

1 OLD FORGE BOROUGH COUNCIL

2 OLD FORGE, PENNSYLVANIA

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4  
5 IN RE: COUNCIL WORK SESSION  
6  
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9 APRIL 4, 2017

10 7:00 P.M.

11 OLD FORGE MUNICIPAL BUILDING

12 314 SOUTH MAIN STREET

13 OLD FORGE, PENNSYLVANIA  
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18 COUNCIL MEMBERS:  
19

20 ROBERT SEMENZA, PRESIDENT  
21 JOSEPH LENCESKI, VICE-PRESIDENT  
22 RUSSELL RINALDI  
23 DEVON BROWN  
24 LOUIS FEBBO  
25 RICK NOTARI  
WILLIAM RINALDI, ESQUIRE, SOLICITOR  
MARYLYNN BARTOLETTI, BOROUGH MANAGER

Mark Wozniak  
Official Court Reporter

1 (The Pledge of Allegiance was  
2 recited.)

3 MR. SEMENZA: Once again, ladies and  
4 gentlemen, welcome to the Old Forge Borough  
5 Council meeting of April 4, 2017. The  
6 purpose of tonight's meeting is to set the  
7 agenda for the April 18th meeting. We'll  
8 hear from our department heads, see if they  
9 have anything for the agenda. We'll go down  
10 the table, talk to council.

11 There's a public sign-in sheet if  
12 anybody from the public would like to sign  
13 in. Roll call, please, Marylynn.

14 MS. BARTOLETTI: Councilman Brown?

15 MR. BROWN: Here.

16 MS. BARTOLETTI: Councilman Notari?

17 MR. NOTARI: Present.

18 MS. BARTOLETTI: Councilman Febbo?

19 MR. FEBBO: Here.

20 MS. BARTOLETTI: Councilman Ferrett  
21 is absent. Councilman Rinaldi?

22 MR. RUSSELL RINALDI: Here.

23 MS. BARTOLETTI: Councilman  
24 Lenceski?

25 MR. LENCESKI: Here.

1 MS. BARTOLETTI: Councilman Semenza?

2 MR. SEMENZA: Here. Paul?

3 MR. PAPI: I don't have anything.

4 Everything's good. No problems.

5 MR. SEMENZA: Anybody have any

6 questions for Paul?

7 MR. RUSSELL RINALDI: Did we check

8 out those stop signs in the alleyway?

9 MR. SEMENZA: Jason was going to do  
10 it. Between Sussex Street and Oak Street  
11 and --

12 MR. PAPI: Okay. He has to make a  
13 recommendation to you, you guys decide.

14 MR. SEMENZA: Right, which I believe  
15 the chief is sick tonight. Anybody have any  
16 other questions for Paul? Thanks, Paul.  
17 Steve?

18 MR. BIERYLA: Nothing.

19 MR. SEMENZA: Anybody have any  
20 questions for Steve? Thank you. Dave?

21 MR. LOPATKA: We measured the  
22 streets and we should have them for the next  
23 meeting. The bid package should be ready  
24 for the regular meeting.

25 MR. SEMENZA: It will be ready for

1 the 18th?

2 MR. LOPATKA: Yes. That's all I  
3 have.

4 MR. SEMENZA: I have a couple things  
5 for you. We just spoke with John Petrini  
6 from the county, CDBG money. Have you guys  
7 gotten a chance to do any surveying for the  
8 storm water project up there that we're  
9 looking at doing?

10 MR. LOPATKA: Actually I was getting  
11 Nick Piccini to do the survey. I actually  
12 just called him back today, where's the  
13 survey, and he hasn't gotten it to me. I  
14 will try him again tomorrow.

15 MR. SEMENZA: Could you reach out to  
16 John Petrini and let him do his study on  
17 both ways, see if we qualify either way?

18 MR. LOPATKA: You're talking up  
19 Reilly and then around Sampson or the other  
20 way. Okay. I'll call John and I'll call  
21 Nick again tomorrow. I thought he was going  
22 to have it done a while ago. I don't know  
23 what happened. I called a few times. I'll  
24 make sure.

25 The other thing with John, too,

1 is -- and Marylynn may have let you guys  
2 know that Kohler Avenue is going out to bid.  
3 There's a prebid on the 19th.

4 MR. SEMENZA: Yes, and then the  
5 opening's on the 8th.

6 Another thing. East Grace Street,  
7 Joe Moniak, Northeast Envelope. I've been  
8 down there a couple times after some storms  
9 and, I mean, I don't know if you could  
10 attest to it, Paul, but he is getting  
11 crushed with debris coming off that parking  
12 lot or wherever it's coming from. First and  
13 foremost, I don't know if it's a borough  
14 issue or if it's their problem there.

15 MR. LOPATKA: We looked at it when  
16 we were over there, and supposedly that guy  
17 was going to pave it to eliminate the issue.

18 MR. SEMENZA: So it is their issue  
19 up there.

20 MR. LOPATKA: I think it's probably  
21 more of --

22 MR. NOTARI: Property owner.

23 MR. LOPATKA: -- a property owner  
24 issue than the borough. Unfortunately, some  
25 of that material goes down the borough

1 street but it's coming from the neighbor's  
2 property. It's not something that you guys  
3 are creating, it's something coming off his  
4 property.

5 MR. PAPI: Let me go talk to the  
6 plant owner tomorrow and I'll get an answer.

7 MR. FEBBO: This sounds awful  
8 familiar to me. Angela Drive. We have a  
9 lot of water, mud, stone, debris running  
10 down through Lou Febbo's yard.

