

1 OLD FORGE BOROUGH COUNCIL

2 OLD FORGE, PENNSYLVANIA

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4
5 IN RE: REGULAR MEETING OF COUNCIL

6
7
8
9 APRIL 18, 2017

10 7:00 P.M.

11 OLD FORGE MUNICIPAL BUILDING

12 314 SOUTH MAIN STREET

13 OLD FORGE, PENNSYLVANIA

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16
17 COUNCIL MEMBERS:

18
19 JOSEPH LENCESKI, VICE-PRESIDENT

20 JOSEPH FERRETT

21 RUSSELL RINALDI

22 DEVON BROWN

23 LOUIS FEBBO

24 RICK NOTARI

25 WILLIAM RINALDI, ESQUIRE, SOLICITOR

MARYLYNN BARTOLETTI, BOROUGH MANAGER

Mark Wozniak
Official Court Reporter

1 MR. LENCESKI: Welcome to the April
2 18th Old Forge Borough Council meeting. I'd
3 like to start the meeting with the Pledge of
4 Allegiance.

5 (The Pledge of Allegiance was
6 recited.)

7 MR. LENCESKI: Roll call, please.

8 ATTY. RINALDI: Mr. Brown?

9 MR. BROWN: Here.

10 ATTY. RINALDI: Mr. Notari?

11 MR. NOTARI: Present.

12 ATTY. RINALDI: Mr. Febbo?

13 MR. FEBBO: Here.

14 ATTY. RINALDI: Mr. Ferrett?

15 MR. FERRETT: Here.

16 ATTY. RINALDI: Mr. Rinaldi?

17 MR. RUSSELL RINALDI: Here.

18 ATTY. RINALDI: Mr. Lenceski?

19 MR. LENCESKI: Here.

20 ATTY. RINALDI: Mr. Semenza is
21 absent.

22 MR. LENCESKI: Motion to approve the
23 previous month's minutes.

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

25 MR. NOTARI: I'll second it.

1 MR. LENCESKI: On the question?

2 Public input? Roll call, please.

3 ATTY. RINALDI: Mr. Brown?

4 MR. BROWN: Yes.

5 ATTY. RINALDI: Mr. Notari.

6 MR. NOTARI: Yes.

7 ATTY. RINALDI: Mr. Febbo?

8 MR. FEBBO: Yes.

9 ATTY. RINALDI: Mr. Ferrett?

10 MR. FERRETT: Abstain.

11 ATTY. RINALDI: Mr. Rinaldi?

12 MR. RUSSELL RINALDI: Yes.

13 ATTY. RINALDI: Mr. Lenceski?

14 MR. LENCESKI: Yes. A motion to
15 approve treasurer's report. This does not
16 include sewer accounts.

17 MR. RUSSELL RINALDI: I'll make that
18 motion.

19 MR. FEBBO: I'll second that motion.

20 MR. LENCESKI: On the question?

21 Public input? Roll call, please.

22 ATTY. RINALDI: Mr. Brown?

23 MR. BROWN: Yes.

24 ATTY. RINALDI: MR. Notari?

25 MR. NOTARI: Yes.

1 ATTY. RINALDI: Mr. Ferrett?

2 MR. FERRETT: Yes.

3 ATTY. RINALDI: Mr. Febbo?

4 MR. FEBBO: Yes.

5 ATTY. RINALDI: Mr. Rinaldi?

6 MR. RUSSELL RINALDI: Yes.

7 ATTY. RINALDI: Mr. Lenceski?

8 MR. LENCESKI: Yes. A motion to
9 approve invoices for payment? This does not
10 include the sewer accounts.

11 MR. RUSSELL RINALDI: I'll make that
12 motion as well.

13 MR. LENCESKI: Can I get a second?

14 MR. FEBBO: I'll second that motion.

15 MR. LENCESKI: On the question?

16 MR. NOTARI: I have a question.

17 Mare, we pay the fire departments in
18 increments. Correct?

19 MS. BARTOLETTI: Yes.

20 MR. NOTARI: Have we made the first
21 payments yet?

22 MS. BARTOLETTI: No, because we sent
23 out a letter and we're waiting for them to
24 respond. Once we get the information --
25 this week is the deadline. Once we get that

1 information, then the schedule is done.

2 MR. LENCESKI: Roll call.

3 ATTY. RINALDI: Mr. Brown?

4 MR. BROWN: Yes.

5 ATTY. RINALDI: Mr. Notari?

6 MR. NOTARI: Yes.

7 ATTY. RINALDI: Mr. Ferrett?

8 MR. FERRETT: Yes.

9 ATTY. RINALDI: Mr. Febbo?

10 MR. FEBBO: Yes.

11 ATTY. RINALDI: Mr. Rinaldi?

12 MR. RUSSELL RINALDI: Yes.

13 ATTY. RINALDI: Mr. Lenceski?

14 MR. LENCESKI: Yes. A motion to
15 approve sewer department financial report?

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

17 MR. RUSSELL RINALDI: I'll second
18 it.

19 MR. LENCESKI: On the question?
20 Public input? Roll call, please.

21 MS. BARTOLETTI: Councilman Brown?

22 MR. BROWN: Yes.

23 MS. BARTOLETTI: Councilman Notari?

24 MR. NOTARI: Yes.

25 MS. BARTOLETTI: Councilman Ferrett?

1 MR. FERRETT: No.

2 MS. BARTOLETTI: Councilman Febbo?

3 MR. FEBBO: Yes.

4 MS. BARTOLETTI: Councilman Rinaldi?

5 MR. RUSSELL RINALDI: Yes.

6 MS. BARTOLETTI: Councilman

7 Lenceski?

8 MR. LENCESKI: Yes. At this time a
9 motion to approve sewer department invoices
10 for payment.

11 MR. RUSSELL RINALDI: I'll make that
12 motion, Mr. Chairman.

13 MR. LENCESKI: Can I get a second?

14 MR. NOTARI: I'll second.

15 MR. LENCESKI: On the question?

16 Public input? Roll call, please.

17 MS. BARTOLETTI: Councilman Brown?

18 MR. BROWN: Yes.

19 MS. BARTOLETTI: Councilman Notari?

20 MR. NOTARI: Yes.

21 MS. BARTOLETTI: Councilman Ferrett?

22 MR. FERRETT: Yes.

23 MS. BARTOLETTI: Councilman Febbo?

24 MR. FEBBO: Yes.

25 MS. BARTOLETTI: Councilman Rinaldi?

1 MR. RUSSELL RINALDI: Yes.

2 MS. BARTOLETTI: Councilman
3 Lenceski?

4 MR. LENCESKI: Yes. Next we'll go
5 to the department heads. Paul, DPW?

6 (Mr. Papi read his report, which is
7 attached.)

8 MR. LENCESKI: Anybody have any
9 questions for Paul?

10 MR. NOTARI: Paul, I've noticed on
11 Moosic Road, at certain points, that
12 potholes have been developing. Can you just
13 keep your eye out for that in your travels
14 and contact PennDOT? I see you contacted
15 PennDOT for the problem on Oak Street.

16 MR. PAPI: I contacted them today
17 about problems on South Keyser Avenue and
18 the area near White Eagle Hose Company.
19 They told me that, weather permitting, in
20 the next two weeks they're going to fix all
21 the bad spots, and it's then planned to be
22 tarred and chipped. But from what I
23 understand there's a lot of people fighting
24 against it. They don't want it to be tared
25 and chipped.

1 MR. NOTARI: Kind of like they did
2 to Sibley?

3 MR. PAPI: Yes, exactly. There's
4 people that want it done, people that don't
5 want it done. I can call PennDOT and tell
6 them about Moosic Road.

7 MR. NOTARI: Especially in that area
8 down near Hoover. There always seems to be
9 problems there. I want to say the gas
10 company was just there the other day.

11 MR. PAPI: There's a gas leak and
12 they can't seem to find it. That's been
13 going on for months.

14 MR. NOTARI: The other thing, will
15 you keep an eye on any election signs that
16 could prevent vision at four ways or
17 intersections? I know I called you in the
18 past regarding signs in certain areas.

19 MR. PAPI: People usually call, too,
20 if there's an issue.

21 MR. NOTARI: I'm not saying there
22 is, but just now that it's election season
23 just to keep an eye out and make sure it's
24 not impeding anybody's view so we can cut
25 down on some accidents.

1 Chief, too, if any of the police,
2 any of your staff, any of the force. That's
3 all.

4 MR. BROWN: I had a resident reach
5 out to me that lives on Cleveo Street. If
6 you can check down there. They have some
7 potholes they complained need to be patched.

8 MR. PAPI: It's on our list.

9 MR. LENCESKI: Anyone else?

10 MR. RUSSELL RINALDI: Paul, the stop
11 signs in that alleyway. You were going to
12 ask the chief about it or were you going to
13 handle it?

14 MS. BARTOLETTI: Jason could
15 probably answer that, the stop signs in the
16 alley.

17 MR. RUSSELL RINALDI: That four way
18 where there's no stop signs.

19 CHIEF DUBERNAS: I'll talk about
20 that.

21 MR. RUSSELL RINALDI: We can wait.
22 I wasn't sure. I asked Paul to look at it,
23 he said he was going to have you look at it.
24 We can wait.

25 MR. PAPI: Stop signs need traffic

1 studies either by an engineer or chief of
2 police.

