

1 that has to do with this ordinance, and the
2 problem -- another problem is there is no
3 communication between -- when there is any
4 type of issue that goes on, if the police
5 are the ones called there, Mr. Bieryla is
6 not a police officer. He's the zoning code
7 enforcement officer.

8 So for example, the issue that took
9 place there on Tuesday, the only way he
10 found out about it was because he was
11 contacted by a family member who said that
12 he was being brought up on Facebook, but no
13 report, no police report, no message of any
14 type was left for him from the police. So
15 he doesn't have ESP. It's not like he said
16 something happened on Sussex Street. There
17 has to be some sort of communication line
18 between the police department and the zoning
19 code enforcement office. Otherwise this is
20 never going to work.

21 The next thing, okay, is all these
22 letters that have been going out to
23 landlords, the whole bit to form this
24 registry, my two administrative assistants,
25 I put them in charge of doing it for now to

1 try to get it complete, and what I did find
2 out is all the ones that Mr. Bieryla has
3 sent out, I'm going to say probably 20
4 percent of the people have actually
5 answered. Sandy and Ann Marie have redone,
6 we're on the second notice, and sent out a
7 form, another set.

8 Now, if you read the ordinance it
9 tells you that if someone doesn't comply and
10 answer these letters that they're in
11 violation but it doesn't say what happens.
12 It just says they're in violation and
13 there's no penalty. There's no punishment.
14 So what do you do if someone that's
15 continually being sent a letter or whatever
16 to register their property but they refuse
17 to send the letters back? So there are
18 still a few things that need to be addressed
19 in order to make this work properly. I
20 agree that we are on the right track, but
21 there are still some things that have to be
22 done. And I don't think that it's Jason's
23 fault, it's not Steve's fault. It's just --
24 it still doesn't work.

25 So maybe the first thing that needs

1 to be decided is what you plan on doing for
2 the inspection. Are we going to redo the
3 RFP? Are we going to go with the one
4 company that did respond? Are we going to
5 have a meeting with that company to
6 interview them?

7 MR. BROWN: In my opinion, you know
8 I've been pushing for the RFP for the
9 third-party inspection. Do it as it was
10 advertised. I've been talking about it for
11 how many years now.

12 MS. BARTOLETTI: Well, how many
13 times has it come up in meetings and it's
14 been left. Council decided to not act on it
15 as a whole. So nothing's been done.

16 MR. NOTARI: I think we should act
17 on it tonight one way or another. I know
18 reading over the bid I wasn't comfortable,
19 necessarily, with the numbers that were
20 given, that person that bid.

21 MS. BARTOLETTI: Then if we need to
22 do something we can rebid it. I'm sure Bill
23 can take care of that for us. But instead
24 of just coming over and over and blaming and
25 blaming, as a group it needs to be fixed.

1 Devon, you and I had this
2 conversation. As a team everybody needs to
3 get this done and fixed instead of all this
4 nonsense and fighting and arguing. Fix it
5 and then it's done. But right now it
6 doesn't work. It's dysfunctional.

7 ATTY. RINALDI: When we passed this
8 ordinance it wasn't to be effective for at
9 least six months. It had a roll out
10 effective date. I explained it to council
11 and council understood it at the time. This
12 is another -- not a department but another
13 entity -- not an entity either but another
14 person. There's a lot that goes into it.
15 There's a lot of paperwork that has to be
16 generated, a file has to be kept on all
17 these places, and every year those files
18 have to be gone through to make sure that's
19 still a rental apartment and it's still --
20 you look in the file, did he register, is
21 the fee paid. But you don't have the staff
22 here to do it.

23 MAYOR MULKERIN: When was the
24 ordinance passed?

25 MR. BROWN: 2011.

1 MAYOR MULKERIN: September 26, 2011.
2 Right?

3 ATTY. RINALDI: I understand, but to
4 keep blaming --

5 MAYOR MULKERIN: When Councilman
6 Brown references ordinance 229, there's a
7 section of it that says --

8 ATTY. RINALDI: I understand, but --

9 MAYOR MULKERIN: No, I'm not done.

10 ATTY. RINALDI: Just let me finish.
11 He's blaming Steve. He doesn't have the
12 staff.

13 MAYOR MULKERIN: I agree with you.

14 ATTY. RINALDI: At the time council
15 understood they would need to budget a hire
16 because Steve can't do it himself. It's
17 more than a one person job.

18 MR. NOTARI: I was going to make a
19 motion to do that, too, tonight.

20 MAYOR MULKERIN: 229-8 is
21 registration of rental units. Now,
22 Councilman Brown said -- he was talking
23 about consequences of this ordinance.
24 What's the ultimate consequence of this
25 ordinance?

1 ATTY. RINALDI: There's a violation
2 provision for noncompliance of the
3 ordinance.

4 MAYOR MULKERIN: But what's the
5 ultimate consequence?

6 MR. BROWN: Shut down of the unit.

7 MAYOR MULKERIN: The borough pulls
8 their rental unit registration. That's the
9 ultimate consequence. How many registered
10 units have we had since 2011?

11 ATTY. RINALDI: None, because you
12 don't have the officer work to do it.

13 MAYOR MULKERIN: Six years.

14 ATTY. RINALDI: I don't do the
15 budget.

16 MR. NOTARI: Hopefully we can change
17 that tonight.

18 MS. BARTOLETTI: You weren't here
19 before those years, and previous to that
20 when it was passed there were council
21 members who were totally and completely
22 against it and refused to have it enforced.
23 So you can't go back and say six years, six
24 years because ultimately council makes the
25 decisions, and they -- at the time there

1 were council members who did not want it
2 enforced.

3 MAYOR MULKERIN: I've been here
4 three and a half years. You're right.
5 Three and a half years I've been here.
6 Prior to that I was coming to meetings, and
7 this has been talked about and talked about
8 and talked about and there's been nothing
9 done. At one point there was a committee
10 for -- that council had a three-person
11 committee that was going to meet with Steve.
12 How many times did that committee meet?

13 MR. FEBBO: What committee is that?

14 MAYOR MULKERIN: It was a committee
15 formed to really address this ordinance.
16 How many times did that committee meet?

17 MR. FEBBO: The public safety
18 committee?

19 MAYOR MULKERIN: No, it was the
20 committee specific to address this
21 ordinance.

22 MR. BROWN: The first time that
23 committee met, I want to say three times.
24 That was the first year I was here. That
25 consisted of myself, Councilman Karam and

1 Councilman Rinaldi.

2 MR. RUSSEL RINALDI: No, I wasn't on
3 that committee.

4 MR. BROWN: Myself, Councilman Karam
5 and Councilman Semenza.

6 MAYOR MULKERIN: And what came of
7 that committee? Nothing. How many times,
8 Steve -- I'm not picking on you by any
9 means. Have you sat with any council
10 members to address this? I mean sat, like,
11 has there been any committee that you've
12 been called into any committee meetings to
13 address this ordinance, to come up with a
14 plan? Like I said, I'm not faulting you.
15 We can't fault Paul if we give him a
16 toothbrush and say clean the streets.

17 MR. BROWN: Mayor Mulkerin, I know
18 the first year you sent me a fee schedule.
19 I responded to the fee schedule. We had a
20 meeting set up. Myself, Councilman Karam
21 and Councilman Semenza. I forwarded that
22 here to the borough council as a whole.
23 That was maybe going into our second year.
24 Nothing was done about that.

25 At my second year here I made a

1 motion, I went against it, to advertise for
2 the third-party inspection. That died.
3 Didn't go anywhere. So it's not that we
4 haven't or I haven't asked Steve or asked
5 you or asked council as a whole or the
6 solicitor what to do.

7 MAYOR MULKERIN: I agree.

8 MS. BARTOLETTI: You say now it died
9 in the meeting. That's not anybody else
10 except for council. You guys vote. You do
11 it.

12 MAYOR MULKERIN: There comes a point
13 where we have to stop talking and vote.

14 MS. BARTOLETTI: Do it, please, so
15 that everybody --

16 MR. NOTARI: I'm going to try to do
17 something tonight, we get to that point.
18 We've talked about the same thing at these
19 meetings over and over and, unfortunately,
20 Councilman Brown, I've heard his lecture
21 over and over again. Not only as a council
22 member but as somebody sitting there. I
23 mean, I'm going to try to put something in
24 motion tonight. I don't know if it will go
25 anywhere, but at least I'm going to try to

1 do something. So you're not falling on deaf
2 ears.

3 MR. BROWN: My question is that
4 motion doesn't pass, where are we left?
5 That's what it comes down to. It's a
6 recurring issue. I mean, these properties
7 are invading our community. Just read a
8 local report. Go to your board of realtors.
9 The properties that are selling within here
10 are not residential properties, they're
11 rental properties. People are buying them
12 out and renting them. My generation isn't
13 staying here. They're moving out of here.
14 They're living in cities, they're going to
15 college and they're staying there. They're
16 not coming back here. That's a matter of
17 fact.