11 MR. PAPI: It's all coming from  
12 Iacovazzi Drive. That's Ciuccio's road.

13 MR. FEBBO: So if you're going to  
14 address this problem and the one on Stewart  
15 Street I'd like to have Angela Drive  
16 addressed. I've been coming here since  
17 before I was on council. Especially in  
18 light of the fact before we go taking roads  
19 over we've got to correct some of the  
20 mistakes he's made up there.

21 Now, you want to see a mess, come up  
22 there when it rains. I actually have to  
23 clean it with the Bobcat. That's how much  
24 mud comes down there. Then when I get done  
25 my wife goes out with the broom.

1 MR. LOPATKA: Are any of those roads  
2 dedicated?

3 MR. FEBBO: No. By the way, they  
4 were paved with our money. We chipped in.  
5 All the neighbors did. We had to kick money  
6 in to pave the roads. So that wasn't paved  
7 with CDBG money.

8 MR. SEMENZA: By the residents?

9 MR. FEBBO: By the residents, yes.

10 MR. LOPATKA: I know what your issue  
11 is, but from the borough's perspective  
12 what's the -- from the solicitor's side what  
13 could be done?

14 ATTY. RINALDI: He bought all those  
15 little roads.

16 MR. FEBBO: When he bought the  
17 landfill that came with it. Those are all  
18 future access roads that went with the  
19 landfill. There's another one where that  
20 Project 70 land is back there. There's a  
21 proposed road there. Now, that's not  
22 developed or anything. Angela Drive and  
23 Pittston Avenue are Ciuccio's roads. Again,  
24 we paid to have them paved.

25 MR. LOPATKA: What's the recourse on

1 the borough's side for that?

2 MR. FEBBO: Water runoff.

3 ATTY. RINALDI: Water runoff from  
4 landowner to landowner, so you have a cause  
5 of action against him for water runoff.

6 MR. FEBBO: If that's the case,  
7 what's the difference between what I have  
8 and what's up on the hill?

9 MR. LOPATKA: Well, they're owned by  
10 the borough. If you guys are going to do a  
11 project on a borough road from OECD --

12 MR. SEMENZA: We couldn't do it with  
13 CDBG money.

14 MR. LOPATKA: It's a borough road.

15 MR. SEMENZA: I understand what Lou  
16 is saying here. How do we address the issue  
17 that he's got --

18 MR. LOPATKA: I can go look at it  
19 and say here's what the problem is, but I  
20 don't know if -- I mean, me as the borough  
21 engineer can't really be telling them what  
22 to do.

23 MR. FEBBO: Because we're collecting  
24 liquid fuels on Angela Drive and Pittston  
25 Avenue do we not become responsible for



1                   that?

2                   MR. LOPATKA: You have to watch  
3                   where you're going with that.

4                   MR. PAPI: We plow them.

5                   MR. FEBBO: If we're looking at that  
6                   problem I want this one looked at, too.

7                   MS. BARTOLETTI: The guy from  
8                   Rosemount who keeps getting flooded by his  
9                   neighbor, he said it's because of something  
10                  wasn't done up there. So he's calling and  
11                  saying that his problem is much worse now  
12                  and he's afraid it's going to cause a wall  
13                  to cave in. I talked to Dave about it and  
14                  Bill. I wanted to bring it up to you guys  
15                  first. It's getting worse and worse and  
16                  worse. The man keeps calling me and I keep  
17                  telling him there's nothing the borough can  
18                  do. You have to go after Ciuccio yourself.  
19                  He still calls here.

20                  MR. FEBBO: Isn't there a problem  
21                  that we talked about that Ciuccio has to  
22                  take care of before we take the roads?

23                  MS. BARTOLETTI: But he's not taking  
24                  care of it and this guy keeps calling here.

25                  MR. FEBBO: Then he has to bring it

1 up to code or we don't accept the roads.

2 ATTY. RINALDI: It's a pave issue,  
3 too, so he's probably got to do it when it's  
4 warmer. It's a rolled curb.

5 MR. LOPATKA: They're all open now.

6 MR. FEBBO: If it's not done by  
7 June --

8 MR. LOPATKA: Absolutely. That's  
9 part of it.

10 MR. FEBBO: That's on your list of  
11 things to get done.

12 MR. SEMENZA: Bill, how do we go  
13 about the problem on Angela Drive?

14 MR. LOPATKA: I'll go look at it  
15 again.

16 MR. SEMENZA: Being that it's not a  
17 borough road.

18 ATTY. RINALDI: If it's my house I'd  
19 file suit in two seconds for water runoff,  
20 damage to my property. Borough standpoint,  
21 we don't own it. I know we don't own it  
22 because I was at the tax sale when they were  
23 sold. They're on that map. I know there's  
24 little streets on that map, unless it's one  
25 of them that's not on that map.

1 MR. LOPATKA: They're separate  
2 parcels, according to the map. We were  
3 mapping them and they come up as separate  
4 parcels.

5 ATTY. RINALDI: He pays real estate  
6 taxes on them.

7 MR. LOPATKA: I can go over and look  
8 and come up with a solution, but we're  
9 probably going to have to somehow coordinate  
10 something through him.

11 ATTY. RINALDI: Look at the tax maps  
12 and see how they have them listed.

13 MR. FEBBO: The water comes down the  
14 road. There's a hill before it goes down  
15 towards Keyser, and it's just a knoll there  
16 and the water can't get over it. There's a  
17 homemade catch basin they put in before they  
18 paved the roads that comes through my yard.  
19 But that's filled with silt and everything  
20 else because of all the land that he took  
21 the trees down. So you're getting more of  
22 it. So that's all mud coming down there and  
23 that little drain can't handle it. That  
24 pipe is blocked up.

25 MR. LOPATKA: He never stabilized

1           that right-of-way where he put the fence,  
2           too.