3 MR. RUSSELL RINALDI: I don't have
4 anything else. Thanks, Paul.

5 MR. LENCESKI: Go to Chief Dubernas,
6 police report.

7 CHIEF DUBERNAS: Good evening.
8 Couple things. First, if you guys didn't
9 know, we did receive our two mountain bikes
10 today from Toyota of Scranton. I have one
11 in the hall, I put the other one in the
12 basement. It's for community police
13 efforts. They donated two new bikes that
14 are valued at over \$2,000 apiece.

15 Second, we've been having some
16 issues again with emergency calls going to
17 different addresses. We're in the process
18 of addressing about four different streets.
19 I reached out to comm center. The first one
20 is a residence right here on Pine and
21 Railroad. One side of the house uses 232
22 Railroad, the other side of the house is
23 actually using 231 Pine Street.

24 I spoke with them, they said they
25 tried to address the issue over 50-some

1 years ago and they said they never got
2 anywhere. They never got anywhere with the
3 post office because this is a double-block
4 house. They're saying one side of the house
5 faces Railroad, the other side faces Pine.

6 So I'm going to reach back out to
7 comm center and have them put a note so if
8 we ever get dispatched there. There's two
9 elderly people that live there along with
10 their daughter. They're in their 80s. One,
11 I believe, is in their 90s.

12 The second one is our Keyser Avenue,
13 Milwaukee Avenue and Drake's Lane issue. I
14 tried to reach out to the postmaster to find
15 out exactly how Keyser Avenue got labeled
16 the way it is. Technically we have two 303
17 South Keyser. 303 South Keyser is
18 technically right by Eagle-McClure Hose
19 Company, where that vacant building is, the
20 house next door. They're using a house -- I
21 think it might be Vandermark. He should be
22 at 303 North Keyser for Old Forge, but
23 they're using the address for the post
24 office that's coming from Taylor down, in
25 Old Forge, by Maxie's Pizza, Whitehall

1 Mortgage. So I'm addressing that with the
2 post office. Comm center is going to make
3 the correction for us on our emergency end,
4 but we might have to send a letter to the
5 borough saying that by a certain date you
6 guys need to readdress your residence to
7 North Keyser instead of South Keyser.

8 MR. NOTARI: Staying on that point,
9 are we better off, before he calls the
10 postmaster, to have a letter?

11 CHIEF DUBERNAS: I already reached
12 out to the postmaster. I haven't received a
13 call back.

14 MR. NOTARI: Whether it be from the
15 mayor or from the president of council
16 saying that this is of importance right now
17 and it needs to be taken care of.

18 CHIEF DUBERNAS: We have a few
19 streets like that, but nothing as bad as
20 Keyser Avenue. Some use Keyser, some use
21 Milwaukee, some use Drake's Lane. If you go
22 down where the hard bend is, the one side of
23 the road is 600 Milwaukee, the other side is
24 actually 100 of Drake's Lane. So there's
25 some confusion there for emergency vehicles.

1 The police, the fire department, we're very
2 familiar with it. Now with the ambulance
3 coming, I sat and I spoke to Mike McCormack,
4 and pretty much they have that addressed.
5 But for out-of-towners. Railroad, Pine
6 Street address is common now, especially
7 with EMS. They actually put a marker that
8 says 232 Railroad. Technically, 232
9 Railroad street is over by the school, right
10 between Anthony Marsico's house and
11 Farrell's house. That's a project we're
12 working on. I'm not sure how long it's
13 going to take.

14 Moving forward, the stop signs
15 Councilman Rinaldi talked about, I looked at
16 that. There's a four-way intersection with
17 no traffic control device. The only issue
18 is wherever you're going to put a stop sign,
19 you're putting it in somebody's driveway. I
20 think that's why there was never a stop sign
21 placed there. Two have garages and the
22 other two are just regular driveways. If
23 you put stop signs back further you're not
24 going to be able to see the intersection.
25 We're going to have to work on that.

1 MR. NOTARI: Can we paint something
2 on the road?

3 CHIEF DUBERNAS: Might be able to do
4 that, paint stop there or caution,
5 something. There's no traffic control
6 device and that's one of the reasons. It
7 would be in somebody's driveway. You can
8 probably put a stop sign going the travelway
9 with Oak Street and then coming from Oak to
10 Sussex Street. I was there twice.
11 Somebody's driveway is going to get a stop
12 sign put in it.

13 MR. RUSSELL RINALDI: No matter how
14 you look at it because I looked at it the
15 other day as well. I had a feeling that was
16 what you were going to say. I'm just
17 nervous because if someone does go through
18 it.

19 CHIEF DUBERNAS: Knock on wood, we
20 never had an accident there.

21 MR. RUSSELL RINALDI: If we do
22 someone's going to come back and say there's
23 no stop signs anywhere and the borough's at
24 fault. We don't want to see anybody get
25 hurt.

1 MR. NOTARI: There's kids riding
2 bikes back there, stuff like that.

3 MR. RUSSELL RINALDI: There's a lot
4 of houses with kids as well. That's all. I
5 wanted to bring to the attention a couple
6 meetings ago.

7 MR. NOTARY: What do we need to do?

8 CHIEF DUBERNAS: I'm going to look
9 at it again. Maybe I can talk to one of the
10 neighbors, put it right on the corner. See
11 if they'd allow it, just so it doesn't
12 impede them getting in and out of their
13 garage. Maybe stencil "stop" there. People
14 would just know to slow down. It's an
15 intersection.

16 MR. NOTARI: Can we just have Jason
17 talk to Paul about it, wherever you decide
18 to do it, or do we need to approve it at a
19 council meeting?

20 ATTY. RINALDI: You have to pass an
21 ordinance.

22 CHIEF DUBERNAS: The last thing I
23 have is in regards to our normal Buckle Up
24 grant. I sent three officers for training
25 to obtain another grant that requires

1 teen-age driving and survival 101 along with
2 kids and car seats and booster, all the way
3 up to our regular front seat passenger being
4 under nine years of age. I have three more
5 officers that are now certified instructors,
6 so we can apply for another grant through
7 Pennsylvania Buckle Up, which are grants
8 that we already got. It takes place May
9 15th through June. We received \$2,000.
10 That's it.

11 MR. LENCESKI: Great.

12 MR. NOTARI: I have one more
13 question. The bikes, will the entire force
14 be using them? Will they be used on all
15 three shifts?

16 CHIEF DUBERNAS: No, I have a set
17 shift. During the week I try to rotate
18 them, same thing on the weekend. Usually
19 5:00 at night until 1:00 in the morning
20 because of more activity at both the parks
21 and Main Street with the residents, with all
22 the restaurants moving their businesses out
23 to the sidewalks. So we try have more of a
24 community policing thing, like that. Both
25 of them are in service.

1 MR. LENCESKI: Thank you.

2 MR. NOTARI: I have one more thing.
3 I had a question from a resident on lower
4 Main Street -- actually a business on lower
5 Main Street, that one of their customers was
6 ticketed because a car was parked up on the
7 sidewalk. I realize that's illegal. What
8 they were calling about was that it was the
9 only car that was ticketed. There were
10 other cars parked on the sidewalks that
11 weren't ticketed. I'd just ask that we be
12 consistent with what we do. I realize we're
13 enforcing the law. That's fine. I'm not
14 asking that not to happen.

15 CHIEF DUBERNAS: I don't have a
16 response to that. The only response is when
17 they issued the ticket was there no another
18 car there?

19 MR. NOTARI: I was told there were
20 cars parked also --

21 CHIEF DUBERNAS: If somebody gives
22 me the ticket I can ask the officer who
23 wrote the ticket. I'll see the badge number
24 on it.

25 MR. LENCESKI: Thanks, Chief. Steve

1 Bieryla, zoning code enforcement officer's
2 report, please.

3 (Mr. Bieryla read his report, which
4 is attached.)

5 MR. LENCESKI: Thank you, Steve.
6 Anyone have any questions?

7 MR. BIERYLA: I would like to give a
8 big thanks to Rick Notari for the grants
9 that he secured for Carmella Calabro. They
10 are going to procure her house. Other than
11 that, she would have had to have been put in
12 a nursing home. She wouldn't be living in
13 her house anymore.

14 MR. NOTARI: Anything to help.

15 MR. LENCESKI: Anyone have any
16 questions for Steve? Thank you, Steve.
17 Dave Lopatka, engineer's report?

18 MR. LOPATKA: Good evening.
19 Engineer's report for March 2017. First,
20 it's a recap of discussions we had with
21 Lackawanna County Housing regarding the
22 development taking over the roads. I guess
23 Eisenhower and Apollo. We had a meeting
24 here at the borough building with regard to
25 that. Marylynn and some councilmen were in

1 attendance in addition to the housing
2 authority people. We kind of discussed what
3 the borough was looking for. They said they
4 would fix whatever they needed to fix.

5 Then there was a meeting scheduled
6 with myself, the housing authority and their
7 engineer. I met them on site to look at the
8 roads. We looked at the roads. Overall,
9 they're in pretty bad condition. The
10 housing authority requested they patch the
11 roads and have them turned over to the
12 borough and have the borough use CDBG money
13 to have them paved. We kind of stated that
14 the borough would like to use that CDBG
15 money for funding on other projects and not
16 spend it on roads that haven't been
17 dedicated. It wouldn't make a lot of sense.