18 I'm not -- you know, within a few
19 years I won't be here, and, you know what?
20 I'm only here to help out the residents who
21 don't have a voice, who feel like they're
22 trapped. That's why I'm up here. I have
23 seven, eight months left of this. I'm only
24 trying to help these people. I've been
25 trying to help these people. But it seems

1 that it doesn't want to get fixed. Whether
2 it was when I was here the first year and
3 proposed those motions or in 2011 when the
4 ordinance was passed.

5 So my question is how are we going
6 to deal with it? If Councilman Notari's
7 motions that he wants to make don't pass
8 what are the ramifications? What are we
9 going to do to these property owners?
10 Because we have a code on the books and we
11 have what it says how to enforce it, the
12 violations. So what can we do? Why aren't
13 we following through with it?

14 MR. FEBBO: Can we get Mr. Notari's
15 suggestion?

16 MR. LENCESKI: Let's get done with
17 Solicitor Rinaldi and then we'll come to the
18 table.

19 MR. BROWN: He's going to make that
20 motion. If they die where do we do?

21 MR. NOTARI: The ballot box. We'll
22 go to the ballot box.

23 COUNCILMAN BROWN: I'm talking about
24 the property owners.

25 MS. BARTOLETTI: I think what

1 happens is --

2 MR. NOTARI: Go find somebody that
3 will sit on this board and make the
4 decisions that need to be made. That's the
5 answer, Devon. That's the answer.

6 MS. BARTOLETTI: No, you need to fix
7 the things that don't work in that ordinance
8 so that everyone's in agreement to not have
9 to say no or let it die again. Agree to it
10 so that we can fix it and then it can be
11 enforced.

12 MAYOR MULKERIN: You're a hundred
13 percent right. The only issue I have with
14 it, and it's the same as Councilman Brown's,
15 is that every six, seven months this comes
16 up. We get a roomful of people and we talk
17 about it and nothing gets done. You have
18 people volunteering to help out, you have
19 people here now, we've had other people come
20 in to help out that had volunteered. They
21 said let's volunteer to do it. Let's do it.

22 MS. BARTOLETTI: Exactly. Finish
23 it.

24 MR. BROWN: I'm not directing
25 anything towards you but --

1 MS. BARTOLETTI: I'm agreeing with
2 you. It takes the whole panel.

3 MR. RUSSELL RINALDI: Let's put it
4 to the floor and see what happens. That's
5 all we can do. Let's just put it to the
6 floor and see what happens, and if people
7 don't want to decide to not do it, well,
8 then, in my belief I'm going to believe
9 you're wrong for not wanting to try and
10 strengthen the borough, strengthen the code,
11 help the people. Let's put it to the floor.
12 Let's stop talking about it. Marylynn made
13 a great point. Let's stop fighting with
14 each other, going back and forth, and let's
15 just try and get it done.

16 MR. CUDDY: Thomas Cuddy. The house
17 on Sussex Street we're talking about, is
18 that house allowed to be used as a boarding
19 house? That's what it's being used as right
20 now. I talked to the owner after the last
21 council meeting and they said something was
22 going to be done. Two days later three
23 people ran out of there like rats. They
24 must have had warrants. They were gone.
25 They were replaced with new people.

1 Forest told me he can get around any
2 of you people because he knows how to get
3 around you. He rents out to Devon, he knows
4 Devon's going to bring four of his friends
5 in. So every room in there there's not one
6 tenant, there's four. There's probably 12
7 people in that house. He rents out to one
8 person knowing well that there's more
9 coming, and that's how he's getting around
10 it. He said as far as inspection, he said
11 fire extinguishers, ground fault. That was
12 it. But he's getting around by renting it
13 out to you, you, you. You bring four
14 friends, you'll bring four friends, you'll
15 bring four friends, and they're all paying
16 Forest.

17 MR. BROWN: Last week when the
18 incident occurred there was 12 adults that
19 came out of that house. Twelve adults.

20 MRS. CUDDY: He also said that
21 wasn't all the people that lived there.

22 MR. BROWN: Like, how is that not a
23 nuisance, Chief? That's what I want to ask
24 you. Twelve adults. I asked the officer
25 did we get everybody's name, all 12 adults.

1 CHIEF DUBERNAS: We have all the
2 names.

3 MR. NOTARI: Chief, were there any
4 crimes committed there?

5 CHIEF DUBERNAS: No, no crimes.

6 MR. NOTARI: If there was a crime
7 committed there, you would then relay that
8 to the zoning department?

9 CHIEF DUBERNAS: Yeah. If we go to
10 a house X amount of times I pass the report
11 along to Steve, but if we go to somebody's
12 house and serve a warrant I don't pass that
13 along to Steve because that might be a once
14 in an instant thing.

15 MR. NOTARI: That's not a crime.

16 CHIEF DUBERNAS: We were there
17 because there was a gentleman that lived
18 there three years ago or four years ago that
19 had an active warrant out of Pocono that had
20 his case address from there, 2012. They
21 called us to act on it. That's the only
22 reason that sent us there.

23 MR. RUSSICK: There was a lot of
24 discussion on how to proceed there. I
25 pulled this off the internet, and you're

1 welcome to it. It's the legal aspects of
2 code enforcement and administration. These
3 are the ground rules, gentlemen and ladies.

4 In saying that, if it's not done
5 right you can violate somebody's civil
6 rights by not affording them due process. I
7 just want to let you know that. That's a
8 fact. Attorney Rinaldi can confirm that.
9 In saying that, if that's a civil rights and
10 that party wins it's three times the damages
11 and you pay for the lawyer.

12 So my point is this, you get a
13 third-party inspection agency that's done
14 this before they know how it works. That's
15 the way to go. He can't do this all by
16 himself. This is a big nut to crack.

17 But that, if you make a copy -- and
18 I would suggest that everybody that's
19 sitting here at the table take a look at
20 that, that's the ground rules, and if you
21 don't do it right you leave this borough
22 wide open with a civil rights case. I'm
23 telling you.

24 MR. LENCESKI: Thank you.

25 MR. FERRETT: Why isn't it possible

1 that we can have an executive meeting some
2 day just between council to try find out
3 what direction we want to go with this
4 situation rather than coming here and
5 arguing.

6 MR. NOTARI: I have the direction.

7 MR. BROWN: We did last week. After
8 it is when the incident occurred.

9 MR. LENCESKI: We're going to get
10 off the subject right now and we'll continue
11 it in executive session if what Mr. Notari
12 proposes doesn't go through. Fair?

13 MR. BROWN: So we're going to have
14 another executive on top of the one we had
15 last week --

16 MR. LENCESKI: We're going to see
17 what Mr. Notari proposes. He want's to put
18 something to vote. If that doesn't go
19 through we'll have an executive session
20 after and we'll discuss it. Everyone at
21 this table wants the same thing. We want
22 the community to be safe. No one wants to
23 let deadbeat landlords take over the town.
24 No one wants to see that many. We all grew
25 up here. It's a shame. It's happening

1 everywhere.

2 MS. BISCONTINI: I live three doors
3 away from that house. I'm afraid to walk
4 down the street because years ago there was
5 a pit bull that came out of that house. And
6 it was late at night, and Chief of Police
7 Semenza at the time -- it was 10:30 at
8 night. Their son, Kathy Stockey's son,
9 Patrick, was walking their little dog,
10 Squirt. The pit bull came out, went to
11 attack the dog. Patrick went on top of the
12 dog to shield him and started screaming, and
13 Semenza's wife yelled and Larry came out and
14 pulled the dog off. I mean, he had stitches
15 in his arm.

16 That was that house a couple years
17 ago and it's just gotten worse. I hope the
18 pit bulls aren't there anymore. I'm afraid
19 to walk down there. Come and live on Sussex
20 Street for a while and I think you'll go
21 along with what Devon's saying. He's right
22 about everything, and if you don't want our
23 town to become Scranton, what's happening up
24 there -- we love our town. Old Forge is not
25 the same. I'm 65 in May. When I grew up we

1 left our doors unlocked. I'm sure you all
2 did. We don't want to make trouble. We
3 just want -- and our property values are
4 going to go down. Nobody's going to want to
5 live in Old Forge because it's going to be
6 like Scranton.

7 Devon is trying to do -- I mean,
8 maybe it's a big undertaking for everybody
9 to get together, but Mr. Russick gave you an
10 idea. I think you should all get together
11 with Devon. And Mr. Notari seems to be
12 right on it, Mayor Mulkerin. We all live on
13 Sussex Street.

14 That Mr. Swaydas, he knows how to
15 turn everything around --

16 MR. NOTARI: More than you know,
17 which I found out in the last week.

18 MAYOR MULKERIN: That's when you see
19 the frustration here.

20 MS. BISCONTINI: Then the house
21 across the street is condemned, and the one
22 where the paint store used to be there's a
23 whole --there's all pigeon s-h-i-t loaded
24 there. There's a window out, pigeons are in
25 there. I'm trying to give credence to what

1 they're saying because we live there.