3                   MR. FEBBO:   Not to the point where  
4           it holds the water back, no.  There's so  
5           much water coming down Iacovazzi Drive that  
6           there's no place for it to go.

7                   MR. SEMENZA:  Bill, could you --

8                   ATTY. RINALDI:  He had to pull a  
9           permit from DEP for that.  Right?

10                   MR. SEMENZA:  I don't think he ever  
11           pulled a permit.  They were trying to make  
12           him and he still didn't do anything about  
13           it.

14                   MR. FEBBO:  What he did was when DEP  
15           came up there they made him put in those  
16           retainers, but that doesn't solve the  
17           problem.  The problem is still coming from  
18           the road because there's so much water  
19           coming down that road from Iacovazzi's house  
20           or his driveway.  He has all gravel up  
21           there, modified, so when it rains all the  
22           silt comes out of it.

23                   MR. SEMENZA:  Bill, could we send  
24           the landowner a letter stating that  
25           residents are complaining and he needs to

1 address and fix the issue?

2 ATTY. RINALDI: I guess we can send  
3 a letter, but I don't know how we're going  
4 to enforce it because we can't sue on behalf  
5 of a resident for water runoff on another  
6 person's property. We can do it through --  
7 if he did pull a permit and it's not  
8 working --

9 MR. SEMENZA: Dave, can you look and  
10 see what kind of permits he pulled.

11 ATTY. RINALDI: I thought he pulled  
12 a permit.

13 MR. LOPATKA: I never got the actual  
14 plan, so I don't know exactly what was on  
15 the plan. I can call the conservation  
16 district and see if I can get the plans that  
17 he got approved.

18 MR. FEBBO: He originally bulldozed  
19 ten acres, and then when everything was  
20 hitting the fan he got a permit for .8 acres  
21 to cover the fence. In reality he moved a  
22 lot of dirt up there that caused all this  
23 problem.

24 MR. LOPATKA: The one other thing  
25 you can do is call the conservation district

1 and file a complaint and they have to come  
2 out and inspect it. If they come out and  
3 inspect it and he's sending sediment off of  
4 his property and he has a permit for it  
5 there's steps that they can take to make him  
6 get back in compliance with --

7 MR. FEBBO: I think we'd have more  
8 action if it came from the borough, a letter  
9 from the borough stating there's a runoff  
10 problem that's associated with his --

11 MR. SEMENZA: I agree. I think we  
12 should look to see if he got a permit he  
13 pulled.

14 MR. LOPATKA: If you call they have  
15 to go out and inspect it. If there's  
16 sediment coming off of his property, then  
17 they're the ones who can actually enforce it  
18 because it's a permit. I'll look into his  
19 permit and see if I can get a copy of the  
20 plan that was approved.

21 MR. SEMENZA: Please do.

22 MR. NOTARI: If Mr. Ciuccio owns all  
23 of those streets do we not have access to  
24 our Project 70 land, then?

25 MR. SEMENZA: We have access off of

1 Keyser Avenue to the Project 70.

2 MR. FEBBO: There's a piece of land  
3 behind Pittston Avenue that we own.

4 ATTY. RINALDI: We have access, but  
5 not necessarily a road.

6 MR. SEMENZA: Marylynn, do you  
7 remember what else I had to ask Dave?

8 MR. NOTARI: Now about the property  
9 on Grace Street, the flooding property?

10 MR. SEMENZA: Where we did the sewer  
11 project behind Giletti's house last year.  
12 The homeowners back there are getting  
13 flooded out off East Grace Street.

14 MR. PAPI: I'll show him where.  
15 Coming from the two parking lots.

16 MR. SEMENZA: I don't want to quote,  
17 but a gentleman that is deceased now told me  
18 where he believed the water was coming from,  
19 and he told me coming from one spot. I'm  
20 not going to say it was or it wasn't. He  
21 told me it was coming right from the corner  
22 there. I don't know. That's to be  
23 determined.

24 MR. LOPATKA: We'll take a look at  
25 it.

1 MR. SEMENZA: Even contact Pat.

2 MR. PAPI: We're thinking if we can  
3 put a catch basin in, but it's private  
4 property.

5 MR. RUSSELL RINALDI: The only place  
6 I know where there's a catch basin is right  
7 behind my parking lot, in King Coil's  
8 parking lot.

9 MR. PAPI: There's two of them.  
10 Both tap into that.

11 MR. LOPATKA: I'll go out with Paul.

12 MR. SEMENZA: Put that on the top of  
13 your list.

14 MR. LENCESKI: Why don't we just  
15 give them permission to tap into the sewer  
16 line or LLVSA instead of being a mediator  
17 between two property owners. How does the  
18 borough get involved?

19 MR. NOTARI: Is there a solution?  
20 Do we have to run another line?

21 MR. SEMENZA: It's a combination  
22 system. Anybody have any more questions for  
23 Dave?

24 MR. NOTARI: As we are looking at  
25 the paving project, I don't know if we



1 switch streets or add streets. I know Smith  
2 Street was one of the streets on there. Is  
3 it possible for us to either pave Ledge  
4 Street, which is right off Smith Street, or  
5 at least provide them with the millings, any  
6 millings that we have around town to try to  
7 help them --

8 MR. PAPI: Where is Ledge Street?

9 MR. NOTARI: It's right off Smith.  
10 It's one or two houses.

11 MR. FEBBO: That runs to Mariotti's  
12 property.

13 MR. NOTARI: I believe Bill said we  
14 haven't accepted that road or that road's  
15 not dedicated. But can we make it a little  
16 more passable for them, even if it was  
17 millings or -- I don't know. I'm just  
18 throwing that out there.