18 We also discussed options with the
19 housing authority engineer. The consensus
20 was it would cost more to do base
21 replacement than complete repaving of the
22 roads. The housing authority discussed with
23 their engineer about getting them some cost
24 estimates. I haven't seen them, I haven't
25 heard back from anybody from the housing

1 authority yet at this point. That's kind of
2 still out there. I don't know if Marylynn
3 heard anything.

4 MS. BARTOLETTI: No.

5 MR. LOPATKA: So that's kind of
6 where that went. We told them the roads
7 need to be fixed to borough standards prior
8 to dedicating and they were going to get
9 some cost estimates.

10 MR. NOTARI: Do we need to stay on
11 them? How do we need to approach this? How
12 long are we going to let it go? Is that
13 something that attorney Rinaldi would have
14 to handle? Are we just going to wait until
15 they come back with a price? They can come
16 back in September.

17 ATTY. RINALDI: They can. It's
18 their development. I would suggest you just
19 keep making calls. Have the people that
20 live there keep making calls.

21 MR. LOPATKA: I did include in the
22 packet -- I mean, it is their property.
23 There's a map in there that shows a deed
24 book and page to their property.

25 MR. RUSSELL RINALDI: It's their

1 property but it's our residents. We can't
2 force them to do anything down there? It's
3 horrendous down there.

4 ATTY. RINALDI: It's private
5 property, unless we condemn the whole
6 complex as unsafe. But I don't think the
7 complex is unsafe.

8 MR. LOPATKA: I don't think the
9 complex is unsafe.

10 MR. RUSSELL RINALDI: There's no
11 type of ordinance we can hold them to to
12 make them speed it up?

13 MR. RUSSICK: Get in touch with
14 Martina Washington from Philadelphia and
15 explain what's going on.

16 MR. RUSSELL RINALDI: I have to
17 first go through the legal advice of our
18 solicitor.

19 MR. RUSSICK: If you think they're
20 dragging their feet up in Dunmore light a
21 fire under them.

22 MR. RUSSELL RINALDI: We have to
23 have some type of ordinance on the books
24 ourselves that we can use against them.
25 Nothing? Do other boroughs have ordinances

1 on the books that they use against there?

2 MR. BIERYLA: Not on roads.

3 MR. RUSSELL RINALDI: No boroughs
4 have one?

5 ATTY. RINALDI: Not for private
6 roads.

7 MR. RUSSICK: Get HUD up here from
8 Philadelphia.

9 MR. RUSSELL RINALDI: We had it when
10 we took Lou Ciuccio to court. Why can't we
11 take them to court?

12 MR. LOPATKA: He's dedicating the
13 roads. They wanted to do the same. We're
14 kind of telling them they have to do the
15 same thing he has to do.

16 MR. LENCESKI: President Semenza
17 spoke with Mrs. Washington. Maybe we should
18 just have him call her back.

19 MR. RUSSICK: These people up in
20 Dunmore are dragging their feet. Now it's
21 time to light a fire.

22 MR. LENCESKI: So everyone knows,
23 what was going on was the residents were
24 calling the county and the county was
25 blaming us and saying that we own the roads,

1 call the borough manager, and they were
2 complaining.

3 Now we had the meeting with the
4 county officials and they determined that
5 they actually own the roads, and now they
6 have to complain to Ms. Washington. I'll
7 make sure Mr. Semenza calls her back and
8 tells her exactly what's going on.

9 MAYOR MULKERIN: This happened, what
10 was it, three years ago when they came in
11 and said the county owns the roads and then
12 they changed course. Here it is three years
13 later. What's to stop them from changing
14 course again at the end of September? Do we
15 have anything in writing? Is there anything
16 documented?

17 MR. LOPATKA: Well the solicitor was
18 at the meeting here and he said they own the
19 roads.

20 MAYOR MULKERIN: Was anything in
21 writing?

22 MR. LOPATKA: There's a deed.
23 There's a deed book and page.

24 MR. FERRETT: It's in the contract
25 where they made a contract 60 years ago that

1 the roads have to be up to par before the
2 borough takes them over and dedicated to the
3 borough. They're not. So it's not out
4 obligation under any circumstances
5 whatsoever.

6 The biggest problem is that contract
7 has been so old the borough has never even
8 tried to negotiate in any fashion, form
9 whatsoever because, technically speaking, 60
10 years ago when you were paying rent, you
11 were paying rent \$50. Today they're
12 charging those people \$200. The borough
13 gets nothing. Gets nothing. The same thing
14 we got 60 years ago we're getting today.

15 MAYOR MULKERIN: I just don't want
16 to see a change in course again and them say
17 we don't own the roads, the borough's
18 responsible for the roads. Then it will be
19 another three years where those people down
20 there are living with the worst roads in Old
21 Forge.

22 MR. FERRETT: Well, the question
23 here, Bobby, is like Mr. Russick said. How
24 do we put them on the spot to make them do
25 something. Normally in our own ordinance we

1 have it that when a developer comes in, all
2 the things that he has to do. Consequently,
3 the county doesn't have to do anything or do
4 it whenever they want to do it, and I just
5 don't think it's right. If the people from
6 Old Forge have to suffer, let the county
7 suffer. They collect the rent. They get
8 all the money.

9 MR. FEBBO: Mr. Russick and Joe, you
10 have the right idea. Let's have Bobby
11 follow up.

12 MAYOR MULKERIN: We also don't have
13 anything in writing saying the borough --
14 from the county, on county letterhead or
15 housing authority saying we're responsible
16 for the roads, the county is taking
17 responsibility for the roads. We do not
18 have that --

19 MR. FEBBO: We already once went
20 over their head up here because they're
21 giving us the runaround and we went to
22 Washington. We need to do the same thing
23 again to let them know they're still not
24 doing anything to do that.

25 MR. NOTARI: I think that's right.

1 I think we need either Bill or Marylynn to
2 send a letter asking -- probably Bill,
3 asking for documentation that they own the
4 road.

5 MR. RUSSELL RINALDI: Definitely. I
6 agree.

7 MR. LENCESKI: Just so everyone
8 knows, too, at that meeting we had a third
9 party there, Mr. Armillay from Sid
10 Kavulich's office was also here to listen in
11 on what was going on.

12 MR. FERRETT: Maybe we should take
13 over the project ourselves. We can come out
14 a little better and then we can pave the
15 roads without any question.

16 ATTY. RINALDI: We have the
17 documentation that they own the roads. They
18 have the deed.

19 MAYOR MULKERIN: But do we have
20 anything that they agree?

21 ATTY. RINALDI: Whether they agree
22 or not, that doesn't change it. They own it
23 by deed.

24 MAYOR MULKERIN: Did we just get
25 that paperwork now or did we have it three

1 years ago?

2 ATTY. RINALDI: We had it.

3 MAYOR MULKERIN: Did we have that
4 paperwork three years ago?

5 ATTY. RINALDI: Yes.

6 MAYOR MULKERIN: And the roads still
7 aren't done?

8 ATTY. RINALDI: Right. It's their
9 roads. It's up to the residents down there
10 to complain.

11 MAYOR MULKERIN: We have the same
12 paperwork you said we had three years ago
13 and the roads still aren't done.

14 MR. FEBBO: Why can't we have
15 president of council or a representative
16 from council request from the county in
17 writing, written statement, that they are
18 responsible for the roads and either are
19 going to pave them or not going to pave them
20 so we can then get in touch with Washington
21 with their correspondence. Let the county
22 know that we are writing a letter.

23 MR. RUSSICK: Send a letter to
24 Philadelphia. Make a written complaint.
25 They go through inspections. Now, how would

1 that pass inspection is beyond me. But
2 codes are only as good as people that
3 enforce them.

4 So in saying that, that's so bad
5 down there that you people who represent
6 citizens should be down there in
7 Philadelphia saying Dunmore doesn't want to
8 do anything. We're here to make those
9 people safe.

10 MR. FEBBO: We have no punch in
11 this. The only punch we have is to go after
12 the county and make them accountable for it.

13 MR. LENCESKI: Moving forward, we're
14 going to contact Ms. Washington through HUD
15 to do a written complaint. We're going to
16 move on.

17 MR. LOPATKA: Second, Kohler Avenue,
18 documents were completed and forwarded to
19 the county. The project is currently out to
20 bid. I believe we have a prebid maybe
21 tomorrow. Then I believe the bids are due
22 within the next two weeks for that. So that
23 project should be started shortly.

24 The paving project, I dropped off a
25 complete list of the costs for each road.

1 They're all measured. Put a cost estimate
2 together. Specifications have been put
3 together to about 90 percent only because I
4 think we need to look at what some of the
5 cost is. We need to cut some of the roads
6 out because our cost is up around a million
7 dollars. We're going to have to cut some of
8 the roads. You guys have to make the
9 determination what roads you want to take
10 out of the project from the list that we
11 have.

12 MR. FERRETT: If I may, I think -- I
13 don't know if it would be proper at this
14 time, but I think it should be a reminder
15 that it should go back to the paving
16 committee and let the paving committee sit
17 down and discuss what roads they want to
18 take off and what roads they don't want to
19 take off, et cetera, then make a
20 presentation to council afterwards that,
21 based on what the engineer has said, these
22 are X number of roads that we think have to
23 come out to try to meet our goal of \$500,000
24 to \$600,000 paving program, rather than
25 having 50,000 people discuss this road, that

1 road and everything. That's the reason why
2 we have a committee. Let the committee make
3 that decision and then come back to council.

