speak with her. Just let me
15 know when you're doing it and I'll explain
16 to her, let her know what's going on.

17 MRS. CUSHNER: She was already told
18 by the fence man that she can't be shoving
19 dirt up against the fence. I want to know
20 how far I can put my fence up.

21 MR. HART: Six feet.

22 MRS. CUSHNER: No, from the street
23 back.

24 MR. HART: It's 25 feet back off the
25 center line. You can't put the fence all

1 the way to the street. I'll stop up
2 tomorrow. I'm almost positive it's right
3 at -- and you're pretty much maxed out
4 there.

5 MR. RUSSELL RINALDI: He can stop
6 up. Show him where you want to put it, let
7 him measure it.

8 MR. HART: I know it is. Might be
9 able to get another foot or two.

10 MR. RUSSEL RINALDI: He'll be able
11 to tell you after you tell him what you want
12 and let him look at it.

13 MRS. CUSHNER: I have a question
14 with -- I lived in the heights all my life
15 and I never seen it turn into crap.
16 Nobody's taking care of their property. We
17 got people up there that only cut their
18 grass once a year.

19 MR. RUSSELL RINALDI: Do you have
20 addresses?

21 MR. HART: They were all notified.

22 MRS. CUSHNER: And I also want an
23 answer on the lady that opened up a grocery
24 store on Gaylord Street.

25 MR. RUSSELL RINALDI: I don't know

1 what you're talking about.

2 MR. HART: The lady that has a yard
3 sale. I guess she's been doing it on
4 Saturdays, twice a month. Every time I go
5 by she's gone, closed up. But I guess she's
6 a coupon lady. So she buys --

7 MRS. CUSHNER: She lives on Morton
8 Street. Why is she coming up to the
9 heights? A store up in the heights.

10 MR. RUSSELL RINALDI: Whose property
11 is she doing it on?

12 MR. HART: I don't know the house,
13 but there's never anybody there during the
14 week when I go there.

15 MR. RUSSELL RINALDI: She has two
16 houses?

17 MRS. CUSHNER: She sets up her
18 table, unloads her SUV, everything's brand
19 new, and the people line up from Bennett
20 Street all the way to Franklin. You can't
21 even get through the street. I have to put
22 cones out in our driveway.

23 MR. RUSSELL RINALDI: What days?

24 MR. CUSHNER: Saturday.

25 CHIEF DUBERNAS: Call the police on

1 Saturday.

2 MRS. CUSHNER: Some of your police
3 officers have a problem with oh, it's a yard
4 sale, giving me a hard time. That lady
5 brings stuff from a supermarket and setting
6 up a table.

7 MR. RUSSELL RINALDI: If you notice
8 someone parking illegally call the police.
9 They'll go up. Chris knows that they've
10 been doing it on Saturdays. We'll have
11 Chris drive up there and speak to her while
12 it's going on so we can get some answers.

13 MR. HART: I'll go up Saturday
14 morning.

15 MR. RUSSELL RINALDI: If they're
16 blocking your driveway you call the police
17 department. They'll send the cops up.
18 Chris will go up while she's there.

19 MR. NOTARI: Can you give your name
20 and address for the record?

21 MR. RUSSELL RINALDI: Dave Cushner.

22 MR. CUSHNER: 1212 Bennett Street.

23 MRS. CUSHNER: She belongs up the
24 Circle Drive-in.

25 MR. RUSSELL RINALDI: We'll find

1 out. Robert Hughes?

2 MR. HUGHES: Chief, I'm going to
3 quote you on an article on Monday, June 21,
4 2021, that you were in the paper, okay, and
5 it states here that "Old Forge Police Chief
6 Jason Dubernas said he started looking into
7 the body cameras in the past month and is
8 currently obtaining quotes for them, and he
9 intends to add both body cameras and in-rear
10 cameras in the vehicles and this is the wave
11 of the future." Did you do that?

12 CHIEF DUBERNAS: We're in the
13 process of it. As a matter of fact, there's
14 going to be a resolution tonight for a
15 grant. We're trying to get body cameras and
16 in-car cameras.

17 MR. HUGHES: My next question is
18 how -- when body cameras work and you as the
19 chief approach a citizen that camera
20 automatically kicks on?

21 CHIEF DUBERNAS: It all depends on
22 how they're all set up. It all depends on
23 the situation. Sometimes they're activated
24 with the emergency lights, sometimes they're
25 activated when a taser is deployed or a

1 weapon is drawn from a holster. It all
2 depends.

3 MR. HUGHES: How about if you were
4 speaking to one of your officers? Would
5 that be recorded?

6 CHIEF DUBERNAS: No.

7 MR. HUGHES: Why not?

8 CHIEF DUBERNAS: We're just having a
9 conversation. It's only for when we have
10 calls and that.

11 MR. HUGHES: The reason why I'm
12 bringing this up, you know -- I'm bringing
13 to your attention there's a lawsuit filed
14 right now against the borough with Larry
15 Rossi that a prior chief of police has got
16 one of your officers jammed up and being
17 sued.

18 CHIEF DUBERNAS: I'm very well aware
19 of it.

20 MR. HUGHES: Why wouldn't you want a
21 camera when you're talking to an officer to
22 record what was going on? Wouldn't that be
23 the right way to do it?

24 MR. RUSSELL RINALDI: Bob, do you
25 mean if he's talking to his own officers or

1 the officers are there taking the incident
2 report?

3 MR. HUGHES: No, I'm saying if he's
4 talking to one of his officers. I think
5 personally a body camera should be recording
6 at all times. The reason why I say that is
7 because of this lawsuit that was just filed
8 against your borough.

9 MR. RUSSELL RINALDI: If the officer
10 had a body camera on that day it would have
11 been recorded.

12 MR. HUGHES: You're contradicting
13 yourself now. He just said it wouldn't be
14 recorded.

15 CHIEF DUBERNAS: If Kim was talking
16 to somebody the body camera would have been
17 on.

18 MR. HUGHES: I'm not saying Kim.
19 I'm saying if you were talking to Kim would
20 your conversation be recorded?

21 CHIEF DUBERNAS: If we were both on
22 the same incident? Yes, it would have been
23 on.

24 MR. HUGHES: And how about in your
25 building?

1 CHIEF DUBERNAS: No.

2 MR. HUGHES: Why is that? Because
3 right now that poor girl is jammed up
4 because of the prior chief of police that
5 told her what to do, which was wrong.

6 CHIEF DUBERNAS: I can't get into
7 the lawsuit.

8 MR. HUGHES: I'm not telling you to
9 get into it. I'm saying I personally feel
10 as a taxpayer --

11 CHIEF DUBERNAS: That's your
12 opinion.

13 MR. HUGHES: It is. I'd like to
14 know how them body cameras are going to
15 work.

16 CHIEF DUBERNAS: I can't discuss
17 that right now.

18 MR. HUGHES: Why not?

19 CHIEF DUBERNAS: Because we have
20 legal accusations against the borough and a
21 police officer working here.

22 MR. HUGHES: No, I'm talking about
23 your body cameras.

24 MR. NOTARI: Mr. Hughes, if I could,
25 that's going to be a policy that's going to

1 have to be develop between the mayor and the
2 police chief once those cameras are
3 purchased. So once those cameras are
4 purchased I'm sure the chief and the mayor
5 will discuss how they're going to be
6 deployed. So that's something for the
7 future.

8 MR. HUGHES: Now, the next question
9 is I made it my point to go up to Walter
10 Stocki's property. I met a guy named Brian,
11 he took me around the whole property. I
12 have pictures for next month for you. I
13 seen where they're cleaning up the area. A
14 tractor-trailer came there today. They're
15 cutting parts up and everything and putting
16 everything on tractor-trailers.