19 Also, the west end of Lee Street,  
20 which is right off of Lincoln, which Fred  
21 Rinaldi's on East Street. You cross Lincoln  
22 Street there's two homes there with two  
23 garages that they use. That pathway there.  
24 I'll talk to both of them first to see if  
25 they're even interested. They might not be.

1 But I know in the past they've asked how  
2 come that street's not paved.

3 MR. PAPI: It's not a street.

4 MR. NOTARI: That's what you told me  
5 before, but they do access the back of their  
6 properties from there, too. Maybe millings  
7 to put down.

8 MR. SEMENZA: Is it borough  
9 property, Paul?

10 MR. PAPI: No.

11 ATTY. RINALDI: They both have pools  
12 behind their houses?

13 MR. NOTARI: No, they do not.

14 ATTY. RINALDI: Is this off of Small  
15 Street?

16 MR. NOTARI: No, Lincoln.

17 MR. PAPI: There's little alleys all  
18 over town like that. Some ended up getting  
19 paved years ago, some didn't because  
20 probably the people who came to complain got  
21 it paved.

22 MR. NOTARI: They might not even  
23 want anything.

24 MR. PAPI: Joe Ferrett wanted us to  
25 put on the list today there's another little

1 alley off of Smith called Jefferson. That's  
2 between Louie Terruso's house. It's not on  
3 our street map.

4 MR. FEBBO: The other one is the  
5 alley behind the Felittese.

6 MR. NOTARI: It's a street on one  
7 side of Lincoln.

8 ATTY. RINALDI: Is that a 15-foot  
9 right-of-way there?

10 MR. PAPI: Yeah. One side is a  
11 street, the other side is just -- you open  
12 up a can of worms and you'll be doing it all  
13 over town.

14 MR. NOTARI: Ledge Street, they've  
15 asked in the past. I have nothing else.

16 MR. SEMENZA: If it's private  
17 property, can we go on private property?

18 ATTY. RINALDI: I'm going to say  
19 probably is because of the way it looks.  
20 Without doing a title search I can't give  
21 you a hundred percent. But just because I  
22 can see the way the roads are laid out, I  
23 mean, nobody laid that out to get to that  
24 little house back there. I can guarantee  
25 you that. It was a right-of-way to get to

1 property and this guy put his house back  
2 there.

3 MR. LOPATKA: I met with the county  
4 again last Thursday to look at Eisenhower  
5 and Apollo. I told him we don't own it.  
6 But there was a meeting prior, here, couple  
7 days before where their guy sat and said  
8 they would fix the streets. When I met them  
9 over there, the first thing he told me was  
10 we'll patch them and then you can take them  
11 over and fix them. I said that's not going  
12 to happen. Either they're fixed to the  
13 borough's standards or the borough's not  
14 going to take them over. So he said well,  
15 we'll do what we have to do and we'll sue  
16 the borough. I said whatever you have to  
17 do. I'm just telling you that these streets  
18 are -- I mean, you can't even do base  
19 replacement on them.

20 MR. RUSSELL RINALDI: Did he say  
21 what he was going to sue us for?

22 MR. LOPATKA: He said you're  
23 collecting liquid fuels. I said I'm sure  
24 the borough would be happy to pay back  
25 whatever money they got for liquid fuels

1 over the last 20 years as opposed to saying  
2 they own the roads. They don't own the  
3 roads. Your attorney even sat in the  
4 meeting the other day and said they own the  
5 roads. I said that has nothing to do with  
6 me. I'm just telling you these roads -- the  
7 borough is not going to take over these  
8 roads if you just put some asphalt in the  
9 holes that are there. It will cost you more  
10 to do base replacement than to fix the whole  
11 road.

12 So his engineer came, the authority  
13 engineer, KBA. Tony Grizanti. I said you  
14 look at them like I'm looking at them and  
15 you tell me. You can't do base replacement  
16 on them, and he kind of agreed. So they  
17 kind of went over on the side and supposedly  
18 he's going to give them a price to do base  
19 replacement and another price to actually  
20 fix them the right way. So I don't know  
21 where it's going to go. That was the  
22 conversation.

23 ATTY. RINALDI: What I heard from  
24 Jerry Karam yesterday is they're going to do  
25 some kind of a fix, and then the county is

1 going to allocate money to do whatever they  
2 got to do to bring them up to code, but we  
3 have to have them first because the county  
4 can't spend the money until we own them.

5 MR. NOTARI: They want us to use  
6 CDBG money.

7 ATTY. RINALDI: I said that's not  
8 going to happen. He said the county's going  
9 to actually --

10 MR. LOPATKA: That was my statement.  
11 They said we'll patch them, you take them  
12 over and use your CDBG money. I said why  
13 would the borough use money they can use  
14 elsewhere.

15 ATTY. RINALDI: See what they do  
16 with the temporary fix.

17 MR. NOTARI: In the meantime should  
18 we have either you, Bill, or on Bobby's  
19 behalf send a letter to the authority saying  
20 we're getting the run around from the  
21 executive director?

22 ATTY. RINALDI: The authority  
23 doesn't have any money, I think is the main  
24 problem.

25 MR. NOTARI: But they can give

1 orders, can't they?

2 MR. LOPATKA: The other thing he  
3 said is they can't spend their money on  
4 roads.

5 MR. SEMENZA: That's not true.

6 ATTY. RINALDI: County can't spend  
7 money on authority roads. That's why they  
8 want to do something temporary in the  
9 interim, then figure out how we're going to  
10 take them and they're going to pave it.

11 MR. FEBBO: Sounds like a Ciuccio  
12 deal.

13 MR. LOPATKA: That's the gist of the  
14 meeting I had. That's the bottom line.

15 MR. FEBBO: You need to go back to  
16 them with a response from us?

17 MR. LOPATKA: I'm waiting for them  
18 to put -- he said he was going to put a cost  
19 together.

20 MR. SEMENZA: I believe our response  
21 back to them would be you said you're fixing  
22 the roads, fix the roads. Then we'll take  
23 them over.