4 MR. LENCESKI: Sounds fair.

5 MR. LOPATKA: There's a breakdown
6 per cost per road in your packet, so you
7 should be able to figure out how much you
8 need take off there to make it work with
9 regard to your budget.

10 MR. NOTARI: Mr. Ferret, when the
11 paving committee meets, can we have Dave at
12 that meeting? Can we have the borough
13 engineer at that meeting when the paving
14 committee meets?

15 MR. FERRETT: No.

16 MR. NOTARI: Why not?

17 MR. FERRETT: Because we meet at the
18 discretion of the council people that are on
19 the committee.

20 MR. NOTARI: What's wrong with
21 having Dave at the meeting?

22 MR. FERRETT: If he wants to come
23 out at the time --

24 MR. NOTARI: Here's my reasoning for
25 wanting Dave at the meeting. Dave went out

1 and surveyed all these streets. Dave is our
2 borough engineer and Dave would know what
3 streets would be able to be bypassed for
4 maybe another year, not necessarily by cost.
5 Nothing against the paving committee, but
6 when I want an expert on whether this road
7 can last another year and this road
8 immediately needs to be paved I'm going with
9 Dave's recommendations.

10 So I would think that Dave's input
11 into deciding which streets should be paved
12 and which streets can wait to be paved are
13 paramount to what we decide. That's why I
14 would like Dave to be at that paving
15 committee meeting.

16 MR. FERRETT: Whatever council wants
17 to do. I don't have a problem.

18 MR. LOPATKA: You guys set it up,
19 let me know. I'd be happy to attend.

20 MR. NOTARI: There are streets with
21 similar costs, going forward, that if you
22 need to eliminate cost wise. Which street's
23 worse, which street's better. So that would
24 be my opinion on that.

25 MR. LOPATKA: Corcoran Street

1 sanitary sewer project, still awaiting
2 survey information. Once I get that we can
3 put together -- give you a little
4 background, there's a line that the borough
5 was having fixed and it was determined, once
6 they actually dug the hole up, that the
7 sanitary sewer line, right above it is the
8 water line, which is, I think, creating some
9 of the problems with collapsing the sanitary
10 line.

11 We met out there with Jim Hoover
12 from the water company, and it was
13 determined that the water company is going
14 to move their line at some point. I guess
15 that's to be determined. And once they move
16 their line from over the top of the sewer
17 line we're going to replace that section of
18 sewer between two manholes. Basically the
19 whole length is what's covered by the water
20 line.

21 Once we have an idea of exactly
22 where the manholes are, size of the pipe, we
23 can put a plan together and coordinate with
24 Jim as to when the water company is going to
25 relocate their line. They have to do their

1 work first, then we can do ours after their
2 line is out of the way.

3 Sampson, Corcoran and/or Reilly
4 Street storm water project, at the
5 recommendation of council at the work
6 session I did put a letter together. The
7 letter is in your packet there to county to
8 see if any of those roads would qualify. I
9 requested them to see if it would qualify to
10 do that as a CDBG project. At this point I
11 haven't heard back from the county, but I
12 did talk to John Petrini from the county.
13 They will be doing that survey shortly, so
14 we should have an answer as to whether we
15 can use CDBG funding for the storm water
16 project. That's all that I have at this
17 point.

18 MR. FEBBO: It was brought to my
19 attention that down at Rosemount they're
20 starting to put swales in.

21 MR. LOPATKA: They're not supposed
22 to be putting swales in. Shoulders.

23 MR. FEBBO: Do they not have to be
24 surveyed and determined by an engineer,
25 shoulders of the road?

1 MR. LOPATKA: Well, all they needed
2 to do was put a two-foot shoulder back up
3 in. I believe that's what they're clearing
4 for. I drove through there today and
5 they're clearing some of the debris out of
6 the way.

7 MR. FEBBO: You are aware --

8 MR. LOPATKA: I marked them out a
9 couple months ago where they had to put
10 them. So they're actually out there doing
11 that work now, getting ready to do it.

12 MR. FEBBO: When they start putting
13 swales in are they going to use 2B or 4?

14 MR. LOPATKA: They're supposed to be
15 using 2A. It's more compactible. There's
16 more fines in it. And it's not swales, it's
17 shoulders. They're not creating swales for
18 water, they're actually creating a shoulder
19 of the edge of the road.

20 MR. FEBBO: It's going to be tapered
21 away from the edge of the road?

22 MR. LOPATKA: Yes.

23 MR. FEBBO: You're on top of that?

24 MR. LOPATKA: Yes. I went there
25 today.

1 MR. LENCESKI: And the reason for
2 that is just to protect the edge of the
3 road. Right?

4 MR. LOPATKA: To protect the edge of
5 the road, yeah, and I guess there were some
6 questions as to whether or not there was a
7 shoulder required in there prior as part of
8 that. They did need to be backed up in some
9 locations. That's kind of what's happening
10 now.

11 MR. FEBBO: In reading through the
12 minutes from the planning commission, that
13 was quite lengthy and quite detailed about
14 what's going on at Rosemount. I really feel
15 that we here should be informed by planning
16 as to the step by step procedures going on
17 there rather than have them deal with it and
18 come back to us after it's done. Do we have
19 a representative on the planning commission,
20 other than our minutes, to interpret what is
21 in there? Do you do that?

22 MS. BARTOLETTI: That would be Dave,
23 Bill.

24 MR. LOPATKA: I don't know exactly
25 what was discussed there, but I know some of

1 the items that we had were still open.

2 MR. FEBBO: In reading that I
3 interpreted a lot of things they're trying
4 to cut back on we cannot do. Cameraing of
5 the sewer lines, cutting out the laterals.
6 I see a lot from Parker --

7 MR. LOPATKA: There was a discussion
8 on that. George Parker just contacted me.
9 I had contacted him not long after the
10 meeting and said that he would be more than
11 happy to look at the videos that they have.
12 The tapes. There's only one road.

13 MR. FEBBO: That was cameraed. Now
14 we're talking about the mysterious missing
15 tapes that nobody knows where they are. Do
16 we have them at all?

17 MR. LOPATKA: I've never seen them.

18 MR. FEBBO: We're questioning
19 whether or not the whole development was
20 cameraed, and nobody can document that it
21 actually was, they really did see the whole
22 project. They did see cameraing of the --
23 where the cave in was, the cement.

24 MR. LOPATKA: That's the only
25 section that I saw cameraed. They're the

1 only videos given to me.

2 MR. RUSSELL RINALDI: Who's suppose
3 to camera them? Not us.

4 MR. LOPATKA: Typically the
5 developer prior to turning over to the
6 borough.

7 MR. NOTARI: Speaking to Mr. Febbo's
8 original point about having representation
9 at these meetings, I think we do have
10 representation there. Not only with Steve
11 and Dave, but also Mark's there taking
12 notes. What bothers me a little bit is
13 that we got a report on a planning
14 commission meeting from February in April.
15 Almost ten weeks later. Why are we getting
16 reports ten weeks after a meeting happens?
17 Why aren't we getting those reports sooner?
18 And I think, Mr. Febbo, if we're able to get
19 those reports sooner we're able to know
20 sooner what's going on, and we're also maybe
21 able to allow our solicitor to take action
22 quicker than the last minute, because as I
23 read those minutes from that February 2nd
24 meeting, you know, the developer now as
25 until June 1st or the early part of June to

1 complete these projects.

2 Well, the way things have gone on,
3 when June 1st comes, in my eyes, nothing's
4 going to be complete because that's
5 historically what's going on. But if we get
6 these reports a week or two weeks after the
7 meeting we can all start making sure that
8 this thing is going to happen as opposed to
9 now we're at the end of April and we're six
10 weeks away from June and is everything going
11 to be done up to specs? Is everything going
12 to be kept an eye on? When June 1st comes
13 is it going to be done?

14 If it's not done June 1st what are
15 we going to do? Are we just going to
16 continue to allow planning to give them
17 another 90 days, another 90 days, another 90
18 days? I'm tired of it. I'm tired of it.
19 We keep going to court, we keep giving Dave
20 tasks to keep on them. In my eyes we're
21 wasting money.

22 MR. FEBBO: I agree with you.

23 MR. NOTARI: We keep giving
24 deadlines, and when those deadlines aren't
25 met we extend the deadline.

1 MR. RUSSICK: Who's the solicitor
2 for the planning commission?

3 MR. FERRETT: Mr. Notari, what used
4 to happen in the past is council always had
5 one of its members on the planning
6 commission as a representative to come back
7 and report to council all the details of
8 everything, what's going on. Consequently,
9 somewhere along the line this just faded
10 away, and this is the reason why you're
11 having such difficulties and problems,
12 because you don't have no representation
13 whatsoever. You cannot depend on the
14 engineer, you cannot depend on the
15 solicitor. They have their own
16 responsibilities in doing what they have to
17 do.

18 But as far as council trying to make
19 some headway you're going to have to have
20 your own representation because that was
21 there before like that.

22 MR. NOTARI: Mr. Ferrett, I'm going
23 to disagree with you. And I don't know
24 necessarily what the solicitor's role is in
25 terms of representing the borough with the

1 planning commission, if that is under his
2 job description, but it's Dave's job
3 description to be there. So it is his job
4 to report back to us. It is not his
5 responsibility to do it immediately, though.
6 When we have a stenographer there we should
7 have that report back within a week. I
8 mean, you look at the budget. We're paying
9 good money for the stenographer to be at
10 meetings. But to get a report ten weeks
11 after a meeting happens is not good. That's
12 not how things should work.