17 I will say this, there's oil spilled
18 behind Gilchrist Trucking and all the
19 equipment is behind Gilchrist Trucking.

20 So my question is, first of all, the
21 trucks that are on Keyser Avenue that looks
22 like a shit house, that's not Walter
23 Stocki's trucks. I was told today they're
24 Casey-Kassa's. So my question is, Chris,
25 did Casey-Kassa come to you and ask you to

1 park those trucks there?

2 MR. HART: I was up there for two
3 and a half hours this afternoon after you
4 were there. I got all the information and
5 the details that I need and I'll proceed
6 forward with the actions that need to be
7 taken.

8 MR. HUGHES: Do you understand one
9 thing, though? This council didn't vote on
10 it, as far as I'm concerned, and I don't
11 know if zoning gave permission for his
12 trucks to be there. But I'm going to tell
13 you something, you go down this side of
14 Keyser Avenue it's beautiful with George
15 Dunbar's place, and you go up there it looks
16 like a shit house. I'm going to be honest
17 with you.

18 MR. HART: I'm aware of it, but it's
19 also been going on for years --

20 MR. HUGHES: This is my point. When
21 these vehicles were being moved up there why
22 didn't the zoning or why didn't, like,
23 president of council or somebody say wait a
24 minute, get the police up there to stop them
25 from doing what they're doing? Why couldn't

1 you put a cease and desist order up there?

2 MR. RUSSELL RINALDI: The police
3 have been up there numerous times stopping
4 vehicles.

5 MR. HUGHES: No, I'm talking about
6 when he brought all the machinery up there.

7 MR. HOOVER: This is going on six
8 years.

9 MR. RUSSELL RINALDI: It's in court,
10 Bob.

11 MR. HUGHES: I'm talking about
12 Casey-Kassa.

13 MR. RUSSELL RINALDI: All the land
14 right now is tied into a court.

15 MR. HUGHES: Bill's doing a good
16 job. My next question now, the palm reader
17 down here in Old Forge, next to my cousin's
18 house, they made two passages with a
19 lawnmower. There's still two campers there
20 and an old, old beat up car in that yard.
21 How can we get that out of there and clean
22 that yard up the right way?

23 MR. HART: I got in touch with the
24 owner's daughter. Everything's going to be
25 taken care of. The guy that owns the

1 building is living out in New Jersey. They
2 have been saying they're going to do it.
3 Same thing with by your house. They tell me
4 they're going to do something and they don't
5 do it I have to take them to court. That's
6 it. But it's a process.

7 MR. HUGHES: But it's been going on
8 quite some time now.

9 MS. AVVISATO: He was just aware of
10 it.

11 MR. HART: I took the proper steps
12 to take care of it.

13 MR. HUGHES: What about him moving
14 the camper and what about moving the car?

15 MR. HART: The judge --

16 MR. RUSSELL RINALDI: Bob, that's
17 part of the process. He's going to give
18 them the proper time to do it. If they
19 don't, then he takes them to court. Then
20 the magistrate decides. He's been taking
21 action about six weeks now, since George
22 first came and brought it to our attention.

23 Ken Barnanski?

24 MR. BARNANSKI: Ken Barnanski, 1039
25 Spring Street. I had one issue, but

1 listening to the people here I think I have
2 a second. First about the Heights. I
3 remember -- and it's nothing against the
4 chief because he hasn't been here that long.
5 But I remember there used to be daily
6 patrols. I won't say a couple hours apart,
7 but there were patrols going around to the
8 streets.

9 I for the past I don't know how many
10 years haven't seen that. I think with some
11 of the clientele up there and with the
12 issues that some of the people are facing we
13 should have more patrols to look for stuff
14 like this. That's my opinion. I don't know
15 whether they do it in other parts of the
16 town or not. I'm retired and this stuff
17 goes on from morning until evening and
18 there's nobody taking any part in
19 patrolling, as far as I know. Am I wrong,
20 Chief?

21 MR. RUSSELL RINALDI: What kind of
22 stuff goes on? What do you mean this stuff
23 goes on from morning to evening?

24 MR. BARNANSKI: Well, that's what I
25 wanted to address. Speeding, number one, on

1 Spring Street. It's terrible. I've
2 addressed this for a number of years with
3 various police chiefs and other people that
4 were on boards or other people that I know,
5 can something be done about this. And it
6 was always well, we can't do that because we
7 have no way of enforcing it because you need
8 what is it, 50 feet, Chief?

9 CHIEF DUBERNAS: But we have VASCAR
10 lines in front of your house now. We have
11 ENRAM --

12 MR. BARNANSKI: However, what good
13 is it to have the lines when there's nobody
14 there to watch if they're speeding or not?
15 That's my point. I said park in my
16 driveway, and the response was from the
17 police officer if I parked in your driveway
18 and I go after somebody I could get hit by
19 somebody coming down the road. I said
20 that's what I'm trying to tell you. I have
21 to pull out of my driveway. My next-door
22 neighbor has to pull out of his driveway.
23 Across the street, two people. We have been
24 many times almost hit by vehicles because of
25 the speeding.

1 There are no sidewalks on that lower
2 part of Spring Street. People walk their
3 dogs, they walk with their kids, going by
4 themselves. Any time of day you can see
5 cars. Naturally it's more so towards
6 quitting time or going to work and so forth.
7 But this is all day long.

8 MR. RUSSELL RINALDI: This is the
9 first time I'm hearing about Spring Street
10 speeding, anything. I'm just saying, now
11 that you said it we'll ask the chief, have
12 him send the police up there a little bit
13 more.

14 CHIEF DUBERNAS: I know my guys
15 patrol up there.

16 MR. RUSSELL RINALDI: We'll ask him
17 now to send them up.

18 MR. BARNANSKI: The other issue, the
19 road itself. To me it's in bad shape. I
20 talked to Papi a number of years ago. He
21 said the engineer said there was nothing
22 wrong with it.

23 MR. RUSSELL RINALDI: We're doing a
24 paving program this March --

25 MR. HOOVER: Early next year.

1 MR. RUSSELL RINALDI: We're going to
2 be going around this year and next year --
3 more this year so we can get quotes. We'll
4 send the DPW manager up.

5 MR. HOOVER: I'll go up.

6 MR. RUSSELL RINALDI: Councilman
7 Hoover and myself, we'll take a look at the
8 road. The engineer then looks at the road,
9 they discuss it with the DPW manager, and
10 then we decide which roads we're going to
11 put on the list. We'll make sure they look
12 at the whole road this time.

13 Mike?

14 MR. CROSSIN: Mike Crossin, 216 East
15 Morton Street. I have a question. The Old
16 Forge Borough has a website. Correct?

17 MR. RUSSEL RINALDI: Yes.

18 MR. CROSSIN: Now, I checked this
19 yesterday and today and there was not an
20 agenda published on the website.

21 MS. BARTOLETTI: If you asked when
22 you came in I would have told you they were
23 right there. There's about 15 of them
24 sitting in front of Chris. Our website is
25 in the process of being rebuilt right now,

1 so I can't add anything to it. So I do try
2 to have them here --

3 MR. CROSSIN: Maybe your solicitor
4 can answer this question. Is he aware that
5 the Sunshine Act was amended by Senate bill
6 554 which went into effect on August 29 of
7 this year?

8 ATTY. RINALDI: Yes.

9 MR. CROSSIN: And what does that
10 amendment say?

11 ATTY. RINALDI: We need to have
12 items on the agenda.

13 MR. CROSSIN: Twenty-four hours
14 before the meeting, and it has to be
15 published and posted on the door. Was that
16 done here tonight?

17 ATTY. RINALDI: That wasn't done
18 tonight, no.

19 MR. CROSSIN: So if they take a vote
20 tonight on anything on the agenda it would
21 be violating this new law. Correct?