24 MR. LOPATKA: That's what I told  
25 him. See what they're going to do first.

1 MR. SEMENZA: Anybody have any other  
2 questions for Dave?

3 MR. LENCESKI: I don't remember the  
4 street name but it's off Vine Street, the  
5 hill, did you take a look at that?

6 MR. PAPI: The one that goes  
7 straight up. The real steep one.

8 MR. LOPATKA: We measured it. We're  
9 going to include the number in our --

10 MR. FEBBO: You're going to try to  
11 pave it?

12 MR. LOPATKA: I called Pennsy and  
13 asked them what's the max grade they can do  
14 and he said they wouldn't have a problem  
15 paving it if they had to.

16 MR. PAPI: I told him before he  
17 bought the house we don't do maintenance on  
18 that road.

19 MR. SEMENZA: There was a discussion  
20 about five years ago about this house. Me  
21 and Brian Rinaldi actually went over and  
22 looked at the street.

23 MR. PAPI: Bob Wagner.

24 MR. FEBBO: He built a garage in the  
25 middle of the road.



1 MR. PAPI: Right on top of our sewer  
2 line. It's too steep to do anything with.

3 MR. FEBBO: If we decided to pave it  
4 does that mean we have to plow it?

5 ATTY. RINALDI: Why are we paving it  
6 if it's just a paper street?

7 MR. BIERYLA: He said that was the  
8 access from upper Powell to come to that  
9 house.

10 MR. SEMENZA: But there's a garage  
11 built on the road.

12 MR. LOPATKA: You can only go up to  
13 that house. We measured it, if you want to  
14 include it.

15 ATTY. RINALDI: You'd have to tear  
16 down the garage to pave it, don't you?

17 MR. LOPATKA: Just paving up to  
18 where this house is.

19 MR. NOTARI: Is it a street or not?

20 ATTY. RINALDI: I don't think that's  
21 a street.

22 MR. LOPATKA: Joe told me he wanted  
23 me to measure it. That was the question, I  
24 think, even at the time, was if the borough  
25 owned it.

1                   ATTY. RINALDI: I know we don't own  
2                   it. We only own the road before the church.  
3                   This goes beyond it.

4                   MR. FEBBO: Let him be responsible  
5                   for it.

6                   MR. LENCESKI: What would happen if  
7                   there was a fire and that street was washed  
8                   out and an ambulance couldn't get up to that  
9                   road?

10                  ATTY. RINALDI: It's a private  
11                  drive. It's not our street. It's a paper  
12                  street that wasn't accepted by the borough.  
13                  Whoever laid out that lot chose that as the  
14                  accessway to it.

15                  MR. SEMENZA: It's land left over by  
16                  a developer. It's not showing any property  
17                  owner on it.

18                  ATTY. RINALDI: Somebody gave that  
19                  guy an easement to get to his property.

20                  MR. FEBBO: The easement was from  
21                  the top down.

22                  MR. FEBBO: They all knew this  
23                  before it went in?

24                  MR. PAPI: Wagner knew this before  
25                  he bought the property.

1 MR. SEMENZA: I don't think there is  
2 anything we can do with that.

3 MR. PAPI: The lady who is a new  
4 tenant decided it's too steep for her.  
5 Well, how could you not know that.

6 MR. FEBBO: I think we should let  
7 that go and move on.

8 MR. SEMENZA: Anybody have other  
9 questions for Dave? I think we should  
10 exclude that. Thanks, Dave. Bill,  
11 solicitor's report.

12 ATTY. RINALDI: The only thing I  
13 have on the list so far is just the PLGIT  
14 for next week. Nothing else, other than I  
15 have to set up that meeting with the police,  
16 finalize their contract, and the letter to  
17 Saint Lawrence I will send to Marylynn.

18 MS. BARTOLETTI: Can you contact  
19 Dave Solfanelli.

20 ATTY. RINALDI: That's all I have.  
21 I'm waiting for you guys to see what your  
22 availability is. Make it anytime. You tell  
23 me when you want to meet.

24 MR. SEMENZA: Anybody have any  
25 questions for Bill? Bill, the letter you

1           said going to the diocese, was there any  
2           wording changes in there? Because I did  
3           have some issues with the wording in there.

4           ATTY. RINALDI: Well, I changed what  
5           we spoke of at that meeting, which is I took  
6           out anything referring to historical society  
7           and just said community center.

8           MR. FEBBO: I met with Father today  
9           and Sal Luzio from the finance committee for  
10          the parish. Father was well pleased with  
11          the letter. It was an excellent letter you  
12          put together.

13          MR. SEMENZA: Anybody have any  
14          questions for Bill? Thanks, Bill.  
15          Marylynn?

16          MS. BARTOLETTI: I don't have  
17          anything tonight to discuss.

18          MR. SEMENZA: Anybody have any  
19          questions for Marylynn?

20          MR. FEBBO: When are the parks going  
21          to open?

22          MS. BARTOLETTI: Our staff started  
23          yesterday. Now, Pagnotti was already used  
24          on Sunday for high school baseball. There  
25          is work going on at Miles Street.

1 MR. FEBBO: I'm not really familiar.  
2 Who do you have back as workers? Larry  
3 back, too?

4 MR. LENCESKI: Larry, Chico, Frank.

5 MR. FEBBO: What about replacing  
6 Joe?

7 MS. BARTOLETTI: We are in the  
8 process of doing that. We're not  
9 particularly replacing Joe, we're  
10 restructuring the park.