13 MR. FEBBO: My concern, Mr. Notari,
14 is as yours. I can't see the amount of work
15 that has to be done there being done in the
16 remaining time that is left between now and
17 June. I can't see that happening.

18 MR. NOTARI: We need to come up with
19 something, whether it's for the next
20 meeting, before planning meets again in
21 June, to give -- to tell planning look, it's
22 time to stop. Do we have that power to do
23 that? I don't know. That's something that
24 I guess our solicitor will need to tell us.
25 We need to come up with a plan of what we're

1 going to do before June 1st gets here.
2 Before the planning commission gives them
3 another 90 days to continue to delay this
4 project.

5 MR. FEBBO: It doesn't mean that
6 we're going to give him another 90 days.
7 After this period of time is up, 90 days, we
8 can reject it. Can he not be held in
9 contempt for not meeting the deadline?

10 ATTY. RINALDI: The planning
11 commission is only a recommending body.
12 Council is the ultimate decision maker.

13 MR. FEBBO: That's when it's thrown
14 back in our lap. So we don't know what's
15 going on down there until after the fact.

16 MR. FERRETT: All the more reason
17 why you should have a representative there,
18 because if you look at it every third week
19 you're meeting, and between when the
20 planning commission meets, two weeks you're
21 having your regular meeting or you're have
22 your work session. So if you have a
23 representative from council on that thing he
24 will make a report to you two weeks later,
25 not when the report is going to come out.

1 That man is going to make that report.

2 The trouble is nobody on council
3 wants to sit at that and waste their time,
4 and that's the reason why that thing
5 disbursed. At one time that was going
6 great.

7 MR. RUSSICK: The borough engineer,
8 according to code, has to okay anything that
9 happens insofar as these developments are
10 concerned or anything that happens in this
11 borough. He's the man.

12 MR. FEBBO: I think we have an
13 excellent planning commission. I've been to
14 their meetings, I've read their minutes.
15 They do an outstanding job holding his feet
16 to the fire. It's not that part. It's the
17 time element that he's dragging his feet.

18 So what the question is going to be
19 is at the end of this 90-day period if the
20 project is not done where do we go? All
21 planning can do is say to us he hasn't
22 completed all the requirements. Then we
23 decide what we do. Is that the way it goes,
24 Bill?

25 ATTY. RINALDI: This isn't really

1 your typical planning commission project.
2 This is a court case. Planning wanted to be
3 able to approve the plans for Mountain Road.
4 Mountain Road went in, and then Mountain
5 Road got preliminary approval by the
6 planning commission. The planning
7 commission, rightfully, is not signing off
8 on the final until the plans are correct.
9 Meaning that he had to subdivide different
10 parcels out. Work that he indicated on the
11 map was going to be completed.

12 So as far as planning is concerned,
13 that work is all done but for the fact that
14 there was one issue hanging. It was where
15 he was subdividing or easementing a portion
16 of the property. So that's hanging in the
17 air. Then planning would finally approve
18 that lot consolidation and the roads if
19 they're done and completed properly.

20 The court case then -- there's
21 issues in the court case that will be
22 resolved by council to counsel's liking,
23 which would be dedicating the roads, taking
24 over the sewers, and I think those are the
25 only two issues that would be for council to

1 address.

2 MR. FEBBO: Does that not have to go
3 before planning so planning can recommend to
4 us that we can reject it because it's not
5 all completed or that we can approve it?

6 ATTY. RINALDI: Planning's going to
7 make a recommendation. Whether you accept
8 it or reject it, that's up to you guys on
9 council. They can deny it, you can accept
10 it. They can accept it, you can deny it.

11 MR. FEBBO: They cannot recommend --
12 it's all in compliance with the judge's
13 order. Correct?

14 ATTY. RINALDI: I want to get it
15 resolved -- I want everything completed down
16 there because then the clock ticks. The map
17 has to be recorded in 90 days. So part of
18 them approving it, I've been insisting that
19 the curb work is done, which that couldn't
20 be done in the winter. There was some other
21 street work that couldn't be done in the
22 winter. By the time we got the order was
23 late October or November. The work had to
24 be put off until spring. I know they're
25 working on it now. The plans are drawn and

1 95 percent are done but for the easement or
2 lot conveyance for the park. The plans are
3 done.

4 MR. FEBBO: Are you saying that we
5 need to accept the plans as being done or
6 are you talking about the project being
7 done?

8 ATTY. RINALDI: Planning gives final
9 approval on the plans.

10 MR. FEBBO: What about the 90 days?

11 ATTY. RINALDI: Those plans were
12 only for Mountain Road being developed. It
13 has nothing to do with the other work.
14 Planning wanted to get -- part of the
15 original stipulation was there was no access
16 to that development. The borough never
17 provided for it, the developer never
18 provided for it. Access had to be provided.
19 Planning wanted to make sure that Mountain
20 Road was developed to their code. So that
21 was agreed to by planning and council at the
22 time.

23 He submitted a plan for Mountain
24 Road. Okay? Now, he showed it on his map,
25 what he was going to do with it. There was

1 a couple -- he moved one thing, a fence,
2 which we resolved the issue with the fence.
3 The road has been done per the specs that
4 were developed by planning and the
5 developer.

6 The second part of that is when
7 he -- the road is done over different
8 parcels of land, so it has to be a lot
9 subdivision and consolidation because that
10 road covers three different parcels.

11 MR. LOPATKA: I think there's four,
12 total.

13 ATTY. RINALDI: So that is all the
14 planning aspect of it. The court case then
15 is going to involve resolving it in
16 finality, which would be council.

17 MR. FEBBO: Well, maybe I'm
18 confused. When I read through all these
19 pages here it didn't specifically relate to
20 Mountain Road. It was about the whole
21 development. The sewers --

22 ATTY. RINALDI: But they get
23 involved in that part of it. The main thing
24 that's got to come out of there is Mountain
25 Road's got to be done to the plan because

1 that's the only thing the plan is put in on.
2 The rest of it really had to do with the
3 borough.

4 MR. FEBBO: Well, that being said,
5 I'll sit back with this June deadline, and
6 at that time I'll highly recommend that
7 there will be no more extensions and that
8 some action be taken.

9 ATTY. RINALDI: Well, the extensions
10 were a weather extension, and originally we
11 had to work with PennDOT. We managed to get
12 that resolved quickly, 30 days, 45 days --

13 MR. NOTARI: Well, that's not
14 necessarily true because there was a 90-day
15 extension given because the developer came
16 to a meeting without any plans, with not the
17 proper documentation. Correct?

18 MR. LOPATKA: Correct.

19 MR. NOTARI: Whether it was late
20 '16, early '17.

21 MR. FEBBO: How many 90-day
22 extensions did we give him?

23 MR. NOTARI: There's at least three.

24 MR. LOPATKA: There were a few.

25 MR. NOTARI: I don't think we can

1 wait until June 1st comes and then we meet
2 three weeks later and they've already gotten
3 another extension. Are we allowed to tell
4 planning not to give them another extension?

5 ATTY. RINALDI: No, they're their
6 own separate body. You can't have a
7 councilman on planning. There used to be
8 somebody from council to come to the
9 meeting. I think that's what you were
10 referring to, Joe. You appoint the planning
11 commission members and they're not members
12 of council.

13 MR. FERRETT: What it was, Bill, is
14 there was a council person who represents
15 council that would sit in --

16 ATTY. RINALDI: He would sit at --

17 MR. FERRETT: No, they would sit at
18 the table but they would have no vote. They
19 couldn't vote on anything. They were only
20 there to represent council to come back and
21 tell council everything of what happened at
22 that meeting.

23 MR. FEBBO: So to move this along
24 it's so noted and that we have issues with
25 that. Mr. Notari, continue on that one.

1 MR. NOTARI: We'll continue on that,
2 but also I want the report quicker. I don't
3 want to wait two months for the report. I
4 don't know what needs to be done, but we
5 need to have reports within two weeks of the
6 meeting. If that's not a good enough time,
7 then I hate say it, you do a great job,
8 Mark, I like you, but we can find somebody
9 else, because we need to have those reports
10 in our hands so we can properly do our jobs
11 here. We can't wait two months. It's no
12 reflection, you do a great job, but whatever
13 the reason is, we need them quicker. We
14 need them quicker.

15 MR. RUSSICK: The borough code is
16 specific insofar as the borough engineer is
17 concerned. He approves --

18 MR. NOTARI: We know that, Mr.
19 Russick.

20 MR. RUSSICK: You people vote in the
21 end.

22 MR. NOTARI: We know that.

23 MR. RUSSICK: That's where it ends.

24 MR. NOTARI: Thank you.

25 MR. RUSSICK: You're welcome.

1 MR. LENCESKI: Move on. Anything
2 else?

3 MR. LOPATKA: No.

4 MR. RUSSELL RINALDI: I have a
5 couple questions for Dave, but it has to do
6 with the paving project. Last year's paving
7 project came in at -- I know roads are
8 different sizes. Just for my own knowledge,
9 920-something?

10 MR. LOPATKA: It was 920, yeah.

11 MR. RUSSELL RINALDI: How many roads
12 did we do, 34?

13 MR. LOPATKA: Thirty-four. There's
14 some longer. I mean, overall our quantity
15 numbers are similar to what they were last
16 year.