22 ATTY. RINALDI: Well --

23 MR. CROSSIN: No, no, there's no
24 well.

25 ATTY. RINALDI: There's repair

1 parts.

2 MR. CROSSIN: Yeah. Technically,
3 though --

4 ATTY. RINALDI: The agenda was added
5 to tonight, yes. The items that came up.

6 MR. CROSSIN: So they should not
7 vote. Otherwise, they would be violating
8 this amendment to the Sunshine Act by
9 committing the crime.

10 ATTY. RINALDI: It won't be a crime,
11 it will be a violation of the Sunshine Act.

12 MR. CROSSIN: Well, I mean, they do
13 get prosecuted for violating the Sunshine
14 Act.

15 ATTY. RINALDI: They can be fined.
16 Somebody can file a suit and fine them.

17 MR. CROSSIN: In county court.

18 ATTY. RINALDI: Yes.

19 MR. CROSSIN: And what would happen?

20 ATTY. RINALDI: The judge would make
21 a determination. It's up to the judge what
22 the curative amendment is.

23 MR. CROSSIN: I think that if you
24 people want to be transparent with the
25 taxpayers in this community that they should

1 follow the new law and that this agenda
2 should be published on your website 24 hours
3 ahead of time so that the taxpayers of this
4 town could see what's going to be voted on,
5 not to have it sprung up at the last second
6 and ask for public input when you're
7 mentioning the vote to pass this agenda
8 item. That's wrong.

9 And you as the solicitor, it's your
10 obligation to inform this council, who
11 employs you, to give them that advice. Now,
12 should they vote on this item tonight?

13 ATTY. RINALDI: We can hold off
14 on -- well, there's only two additions
15 tonight. The rest of the agenda was
16 published -- the problem is we're in
17 transition between a borough building and a
18 website. This isn't our borough building.
19 We can't post it here. We can have it
20 available at the borough building.

21 MR. CROSSIN: It doesn't matter
22 where you're at. The law is the law. It
23 states what you should do. Whether you're
24 working out of a garage somewhere or --

25 ATTY. RINALDI: And we're working to

comply. This isn't our building to post things on.

MR. CROSSIN: That's not an excuse, working to comply. The law is the law. It was passed by the legislature, it was enacted on August 29th, and you should be following that law. So by letting these people vote tonight, these council members vote, they're committing a crime.

MR. NOTARI: Was the agenda available at the borough building upon request?

MS. BARTOLETTI: If anyone asked for
it, yes.

MR. CROSSIN: That's not what the law states must be done. You should look at the law. I'll hand you this paper I have in my hand.

MR. NOTARI: I don't disagree with you. However, I'm sure there is a spirit of the law, and I think the spirit of the law we are following.

MR. CROSSIN: I don't think so.

You've always never been transparent with anything on your agenda. In fact, you've

1 never had an agenda that anybody -- the
2 public came in to this prior to tonight
3 there was no agenda for them, and I've been
4 here a number of times.

5 MS. BARTOLETTI: They're always
6 right here on the table. Always right
7 there.

8 ATTY. RINALDI: We always have an
9 agenda.

10 MR. NOTARI: Mr. Crossin, I'm going
11 to tell you this, I know since I'm on
12 council they're always available because I
13 know I made a stink about it going to
14 meetings before I was on council, that maybe
15 the agenda wasn't available.

16 MR. CROSSIN: Well, now it's the law
17 and you should follow the law.

18 MR. NOTARI: I agree, we should
19 follow the law. I don't disagree with you.

20 MR. RUSSELL RINALDI: Mike, at any
21 time in the past 24 hours did you call the
22 borough and request an agenda?

23 MR. CROSSIN: No. I did what the
24 law said you're supposed to do.

25 MR. RUSSELL RINALDI: I'm just

1 asking if you tried to get an agenda within
2 the past 24 hours and you were refused?

3 MR. CROSSIN: No, I'm just going by
4 what is stated here in the bill what you're
5 supposed to do.

6 MR. RUSSELL RINALDI: Okay, anything
7 else?

8 MR. CROSSIN: No.

9 MR. RUSSELL RINALDI: Before we go
10 into new business we'll go down the table,
11 see if any council members have anything
12 they'd like to add. Councilman Febbo?

13 MR. FEBBO: No, I'm good.

14 MR. NOTARI: I'd just like to
15 mention that the LHVA, Lackawanna Heritage
16 Trail, they have put together a proposal for
17 the extension of the trail from Taylor into
18 Pittston that they're going to start moving
19 forward in terms of getting approvals and
20 trying to acquire land. I thought with us
21 approving a planning/zoning update later in
22 this meeting that maybe we would like to
23 bring the LHVA in to update us on their
24 plan.

25 I spoke with one of the

1 representatives there. They're willing to
2 come in to meet with council. They're not
3 yet ready to make this plan public, but they
4 would like to met with council to explain
5 what their ideas are and possibly take some
6 ideas from us.

7 So I'm hoping that before our next
8 information meeting, our next work session
9 that someone can come down from the LHVA and
10 address us. So I'd like to make that
11 arrangement if council agrees with that.

12 MR. RUSSELL RINALDI: I think it's a
13 good idea. You make the arrangement, I'll
14 be here.

15 Councilman Lettieri?

16 MR. LETTIERI: I have nothing.

17 MR. KOMENSKY: I have nothing.

18 MS. AVVISATO: I have nothing.

19 MR. HOOVER: Nothing.

20 MR. RUSSELL RINALDI: Okay. Before
21 we go into new business council is going to
22 break into an executive session for a five
23 or ten minute recess.

24 (A brief recess was taken at this
25 time.)

1 MR. RUSSELL RINALDI: Welcome back,
2 ladies and gentlemen. I apologize for the
3 brief delay. We're going to move into new
4 business now.

5 The first item on the agenda is the
6 minimum municipal obligation for the police
7 pension 2022. Mare, would you explain that
8 one, please?

9 MS. BARTOLETTI: Okay. So the
10 police MM0 for 2022 will be \$31,887.

11 MR. RUSSEL RINALDI: The chair would
12 entertain a motion to approve.

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

14 MR. RUSSELL RINALDI: By Councilman
15 Notari.

16 MS. AVVISATO: I'll second that
17 motion.

18 MR. RUSSELL RINALDI: Seconded by
19 Councilwoman Avvisato. On the question?
20 Public input?

21 MR. CROSSIN: You're going ahead and
22 voting on all these items on the agenda that
23 violate the law?

24 MR. RUSSEL RINALDI: Excuse me?

25 MR. CROSSIN: You're going ahead and

1 voting on these items on your agenda which
2 is in violation of the current law. Is that
3 correct?

4 MR. RUSSELL RINALDI: We're going to
5 vote on the items on the agenda that,
6 according to the law, were available 24
7 hours before the meeting.

8 MR. CROSSIN: No, that's not what
9 the law says. I told you what the law says.
10 Your solicitor should tell you what the law
11 is.

12 ATTY. RINALDI: They're going to
13 vote on the items that were listed on the
14 agenda that was available at the borough
15 building. Any changes --

16 MR. CROSSIN: That's not what the
17 law says. It has to be publicly published
18 on your website and you're trying to
19 circumvent the law. Now, you're advising
20 them in violation of the law. You should
21 step down from your position because you're
22 not fulfilling your obligation as solicitor.

23 ATT. RINALDI: I'm advising them
24 that we don't have the website running,
25 so --

1 MR. CROSSIN: Doesn't matter --

2 ATTY. RINALDI: It's published at
3 the borough building, which is open to the
4 public.

5 MR. CROSSIN: Then you should have
6 published it in the paper.

7 ATTY. RINALDI: It doesn't have to
8 be published in the paper.

9 MR. CROSSIN: Well, if you're saying
10 you don't have the website you have to do
11 something to make it public, the agenda to
12 the public 24 hours before the vote.