2 MR. LENCESKI: Well, hopefully
3 tonight it will be the beginning of the end.

4 MS. TALERICO: Judy Talerico. I
5 live across the street from them. I'm
6 Devon's grandmother. I grew up on the
7 street. It was peaceful, quiet. We have
8 nothing but problems. The house by me is
9 supposed to be in foreclosure. He owns it.
10 It's a rat trap. I keep my property up.
11 That's bringing my value down. He brings
12 in -- I hate to say it, riffraff, and this
13 town was never riffraff. Never. And it's
14 disgusting. We hear screaming and fighting
15 during the night, you hear -- you see people
16 running in and out all kind of hours. You
17 see tons of people and you wonder how could
18 they all live in this house? It's a double
19 block, like my house. Maybe five rooms on
20 top. Where are they all sleeping? This
21 cannot continue.

22 MR. RUSSELL RINALDI: Let's see if
23 we can do something tonight, like Chairman
24 Lencski said. Let's see if we can get
25 something --

1 MS. STOCKEY: Two of our neighbors
2 were not able to be here, but it's important
3 to note that there are a total of five
4 residents who are here who have in an
5 ongoing way over the past several years been
6 at various levels talking about all this.
7 It just gets worse. Our one neighbors told
8 me -- and I did go on Craig's list to see --
9 there was rooms for rent, \$400. Private
10 rooms, lofts and all this stuff. About a
11 year and a half ago we were tortured with
12 the garage in the back. They were doing
13 heavy transmissions or heavy motors,
14 grinding, banging. We called the police.
15 It didn't seem like they had the authority
16 to do anything. But on Craig's list there
17 was another ad that they were doing heavy
18 motors. It was across the street in the
19 house where the owner lives. But motors
20 were coming across the street, over to our
21 place.

22 We do not have the ability to enjoy
23 our property or to peacefully feel
24 comfortable and safe living there based on
25 the situation. Quite frankly, knowing the

1 prior owner I know there's one bathroom in
2 each half of that house, and all these
3 people that are there, unrelated people,
4 are -- I can't understand how it can meet
5 the zoning requirements. That's how we've
6 all bought our homes and live within that,
7 and it doesn't seem like this goes for this
8 particular property.

9 And I will add great thanks to
10 Councilman Brown because he, and I know
11 Councilman Karam and I know Councilman
12 Rinaldi and I know Joe and others would have
13 in the past been very sympathetic and
14 listened to us, but, in fact, it is
15 disheartening to come here and hear that you
16 have an ordinance that's seven years old
17 that's unenforceable with manpower or with
18 any kind of enforcement. You don't have an
19 ordinance, then. We leave here tonight
20 knowing that you don't have an ordinance.
21 And you put fines, who is going to enforce
22 it? Because you just said you don't have
23 any enforcement.

24 So our only recourse is to call the
25 police when my son gets mauled walking our

1 dog. Thank God for Officer Semenza. He
2 literally put his own life in danger pulling
3 this pit bull off my son, who was on the
4 ground. He's six foot tall. I mean, he's
5 not a little kid. It was awful. And the
6 beat goes on. You couldn't go up Sussex
7 Street without seeing the crack in the
8 window at the paint store, the paint store
9 is dilapidated. Who would want to put money
10 into their home given the circumstances that
11 we're forced to live in?

12 And we leave here tonight, as
13 Councilman Brown said, it seems like there
14 momentum for action, but, in fact, where's
15 the staff to implement that? I get what the
16 borough manager's saying, what's her
17 recourse in terms of this passing, but what
18 does it mean to us, then? It's seven years
19 later. I mean, it is tragic that we come
20 here and your police respond numerous times.
21 We had a fire truck there and the
22 tri-borough police department, the
23 tri-borough police department -- Moosic,
24 Taylor, Old Forge. Doesn't that cost some
25 money? Is that money for paving that you

1 guys, the money for all these police calls.

2 One other thing. In the meantime,
3 this other thing that I think I'm hearing
4 are big priorities in town, but
5 neighborhoods have to matter, and I want to
6 say that we have put up with the situation.
7 My husband and son are sitting in the
8 kitchen having dinner and they hear all this
9 fighting outside, a car in front of our
10 house fighting with the people on the second
11 floor of this that we're talking about. My
12 husband comes back in, goes back out in the
13 morning, four flat tires on his car in the
14 driveway after hearing loud, audible bangs.

15 So, I mean, who has to live like
16 this? It's unbelievable that residents in
17 their community have to be subjected to this
18 in our neighborhood, this environment.

19 MR. NOTARI: If I may, I know you a
20 long time. We go back when your children
21 were -- and I respect your opinion. I feel
22 you. I know your concerns are legitimate
23 and real, but I'm going to go back to
24 something that Mayor Mulkerin said. This
25 has been on the books since 2011. So the

1 people that sat in this seat before me
2 haven't done their jobs.

3 So now, hopefully, to start tonight
4 we're going to start getting to the spot we
5 need to be. I hope. I hope. So, I mean, I
6 don't know -- you're welcome. And it's not
7 just you. It's the concerns about the
8 entire town. Obviously Sussex Street --
9 hey, I spent some years on Sussex Street, as
10 you know, a lot of times in the factory that
11 my aunt owned, that I spent some time there.
12 So I know what it was like growing up. What
13 a great neighborhood it was. I think we had
14 a lot of great neighborhoods and we continue
15 to bring those neighborhoods back.

16 MS. STOCKEY: When you're talking
17 about diligence, I've heard all this talk
18 about all this other planning and all these
19 other developments and what not. If you
20 lose your neighborhood you don't have a
21 community. Your community development focus
22 needs to be your priority, not selective
23 targets for bigger projects.

24 MR. NOTARI: Joe, I'm going to start
25 making motions now because --

1 MR. LENCESKI: Let's get through --
2 anyone have any questions for Solicitor
3 Rinaldi? All right. Real quick, Rick, let
4 me go through a few other things. Any
5 committee reports? No.

6 I'm going to go to public comment.
7 I think maybe we went through it already.
8 Sorry. Borough manager?

9 MS. BARTOLETTI: Okay. Talking
10 about Rosemount, I want to remind you Mr.
11 Kissolovage from 9 Oakwood. He was the guy
12 with the water runoff problem. I wanted to
13 mention that every time it rains he still
14 does call the borough building. He's
15 looking for someone to help him. We sent
16 him to Mr. Ciuccio, we sent him to
17 Mr. Ciuccio's attorney, engineer, but still
18 nothing's been done.

19 ATTY. RINALDI: That work is
20 supposed to start this week.

21 MR LENCESKI: I hope. Keep on top
22 of that.

23 ATTY. RINALDI: There's a contract
24 that was signed. They were supposed to
25 start in two weeks after last meeting.

1 MS. BARTOLETTI: Pennsylvania
2 Ambulance is going to come to the May work
3 session to meet with everyone in public and
4 donate the machine, the IED machine, to the
5 borough that they are going to donate and
6 train. So they'll be at the May work
7 session.

8 We have to change the date of the
9 May public meeting because it falls on
10 election day. So what I was thinking was
11 maybe we should just go to the following
12 week, 23rd. Everybody good with that?
13 Okay.

14 For the parks we did get quotes for
15 the pesticide. We're having everything else
16 done inhouse, the way we did last year. The
17 two quotes that I got for the pesticide
18 treatments were \$2,963 and \$6,160.
19 Obviously we went with the \$2,900 one. Let
20 everybody know that that's all in the works.

21 MR. NOTARI: Do we still have
22 contracts with certain landscapers in town
23 to take care of the parks?

24 MS. BARTOLETTI: Only for pesticide
25 treatment.

1 MR. NOTARI: At one time didn't one
2 company take care of three parks and another
3 company take care of the other three?

4 MS. LENCESKI: Yes, but once we
5 change over our staff and Paul got involved
6 everyone felt very confident that we could
7 do a lot of the work inhouse. Now, in order
8 to do pesticides you have to have a license.
9 So we don't have anyone who can do that.
10 Everything else, all of the fertilization --

11 MR. NOTARI: Seeding and stuff like
12 that.

13 MS. BARTOLETTI: We save quite a bit
14 of money by doing that.

15 MR. NOTARI: Nice work. Thanks,
16 Paul.

17 MS. BARTOLETTI: Rick, you had
18 mentioned about the packets, and we've been
19 discussing that for several months but no
20 decisions were ever made. What I was
21 thinking about before we even started the
22 meeting tonight, what I was thinking is
23 possibly doing two deliveries to council.
24 Maybe one on the 1st and one on the 15th or
25 somewhere around that area. That way you're

1 up to date instead of having things wait for
2 a month until the next meeting comes up.

3 MR. NOTARI: That would be great.

4 MS. BARTOLETTI: Something like that
5 may work and it may make it easier for you
6 guys to keep on top of everything instead of
7 splitting the work. Every two weeks you're
8 going to get something new and there will be
9 more time to review things, be on top of
10 things.