17 MR. RUSSELL RINALDI: Noted. How
18 much are we looking to spend this year?

19 MR. LOPATKA: Six hundred, I think,
20 max.

21 MS. BARTOLETTI: Not a penny over
22 600.

23 MR. RUSSELL RINALDI: Last question.
24 Since I'm on the paving committee and we're
25 going to meeting I'm guessing when Mr.

1 Ferrett calls the meeting, every road on
2 here is a borough road?

3 MR. LOPATKA: I believe there's a
4 couple of alleys that I'm not positive if
5 they're borough or not. I think even
6 talking to Paul there were a couple -- one
7 or two of those allies that may not be. We
8 measured everything that we were told to
9 measure, and I know a couple of them I
10 believe don't show up as paper roads on any
11 map that --

12 MR. RUSSELL RINALDI: Could we find
13 out for certain before our paving committee
14 meeting which roads are borough roads?
15 Because we can't pave roads that aren't
16 borough roads. Am I correct, Bill?

17 ATTY. RINALDI: It depends on when
18 they were laid out.

19 MR. RUSSELL RINALDI: My question is
20 we can't pave roads that aren't borough
21 roads, could we? No.

22 ATTY. RINALDI: It depends on when
23 they were laid out, who's using them.

24 MR. RUSSELL RINALDI: Just yes or
25 no, can we pave roads that aren't owned by

1 the Old Forge Borough?

2 ATTY. RINALDI: New roads, yes. In
3 the last 20 years they have to be owned by
4 the borough. But you have roads that go
5 back to the 1800s here that are still deemed
6 to be public roads and/or laid out in
7 subdivisions that are on file with the
8 county. That means there are roads that are
9 dedicated, and once you give a building
10 permit for a lot or a house on one of those
11 you're actually saying we're accepting that
12 road. So you're talking like a history of a
13 hundred years. If you come up to, like,
14 since '93 there's a different process. It
15 can't be a road then until it's goes through
16 planning, subdivision, dedicated, et cetera.

17 So, yes, there could be roads out
18 there, but I can't find a deed for it.
19 They've been laid out in a plan.

20 MR. FERRETT: I think what Russell
21 might be referring to is that we don't have
22 dedicated deeds to ration out roads that
23 should be paid. Am I right?

24 ATTY. RINALDI: It's your option if
25 you want to pave them.

1 MR. RUSSELL RINALDI: That's exactly
2 what I'm saying, Mr. Ferrett.

3 ATTY. RINALDI: They were never
4 improved, it's up to you guys.

5 MR. RUSSELL RINALDI: I don't want
6 to be paving roads that don't belong to us
7 with our taxpayer dollars.

8 MR. LOPATKA: I don't know if I can
9 find out whether or not they were ever
10 deeded to the borough. Some of them have
11 been around.

12 MR. RUSSELL RINALDI: I can only
13 answer for myself. I think everyone sitting
14 here would say it as well, but I want to
15 pave -- we're using taxpayer money I want to
16 pave borough roads.

17 MR. LENCESKI: How about, Bill,
18 could you take this sheet that Dave gave us
19 with the proposed roads on it and check
20 everything off?

21 ATTY. RINALDI: I don't know if I
22 can get it back that quick. It depends on
23 the road and how much digging you have to
24 do. If there's a plan that is recorded it
25 makes it a little simpler. If I can find.

1 Deeds and houses that were sold,
2 yeah. But if you're talking like a paper
3 street or something -- not even a paper
4 street. If you're just talking build
5 plans -- is there pavement on it now?

6 MR. LOPATKA: Couple of them.

7 ATTY. RINALDI: Very vague.

8 MR. LENCESKI: Anything else?

9 MR. RUSSELL RINALDI: No, that's it.
10 Bill, are you going to go through the list
11 and get back to us with what ones --

12 ATTY. RINALDI: You want me to check
13 on every street or just ones that are
14 questionable?

15 MR. LOPATKA: Some of them are
16 pretty straightforward. Some are definitely
17 borough roads. There's a few that we
18 weren't positive.

19 MR. RUSSEL RINALDI: Are we going to
20 go off the liquid fuels list or are we going
21 to go off some other list?

22 ATTY. RINALDI: I wouldn't go off
23 the liquid fuels list.

24 MR. RUSSEL RINALDI: No? Isn't that
25 the one we should go off of?

1 ATTY. RINALDI: It depends on how
2 the list was compiled. Years ago PennDOT
3 officials used to come into the towns to put
4 any piece of pavement they could put on it
5 to benefit the town whether it was a road or
6 not. We found so many here that were never
7 roads but they stay on the list. Some were
8 taken off, some were taken off.

9 MR. FEBBO: I guess the question is
10 do we want to have to pay our solicitor to
11 look up Alicia Street, Edith Street West
12 Mary Street?

13 ATTY. RINALDI: If they've been
14 paved before and people are traveling on
15 them --

16 MR. LOPATKA: I can show you the
17 ones that we think are borderline.

18 MR. FEBBO: Out of this group we
19 have maybe half a dozen or less?

20 MR. LOPATKA: Or less.

21 MR. RUSSELL RINALDI: But you're
22 probably going to have to get rid of a few
23 anyway.

24 MR. LOPATKA: Absolutely.

25 MR. RUSSELL RINALDI: Because we're

1 well over the \$600,000 mark according to the
2 1.2 million.

3 MR. LOPATKA: We put the contingency
4 in there.

5 MR. LENCESKI: Dave, you measured
6 these roads and walked them. Right?

7 MR. LOPATKA: Yes.

8 MR. LENCESKI: After the meeting can
9 you go with Solicitor Rinaldi and just mark
10 off the ones that might be questionable so
11 we can do the right thing.

12 I don't mean to disrespect anyone,
13 but it's very hard for the stenographer to
14 take the minutes when you don't come to the
15 podium and say your name. Therefore, when
16 someone's reading it they don't know who's
17 speaking. Just come to the podium for
18 public comment.

19 MR. LOPATKA: There's probably five,
20 tops, that I'm positive of that were on the
21 list. We can look those up.

22 MR. RUSSELL RINALDI: I'm good.

23 MR. NOTARI: I'd like to answer Mr.
24 Cooper, if I can. There's a paving
25 committee that comes up with a potential

1 list of roads that need to be paved in the
2 borough. To my knowledge, there is no
3 rating system of these streets, there is no
4 list, per se, saying that okay, those
5 streets were paved. We're not paving them
6 for another five or ten years. We're now
7 paving those. Strictly every year the
8 paving committee surveys the roads around
9 town, sees what needs to be paved and that
10 comes to this point where we're at tonight.
11 Am I correct in saying that?

12 MR. LOPATKA: Anything else?

13 MR. LENCESKI: Thank you, Dave.

14 Sewer report?

15 MS. YEAGER: I have nothing.

16 MR. LENCESKI: Mayor, report?

17 MAYOR MULKERIN: I apologize for
18 being tardy. I was trying to get some
19 championship baseball teams going.

20 I do have a couple things that I
21 want to mention. This Saturday Councilman
22 Semenza, they have the bocci tournament.
23 It's the first time they're doing the bocci
24 tournament in memory of his father. It's at
25 Arcaro & Genell's this Saturday at noon.

1 Throughout the day you can -- you don't have
2 to play. You can just go and get lunch, get
3 dinner, make a donation. I'm sure they have
4 baskets and raffles. It benefits Old Forge
5 resident Waylan Davis.

6 This Sunday is the Sons of Italy
7 pasta dinner at the Felittese grounds from
8 11:00 to 3:00. Tickets are available there.
9 These guys do a great job. It's the biggest
10 fund-raiser they do.

11 Also, next week Old Forge graduate
12 Kyle McMyne, who plays baseball for the AAA
13 Louisville Bats. They're a AAA farm team of
14 the Cincinnati Reds. He's playing up here,
15 he's a relief pitcher. But he'll be up here
16 April 25, 26, 27. It would be great if the
17 town came out to support one of our own who
18 is doing very well in the ranks of
19 professional baseball.

20 The RailRiders are doing a ticket
21 special. I believe it's \$5.

22 MR. NOTARI: It's \$5 if you walk up
23 that day only. That gets you a seat.

24 MAYOR MULKERIN: You have to either
25 have something on that says Old Forge or

1 proof of residence, driver's license. It
2 will be great to have a lot of Old Forge
3 people go up there and support Kyle. I know
4 he's doing extremely well so far this
5 season, so it would be nice to see him now
6 before he makes it to the big leagues.

7 MR. NOTARI: He's excited, too.
8 I've spoken to him and he's very excited to
9 come home and to be able to pitch in front
10 of his home town.

11 MAYOR MULKERIN: I saw another
12 promotion that night, that some of the
13 proceeds go to benefit a local charity, too.
14 If you haven't been to the ballpark, go.
15 They make it affordable to families.

16 The other thing, too, I'm sure I
17 walked in when the chief was mentioning
18 about the bikes, but I just want to
19 reiterate that Toyota of Scranton, the
20 donation of those two bikes, everyone here
21 I'm sure saw in the lobby the bicycle.
22 We'll have an officer or two on the bikes.

23 That was a great thing they did
24 today up there. They had how many different
25 law enforcement agencies, six or seven?