13 ATT. RINALDI: And it's published in
14 the borough building like the schedule of
15 meetings for --

16 MR. CROSSIN: And what's going on in
17 the borough building right now?

18 ATT. RINALDI: The borough
19 building's open to the public. It's just a
20 small portion is open to the public.

21 MR. CROSSIN: Isn't it under
22 construction?

23 ATTY. RINALDI: It is, but it's
24 open. People come in and out all the time.

25 MR. CROSSIN: Really?

1 ATT. RINALDI: Yes. There's two
2 accessways. The council chambers, we can't
3 have council meetings there.

4 MR. CROSSIN: My issue still is that
5 you're directing them to vote on this in
6 violation of the amendment to the Sunshine
7 law.

8 ATTY. RINALDI: I advised them
9 accordingly.

10 MR. CROSSIN: Accordingly? Well,
11 that means you're violating the law, then
12 you're telling them to violate the law.

13 ATTY. RINALDI: You have your
14 opinion, I gave them my opinion.

15 MR. CROSSIN: No, no, no, I don't
16 have an opinion. I have the law here in
17 front of me. Maybe you should look at it.

18 ATTY. RINALDI: I did look at it.

19 MR. CROSSIN: Oh, you did? Well,
20 then, you should step down, then.

21 MR. RUSSELL RINALDI: Public input?
22 Roll call, please.

23 MS. BARTOLETTI: Councilwoman
24 Avvisato?

25 MS. AVVISATO: Yes.

1 MS. BARTOLETTI: Councilman Febbo?

2 MR. FEBBO: Yes.

3 MS. BARTOLETTI: Councilman Hoover?

4 MR. HOOVER: Yes.

5 MS. BARTOLETTI: Councilman

6 Komensky?

7 MR. KOMENSKY: Yes.

8 MS. BARTOLETTI: Councilman

9 Lettieri?

10 MR. LETTIERI: Yes.

11 MS. BARTOLETTI: Councilman Notari?

12 MR. NOTARI: Yes.

13 MS. BARTOLETTI: Councilman Rinaldi?

14 MR. RUSSELL RINALDI: Yes. Item

15 number two is minimum municipal obligation,

16 MMO, for non-uniform administrative. Mare,

17 would you explain that one?

18 MS. BARTOLETTI: The MMO for the

19 non-uniform pension is \$14,986 for 2022.

20 MR. RUSSELL RINALDI: The chair

21 would entertain a motion to approve.

22 MR. NOTARI: I'll make that motion.

23 MR. RUSSELL RINALDI: Motion on the

24 floor by Councilman Notari.

25 MR. LETTIERI: I'll second the

1 motion.

2 MR. RUSSELL RINALDI: Seconded by
3 Councilman Lettieri. On the question?
4 Public input?

5 MR. CROSSIN: Same objection.

6 MR. RUSSELL RINALDI: Excuse me?

7 MR. CROSSIN: I have the same
8 objection.

9 MR. RUSSELL RINALDI: Do you want to
10 state it?

11 MR. CROSSIN: The same as the
12 previous one.

13 MR. RUSSELL RINALDI: Okay. Public
14 input? Roll call, please.

15 MS. BARTOLETTI: Councilwoman
16 Avvisato?

17 MS. AVVISATO: Yes.

18 MS. BARTOLETTI: Councilman Febbo?

19 MR. FEBBO: Yes.

20 MS. BARTOLETTI: Councilman Hoover?

21 MR. HOOVER: Yes.

22 MS. BARTOLETTI: Councilman
23 Komensky?

24 MR. KOMENSKY: Yes.

25 MS. BARTOLETTI: Councilman

1 Lettieri?

2 MR. LETTIERI: Yes.

3 MS. BARTOLETTI: Councilman Notari?

4 MR. NOTARI: Yes.

5 MS. BARTOLETTI: Councilman Rinaldi?

6 MR. RUSSELL RINALDI: Yes. Item
7 number three is payment application number
8 ten payable to D&M construction. The amount
9 is \$42,079.67. Motion to approve payment?

10 MS. AVVISATO: I'll make that
11 motion, Mr. Chairman.

12 MR. FEBBO: I'll second that.

13 MR. RUSSELL RINALDI: Motion on the
14 floor by Councilwoman Avvisato, seconded by
15 Councilman Febbo. On the question?

16 MR. NOTARI: On the question, I
17 don't have it right in front of me. What
18 exactly is this change order for?

19 MS. BARTOLETTI: This is a full
20 payment application.

21 MR. RUSSELL RINALDI: On the
22 question? Public input?

23 MR. CROSSIN: Mike Crossin, same
24 objection as the previous first objection.

25 MR. RUSSELL RINALDI: Public input?

1 Roll call, please.

2 MS. BARTOLETTI: Councilwoman

3 Avvisato?

4 MS. AVVISATO: Yes.

5 MS. BARTOLETTI: Councilman Febbo?

6 MR. FEBBO: Yes.

7 MS. BARTOLETTI: Councilman Hoover?

8 MR. HOOVER: Yes.

9 MS. BARTOLETTI: Councilman

10 Komensky?

11 MR. KOMENSKY: Yes.

12 MS. BARTOLETTI: Councilman

13 Lettieri?

14 MR. LETTIERI: Yes.

15 MS. BARTOLETTI: Councilman Notari?

16 MR. NOTARI: Yes.

17 MS. BARTOLETTI: Councilman Rinaldi?

18 MR. RUSSELL RINALDI: Yes. Item

19 number four is payment application number

20 five payable to D&M Construction. The

21 amount is \$31,783.50, and that portion's

22 being paid by?

23 MS. BARTOLETTI: CDBG. This is for
24 the elevator portion.

25 MR. RUSSELL RINALDI: Motion to

1 approve payment?

2 MR. NOTARI: I'll make that motion,
3 Mr. Chairman.

4 MR. RUSSELL RINALDI: Motion on the
5 floor by Councilman Notari.

6 MR. HOOVER: I'll second it.

7 MR. RUSSELL RINALDI: Seconded by
8 Councilman Hoover. On the question? Public
9 input?

10 MR. CROSSIN: Mike Crossin, same
11 objection. Violating the Sunshine Act by
12 voting on it.

13 MR. RUSSELL RINALDI: Public input?
14 Roll call, please.

15 MS. BARTOLETTI: Councilwoman
16 Avvisato?

17 MS. AVVISATO: Yes.

18 MS. BARTOLETTI: Councilman Febbo?

19 MR. FEBBO: Yes.

20 MS. BARTOLETTI: Councilman Hoover?

21 MR. HOOVER: Yes.

22 MS. BARTOLETTI: Councilman
23 Komensky?

24 MR. KOMENSKY: Yes.

25 MS. BARTOLETTI: Councilman

1 Lettieri?

2 MR. LETTIERI: Yes.

3 MS. BARTOLETTI: Councilman Notari?

4 MR. NOTARI: Yes.

5 MS. BARTOLETTI: Councilman Rinaldi?

6 MR. RUSSELL RINALDI: Yes. Next

7 item is item number five. Payment

8 application number six payable to D&M

9 Construction. The amount is \$25,303.50.

10 Once again, paid by CDBG?

11 MS. BARTOLETTI: Yes.

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

13 MR. KOMENSKY: I'll second it.

14 MR. RUSSELL RINALDI: Motion by

15 Councilman Hoover, seconded by Councilman

16 Komensky. On the question? Public input?

17 MR. CROSSIN: Mike Crossin, same

18 objection. You're violating the Sunshine

19 Act by voting on this item that's on your

20 agenda that wasn't published.