11 MR. NOTARI: I'd appreciate that.

12 MR. FEBBO: I like that. I don't
13 think that Mark is responsible for
14 everything that's happening here.

15 MS. BARTOLETTI: I don't think at
16 this time because it's not something that
17 everyone would be ready for. It's not
18 something that I can give to everyone. I
19 just feel that it's either all or it's none.
20 I have to keep everybody on the same page.

21 MAYOR MULKERIN: Two different
22 things. I understand.

23 MR. NOTARI: Maybe we can put
24 tablets into the budget for next year.

25 MS. BARTOLETTI: It's something that

1 I've been working on. It's not something
2 that I think is going to be done in the next
3 month or something like that, but maybe for
4 next year it would be something that we can
5 definitely work into.

6 MR. NOTARI: Save on paper.

7 MS. BARTOLETTI: Everybody can help
8 each other figure out how to do it.

9 Plowing, I know we're a couple weeks
10 past the storm now, but questions keep being
11 brought up to me about the borough as
12 compared to school and dollar figures and
13 all that type of stuff, and I just want to
14 make it clear that any roads that the
15 borough is responsible for the borough
16 cleaned. Whether it was the route to the
17 school, whether it was Sussex Street, all
18 those roads were done by either DPW or the
19 people we contracted with or people who
20 donated their time. For example, Waste
21 Management. So all of the roads we were
22 responsible for we did take care of, and it
23 was all done very well.

24 The score board at Pagnotti Park has
25 been not working, so everybody knows. Paul

1 and Steve were down there working on it
2 today, and it turns out that it's something
3 different than just a remote control. It's
4 that but it's something else. So if any of
5 the parents or anyone asks from the high
6 school team, probably next week it will be
7 up and running. Another part was necessary
8 in order to get it up and running. That's
9 all that I have. If anybody has any
10 questions for me.

11 MR. NOTARI: I have a bunch of
12 questions. Is the lot at Pagnotti supposed
13 to be paved? Why do I think that there was
14 some kind of agreement --

15 MS. BARTOLETTI: It's possibly in
16 the works with PPL. They had discussed
17 doing some work with it. They're not done
18 with the project that they were doing, so a
19 lot of the stuff -- for example, part of the
20 fence that's down, behind the lot some of
21 the area they ripped up. They're not
22 finished with it.

23 MR. NOTARI: Have we painted lines
24 in the past in that parking lot?

25 MR. PAPI: We're right in the middle

1 of getting the telephone poles from the
2 little league and bring them to Pagnotti.
3 We'll line them up, and then Frank's going
4 to paint the parking lot.

5 MR. NOTARI: Only because there's
6 practice going on, there's games going on.
7 It's really been a mess.

8 So staying at Pagnotti Park, are we
9 worried at all about insurance that we have?
10 There's access to that park down the corner
11 where Frank has the police lines -- police
12 tape?

13 MS. BARTOLETTI: You mean when you
14 come up the hill or at the bottom?

15 MR. NOTARI: Come up the hill. Are
16 we satisfied?

17 MS. BARTOLETTI: No.

18 MR. NOTARI: Obviously we're not.
19 We're waiting for them to finish, but what
20 can be done in the meantime?

21 MS. BARTOLETTI: They need to fix
22 that. I called them twice. Tomorrow
23 they're getting a third phone call.

24 MR. NOTARI: After the third phone
25 call do we have Bill send a letter?

1 MS. BARTOLETTI: Yes.

2 MAYOR MULKERIN: You're talking
3 where the fence is removed on the access
4 road coming up?

5 MS. BARTOLETTI: Yes.

6 MR. NOTARI: How are we doing on the
7 sign for Pero Park?

8 MS. BARTOLETTI: You'll have to talk
9 to Bill Thorton about that.

10 MR. NOTARI: That's something we
11 should probably --

12 MS. BARTOLETTI: Absolutely.

13 MR. NOTARI: It's been over a year.
14 In terms of staying on the signs, I had
15 brought up, probably when I first got on
16 board here, about signs for the borough
17 stating you've entered the borough of Old
18 Forge, it's a zoned community and permits
19 are required. Is there any budgetary means
20 to come up with some signs at different
21 points in the borough?

22 MS. BARTOLETTI: You mean the metal
23 signs on a post? That type of thing?

24 MR. NOTARI: Nothing ornamentally
25 intricate, but I would say a nice sign like

1 we used to have. There used to be signs at
2 the bottom of Moosic Road. I think there's
3 probably still one on Bridge Street. Signs
4 of that nature.

5 MR. PAPI: There's one right across
6 the bridge.

7 MR. RUSSELL RINALDI: Wooden sign?
8 Ask some businesses if they'd like to --

9 MR. NOTARI: Donate and put it on.

10 MR. RUSSELL RINALDI: I would.

11 MR. NOTARI: Well, that's not a bad
12 idea, too. I'll check with Mr. Dadurka at
13 the wood shop at the high school, see if he
14 would be interested in doing any of that.

15 Mare, we talked about putting
16 cameras in any of the parks. I know that's
17 kind of been up for discussion in the past.
18 Is that something we want to do? I would
19 like to see it done.

20 MS. BARTOLETTI: I would like to,
21 especially after all of the work and expense
22 that we put into especially Miles Street
23 park, Pagnotti. I think that would
24 definitely pay for itself eventually. It's
25 a tough undertaking. I've had some people

1 that I've met with to try to figure out a
2 way to do it and it's tough. Especially the
3 school park because of the access, and the
4 place that they want to put cameras is on
5 the school and by the time you would be able
6 to view what's going on in the park it's
7 blurry.

8 MR. NOTARY: So will you come up
9 with a plan for us, then?

10 MS. BARTOLETTI: Yes.

11 MR. NOTARY: Within a month or two.

12 MS. BARTOLETTI: Definitely
13 something.

14 MR. NOTARI: Do we have an opening
15 date for little league?

16 MAYOR MULKERIN: The schedule just
17 went out today. I didn't see them yet.

18 MS. BARTOLETTI: They usually send
19 them in late. I did send out some requests
20 to all the teams to get schedules from every
21 single team so we always know what's going
22 on.

23 MR. NOTARI: I was on an e-mail
24 chain where I think a couple people were
25 working on it.

1 MAYOR MULKERIN: I'll check. It
2 might just be our division schedule, but if
3 I get any schedules I'll forward them to
4 you.

5 MS. BARTOLETTI: One thing I'm going
6 to pass out to you guys. Lorenzo Febbo is
7 doing his senior project with his
8 girlfriend, Makayla. It's going to be here
9 in the borough building on April 29th. It
10 is to benefit the Lupus Foundation of
11 America, Philadelphia Tri-State Chapter.
12 They're going to do basket raffles and a
13 bake sale. It's April 29th from 1:00 to
14 4:00 in the senior center. If anybody can
15 come out and support I'd really appreciate
16 it. They're doing this basically -- sort of
17 on behalf of me because of the illness that
18 I've had for a long time.

19 But I'll pass them out to you guys
20 so you can have them. It's 1:00 to 4:00.

21 MR. RUSSELL RINALDI: About paving
22 Pagnotti parking lot, did we ever put the
23 millings down there?

24 MS. BARTOLETTI: The millings are
25 there. That's why there's no lines. When

1 the millings went on it covered everything.

2 MR. NOTARI: The lot itself right
3 now is in great shape. Just the parking
4 organization needs help.

5 MR PAPI: It wasn't even rolled or a
6 sprayed, either. It should have been.

7 MR. LENCESKI: Anybody else have any
8 questions for Marylynn? We're going to go
9 to public comment now. Mark Kania?

10 MR. KANIA: Thank you. I guess I'm
11 here in keeping with the general theme of
12 the meeting. It seems like every topic
13 tonight has been something that's long
14 unfinished. Over 20 years ago I sent
15 a letter -- several letters to this body
16 regarding the issue created by borough
17 actions causing a washout of my sidewalks.
18 Over the last -- better than a year I've
19 been to several of these meetings and to
20 this point there's been no action.

21 This evening I went up and took some
22 pictures. The damage to my property is now
23 escalating almost exponentially. My wall
24 not only is pushing, the blocks are
25 breaking. After the last rainfall -- by the

1 way, Paul, you and your crew did a great job
2 cleaning up after that one heavy rainstorm
3 we had. Everything washed down into the
4 intersection. Paul's crew did a great job
5 cleaning it up. I appreciate that.

6 But the property above me now is
7 washing out, so there's an area between the
8 pole and the rest of the wooded area that's
9 now being used as an ATV track, and with
10 everything washing down it's now looking
11 like an old beaver damn there.

12 Worse than that, the sidewalk of the
13 property above me -- and I'm not here to
14 speak for my neighbor, but the sidewalk
15 above me is literally crumbling and probably
16 should be barricaded off. Paul, if you have
17 a chance to get up there tomorrow and take a
18 look at it you'll see exactly what I mean.
19 There are now huge pieces of asphalt that
20 are washing down. It's really, really
21 becoming a danger.

22 My question is, is there any
23 reasonable chance that I'm going to get some
24 relief from this issue? I mean, this body
25 openly acknowledged -- and it's a matter of

1 record -- that this is all caused by action
2 taken by the borough years ago. My question
3 is do I have any reasonable hope for relief
4 without having to resort to legal action?