11 MR. NOTARI: Somebody on staff going  
12 to become that person?

13 MS. BARTOLETTI: Basically, yes.

14 MR. SEMENZA: A working foreman.  
15 Report back to Marylynn but also --

16 MR. FEBBO: Are you going to have a  
17 date on that?

18 MR. SEMENZA: I believe we're going  
19 to hire for the next meeting.

20 MS. BARTOLETTI: Make it official.

21 MR. SEMENZA: Anybody have any more  
22 questions for Marylynn?

23 MR. FEBBO: The second person for  
24 the sewer department, where are we with  
25 that? I'll wait for my turn.

1 MR. SEMENZA: Anybody have any  
2 questions for Marylynn? Thanks, Marylynn.  
3 Go down the table. Councilman Brown?

4 MR. BROWN: No.

5 MR. NOTARI: I have a few things.  
6 Pagnotti, those of you that haven't heard  
7 the story, we had a gentleman drive his dump  
8 truck into the park after asking where to  
9 park and I told him where to park. But that  
10 gate that's open when you turn the corner  
11 coming up the driveway, he drove his dump  
12 truck in there. I was also told that  
13 somebody drove up from the bottom of  
14 Humphrey Street. There's an opening there.  
15 Can we get those fences put back?

16 MS. BARTOLETTI: I have a call in to  
17 PPL and also Frank took it upon himself to  
18 call. He has a lot of the area blocked off  
19 with police tape. At least it's showing  
20 you're not supposed to go in there.

21 MR. SEMENZA: I spoke to junior  
22 football and told them they need to get it  
23 done ASAP.

24 MS. BARTOLETTI: Also part of the  
25 problem is the agreement with the school to

1           be able to use that field. They're  
2           responsible to have someone at that gate and  
3           no one was there. That would take away a  
4           lot of pressure.

5                   MR. NOTARI: It also wasn't a  
6           handicapped person, either.

7                   MS. BARTOLETTI: The gate was wide  
8           open. It says on there handicapped. So who  
9           used it the last time didn't bother to close  
10          it.

11                  MR. NOTARI: When I walked down to  
12          my car I closed it.

13                  MS. BARTOLETTI: I closed it, too.

14                  MR. SEMENZA: In defense of anybody  
15          that does that, when the gates are open  
16          there's no sign. You can't see the signs.  
17          That's why somebody from the school needs to  
18          be there.

19                  MR. NOTARI: Will the water be  
20          turned on this week at Pagnotti?

21                  MS. BARTOLETTI: Yes.

22                  MR. NOTARI: You'll speak to them  
23          about the port-a-potty. Lights at Miles,  
24          they're coming along?

25                  MS. BARTOLETTI: In the process,

1           yes. They're coming along. They look  
2           pretty good. What we did is we also -- what  
3           I had discussed, I think, at the last  
4           meeting about getting quotations to replace  
5           all of the lights the borough owns there  
6           that go along the walkway, we did get three  
7           quotes and they came within a reasonable  
8           amount. The low bidder was the guy who is  
9           actually doing the work down there right  
10          now. So that's being done as well. We  
11          already ordered the light fixtures and the  
12          whole bit.

13                 MR. FEBBO: Has little league  
14                 started to use Miles?

15                 MS. BARTOLETTI: They had kids out  
16                 there yesterday practicing. I asked them  
17                 not to do that while the work is being done,  
18                 the electrical work.

19                 MR. FEBBO: What about Marion Street  
20                 where they're playing on the tennis court?

21                 MS. BARTOLETTI: I already told them  
22                 about that as well.

23                 MR. NOTARI: I got called about a  
24                 parking ticket down Mucciolo's Winery.  
25                 Somebody was parked on the sidewalk and I



1           guess only one car was ticketed when there  
2           were many cars on the sidewalk. I'll talk  
3           to the chief about that when I see him.

4                     My other thing is -- and I don't  
5           know if it's a touchy subject or not, but  
6           employees on Facebook during the workday.  
7           Do we have a policy in place -- I'm on  
8           Facebook all day because of work. That's  
9           part of my job. I see pretty much -- I  
10          don't want to say everything, but I see a  
11          lot of things going on.

12                    MS. BARTOLETTI: We may have had  
13          people on there over the past couple weeks  
14          only because we're working on getting my  
15          farmer's market put together.

16                    MR. NOTARI: Well, they can be on  
17          there doing that, but they're on commenting  
18          on all kinds of posts, pictures appearing,  
19          and I believe we need to have a policy put  
20          in place that -- and again, I realize it  
21          could be during break time, it could be  
22          during lunch time. But I think for the  
23          shear fact of perception that we should not  
24          have employees on Facebook during work  
25          hours.

1 MR. FEBBO: Is that an issue for all  
2 of us or should we have you address that to  
3 the DPW department and have Paul address his  
4 employees?

5 MR. NOTARI: I'm addressing it to  
6 the borough manger. She's in charge of the  
7 supervisors. So I'll let her handle it. If  
8 we need to put a policy in place that maybe  
9 one of those committees needs to structure  
10 those policies, I don't know.

11 MR. FEBBO: One other thing. I know  
12 where you're going. I saw pictures myself  
13 and I was speaking to one of the people on  
14 there. He said when they're out working  
15 they don't post. It's not them posting  
16 pictures on there. People taking pictures  
17 of them that put it on. They don't have  
18 control.

19 MR. NOTARI: You're right, but when  
20 there's comments going on, they're  
21 commenting, then it's not your farmer's  
22 market stuff. Again, it's perception. I  
23 understand it's part of our life-style now,  
24 but --

25 MS. BARTOLETTI: Absolutely. I'm

1                   certainly not saying that.