21 MR. RUSSELL RINALDI: Public input?

22 Roll call, please.

23 MS. BARTOLETTI: Councilwoman

24 Avvisato?

25 MS. AVVISATO: Yes.

1 MS. BARTOLETTI: Councilman Febbo?

2 MR. FEBBO: Yes.

3 MS. BARTOLETTI: Councilman Hoover?

4 MR. HOOVER: Yes.

5 MS. BARTOLETTI: Councilman

6 Komensky?

7 MR. KOMENSKY: Yes.

8 MS. BARTOLETTI: Councilman

9 Lettieri?

10 MR. LETTIERI: Yes.

11 MS. BARTOLETTI: Councilman Notari?

12 MR. NOTARI: Yes.

13 MS. BARTOLETTI: Councilman Rinaldi?

14 MR. RUSSELL RINALDI: Yes. Next

15 item is item number six, change order number

16 31 payable to D&M Construction. The amount

17 is \$4,088.68.

18 MR. NOTARI: I'll make that motion.

19 MR. RUSSELL RINALDI: Motion by

20 Councilman Notari.

21 MR. LETTIERI: I'll second it.

22 MR. RUSSELL RINALDI: Seconded by

23 Councilman Lettieri. On the question?

24 MR. NOTARI: Dave?

25 MR. LOPATKA: Some of the air

1 handling units had to be hooked into three
2 phase and there wasn't enough room in the
3 main panel, so it's a subpanel just for
4 those.

5 MR. RUSSELL RINALDI: On the
6 question? Public input?

7 MR. CROSSIN: Mike Crossin, same
8 objection. Violating the Sunshine Act by
9 voting on the agenda tonight.

10 MR. RUSSELL RINALDI: Public input?
11 Roll call, please.

12 MS. BARTOLETTI: Councilwoman
13 Avvisato?

14 MS. AVVISATO: Yes.

15 MS. BARTOLETTI: Councilman Febbo?

16 MR. FEBBO: Yes.

17 MS. BARTOLETTI: Councilman Hoover?

18 MR. HOOVER: Yes.

19 MS. BARTOLETTI: Councilman
20 Komensky?

21 MR. KOMENSKY: Yes.

22 MS. BARTOLETTI: Councilman
23 Lettieri?

24 MR. LETTIERI: Yes.

25 MS. BARTOLETTI: Councilman Notari?

1 MR. NOTARI: Yes.

2 MS. BARTOLETTI: Councilman Rinaldi?

3 MR. RUSSELL RINALDI: Yes. Item
4 number seven is change order number 32
5 payable to D&M Construction. The amount is
6 \$20,147.73.

7 MR. LETTIERI: I'll make that
8 motion.

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

11 MR. NOTARI: I'll second it.

12 MR. RUSSELL RINALDI: Seconded by
13 Councilman Notari. On the question?

14 MR. NOTARI: Dave?

15 MR. LOPATKA: It's for the
16 additional stucco on the front.

17 MR. RUSSELL RINALDI: On the
18 question? Public input?

19 MR. CROSSIN: Again, Mike Crossin.
20 Same objection, you're violating the
21 Sunshine Act by voting on this agenda item.

22 MR. RUSSELL RINALDI: Public input?
23 Roll call, please.

24 MS. BARTOLETTI: Councilwoman
25 Avvisato?

1 MS. AVVISATO: Yes.

2 MS. BARTOLETTI: Councilman Febbo?

3 MR. FEBBO: Yes.

4 MS. BARTOLETTI: Councilman Hoover?

5 MR. HOOVER: Yes.

6 MS. BARTOLETTI: Councilman

7 Komensky?

8 MR. KOMENSKY: Yes.

9 MS. BARTOLETTI: Councilman

10 Lettieri?

11 MR. LETTIERI: Yes.

12 MS. BARTOLETTI: Councilman Notari?

13 MR. NOTARI: Yes.

14 MS. BARTOLETTI: Councilman Rinaldi?

15 MR. RUSSELL RINALDI: Yes. Item

16 number eight is change order number 33

17 payable to D&M Construction. The amount is

18 \$67,261.78.

19 MR. NOTARI: I'll make that motion,

20 Mr. Chairman.

21 MR. RUSSELL RINALDI: Motion by

22 Councilman Notari.

23 MS. AVVISATO: I'll second that

24 motion.

25 MR. RUSSELL RINALDI: Seconded by

1 Councilwoman Avvisato. On the question?

2 MR. NOTARI: Dave?

3 MR. LOPATKA: That is for adding the
4 whole new store front to the senior center
5 side of the building.

6 MR. RUSSELL RINALDI: On the
7 question? Public input.

8 MR. CROSSIN: Yes, Mike Crossin.
9 Same violation of the Sunshine Act by voting
10 on this item on the agenda. It was not
11 published 24 hours before this meeting.

12 MR. RUSSELL RINALDI: Public input?
13 Roll call, please.

14 MS. BARTOLETTI: Councilwoman
15 Avvisato?

16 MS. AVVISATO: Yes.

17 MS. BARTOLETTI: Councilman Febbo?

18 MR. FEBBO: Yes.

19 MS. BARTOLETTI: Councilman Hoover?

20 MR. HOOVER: Yes.

21 MS. BARTOLETTI: Councilman
22 Komensky?

23 MR. KOMENSKY: Yes.

24 MS. BARTOLETTI: Councilman
25 Lettieri?

1 MR. LETTIERI: Yes.

2 MS. BARTOLETTI: Councilman Notari?

3 MR. NOTARI: Yes.

4 MS. BARTOLETTI: Councilman Rinaldi?

5 MR. RUSSELL RINALDI: Yes. Item

6 number nine is resolution number nine.

7 Mare, could you explain it for the record?

8 MS. BARTOLETTI: Resolution number

9 nine is authorizing myself and Jason to

10 submit a grant for the Monroe Local Share

11 Grant to apply for a grant for body cameras

12 in the amount of \$85,539.

13 MR. RUSSELL RINALDI: At this time

14 the chair would entertain a motion.

15 MR. KOMENSKY: I'll make that

16 motion.

17 MR. RUSSELL RINALDI: Motion by

18 Councilman Komensky.

19 MS. AVVISATO: I'll second that

20 motion.

21 MR. RUSSELL RINALDI: Seconded by

22 Councilwoman Avvisato. On the question?

23 Public input?

24 MR. CROSSIN: Michael Crossin.

25 Again, same objection as raised, that you're

1 voting on this agenda item in violation of
2 the Sunshine Act.

3 MR. RUSSELL RINALDI: Public
4 comment? Roll call, please.

5 MS. BARTOLETTI: Councilwoman
6 Avvisato?

7 MS. AVVISATO: Yes.

8 MS. BARTOLETTI: Councilman Febbo?

9 MR. FEBBO: Yes.

10 MS. BARTOLETTI: Councilman Hoover?

11 MR. HOOVER: Yes.

12 MS. BARTOLETTI: Councilman
13 Komensky?

14 MR. KOMENSKY: Yes.

15 MS. BARTOLETTI: Councilman
16 Lettieri?

17 MR. LETTIERI: Yes.

18 MS. BARTOLETTI: Councilman Notari?

19 MR. NOTARI: Yes.

20 MS. BARTOLETTI: Councilman Rinaldi?

21 MR. RUSSELL RINALDI: Yes. Item
22 number ten on the agenda is ordinance number
23 two. It's an ordinance establishing no
24 parking on the east side of South Main
25 Street for a property at 825 South Main

1 Street. Bill, 20 feet north?

2 ATTY. RINALDI: Yes.

3 MR. RUSSELL RINALDI: Twenty feet
4 north of the driveway entrance at property
5 825 South Main Street.

6 MR. LETTIERI: I'll make that
7 motion.

8 MR. RUSSELL RINALDI: Motion on the
9 floor by Councilman Lettieri.

10 MS. AVVISATO: I'll second that
11 motion.

12 MR. RUSSELL RINALDI: Seconded by
13 Councilwoman Avvisato.

14 MR. FEBBO: Is that Monticelli's
15 property?

16 CHIEF DUBERNAS: No, Newberry.
17 Right next to the Domiano building.

18 MR. RUSSELL RINALDI: On the
19 question? Public input?

20 MR. CROSSIN: Yes. Mike Crossin,
21 same objection. Also, motor vehicle code
22 calls for parking not within 15 feet of a
23 driveway. So why do we need an ordinance to
24 make it 20 feet when there's state law
25 already on the books about parking that

1 close to a driveway?