5 MR. LENCESKI: Mr. Lopatka addressed
6 that in the beginning of the meeting. We
7 have drawings we put together in the last
8 few months for a storm water project, and
9 even with the water company --

10 MR. LOPATKA: Kind of what we were
11 talking about, we were trying to figure out
12 if --

13 MR. KANIA: Well, how about the
14 damage that's already occurred? Is there
15 any hope for relief on that? I mean, it was
16 caused by an action taken by this borough.

17 ATTY. RINALDI: I don't know what
18 actions you're talking about. Did the
19 borough do work up there?

20 MR. KANIA: They diverted water on
21 the hill above my home, putting all the
22 water down onto the sidewalks. The water
23 comes down the sidewalks, washed out under
24 my sidewalk. I presented pictures to this
25 body last year sometime. It's now pushing

1 my wall, it's crumbling my wall, as I just
2 described, it's totally destroying the
3 sidewalk above, and it's just creating a
4 general mess, and it's an extreme, immediate
5 danger to anyone walking on that sidewalk.

6 ATTY. RINALDI: What project was
7 that?

8 MR. LOPATKA: We're looking into --
9 we talked to the county about whether or not
10 we can do a storm water project there. The
11 letter was sent out.

12 ATTY. RINALDI: What work did the
13 borough do?

14 MR. LOPATKA: I don't know what the
15 borough did.

16 MR. KANIA: They did something up
17 above Wood Street -- Corcoran. They did
18 something up there that diverted the water
19 to travel directly down the sidewalks.

20 ATTY. RINALDI: I'll ask whoever did
21 it, but I'm not aware of it.

22 MR. KANIA: This is going back --

23 MR. LOPATKA: I think they blocked
24 the road off. The road used to go up the
25 hill.

1 MR. KANIA: I just listen to the
2 meetings. It's like nothing is ever getting
3 done.

4 MR. NOTARI: That road used to go
5 through, Dave?

6 MR. LOPATKA: I'm assuming. Paul,
7 we talked about that. The road used to go
8 through.

9 MR. PAPI: Yeah, the road used to go
10 through and they blocked it off. It was too
11 steep. I was a kid.

12 MR. NOTARI: Well, if you were a kid
13 I wasn't. That's the '60s? Is that what
14 we're saying?

15 MR. PAPI: It was very, very steep
16 and then they just guardrailed it off.

17 MR. KANIA: Even after that they did
18 something up at the top. I'm not an
19 engineer, I wasn't part of the road crew
20 that did it, but they did something that
21 diverted that water. Instead of coming down
22 the now not a roadway area they diverted
23 over onto the sidewalks. It's very plain to
24 see. You don't have to be an engineer.
25 Just take a look at the condition of my walk

1 and the walk up above and you can see that
2 there's a real issue.

3 Unless it's a coordinated neglect
4 effort it's not going to happen that way.

5 MR. NOTARI: Dave, is that addressed
6 in your plan?

7 MR. LOPATKA: That's what we're
8 looking at, yeah. We're trying to put an
9 inlet up there to take the water away from
10 there.

11 MR. NOTARI: The plan isn't working
12 at the speed you want it to work at but
13 there is a plan right now.

14 MR. KANIA: Twenty years. Yeah,
15 you're right.

16 MR. NOTARI: Well, I can only speak
17 since September.

18 MR. LENCESKI: I think we've been
19 working on it, Mr. Kania, since you've first
20 addressed us. We put it in motion. There
21 are drawings.

22 MR. KANIA: And Mr. Lopatka has been
23 there, I know he's addressed the body.

24 MR. LENCESKI: And we've met with
25 the county and we're talking about the CDBG

1 because it comes by the projects. Instead
2 of coming from the general fund we might be
3 able to use some of that CDBG money to put
4 toward that project also. So after meeting
5 with county, we're looking into that and
6 waiting on them to see if we can do that.

7 MR. LOPATKA: We did a letter to
8 them just a couple weeks ago.

9 MR. KANIA: What about the repairs
10 to make this situation safe and passable?
11 And I'm not exaggerating. It is almost
12 becoming an emergent situation, especially,
13 worse than my walkway, the walkway above.
14 Somebody is going to be very seriously
15 injured. Whoever would be responsible take
16 a look, Paul or someone else --

17 MR. PAPI: It's an old walkway that
18 hasn't been used in 20 years or so and the
19 water coming down the hill is flaking it
20 off. Big pieces.

21 MR. NOTARI: Can we shut the walkway
22 down?

23 MR. KANIA: That's a major
24 thoroughfare for kids walking to and from
25 school. Kids going to and from school use

1 that sidewalk every day.

2 MR. PAPI: It's an old, closed-off
3 road.

4 MR. NOTARI: I understand, but if
5 it's a danger and there shouldn't be anybody
6 traveling on the sidewalk is it our
7 responsibility to block the sidewalk? I
8 mean, to at least put --

9 MR. PAPI: I think you should ask
10 the solicitor that question.

11 ATTY. RINALDI: Where are they
12 traveling to and from if it's woods?

13 MR. NOTARI: It's not woods.

14 MR. KANIA: It's a half a block of
15 no street. The walkway goes from Powell,
16 corner of Powell and Stewart, where I live,
17 up the hill to Corcoran, and all the kids
18 who live in the project up there and the
19 other homes in that area that's their main
20 thoroughfare to and from the school.

21 MR. PAPI: That sidewalk belongs to
22 the person who lives up there.

23 MR. KANIA: The person who lives up
24 above me.

25 MR. NOTARI: So it wouldn't be our

1 responsibility.

2 MR. RUSSICK: The homeowner's
3 responsible for the sidewalk.

4 MR. BROWN: Would we have to go back
5 to the way that we sent the Winter Street
6 property a dangerous building letter for how
7 their wall crumbled and fell over into
8 somebody else's wall?

9 MR. KANIA: The point you may be
10 missing here is that all the damage was
11 caused by something the borough did.

12 MR. BROWN: But in order to take
13 action --

14 ATTY. RINALDI: I don't know that
15 that's true. I mean, that's what you're
16 saying.

17 MR. KANIA: That was acknowledged in
18 this body.

19 ATTY. RINALDI: Well, I don't know
20 who acknowledged it because I haven't heard
21 it before.

22 MR. KANIA: If you look back at some
23 of the previous transcripts.

24 ATTY. RINALDI: When are you saying
25 the borough caused the problem?

1 MR. KANIA: When exactly I don't
2 know. I don't have a date exactly when this
3 occurred.

4 ATTY. RINALDI: Then, I mean --

5 MR. KANIA: Long time ago. I had
6 submitted letters -- copies of letters that
7 I sent to the borough. They were registered
8 letters. The receipts that the borough had
9 received them was attached with those
10 letters.

11 ATTY. RINALDI: From 40 years ago?

12 MR. KANIA: Twenty years ago.

13 ATTY. RINALDI: I haven't seen them.
14 I don't even want to address them if I
15 haven't seen them.

16 MR. KANIA: Nothing has been done,
17 and it was probably close to a year and a
18 half ago that I started coming back to
19 meetings seeking some remedy.

20 MR. FEBBO: Mr. Kania, we weren't
21 here 20 years ago. You came a year ago.
22 Since that time we've been scrambling to
23 really come up with a solution. The best we
24 can come up with right now to alleviate that
25 problem is \$175,000.

1 MR. KANIA: I understand that.

2 MR. FEBBO: So we're trying to come
3 up with a solution. We have the engineer on
4 it, we have everybody working on it. So
5 it's just a matter of how are we going to
6 take care of the problem and at the same
7 time not break our budget.

8 MR. KANIA: I understand that, and I
9 have to look at the issue of how am I going
10 to repair the wall and the sidewalk and not
11 break my budget or any issue that I didn't
12 create.

13 MR. FEBBO: Again, you say we did,
14 the borough created. I don't know where to
15 go with that one. I don't know. We have to
16 depend on our solicitor to give us advice on
17 that, who was responsible for it. Was it
18 caused by the borough? Was it caused by an
19 act of nature? Was the water coming down
20 there?

21 MR. KANIA: It was caused by borough
22 action which diverts an act of nature.

23 MR. FEBBO: Out of my league. We're
24 going to work on a solution. I saw your
25 pictures and we did take a look at it. As a

1 matter of fact myself, Councilman Ferret,
2 Paul, Councilman Lencieski took a look at it
3 several times and tried to come up with at
4 least a temporary fix. The temporary fixes
5 we came up with were outlawed. We could not
6 do what we wanted to do. Therefore, we're
7 looking at a major involvement up there.