2                   MR. SEMENZA: Anything else?

3                   MR. NOTARI: I believe that's all.

4                   MR. RUSSELL RINALDI: No items.

5                   MR. FEBBO: Marylynn, addressed the  
6 sewer authority. What are we doing with  
7 that?

8                   MR. SEMENZA: I'm going to speak  
9 about that.

10                  MR. FEBBO: Also, we talked about  
11 someone else in the zoning department.  
12 Address that.

13                  MR. SEMENZA: We spoke about  
14 possibly -- Marylynn, do you want to talk  
15 about what you thought the best way to go  
16 about that for the time being is?

17                  MS. BARTOLETTI: We were talking  
18 about going through a temporary agency.  
19 Bringing a clerical person in to help out in  
20 the situation of Steve with all these  
21 letters and everything in order to catch up.  
22 I think that would be a big help. I don't  
23 think that Steve is the person to be sending  
24 out letters and addressing envelopes and all  
25 that kind of stuff. I think his job is to

1 be handling those code enforcement issues.

2 The other thing is once we get that  
3 part all done, then we need council to make  
4 some decisions about in order to be able to  
5 enforce. There's still some issues that  
6 council has to resolve as well, setting fees  
7 and that type of thing. But I think rather  
8 than having to go through actually doing the  
9 process of hiring, in the past we've done  
10 some things now and then with people from  
11 temporary agencies and it works out well.  
12 No issues. When you're done, you're done.

13 MR. SEMENZA: Anything else?

14 MR. FEBBO: No.

15 MR. LENCESKI: I have a few things.  
16 First, I think we should definitely be  
17 diligent and get every street that we don't  
18 own that we collect liquid fuels off liquid  
19 fuels because there are way too many. Seems  
20 like it's these streets that we're  
21 collecting liquid fuels money on that we  
22 don't actually own could bite us.

23 Two, the street that's next to the  
24 Chicken Coop, what's the name of that  
25 street?

1 MR. PAPI: It's not a street, it's a  
2 private drive. It's owned by Frank  
3 Serafini.

4 MR. LENCESKI: Why would we use  
5 taxpayer money to do Angela Drive and  
6 Pittston Avenue? Why would we plow them?

7 MR. PAPI: You tell me. We've been  
8 doing them before we were here.

9 MR. LENCESKI: Right.

10 MR. PAPI: We plowed them because we  
11 always plowed them. Why did we plow  
12 Rosemount? People are paying taxes and  
13 we're plowing their streets.

14 MS. BARTOLETTI: When Paul and I  
15 started here there was one person, he's not  
16 here tonight, but he was still on council.  
17 What they would do is they would demand. I  
18 don't care whose roads they are, you get out  
19 there and clean them. That's why those  
20 certain roads were being cleaned at that  
21 time. Back that far, included in that issue  
22 was Shawnee Hills development because the  
23 borough didn't own that at the time either.  
24 They were demanding to go in.

25 MR. FEBBO: So back then it was

1           everybody ran the council. Right now what  
2           we're trying to do is follow the rules and  
3           codes and laws as they are.

4           MR. SEMENZA: Things have changed.  
5           If you don't it can really hurt you.

6           MR. LENCESKI: Then how can that  
7           stop Dunbar and his development from saying  
8           you should plow my development?

9           MR. FEBBO: That was one of the  
10          things he agreed to.

11          ATTY. RINALDI: Dunbar isn't  
12          dedicating any of his roads.

13          MR. LENCESKI: And Ciuccio has those  
14          two roads that he owns, but we've just done  
15          it by past practice. But what I'm alluding  
16          to is the property -- we'll call it Bob  
17          Wagner's. Council at that time allowed him  
18          to purchase that property that had an  
19          easement that allowed him to access that  
20          property and the property next to him, and  
21          then council sold it to him to build a  
22          garage and the planning commission allowed  
23          him to build a garage there.

24          MS. BARTOLETTI: Who owned the  
25          property before this guy?

1 MR. LENCESKI: It was an easement.

2 ATTY. RINALDI: I have no idea.

3 MR. FEBBO: Wagner bought it with  
4 the understanding that it's a right-of-way.

5 MR. LENCESKI: He bought it from the  
6 borough.

7 MS. BARTOLETTI: I never heard that.

8 ATTY. RINALDI: He couldn't have  
9 bought an easement from the borough.

10 MR. BIERLYA: You can't put a  
11 building on it.

12 MR. LENCESKI: What I'm getting at  
13 is I think that street, we should think  
14 about paving it just for access for him. If  
15 we're willing to plow all these street we  
16 don't own, collect liquid fuels money from  
17 streets we don't own, solve storm water  
18 problems in people's yards that we have  
19 nothing to do with, I think we should  
20 consider paving that.

21 ATTY. RINALDI: Once you start  
22 you're stuck doing it. I know Shawnee we  
23 weren't plowing for the longest time. You  
24 can't plow them until we take them over.

25 MR. SEMENZA: The only thing I'm

1 worried about about paving that street, Joe,  
2 is in the winter if we have a snowstorm and  
3 they're plowing up that street and they  
4 slide off onto somebody's property.

5 MR. FEBBO: It's not plowable.

6 MR. SEMENZA: They're going to want  
7 it plowed.

8 MR. PAPI: You're going to have to  
9 back up that in reverse through the snow and  
10 try and plow it going down.

11 MR. SEMENZA: Once it's paved  
12 they're going to want it plowed.

13 ATTY. RINALDI: I don't know how  
14 we're going to pave it if we don't own it.

15 MR. SEMENZA: Could we take it over?

16 ATTY. RINALDI: Somebody cut a lot  
17 off and gave him access.

18 MR. PAPI: If you take something  
19 over it's got to be to county standard. And  
20 who owns it? Nobody owns it.

21 MR. RUSSELL RINALDI: It's on the  
22 map in your office, isn't it.

23 MR. LENCESKI: We're plowing streets  
24 we don't own, liquid fuels on streets we  
25 don't own.



1 MR. NOTARI: But we're plowing  
2 because we're collecting liquid fuels on  
3 them. Correct? Isn't that why?

4 MS. BARTOLETTI: No, you don't  
5 specifically plow just to get liquid fuels.

6 MR. NOTARI: But if we're collecting  
7 liquid fuels on Angela and Pittston that's  
8 kind of why we are plowing them. Right?