2 MR. RUSSELL RINALDI: What's your
3 question, Mike?

4 MR. CROSSIN: My question is why do
5 we need an ordinance saying 20 feet when
6 there's a law already that exists that you
7 can't park within 15 feet of the driveway?

8 MR. RUSSELL RINALDI: Because the
9 borough doesn't have a sign posted there.

10 MR. CROSSIN: Doesn't matter. It's
11 state law. It's under the motor vehicle
12 code. Ask your police chief.

13 MR. RUSSELL RINALDI: But the
14 borough wants to put a sign there to notify
15 the people.

16 MR. CROSSIN: You can put a sign up
17 saying driveway, but 20 feet, you can't
18 supersede the state. The state says 15
19 feet. Chief Dubernas, am I correct?

20 CHIEF DUBERNAS: Yes. I contacted
21 PennDOT, PennDOT told us we can put the sign
22 there.

23 MR. CROSSIN: They did?

24 CHIEF DUBERNAS: Uh-huh.

25 MR. CROSSIN: Even though state law

1 says 15 feet?

2 CHIEF DUBERNAS: Right. We brought
3 that to their attention. There's another
4 one on South Main Street. Due to it being a
5 state roadway we contacted PennDOT, and
6 PennDOT told us we could as long as it was
7 approved by council.

8 MR. CROSSIN: Well, that's a new one
9 on me since the law already exists.

10 CHIEF DUBERNAS: I can't answer for
11 what PennDOT told us. They said it had to
12 be approved by council.

13 MR. RUSSELL RINALDI: Public
14 comment? Roll call, please.

15 MS. BARTOLETTI: Councilwoman
16 Avvisato?

17 MS. AVVISATO: Yes.

18 MS. BARTOLETTI: Councilman Febbo?

19 MR. FEBBO: Yes.

20 MS. BARTOLETTI: Councilman Hoover?

21 MR. HOOVER: Yes.

22 MS. BARTOLETTI: Councilman
23 Komensky?

24 MR. KOMENSKY: Yes.

25 MS. BARTOLETTI: Councilman

1 Lettieri?

2 MR. LETTIERI: Yes.

3 MS. BARTOLETTI: Councilman Notari?

4 MR. NOTARI: Yes.

5 MS. BARTOLETTI: Councilman Rinaldi?

6 MR. RUSSELL RINALDI: Yes. Item
7 number 11 is a motion to a purchase new DPW
8 vehicle that was listed in the budget for
9 2021. Mare, could you read the finance
10 numbers again, please?

11 MS. BARTOLETTI: Yes. Number four,
12 the truck chassis is \$40,471.20, which is
13 coming from Kovach Rottet Motors, and then
14 the body part is \$39,387.18 coming from
15 Powell's Sales and Service.

16 MR. RUSSELL RINALDI: Motion to
17 approve the purchase.

18 MR. FEBBO: I'll make that motion,
19 Mr. Chairman.

20 MR. RUSSELL RINALDI: Motion by
21 Councilman Febbo.

22 MR. KOMENSKY: I'll second it.

23 MR. RUSSELL RINALDI: Seconded by
24 Councilman Komensky. On the question?
25 Public input?

1 MR. HUGHES: Is that going to have a
2 plow on it?

3 MS. BARTOLETTI: Yes.

4 MR. RUSSELL RINALDI: Mike Crossing,
5 same question -- or answer. You're
6 violating the Sunshine Act by voting on this
7 tonight without being published 24 hours
8 ahead of time.

9 MR. RUSSELL RINALDI: Public
10 comment? Roll call, please.

11 MS. BARTOLETTI: Councilwoman
12 Avvisato?

13 MS. AVVISATO: Yes.

14 MS. BARTOLETTI: Councilman Febbo?

15 MR. FEBBO: Yes.

16 MS. BARTOLETTI: Councilman Hoover?

17 MR. HOOVER: Yes.

18 MS. BARTOLETTI: Councilman
19 Komensky?

20 MR. KOMENSKY: Yes.

21 MS. BARTOLETTI: Councilman
22 Lettieri?

23 MR. LETTIERI: Yes.

24 MS. BARTOLETTI: Councilman Notari?

25 MR. NOTARI: Yes.

1 MS. BARTOLETTI: Councilman Rinaldi?

2 MR. RUSSELL RINALDI: Yes. Item
3 number 12 is a motion to hire a department
4 of public works employee. The personnel
5 committee interviewed applicants. We had
6 one applicant. We did interviews last
7 night. Council voted and advertised, and
8 the chair at this time is going to entertain
9 a motion to hire Keith Malinowski.

10 MR. NOTARI: I'll make that motion.

11 MR. HOOVER: I'd like to let you
12 know that Keith currently works for the
13 borough on the summer program and he's a
14 very good worker. He's running the
15 machines, he also has his CDL license, which
16 is very important. So that's why we decided
17 to -- the interview went very well last
18 night and we decided to hire him.

19 MR. NOTARI: Excellent. I'll still
20 make the motion.

21 MR. HOOVER: I'll second it.

22 MR. RUSSELL RINALDI: Motion by
23 Councilman Notari, we have a second by
24 Councilman Hoover. On the question? Public
25 input?

1 MR. CROSSIN: Mike Crossin, same
2 violation of the Sunshine Act by voting on
3 this.

4 MR. RUSSELL RINALDI: Public input?
5 Roll call, please.

6 MS. BARTOLETTI: Councilwoman
7 Avvisato?

8 MS. AVVISATO: Yes.

9 MS. BARTOLETTI: Councilman Febbo?

10 MR. FEBBO: Yes.

11 MS. BARTOLETTI: Councilman Hoover?

12 MR. HOOVER: Yes.

13 MS. BARTOLETTI: Councilman
14 Komensky?

15 MR. KOMENSKY: Yes.

16 MS. BARTOLETTI: Councilman
17 Lettieri?

18 MR. LETTIERI: Yes.

19 MS. BARTOLETTI: Councilman Notari?

20 MR. NOTARI: Yes.

21 MS. BARTOLETTI: Councilman Rinaldi?

22 MR. RUSSELL RINALDI: Yes. Item
23 number 13 is a motion to amend the agenda
24 for item number 14 and 15. Bill, could you
25 explain, please.

1 ATTY. RINALDI: So the first one
2 you're going to amend the agenda for is the
3 settlement agreement between UNIMAC and
4 Lackawanna County Tax Assessor's Office, et.
5 al. That agreement was sent to me today and
6 I have a copy of it. It's basically
7 updating by \$5,000 last year's settlement
8 agreement. Everybody's agreed on that.

9 MR. RUSSELL RINALDI: Item number 15
10 will be?

11 ATTY. RINALDI: Fifteen is to place
12 on the agenda a motion to require borough
13 employees and visitors who are not
14 vaccinated to wear masks on borough
15 property -- in and on borough property.

16 MR. RUSSELL RINALDI: So first
17 motion is item number 13, motion to amend
18 the agenda to add items number 14 and 15.