8 To say that nothing's being done,
9 that's not true. We are. Again, the wheels
10 of progress move very slowly, especially
11 when it come to --

12 MR. KANIA: Well, yeah, that was
13 very evident here tonight. I don't mean to
14 be rude.

15 MR. FEBBO: We're getting slammed
16 for things that we did not do. We weren't
17 on board yet and we're trying to work on
18 everything. As a matter of fact, what Devon
19 talked about here, here's Steve. I met with
20 Steve this week. I needed to know, as all
21 of us did. We're all on board with that. I
22 sat with him and I said according to the
23 code book tell me what all these things are.
24 Let's come up with an idea about fees. I
25 don't know how people do that. I know a lot

1 of guys did look at the code book. But
2 myself, Mr. Notari, Mr. Lenceski, we did sit
3 down and I had to know. I need to know what
4 I don't know.

5 So he gave me a lesson this week on
6 what these violations are. Talking about
7 229, 10B and all that. He informed me.

8 So that being said, we're working on
9 a fee to get to where Devon wants to go
10 with. Everything is a starting point.
11 Again, you're throwing things at us that
12 happened over the years. We're just here a
13 short period of time.

14 MR. KANIA: I understand that and
15 respect and appreciate the efforts that this
16 body has made because I know the engineer's
17 been up there, I know Paul's been up there,
18 his crew and everything. I understand that.
19 But my question is as this problem is now
20 escalating -- because as you know something
21 gets washed out it's just set up next time
22 to wash out even greater, and that's what's
23 happening.

24 A, is there a short-term fix?

25 B, what do I do about the damage

1 that has been caused to my property by
2 something that wasn't my responsibility?

3 MR. FEBBO: Is there a short-term
4 fix? We as a council are working on that
5 with our engineer.

6 You're looking for some sort of
7 financial assistance. I can't answer that.
8 That has to be a legal issue. That's out of
9 our hands. So based on the advice of our
10 solicitor we'll go from there. That's the
11 best I can tell you about that.

12 MR. KANIA: Thank you.

13 MR. LENCESKI: Thank you, Mr. Kania.
14 Sylvester?

15 MR. CRISPOLINI: Good evening,
16 ladies and gentlemen. Sylvester Crispolini,
17 613 George Street. I want to make an
18 announcement. Edith Street, kids are
19 playing ball. The ball comes on the road.
20 Do we have any signs that says slow down to
21 traffic?

22 MR. LENCESKI: Paul can definitely
23 put one up.

24 MR. CRISPOLINI: Can we put those
25 signs there on Edith Street, the housing

1 project. Kids are playing ball. About ten
2 kids are playing ball, small kids.

3 MR. NOTARI: Where it meets Lenape?

4 MR. CRISPOLINI: The new townhouses.

5 MR. RUSSELL RINALDI: Right in
6 between Lenape --

7 MR. CRISPOLINI: No, between the
8 open lot and that road.

9 MR. RUSSELL RINALDI: There's
10 children who live in that development, who
11 live in those townhouses playing.

12 MR. CRISPOLINI: Small kids.

13 MR. LENCESKI: We can talk to Paul
14 as soon as he comes back about that.

15 MR. CRISPOLINI: Another question is
16 on the lot, empty lot on Edith Street. That
17 big snow fall we had we got six piles of
18 snow in our lot. In the meantime they dug
19 the grass, they hit the curb, cracked the
20 curb, pushed it a quart of an inch in and
21 damaged the curb. I don't know who did it,
22 but the whole street from the project down
23 to Lenape Street was very clean. That's all
24 I have to say. Thank you.

25 MR. LENCESKI: Thank you very much.

1 MR. NOTARI: We don't think it was
2 the borough that did that. Right? That
3 would be an answer for Paul.

4 MR. CRISPOLINI: I don't know who
5 did it because they were in the lot ten
6 feet. I got rocks that came into the place.
7 I checked the damage, by Sunday I got to
8 clean the rocks because I got to cut the
9 grass. People up the project park theirs
10 car on my open lot.

11 MR. LENCESKI: Steve, would that be
12 something you would look at?

13 MR. NOTARI: Mr. Crispolini, where
14 is the open lot? On what street?

15 MR. CRISPOLINI: Edith Street, right
16 next to the --

17 MR. NOTARI: Right next to Mrs.
18 Panko?

19 MR. CRISPOLINI: Right next to Mrs.
20 Panko, because I live on George. I can see
21 the lot. I cut the grass, we maintain the
22 lot.

23 MR. NOTARI: So somebody pushed snow
24 into that empty lot.

25 MR. CRISPOLINI: They damaged the

1 curb, cracked the curb. You can see the
2 grass dug. Can't be Paul's trucks.
3 Couldn't be. They came up from the housing
4 project and blew right through it, looks
5 like.

6 MR. LENCESKI: Thank you. Mr.
7 Russick?

8 MR. RUSSICK: Joe Russick, 642 Clark
9 Street. I did present to council the
10 document there on legal aspects of code
11 enforcement and administration. I suggest
12 that either you make copies and everybody
13 take a look at it. In saying that, if you
14 want the website I can give you that. Send
15 me an e-mail Joerussick@msn.com.

16 MR. NOTARI: Iccsafe.org.

17 MR. RUSSICK: Excellent document.
18 It takes you step by step on how it's to be
19 done. As it was brought up today, we talked
20 about it a lot and it's time to act, as
21 Mr. Notari said. I support that 100
22 percent, if it means anything.

23 But anyway, also in reference to the
24 streets in the borough, it falls under
25 liquid fuels with the exception that there

1 are streets, as it was pointed out, that
2 were here many, many years. Probably turn
3 of the century. 1968 the state adopted
4 what's called the Pennsylvania Municipal
5 Planning Act. Prior to that all
6 municipalities had their own codes insofar
7 as development, et cetera, and how well they
8 were enforced. Depends on who was enforcing
9 them. I believe it was in probably the
10 early '70s when Old Forge adopted that law.
11 So if you look at 1968 with the amendments
12 and the addenda to Pennsylvania Municipal
13 Planning Act, every municipality in this
14 commonwealth follows the same criteria.

15 So when you're looking at roads
16 there is a criteria for liquid fuels. It
17 doesn't have to be paved. If you go up into
18 Wayne County, for instance, there are a lot
19 of roads up there in those townships that
20 are not paved, and I'll tell you why. You
21 can drive on them with no problems.

22 In saying that, take a look at these
23 roads. There's a criteria set out in a
24 standard for liquid fuels. There's a width,
25 there's the type of road, how fast you can

1 travel on it, and who owns the road. In
2 this case it's probably the borough. So
3 that could qualify for liquid fuels. It
4 doesn't have to be paved. They call that
5 cartways, by the way. So that shows you how
6 far back it goes. So just an FYI. You
7 can't paint all the roads with the same
8 paint brush because it depends on when that
9 road was acquired by the borough. So just
10 keep that in mind. If you need any further
11 guidance on how to find that I'll be happy
12 to point it out to you.

13 MR. LENCESKI: Thank you. Michael
14 Wilchinski?

15 MR. WILCHINSKI: I've been here
16 before. A lot of new council members. I
17 know attorney Rinaldi, I know Russell
18 Rinaldi. My complaint today is about the
19 Chelland building located on Oak Street. I
20 have the building right next to it, which is
21 217-215 Oak Street. It's a four-unit
22 apartment house that I built five years ago.
23 I also own the properties that are next to
24 it which are two vacant lots which I
25 purchased. There were \$42,000 worth of

1 liens on that property. I paid those liens.
2 The borough had a \$22,000 lien on that
3 property also which I paid.

4 I'm looking at why the borough has
5 not attempted to demolish that building at
6 this point. I have submitted letters to my
7 insurance company, certified letters,
8 showing pictures of this building, and what
9 we're concerned about and the tenants that I
10 have there are concerned about is that
11 building burning and them becoming a victim
12 and a litigation being brought against the
13 municipality.

14 So I don't know what the updates are
15 on that building. I have a letter here
16 signed by all the tenants which I would like
17 to give to council also just to inform you
18 that I have a project planned for that whole
19 lot but I need to get that building, and I'm
20 not willing to pay \$140,000 to \$150,000
21 worth of liens that are on that property
22 because it would cost another \$22,000 to rip
23 the building down.

24 ATTY. RINALDI: Show up at the
25 courthouse on April 24th you can buy it.

1 MR. NOTARI: Free and clear.

2 MR. WILCHINSKI: It's going to be a
3 free and clear --

4 ATTY. RINALDI: Our lien would have
5 been wiped out if we spent money tearing it
6 down. So it's going to be a free and clear
7 sale April 24th. It's a bid by the county
8 treasurer's office. I think the back taxes
9 are \$17,000, but there's probably going
10 forward from that what the taxes are.

11 MR. WILCHINSKI: But all of the
12 other liens are going to be free and
13 clear --

14 ATTY. RINALDI: Free and clear sale.

15 MR. WILCHINSKI: That's going to be
16 April 24th?

17 MR. NOTARI: Which is Monday.

18 MR. FEBBO: Again, another project
19 that's been out there a long time. Mr.
20 Tagliaferri brought that to our attention
21 six months ago. We've been working on that
22 for a while.