1 CHIEF DUBERNAS: Five, and they gave
2 away ten bikes.

3 MAYOR MULKERIN: And those bikes are
4 not cheap. They come with a helmet, and
5 it's a great thing they did up there. Our
6 Chief was up there on the panel and he
7 spoke, and he spoke a little bit about Old
8 Forge up there. So great job, Chief.

9 But again, thanks to Toyota of
10 Scranton for that generous donation. That's
11 all.

12 MR. LENCESKI: Thank you, Mayor.

13 CHIEF DUBERNAS: One thing. April
14 29th from 10:00 to 2:00 at CVS we have our
15 drug take back program again. It was on the
16 Facebook page. Any prescriptions or
17 prescriptions for their pets, the DEA will
18 take them back, and an officer will be
19 there. They added pet meds.

20 MAYOR MULKERIN: The litter cleanup
21 is next Saturday morning, 9:00. We meet
22 behind the borough building. It would be
23 great -- the more people that come, the more
24 areas we get to hit throughout the town as
25 we go. A lot of the school is involved. We

1 get some of the sports teams, we get a lot
2 of community groups involved. We go around
3 various spots in the community and pick up
4 litter on the sides of the roads. We do a
5 great job every year with that. That's next
6 Saturday, the 29th, at 9:00. We'll provide
7 you with supplies to go clean up litter.

8 MR. LENCESKI: Thank you.

9 Lackawanna County representative, Kaylee?

10 MS. CORNELL: I just wanted to come
11 in to introduce myself today. I'm the new
12 community relations coordinator for
13 Lackawanna County. I work with rick. If
14 you have any questions obviously ask Rick or
15 myself.

16 First off, I'd just like to thank
17 you for all your hard work getting the
18 report during the storm. I'm sure you're
19 aware we reached the county threshold but we
20 did not reach the federal threshold.

21 Although our commissioners along with some
22 state representatives are petitioning on our
23 behalf to get you reimbursement. We're
24 trying to get together the forms. So
25 hopefully that will be an avenue we can take

1 to get some reimbursement.

2 I also just have -- we just have
3 some events coming up in Lackawanna County
4 I'll let you know about. We have the
5 municipal mixer. See either myself or Rick.
6 That's going to be April 26th. Just some
7 time to talk about governmental events.

8 Also, I'm organizing a job fair for
9 Lackawanna County. That will be at PNC
10 Field May 25th. And Career Link will be
11 having a workshop before that to talk about
12 putting together a resume.

13 We also have our sports clinics
14 coming up and a bike fair on May 13th at
15 McDade Park. Feel free to ask me any
16 questions. I'll be happy to assist.

17 Also, in regards to the county
18 housing authority, what was the property for
19 that?

20 MAYOR MULKERIN: Eisenhower/Apollo.

21 MS. CORNELL: I can also follow up
22 in regards to that, if you'd like. Thank
23 you.

24 MR. LENCESKI: Thank you.

25 MR. NOTARI: Just to welcome Kaylee,

1 and she also works in our environmental
2 sustainability office, recycling. I did
3 notice, piggybacking off what the mayor
4 said, on that weekend, that cleanup weekend
5 here in the tri-borough area, Moosic is
6 having a tire collection at one of their
7 sites. Would we be able to contact Moosic
8 and see if they would take anything from us
9 or are we planning on doing the same?

10 MS. BARTOLETTI: We already got some
11 information from Steve Armillay in regard to
12 that and I forwarded it to Bob on how we can
13 participate as well in that.

14 MR. LENCESKI: Solicitor's report?

15 ATTY. RINALDI: Getting back to
16 streets, there were two streets at the last
17 meeting that council wanted me to inquire
18 about. So just to give you a little
19 background. One is Ledge Street. This is
20 how streets can develop in the borough at
21 this point in time. So 1961 Miles Lane
22 Company laid out a development along Smith
23 Street -- and I don't think it was called
24 Smith Back then. But anyway, it was laid
25 out in 1961. There was a plan recorded in

1 the county deed book in 1961, so there is a
2 plan on file. We checked a couple lots,
3 particularly there's two lots on Ledge
4 Street. They were actually sold in 1967 to
5 an individual, and they did refer in that
6 plan to lot numbers on Ledge Street, and
7 they're in the plan known as the Locket
8 subdivision number one.

9 So those streets were laid out,
10 houses were sold, and I don't know if Ledge
11 Street was ever paved. There's also another
12 street back there that I think is just an
13 unimproved road. But it's up to the borough
14 since these streets were laid out, they've
15 been used by the residents on Ledge Street
16 there for over 21 years, and also they were
17 sold and building permits were issued for
18 people to build homes there.

19 The borough has the option. They
20 don't have to pave them but they can pave
21 them if they want to pave them.

22 MR. RUSSELL RINALDI: Where is Ledge
23 Street?

24 ATTY. RINALDI: If you pass the
25 cemetery and you're coming towards First

1 Street it's just a dirt road offshoot. That
2 was one road that was asked by council.

3 The other one was that hill parallel
4 to Hill Street, off Vine Street, and that
5 was laid out -- just to give you an idea how
6 streets can be, that was laid out in 1896
7 and it was known as the Stewart addition to
8 Rendham, Pa. That was numerous lots. They
9 were laid out all the way from First Street,
10 across Main Street, along Barber Street, all
11 the way up to Sanderson Street. One of the
12 streets -- actually not a street laid out
13 but an alleyway that was that road that was
14 asked about that was laid out just as an
15 unnamed alley along with some of the other
16 alleys in that development. There's a Vine
17 Street laid out, a Charles Street, a
18 Stewart. First, Second, Third streets laid
19 out back then. That goes back to 1896.

20 So I think we all know those roads
21 were used for 21 years. We know that houses
22 are built on those roads. Whether there's a
23 deed of dedication, I didn't go digging. I
24 dug for streets before and there's very few
25 streets you can find dedicated to the

1 borough. Only a recent thing that happened.
2 Back in the 1800s they mostly laid out the
3 plans and the streets. So if that alley is
4 laid out, the same goes for that alley.
5 It's been used by one resident. I don't
6 know how long the house has been there. But
7 it is a block of lots that was laid out and
8 lots were sold in that block of lots.

9 Everybody has a copy. So where
10 number eight is on those plans, if you look
11 at the house and you Google it you can see
12 how sometimes people combine lots and they
13 face their houses in the direction where the
14 street's originally laid out. But you get
15 an idea of how that was laid out.

16 So when you ask do you own that, we
17 have an implied right over it basically
18 because when it was laid out, how it was
19 developed -- when I say developed, lots were
20 sold and people bought houses and bought
21 lots and built houses, and the fact that
22 members of the Old Forge community are using
23 those streets over more than 21 years. So
24 you can pave a portion of it, pave all of
25 it, however you want to do it. Standard

1 wise, I talked to the engineer. I don't
2 know what you want to do there, but you can
3 do something with those streets. I did
4 locate them on the plans.

5 MR. FEBBO: Safe to say that a
6 majority of these streets have a house on
7 them, at least one house, if not all of
8 these streets?

9 ATTY. RINALDI: Well, which ones are
10 you talking about?

11 MR. FEBBO: On the paving program.

12 ATTY. RINALDI: I just brought them
13 up on Google Maps and looked to see where
14 houses were and on the tax map to see which
15 ones were still laid out on the tax map. So
16 I would pick the address, pull a couple
17 deeds, find out if any mentioned a
18 subdivision plan, dig up the subdivision
19 plan to see if it was laid out. This one is
20 very old, 1896. There's an alley there that
21 is on a recorded plan. I know that I can
22 tell probably -- there's a house, maybe, on
23 some of them, and then somebody owns all the
24 lots. Probably about three houses on the
25 bottom facing Vine. Somebody bought the top

1 lot or top two lots. It's only one house.
2 They didn't have to put one house per lot.
3 If you look at it on Google Maps you'll see
4 where they put one house on two lots. They
5 were really small lots in those days.

6 MR. NOTARI: Thanks for your work on
7 that. I know I've been asking for that and
8 I appreciate you getting to do that and
9 getting us an answer, finally, on Ledge.

10 That said, Dave, would you be able
11 to look at these two streets? Obviously not
12 for this year, but at least take a look and
13 see what the cost would be to properly pave
14 both these areas now that we know we can
15 pave them, so if we want to pave them going
16 forward we'll have an idea what it's going
17 to cost us.

18 MR. LOPATKA: Absolutely.

19 ATTY. RINALDI: Other than that, the
20 rest of it is litigation and a personnel
21 matter regarding the police department.
22 That's it.

23 MR. LENCESKI: Anybody have any
24 questions?

25 MR. BROWN: Attorney Rinaldi, I have

1 a quick question. Have we found out how --
2 or to the council as a whole how we can
3 enforce the current ordinance pertaining to
4 nuisance properties that we've had adapted?
5 I know we've asked for -- we all decided
6 last time what we were going to figure out
7 how to enforce. I was just wondering if you
8 had figured out how we can enforce the
9 nuisance property --

10 ATTY. RINALDI: I think one of the
11 first things you have to do is set the fees
12 and the fines because when we passed the
13 ordinance and not all the fees and fines
14 were set and re-inspection, inspection, et
15 cetera.

16 MR. NOTARI: I was planning on
17 later, when it was my turn, to make a motion
18 on fees. At least throw numbers out there
19 at the council, whether it's accepted or
20 not. But I kind of just looked at it over
21 the last couple weeks and came up with some
22 numbers. We'll all determine whether
23 they're numbers we can live with or not.