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

20 MR. RUSSELL RINALDI: Motion by
21 Councilman Hoover.

22 MS. AVVISATO: I'll second that.

23 MR. RUSSELL RINALDI: Seconded by
24 Councilwoman Avvisato. On the question?
25 Public input?

1 MR. CROSSIN: Mike Crossin. Same.
2 It's violating the Sunshine Act by voting on
3 these resolutions tonight that are on the
4 agenda.

5 MR. RUSSELL RINALDI: Public input?

6 MR. HUGHES: If you're at a council
7 meeting how do you know if they're
8 vaccinated or not? A council meeting like
9 this that would be open to the public, how
10 do you know if they're vaccinated or not?

11 MR. HOOVER: It's borough property.
12 Everybody has to wear a mask.

13 MR. HUGHES: Even people that are
14 vaccinated?

15 MR. HOOVER: At a meeting like this,
16 yeah, we should wear them.

17 MR. RUSSELL RINALDI: This isn't
18 borough property.

19 MR. HUGHES: But at the council
20 meeting you have to. That's good.

21 MR. RUSSELL RINALDI: Public input?
22 Roll call, please.

23 MS. BARTOLETTI: Councilwoman
24 Avvisato?

25 MS. AVVISATO: Yes.

1 MS. BARTOLETTI: Councilman Febbo?

2 MR. FEBBO: Yes.

3 MS. BARTOLETTI: Councilman Hoover?

4 MR. HOOVER: Yes.

5 MS. BARTOLETTI: Councilman
6 Komensky?

7 MR. KOMENSKY: Yes.

8 MS. BARTOLETTI: Councilman
9 Lettieri?

10 MR. LETTIERI: Yes.

11 MS. BARTOLETTI: Councilman Notari?

12 MR. NOTARI: Yes.

13 MS. BARTOLETTI: Councilman Rinaldi?

14 MR. RUSSELL RINALDI: Yes. Now,
15 we're doing motion to approve item number
16 14. That motion was to add item 14 and 15
17 on. So, now, motion to approve item number
18 14.

19 ATTY. RINALDI: The first one is to
20 approve the settlement between UNIMAC versus
21 Lackawanna County Tax Assessor's Office, et.
22 al. to the agreed upon \$400,000 valuation of
23 the property in question.

24 MR. RUSSELL RINALDI: Motion to
25 approve?

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

3 MR. RUSSELL RINALDI: Motion on the
4 floor by Councilman Komensky.

5 MR. FEBBO: I'll second.

6 MR. RUSSELL RINALDI: Seconded by
7 Councilman Febbo. On the question? Public
8 input? Public input? Public input?

9 MR. CROSSIN: Mike Crossin. Same.
10 You're violating the Sunshine Act, but you
11 may not be violating it since it was just
12 brought up tonight for a vote in front of
13 the public.

14 MR. RUSSELL RINALDI: Public input?
15 Roll call, please.

16 MS. BARTOLETTI: Councilwoman
17 Avvisato?

18 MS. AVVISATO: Yes.

19 MS. BARTOLETTI: Councilman Febbo?

20 MR. FEBBO: Yes.

21 MS. BARTOLETTI: Councilman Hoover?

22 MR. HOOVER: Yes.

23 MS. BARTOLETTI: Councilman
24 Komensky?

25 MR. KOMENSKY: Yes.

1 MS. BARTOLETTI: Councilman
2 Lettieri?

3 MR. LETTIERI: Yes.

4 MS. BARTOLETTI: Councilman Notari?

5 MR. NOTARI: Yes.

6 MS. BARTOLETTI: Councilman Rinaldi?

7 MR. RUSSELL RINALDI: Yes. Item
8 number 15, motion to approve. Bill?

9 ATTY. RINALDI: So this is -- I'm
10 going to read the language that we kind of
11 phrased in our executive session. So it
12 would be a motion to acquire borough
13 employees and visitors who are not fully
14 vaccinated and age two or older to wear a
15 mask in or on borough property. I know
16 somebody else had a question on public
17 meetings. So that was the way it was framed
18 in the executive session to add it to the
19 agenda. Does anybody want to change that?

20 MR. KOMENSKY: I think we probably
21 have to talk about it if we go back to the
22 borough building.

23 MR. RUSSELL RINALDI: Well, I would
24 say we can't --

25 ATTY. RINALDI: Right now you have

1 your employees and visitors coming to the
2 borough building and inside borough
3 vehicles, DPW building covered. The only
4 thing we didn't cover is outside public
5 meetings like this one. We can always add
6 that at a later date.

7 MR. NOTARI: So we're not including
8 vaccinated in the language?

9 MS. AVVISATO: They don't need a
10 mask.

11 ATTY. RINALDI: We are. It's to
12 require borough employees and visitors who
13 are not fully vaccinated, age two or older,
14 to wear a mask in or on borough property.
15 So the borough building, police vehicles,
16 DPW building. Marylynn will set that
17 protocol. If you have proof of vaccination
18 please present it and we'll allow you to
19 take off the mask.

20 MR. RUSSELL RINALDI: This is on
21 borough property, in police vehicles, DPW
22 vehicles, department head vehicles.
23 Anything owned/operated by the borough.

24 MR. NOTARI: Strictly indoor
25 property or all property?

1 MR. LETTIERI: Indoor.

2 ATTY. RINALDI: So we can say in or
3 on indoor borough property.

4 MR. RUSSELL RINALDI: Motion to
5 approve?

6 MR. KOMENSKY: I'll make that
7 motion.

8 MR. RUSSELL RINALDI: Motion by
9 Councilman Komensky.

10 MR. FEBBO: I'll second it.

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

14 MR. CROSSIN: Mike Crossin,
15 violating the Sunshine Act by voting on
16 this.

17 MR. RUSSELL RINALDI: Public input?

18 MR. HUGHES: I think it should be
19 added in there that masks should be worn at
20 public council meetings.

21 MR. RUSSELL RINALDI: If they're on
22 our property that's already in there.

23 MR. HUGHES: Isn't that for public
24 meetings? Bill just said no.

25 MR. RUSSELL RINALDI: On borough

1 property. This isn't our property.

2 ATTY. RINALDI: We didn't do
3 offsite.

4 MR. RUSSELL RINALDI: The owners of
5 the property are letting us just use this.
6 We have to follow their guidelines. Public
7 input? Roll call, please.

8 MS. BARTOLETTI: Councilwoman
9 Avvisato?

10 MS. AVVISATO: Yes.

11 MS. BARTOLETTI: Councilman Febbo?

12 MR. FEBBO: Yes.

13 MS. BARTOLETTI: Councilman Hoover?

14 MR. HOOVER: Yes.

15 MS. BARTOLETTI: Councilman
16 Komensky?

17 MR. KOMENSKY: Yes.

18 MS. BARTOLETTI: Councilman
19 Lettieri?

20 MR. LETTIERI: Yes.

21 MS. BARTOLETTI: Councilman Notari?

22 MR. NOTARI: Yes.

23 MS. BARTOLETTI: Councilman Rinaldi?

24 MR. RUSSELL RINALDI: Yes. Before
25 we adjourn the meeting, just to clarify for

1 Mr. Crossin and for anybody from the public,
2 but since he touched most on it tonight, the
3 agenda was available 24 hours prior to the
4 meeting. The borough building is currently
5 under construction. People are allowed in
6 if you come to the door and ring the door
7 bell. If you would want a copy of the
8 agenda at this meeting or any meeting you
9 could have one.

10 Our website is currently down and
11 we're working on it, and we don't have to
12 put it into the newspaper as long as it's
13 available at the borough building, and it
14 was.

15 MR. CROSSIN: Have your solicitor
16 read the law again about how it has to be
17 made public.

18 MR. RUSSELL RINALDI: It was public.

19 MR. CROSSIN: You put it on your
20 website, you advertise it in the paper. You
21 have to make it available 24 hours ahead of
22 time. That's what the law says.