23 ATTY. RINALDI: But what the county
24 is doing is they want to collect their back
25 taxes. There are still two mortgages on

1 that. Now, free and clear divests those
2 mortgages. No other power in the
3 commonwealth can do that. Needless to say,
4 before that there were two mortgages on it
5 for in excess of -- I'm sure you know. We
6 searched that deed and it was up to
7 \$130,000, \$140,000 plus the back taxes.

8 We sent a letter to the owner that
9 it had to be repaired or face fines or the
10 possibly we would have to tear it down. Had
11 we done that we would have lost our money
12 because it's free and clear. So April 24th
13 it will be a free and clear sale.

14 MR. FEBBO: We welcome people like
15 you that come in here and develop our town.

16 MR. NOTARI: I have a question. I
17 thought I saw somebody outside that property
18 doing some maintenance the other day. Your
19 father-in-law was standing out there with a
20 guy with a weed whacker.

21 MR. WILCHINSKI: That might have
22 been me. It's my property. I maintain the
23 other two properties.

24 MR. NOTARI: The front of the
25 property looked a little clean. I just

1 assumed with you standing in front talking
2 to Mr. Grecco maybe -- I got nervous .

3 ATTY. RINALDI: That doesn't mean
4 that the owner couldn't miraculously show up
5 with \$17,000, but it hasn't happened and it
6 was continued once.

7 MR. LENCESKI: Thank you.
8 Mr. Tagliaferri?

9 MR. TAGLIAFERRI: James Tagliaferri.
10 I just wanted to -- that Chelland property
11 is a thorn in my side. I'm glad Mike
12 stepped up to take care of it. I just want
13 to kind of get you guys to look at the
14 neighborhood. Sussex Street, Oak Street is
15 a block over. You got a bunch of people
16 here talking about their neighborhood, I've
17 been complaining about my neighborhood for
18 several months now. It was a great
19 neighborhood in the center of town.

20 Now, that burned-out building, it's
21 been burned now for what, four months? How
22 long is that?

23 MR. BROWN: Three, four months now.

24 MR. TAGLIAFERRI: The roof is caved
25 in, the building is filling with water, and

1 it's supported right on the street with
2 these big, tall beams. God only knows is
3 the thing going to collapse upon itself.
4 There's houses immediately right next to it.
5 What is taking so long? Steve said PPL has
6 to move wires. You can get an excavator in
7 a ten-foot area and can peel this thing down
8 and collapse it upon itself. They tear a
9 building down standing right next to another
10 building. They do it.

11 There's people there right now
12 pulling the aluminum siding off by hand. To
13 me that's a scrapper. That's not a
14 demolition company. That's somebody trying
15 to get money in their pocket and just
16 waiting until somebody else complains about
17 it. It's not right. Something's going on
18 over there and it needs to be addressed.

19 I asked a couple months ago what's
20 the time frame and nobody could say what the
21 time frame is to rip the building down. I
22 think there's another building on Sussex
23 Street that needs to be ripped down due to
24 fire. How long has that been there? They
25 kind of burned about the same time.

1 So what's going on? That's all I
2 want to know. What's going on?

3 MR. NOTARI: Steve, what is -- are
4 we strictly waiting on PPL? Is there
5 anything we can do?

6 MR. BIERYLA: I have calls from
7 Barbara Quinn last week and this week
8 apologizing. She's saying we're waiting on
9 PPL. They're there right now just taking
10 care of a lot of stuff, debris that would
11 fly, which Renee Tagliaferri was complaining
12 about.

13 MR. RUSSELL RINALDI: Is that the
14 landlord taking it off?

15 MR BIERYLA: That's her nephew, but
16 Balchune is the excavator that's supposed to
17 come up, and she said within the next week
18 or so he was coming up. They were waiting
19 on PPL. They wanted to get some of the
20 stuff that was flying, that was a hazard,
21 and remove it.

22 MAYOR MULKERIN: We have a check
23 now. Right?

24 MR. BIERYLA: We have that check.
25 We don't have the other --

1 MAYOR MULKERIN: We hold it for the
2 property owner.

3 MR. BIERLYA: Until it's done, then
4 they get the check.

5 MR. NOTARI: You realize we really
6 have no governance over the utilities at no
7 level of --

8 MR. TAGLIAFERRI: I understand that.

9 MR. NOTARI: I understand your
10 frustration, but if we're waiting for the
11 utilities to take power away from that area
12 that it doesn't damage anybody else, I mean,
13 I've dealt with different projects at work
14 where I've waited months for utilities to
15 just move a line.

16 MR. TAGLIAFERRI: So you're saying
17 there's power going to that building?

18 MR. NOTARI: I don't think there's
19 power going into that building, but is there
20 power to other buildings going from the
21 poles that may have to be moved.

22 MR. RUSSELL RINALDI: Is that what
23 they're waiting for, to move some power --

24 MR. BIERLYA: Mrs. Quinn said
25 there's a communications line and there's a

1 power line and they're waiting for PPL to do
2 something with the power line.

3 MR. RUSSELL RINALDI: They're still
4 connected to the building?

5 MR. BIERYLA: No, for the excavator
6 to get in there and start doing what he has
7 to do.

8 MR. NOTARI: It's something that PPL
9 is saying we're not allowed to do. So we're
10 at the mercy of the utility.

11 MR. TAGLIAFERRI: Consider the
12 alternatives because you're going to let
13 this go on. There's a huge safety issue,
14 the building is collapsing in on itself.
15 There's another unit about ten -- not even
16 ten, maybe six feet away from it.

17 MR. RUSSELL RINALDI: That building
18 should have been down months ago.

19 MR. NOTARI: Can we contact somebody
20 at PPL?

21 MR. HOOVER: We have three days to
22 shut the water off and take the meter out.
23 That's for a building that's condemned. If
24 it's not gone in three days they rip the
25 building down, the meter stays.

1 MR. NOTARI: That's water, though.

2 MR. RUSSELL RINALDI: There's no
3 power going to the building. I talked to
4 three people who drive excavators. I'm not
5 one. Three of them said they can get in
6 there, take that building down in six hours.

7 MR. NOTARI: I don't doubt that
8 either, but we have to follow the rules.

9 MR. BIERYLA: Tomorrow I'll reach
10 out and I'll find out.

11 MR. NOTARI: You'll call PPL. Thank
12 you. That's all we can do right now.

13 MR. BIERYLA: I'll call Mrs. Quinn
14 to see.

15 MR. RUSSELL RINALDI: What was the
16 day of the first call to PPL? Two months
17 ago, maybe?

18 MR. BIERYLA: PPL was to take that
19 line down -- the day of the snowfall it was
20 scheduled to take it down, so that's about
21 three weeks ago.

22 MR. RUSSELL RINALDI: What's the
23 date on the check? That check that we got,
24 does it have a date on it from the insurance
25 company when they sent it?

1 MS. BARTOLETTI: Yes.

2 MR. RUSSELL RINALDI: What is it?

3 MS. BARTOLETTI: I don't know. It's
4 locked in my office at the moment.

5 MR. RUSSELL RINALDI: I'm curious to
6 see the date on it, if we can look after the
7 meeting.

8 MR. LENCESKI: Anyone else from the
9 public? Go down the table. You did speak a
10 little bit about some other things.

11 MR. BROWN: It just seems tonight
12 that we're lacking -- like, us as a whole or
13 a department that we're lacking. Could we
14 set up more communication within the police
15 department and the code department?

16 MS. BARTOLETTI: I wasn't sure what
17 we need to do to make that happen, but I
18 wanted everyone to realize that within that
19 ordinance there are parts of it that doesn't
20 work, that its dysfunctional. I know that
21 Steve doesn't have the privilege of having
22 all of the police reports, and I know that
23 when the police are doing their job I don't
24 think that they're thinking oh, wait. I
25 have to take this report and give it to the

1 zoning officer or the code enforcement
2 officer. So maybe this is something that we
3 can figure out along with Steve, along with
4 Jason to try to make it work. I don't know.

5 MR. BROWN: It just seems that for
6 two departments within this borough, I mean,
7 it's not a big building. And I'm not saying
8 anybody's wrong, I'm not condemning anybody.
9 We just need to set up a communication line
10 between the reports for these nuisance
11 properties. I think, Bob, didn't you have
12 one set up previously with a nuisance
13 property where Jason had Steve go out a few
14 years ago with Jason?

15 MAYOR MULKERIN: It was more
16 where if we had a property that had so many
17 calls, the chief and Steve -- and they still
18 do that. They still actively do that. When
19 there's numerous calls to one residence
20 they've brought in the property owner to sit
21 down with the chief and Steve. You know,
22 it's not per the terms of that ordinance
23 because it's further -- like, we can't use
24 parts of the ordinance. But they still do
25 that. They meet with landlords fairly

1 regularly.

2 MR. BARTOLETTI: And that's great,
3 but the part that I'm concerned about is
4 something like what happened last Tuesday
5 evening. Steve had no idea on Wednesday
6 morning that anything even happened. So
7 that's the part that needs to not happen.
8 If there's something that involves a
9 property, then immediately there has to be
10 some type of a buzzer or something that
11 Steve's going to be notified that there was
12 something that happened.