24 MR. FEBBO: I did the same thing. I
25 sat with Steve, went through the code book,

1 we looked at various things that we have
2 here, rough figures we can play off.

3 MR. BROWN: In regards to not being
4 able to enforce it with these fees, so we
5 have sent letters to other property owners
6 within the borough pertaining to nuisance
7 properties. So would that be considered
8 selective enforcement to the property owners
9 who we have fined for the nuisance
10 properties?

11 ATTY. RINALDI: No, it's still an
12 ordinance on the book for the nuisance
13 properties. The registration part and the
14 re-inspection part, okay, you haven't set a
15 fee for so, therefore, you're doing it on
16 your dime.

17 MR. BROWN: So pertaining to the
18 closure of a nuisance property, how would
19 you go about doing that? One that has been
20 a nuisance property for numerous amount of
21 time and this borough council has been well
22 aware of the nuisance. How would we go
23 about handling that?

24 ATTY. RINALDI: Well, I'd have to
25 see how many letters were sent to that owner

1 and what was done. If it was for one
2 tenant, the same tenant, or what the reasons
3 were for each violation that was sent for
4 nuisance.

5 MR. BROWN: So the nuisance is going
6 to attach to the tenant, is what you're
7 saying, and not to the property?

8 ATTY. RINALDI: Well, it could be
9 either/or.

10 MR. BROWN: So my question is there
11 is multiple properties within violation that
12 haven't been shut down pertaining to whether
13 it be drug activity with county coming down
14 and doing a drug search warrant on Oak
15 Street or properties within Sussex Street
16 that have been -- that have -- that people
17 have be taken out pertaining to warrants and
18 by state parole. So that is in violation.
19 This has been brought up numerous times.

20 So I'm asking can we send a letter
21 to these property owners letting them know
22 that their properties are in violation? I
23 think we already have. We've never received
24 response back. So my question is corrective
25 action, can you send a letter or post a

1 letter in the newspaper publication
2 requiring closure of these units? It's
3 stated in the code we can.

4 ATTY. RINALDI: If it meets the
5 criteria. A search warrant on a residence
6 doesn't make it a nuisance property.

7 MR. BROWN: No, but harboring
8 fugitives, in our code book, does.

9 ATTY. RINALDI: If that's the case,
10 then there's documentation and there's a
11 criminal charge. The chief would really be
12 the one that would kind of forward those up
13 the chain of command.

14 MR. BROWN: Chief Dubernas, has
15 there been any recent properties, rental
16 properties with wanted people in them?

17 CHIEF DUBERNAS: Several. We get
18 warrants all the time for people.

19 MR. BROWN: Have they been in rental
20 properties?

21 CHIEF DUBERNAS: I know what you're
22 talking about. You're talking about the
23 Sussex Street incident. Here's the issue
24 with Sussex Street. It's not a nuisance
25 property. You can say what you want. This

1 is what's going on with it. That address
2 was from an active warrant from Pocono
3 Mountain Regional from 2012. When you get a
4 warrant, there's an active case, they will
5 give you a case address. Unfortunately,
6 this guy that was wanted had 20-some
7 addresses that he could be using. The case
8 address he was using was Sussex Street.
9 Five years down the road Pocono Mountain
10 Regional decides to reach out to us and says
11 can you check this address to see if this
12 person is wanted. We have an active warrant
13 to see if he's there.

14 We go there, he's not there. Hasn't
15 lived there in three years. While we're
16 there we ID everybody that's in the house.
17 A guy comes back wanted for probation
18 violations out of the state of New Jersey.
19 We take him into custody, it's over and done
20 with. It happens in houses all over Old
21 Forge, not just this house.

22 MR. BROWN: Pertaining to rental
23 property.

24 CHIEF DUBERNAS: All the time.

25 MR. BROWN: So pertaining to this

1 specific rental property, it has had excess
2 amounts of police calls within previous
3 years that have been noted by the borough --

4 CHIEF DUBERNAS: Previous years?
5 That tenant is no longer there.

6 MR. BROWN: It's the same property,
7 and it's a nuisance because it keeps
8 happening whether it's the same tenant or if
9 it's different tenants.

10 CHIEF DUBERNAS: I know over about a
11 nine-month span we had no incidents there.

12 MR. BROWN: That's this year, but if
13 we go back four years --

14 CHIEF DUBERNAS: We had this
15 discussion last meeting.

16 MR. BROWN: And nothing has been
17 resolved.

18 CHIEF DUBERNAS: The tenants move
19 and regenerates a new year. We have no
20 incidents or no issues there.

21 MR. BROWN: So each year comes up,
22 issues come by --

23 ATTY. RINALDI: And I wouldn't
24 trigger a warrant. I mean, domestic
25 relations can issue a warrant because you're

1 overdue in your support. A magistrate can
2 issue a warrant because you didn't pay your
3 parking ticket. A warrant isn't a trigger
4 to say it's a nuisance property.

5 MR. BROWN: So what would you
6 consider, as our ordinance states, a
7 fugitive? Isn't that someone that's wanted
8 by the law?

9 ATTY. RINALDI: Well, a warrant
10 isn't a fugitive. A warrant is --

11 CHIEF DUBERNAS: He was wanted. He
12 had that address, because he lived here at
13 one time, as the case address.

14 MR. BROWN: But I'm not only
15 specifically stating about this incident,
16 I'm stating --

17 CHIEF DUBERNAS: I'm telling you
18 there's houses all over Old Forge that have
19 rental properties that people are tenants
20 and that people are wanted. We check houses
21 all the time. Not only in Old Forge.
22 Lackawanna County, Susquehanna County,
23 Luzerne County. It's all houses.

24 MR. BROWN: That property is in
25 violation of code 229 of our public Old

1 Forge Borough code. Public nuisance and
2 unlawful act, disturbance to intolerance
3 with the peaceful use -- the unpeaceful use
4 of property of others within the borough of
5 Old Forge.

6 In addition, the properties in
7 violation of section 229-613, noise
8 property. It states -- you can continue to
9 go down 229-6, section 16, cruelty to
10 animals because there was a cruelty to
11 animals charge.

12 CHIEF DUBERNAS: That was over two
13 years ago.

14 MR. BROWN: But there was nothing
15 done.

16 CHIEF DUBERNAS: There was something
17 done. Lackawanna County Humane Society did
18 something. Sandy did it.

19 MR. BROWN: I'm pertaining to
20 nuisance police calls. So that's one. I'm
21 pertaining to do we have a registry of any
22 of the tenants in there?

23 CHIEF DUBERNAS: Councilman Brown,
24 again, last meeting they said it resets
25 after a year or if new tenants move in.

1 MR. BROWN: We didn't decide that.
2 We did not decide that. That's why I asked
3 the solicitor. It was left off that
4 something would be done. Eight days later a
5 warrant is served when there was supposed to
6 be an inspection. Now, I'm not saying --
7 I'm not holding any borough employee or
8 anybody responsible --

9 CHIEF DUBERNAS: We did an
10 inspection. I was there for an inspection.

11 MR. BROWN: After you served the
12 warrant, which was eight days after we were
13 here in a council meeting and said something
14 was going to be done. The inspection was
15 done because the warrant was served and I
16 called the borough manager. That's when the
17 inspection --

18 CHIEF DUBERNAS: No, I believe you
19 made big issue on social media. That's what
20 you did.

21 MR. BROWN: I did because we were
22 instructed to get back in our houses. The
23 street was closed down by law enforcement --

24 CHIEF DUBERNAS: You were being
25 unprofessional about an employee of the

1 borough when you're a representative of
2 council. Do you know what I mean?

3 MR. BROWN: Chief Dubernas, I think
4 you're out of line, but that's just my
5 opinion. I am pertaining to this rental
6 property. I made a Facebook post in regards
7 to the nuisance rental properties within
8 this community that are not being addressed
9 and not being handled. They haven't been
10 addressed, they haven't been handled.

11 So I'm going to continue to ask, as
12 I have continued in the past, what we're
13 going to do about them. How we're going to
14 handle them. We said about these fees the
15 first year I was here. Ms. Bartoletti, you
16 spoke to me about the fees. You spoke to me
17 a year later when Mr. Febbo and Ms. Cordiano
18 came on and said we were going to do
19 something then. When I called you after the
20 search warrant was activated and went
21 through the chain of command, which I stated
22 on the phone --

23 CHIEF DUBERNAS: Can you tell me
24 where there was a search warrant issued at
25 this house?

1 MR. BROWN: No, sir, a warrant, an
2 rest warrant was issued on the house. On
3 the phone you had then stated we were going
4 to try to do something with the fees again.
5 So I'm not blaming anyone in particular.
6 Council as a whole, what can we do
7 because --

8 MS. BARTOLETTI: I really put a lot
9 of time and effort into this whole
10 ordinance, okay, and the first questions
11 that I want to bring up to council, we have
12 the RFP inspections which go hand in hand
13 with this. Is that done or are we no longer
14 doing that or are we still looking into
15 bringing a company in for that? Because I
16 think there's still a lot of outstanding
17 decisions that council has to make before
18 you can actually get this thing up and
19 running. Okay? That's my first question.

20 Second thing, of course, I'm a
21 broken record about the fees. You guys did
22 talk about possibly doing that tonight,
23 which would be a wonderful thing.

24 The third issue I have with it is
25 Steve seems to get the blame for everything