23 MR. RUSSELL RINALDI: It was
24 available.

25 MR. CROSSIN: You're not doing what

1 the law says. All you have to do is come in
2 compliance and do that and there wouldn't be
3 an issue.

4 MR. RUSSELL RINALDI: It was
5 available.

6 MR. CROSSIN: It's not available.
7 You're not following the law.

8 MR. RUSSELL RINALDI: The borough
9 building was open yesterday all day. Our
10 meeting started today at 7 p.m.

11 ATTY. RINALDI: We don't have to put
12 it on a website if we don't have one. We
13 don't have one right now.

14 MR. CROSSIN: Where does it say that
15 in the law?

16 ATTY. RINALDI: The first one out of
17 the gate. "Post the agenda on the internet
18 website if the agency has a website." We
19 don't have a website.

20 MR. CROSSIN: What does it say after
21 that?

22 ATTY. RINALDI: "Post the agenda at
23 the location of the meeting." This is not
24 our location. "Post the agenda at the
25 principal office location of the" --

1 MR. CROSSIN: This is a temporary
2 location because you can't use the borough
3 building. You could be up on the North Pole
4 and say because we're there we don't have to
5 do this.

6 MR. HOOVER: No, we're only using
7 the borough building.

8 ATTY. RINALDI: "Make copies
9 available to those in attendance," which we
10 have plenty of them here. We always have
11 them here.

12 MR. RUSSELL RINALDI: Mike, we did
13 everything we possibly could.

14 MR. CROSSIN: You didn't even know
15 about this law until I brought it up.

16 MR. RUSSELL RINALDI: Are you a mind
17 reader?

18 MR. CROSSIN: Am I a mind reader?

19 MR. RUSSEL RINALDI: Yes or no?
20 Simple question.

21 MR. CROSSIN: You'll find out if I'm
22 a mind reader or not.

23 MR. RUSSELL RINALDI: Yes or no, are
24 you a mind reared?

25 MR. CROSSIN: No.

1 MR. RUSSELL RINALDI: Okay.

2 MR. CROSSIN: You moved to executive
3 session for what reason? You have to state
4 the reason why you're going into executive
5 session.

6 MR. RUSSELL RINALDI: Personnel.

7 MR. CROSSIN: Personnel? Is that
8 what you discussed?

9 ATTY. RINALDI: We discussed the
10 action --

11 MR. CROSSIN: You have to announce
12 that before you go into executive session.

13 MR. RUSSELL RINALDI: No, you have
14 to announce it after executive session.

15 MR. CROSSIN: You want to be a
16 stickler about the law?

17 MR. RUSSELL RINALDI: Announce it
18 after executive session.

19 MR. CROSSIN: If you want me to come
20 here every month and bring issues up with
21 you I can do that. I have all the time in
22 the world. I don't want to do this.

23 MR. RUSSELL RINALDI: You can do
24 whatever you like. I have no control over
25 Mike Crossin. Only Russell Rinaldi. You

1 can do whatever you like, Mr. Crossin. I
2 can't control you.

3 MR. CROSSIN: That's correct.

4 MR. RUSSELL RINALDI: I have no
5 control over you. Only myself. I love when
6 you come here. I hope you come to every
7 meeting.

8 ATTY. RINALDI: It was decided
9 before the meeting started that there was a
10 concern over Covid vaccinations and they
11 wanted to address it tonight. They didn't
12 have time before the meeting. We broke into
13 executive session to discuss it. That's why
14 when I came out I said here's how we frame
15 the motion. That's what the executive
16 meeting was about, personnel issue
17 concerning vaccinations and people that mask
18 in the borough. What the policy was going
19 to be. Nobody had it beforehand. It wasn't
20 discussed. That's why it came up tonight,
21 because it came up quick. So that was the
22 whole executive session.

23 MR. CROSSIN: But don't you have to
24 announce the reason for breaking off to go
25 to executive session?

1 ATTY. RINALDI: He did. I didn't
2 hear his exact words, but I know when I came
3 out I said we broke into executive session
4 to form this language that I rephrased to
5 borough council because nobody else had it.

6 MR. RUSSELL RINALDI: It has to be
7 announced before the meeting ends.

8 MR. CROSSIN: No, you have to
9 announce it at the time you're calling the
10 executive session. Somebody may object to
11 your reason for calling executive session.
12 That's why you announce it before you break
13 for the executive session. But again, I
14 don't know the law. I'm not an esquire.

15 MR. RUSSELL RINALDI: If there's no
16 other business, the chair would entertain a
17 motion to adjourn.

18 MS. SHELSKI: Ann Shelski, 172
19 Railroad Street in Old Forge. I have a
20 question about that tower that was put up
21 across the street from where I live. I
22 understood that that property was supposed
23 to be voted on -- they wanted it commercial
24 but it's residential. How could they put up
25 a tower that is a business in a residential

1 area?

2 MR. HART: It's not a tower. It's
3 just a signal antenna for PPL to get
4 wireless connection between their plant and
5 themselves.

6 MR. HOOVER: It's on their property.
7 Right?

8 MR. HART: Yes.

9 MR. RUSSELL RINALDI: That's not on
10 the property that was voted on.

11 MR. HOOVER: It's not on the
12 property we were voting on to change.

13 MR. HART: No.

14 MS. SHELSKI: I don't know.

15 MR. HART: It's still within PPL's
16 property. It's not the area where you guys
17 were going to vote for the zoning change.

18 MS. SHELSKI: How do I know this? I
19 was told --

20 MR. HART: There's a PPL placard on
21 the pole. If you want you can walk over to
22 the pole, take the number, call PPL and
23 they'll explain it to you. I already spoke
24 with them.

25 MS. SHELSKI: I don't know if it's

1 emitting radiation.

2 MR. LETTIERI: No.

3 MR. HART: No. It's an antenna.

4 It's no more than the antenna that's on your
5 car. There was one there prior. They just
6 replaced it.

7 MS. SHELSKI: Well, that's not what
8 I was told.

9 MR. LETTIERI: Where did you get
10 your information from?

11 MS. SHELSKI: I don't want to say.

12 MR. LETTIERI: Well, we can't help
13 you if we don't know where the source is.

14 MR. HART: A cell tower is going to
15 average between 75 to 150 feet. That one's
16 only 25 feet off the ground.

17 MS. SHELSKI: All I know it's
18 emitting radiation. The high school is
19 right nearby.

20 MR. HART: That is not. You can
21 call PPL.

22 MS. SHELSKI: I will call them.

23 MR. RUSSELL RINALDI: They'll give
24 you all the statistics on it. They'll be
25 able to help you. The height, the width.

1 MS. SHELSKI: I thought that that
2 was voted down.

3 MS. BARTOLETTI: It's two different
4 things.

5 MR. RUSSELL RINALDI: It's two
6 different pieces of property. The one that
7 was voted down is the property around there.
8 That was voted down. That tower's on PPL's
9 property. They own that. You're confused.
10 There was another company with another piece
11 of land. Where that land is that's PPL.

12 MS. SHELSKI: We weren't told that
13 at the meeting, it was two different pieces
14 of property.

15 MR. RUSSELL RINALDI: PPL's property
16 wasn't involved in it. This was a private
17 landowner. That's the one that got shot
18 down.

19 MR. HUGHES: I would like to just
20 say that whoever is behind the project in
21 the borough building, it's looking really
22 nice. I think it's going to come out really
23 nice. I just wanted to comment and thank
24 every one of yous for that project.

25 MR. HOOVER: I make a motion to

1 adjourn.

2 MR. RUSSELL RINALDI: By Councilman
3 Hoover to adjourn. All in favor?

4 (Unanimous. Meeting 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 93 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

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