13 MAYOR MULKERIN: I mean honestly, if
14 something happens the chief should e-mail
15 Steve so there's a record of it, carbon copy
16 both of us on it so that we're made aware
17 just as their supervisors.

18 CHIEF DUBERNAS: Here's the thing.
19 I don't give reports to Steve if we go serve
20 warrants at people's houses. He'd get
21 inundated with police reports with all the
22 warrants. If we have a -- if I have a
23 nuisance house and we've been there multiple
24 times and I'm going to have one tomorrow for
25 a place I've been to today for about the

1 fiftieth time --

2 MAYOR MULKERIN: What I would
3 suggest and what I'd like to see is tomorrow
4 when that comes in, something like that,
5 e-mail Steve -- I know he's the office next
6 to you -- just so there's a documented
7 record that you contacted him, carbon copy
8 both Marylynn and myself on that.

9 CHIEF DUBERNAS: You're telling me
10 every time we go to a house and serve a
11 warrant to somebody --

12 MAYOR MULKERIN: Not a warrant, I'm
13 talking about you're going to go meet with a
14 landlord, where it's coming to the point
15 where you're going to involve Steve with the
16 calls that you've had.

17 CHIEF DUBERNAS: So you're saying
18 anytime that we go --

19 MAYOR MULKERIN: Anytime you're
20 going to push something to Steve to give him
21 a heads up on a property just do it by
22 e-mail. I mean, you can walk next door.
23 Just a paper trail. We need the recorded
24 documentation which I'm sure will help, when
25 this ordinance does get up and running, that

1 we have the dates there. Here's the
2 e-mails. It's much easier when you go to
3 the magistrate. Instead of like this you
4 have the paper.

5 MR. BIERLYA: If you can recall, we
6 had seven nuisance properties. The police
7 had three, I had the rest. The only
8 solution was, between Marylynn, myself and
9 Chief Dubernas, was we come knock on your
10 door at 7:00 at night, three of us. They
11 all went away that night. Every one went
12 away because all of the warnings, all of the
13 letters, everything that got taken they just
14 crumble them up and throw them. We don't
15 care, we don't care.

16 MAYOR MULKERIN: It was effective,
17 Steve, when landlord or property owners
18 would come in the chief's office and you
19 were there and the chief is sitting there
20 with dates of incidents saying let's go.
21 That was very effective.

22 MR. BIERLYA: I'd like to explain a
23 couple things. I know you people are here
24 and you're mad. Mr. Swaydas -- when I was
25 over there Mr. Swaydas -- the property was

1 pristine. There was one person on one side,
2 two people on the other side. When I looked
3 in there was some smoke detectors but it was
4 pristine. I mean, it really was.

5 I explained to him it's an R-2 zone.
6 It's a two-family house. If you violate
7 that I'm shutting you down, and he has
8 letters to that effect in his possession
9 right now.

10 So if that still goes on and you
11 know it goes on all you have to do is just
12 call up -- if it's after hours, after 3:00
13 call the police because the more
14 documentation we have, the more it's going
15 to be when we shut it down and it goes to
16 the magistrate. There's going to be proof
17 on that. Because when I'm in there -- and
18 Chief Dubernas can attest to it. When we
19 went in there, there was one person sitting
20 down there, the place was pristine. He said
21 that guy lived there. There was nobody else
22 there. There was nobody to conflict his
23 story.

24 On the other side there was two
25 people. There was a woman there and there

1 was another man there and a child. There
2 was nobody to conflict. Who is that?
3 That's your boyfriend? Okay. I don't know
4 if it isn't her boyfriend, but I told him if
5 it's not husband, wife, sister, daughter,
6 relation somehow, I said, it cannot be.

7 So if you people and anybody in the
8 neighborhood know that somebody else is
9 there that shouldn't be there -- because the
10 only people that are supposed to be there is
11 a Robert and Christine -- Crystal or
12 Christine and Chris. Those three people.
13 Anybody else --

14 MR. CUDDY: There's four people
15 there right now.

16 MR. NOTARI: I think what
17 Mr. Bieryla is saying is that if there's ten
18 or 12 people there that you see coming in
19 and out after hours, if it's during hours
20 you call Mr. Bieryla or the borough manager
21 and then she can tell Mr. Bieryla to go and
22 check it out. If it's after hours we can
23 call the police, and our police need to
24 document that okay, everything that --
25 there's no crime being committed there but

1 there's 12 people living in that house. Now
2 we document that. Steve now has his proof,
3 like he said, to go. It's going a take
4 concerted effort between our zoning
5 department, our residents and our police
6 department.

7 MR. BROWN: That's what I asked the
8 officers that were there, as did all of
9 Sussex Street that was out there that night.
10 So my question would be there was around ten
11 or 11 people that walked out of that house.
12 We saw them all out there. Is that around
13 how many names you had in the report file,
14 Chief?

15 CHIEF DUBERNAS: I'm not sure how
16 many names. There's a whole pile of them.

17 MR. BROWN: Like, around ten or 11.

18 CHIEF DUBERNAS: I don't know. It's
19 all in the report.

20 MR. BROWN: So if you could forward
21 that because that's a violation.

22 CHIEF DUBERNAS: Already got it.

23 MR. BIERLYLA: There's other letters
24 that were sent to him for violations that,
25 you know, he did correct on different

1 occasions. But on this one here it's a
2 zoning issue, R-2, two family. Nothing
3 more, nothing less. He violates it we're
4 going to shut it down. Just so you know,
5 Councilman Brown.

6 MS. TALERICO: So is it shut down
7 permanently or just for a short time? I
8 mean, I don't want to stop --

9 MR. BIERLYA: Here's what happens.
10 In that ordinance, the zoning ordinance, it
11 shuts down for six months to a year. But
12 then he has to conform. So if he has to
13 conform, I'm sure that if we go to the
14 magistrate we can ask for regular
15 unannounced inspections, not announced
16 inspection so everybody could go. Once
17 again, we have to get that far.

18 MR. RUSSELL RINALDI: So we already
19 have these ordinances on the books.
20 Correct?

21 MR. BIERLYA: Yeah, it's R-2. You
22 live in an R-2 zone. Grace Street is R-2.
23 The only way you can run a boarding house
24 there is if he went through the zoning board
25 and asked for a special exception.

1 MS. TALERICO: Let me tell you one
2 thing he did. The house next to me, he had
3 people working on it when it was -- not in
4 foreclosure but condemned. They worked on
5 it weekends. He told me he didn't know he
6 needed permits. Now, come on. He was a
7 state trooper.

8 MR. BIERLYA: He knew he needed a
9 permit. He was trying on a Sunday to sneak
10 it in.

11 MS. CUDDY: Three months ago on
12 Craig's List he was advertising it as a
13 sober house, the two family.

14 MR. BIERLYA: If I had known that I
15 could have pulled it off and went over there
16 and shut him down right there.
17 Unfortunately, there's a lot of stuff I
18 don't know.

19 MR. CUDDY: Most of the people there
20 are on parole.

21 CHIEF DUBERNAS: There's a lot of
22 people in Old Forge on parole. You can't
23 stop them from living there. Here's the
24 thing. Again, if it's provided by the
25 parole board and they said it's okay for

1 them to live there, they can live there.

2 MR. CUDDY: It's not a boarding
3 house.

4 CHIEF DUBERNAS: But if they go to
5 the landlord and the landlord says they can
6 stay there -- or say you're on parole and
7 you have to live with your brother and I'm
8 your brother, the state parole board comes
9 to me and says do you want so and so living
10 here, they come here, they do an inspection,
11 they come to the police department, here's
12 the address. Do you have any issues with
13 this house? No. Any issues with this
14 resident? No? Okay. They sign off, he
15 comes and lives with me.

16 MR. BROWN: I think Mr. Cuddy is
17 trying to say that they're unrelated people
18 on state parole.

19 CHIEF DUBERNAS: Here's the thing.
20 With state parole they have to have a reason
21 why they live there because once a parolee
22 lives at a residence the parole unit
23 controls that residence. They can come in
24 at any given time unannounced --

25 MR. RUSSEL RINALDI: Maybe he's

1 trying to say the parole board doesn't know
2 they're living there.

3 MR. CUDDY: They were around today.

4 CHIEF DUBERNAS: A parolee can go
5 anywhere they want. They might have
6 guidelines and stipulations.

7 MR. NOTARI: You're notified by the
8 parole board --

9 CHIEF DUBERNAS: No.

10 MR. BROWN: I think they're saying
11 these parolees are living there and they're
12 unrelated and it's violating our ordinance
13 pertaining to the ordinance of four
14 people --

15 CHIEF DUBERNAS: I can tell you
16 every person that was in that residence that
17 night we ran nobody was on probation or
18 parole except for that one guy out of
19 Jersey, and we arrested him because of a
20 probation violation. Nobody else was
21 wanted, on parole, probation, anything.

22 MR. LENCESKI: All right, we're
23 going to keep this moving forward.

24 MR. BROWN: Can we have an executive
25 with the chief after?