9 MS. BARTOLETTI: Yes.

10 ATTY. RINALDI: You're plowing  
11 because somebody started plowing them 40  
12 years ago.

13 MS. BARTOLETTI: Because someone was  
14 told to go up there and plow and that was  
15 it.

16 ATTY. RINALDI: The guys come around  
17 for liquid fuels, they try to give the  
18 borough as much as they can.

19 MR. LENCESKI: There is no  
20 consistency in what we do.

21 MR. RUSSELL RINALDI: Paul, what did  
22 you find out?

23 MR PAPI: It's written on there as  
24 an alley but that's all hand done. The guy  
25 from White Eagle did it, Carl, and he had it

1           on. But there's no name on it.

2           MR. SEMENZA: Bill, could you find  
3           out what that piece of property is, that  
4           alley, whatever we want to call it. Then  
5           we'll go from there. That's the best thing  
6           to do.

7           MR. LENCESKI: Just in case there's  
8           a problem with fire, an ambulance needs to  
9           get up that road and it was washed out, who  
10          is liable for that?

11          ATTY. RINALDI: He is. It's his  
12          easement. It's a private driveway. It's  
13          like when somebody subdivides off -- we did  
14          it for Fred when Mariotti sold that piece of  
15          land. He's got a private access road.  
16          You're allowed to have a private access road  
17          to get to your parcel. No borough roads.  
18          That's his access road. They put houses on  
19          different spots and there's no roads there.  
20          Then they have a problem when they try to  
21          sell it.

22          MR. SEMENZA: Bill, will you figure  
23          that out?

24          ATTY. RINALDI: I'll see what I can  
25          find out.

1 MR. LENCESKI: I just want us to try  
2 to help somebody that -- no business being  
3 on their property, and then someone else  
4 just being like whatever, it's on you. See  
5 you later.

6 MR. NOTARI: We're going to help  
7 one, we're going to help everybody.

8 MR. LENCESKI: Be fair. We're  
9 looking to do a lot of alleys and what not.  
10 Just keep consistency. I think the  
11 important thing is try to get all the  
12 streets that we collect liquid fuels on that  
13 we don't own off the liquid fuels map.

14 MR. SEMENZA: Anything else?

15 MR. LENCESKI: No.

16 MR. SEMENZA: One thing. Personnel  
17 committee met, we discussed a couple  
18 different things, job for zoning, jobs for  
19 the park, and we discussed a job for the  
20 sewer authority. I think there is no  
21 question that something has to be done with  
22 the sewer authority. I'd like to meet with  
23 the sewer committee ASAP to discuss the  
24 future of the sewer authority, but I believe  
25 at this point in time to get a temporary

1 worker in there kind of like we'll do with  
2 the zoning department just because Lucille  
3 is in trouble in there. She needs it  
4 yesterday. Do we have to make a motion to  
5 hire a temporary worker for in there?

6 MS. BARTOLETTI: I don't think so.

7 MR. SEMENZA: Who would go about  
8 hiring them? Would the personnel committee  
9 go ahead and do that? Would the sewer  
10 committee go ahead and do that?

11 ATTY. RINALDI: Borough manager,  
12 typically. Then you guys vote on it. If  
13 there's nobody else to approve it, then it  
14 has to be council.

15 MR. NOTARI: Why would personnel do  
16 it if there's a sewer committee?

17 MR. SEMENZA: It's personnel.

18 MR. NOTARI: Why can't Marylynn do  
19 it?

20 MS. BARTOLETTI: I won't because I  
21 won't do anything with the sewer agency.  
22 I'm not over that. Lucille doesn't report  
23 to me, she reports to council. I won't do  
24 anything that has to do with the sewer  
25 agency. It might sound like I'm being

1           difficult but I'm not.

2           MR. NOTARI: No, you're not being  
3           difficult. I'm being difficult. So  
4           wouldn't it be the sewer committee's move,  
5           then, to make that hire or make that  
6           recommendation to council to make that hire  
7           instead of personnel since the sewer agency  
8           is under the sewer committee?

9           ATTY. RINALDI: Well, it's still got  
10          to be council or the borough manager. Only  
11          persons that can expend funds. Committees  
12          can't expend funds. They can bring it back  
13          to council and say we're recommending you  
14          hire this temp for a period of X days and  
15          then council votes on it.

16          MR. SEMENZA: So personnel has  
17          nothing to do with it?

18          ATTY. RINALDI: Well, it's whatever  
19          committee you want to assign it to. It's up  
20          to the chairman. If he wants to give it to  
21          the sewer committee to handle it, fine. If  
22          he wants to leave it with personnel, it's  
23          personnel.

24          MR. NOTARI: And if we're looking at  
25          it that way it's all fine and good. It's

1           going to be council's decision, so we really  
2           don't need -- I mean, technically you don't  
3           even need to go through the committee.

4           MR. SEMENZA: That's here nor there.  
5           I definitely want to have a meeting soon.  
6           We can talk about that in the meeting, Rick.  
7           I don't think anybody has a suggestion of  
8           somebody from a temp agency. So with that  
9           being said, I think that we'll make a motion  
10          to hire through a temp agency and we'll go  
11          from there.

12          I was just under the assumption that  
13          all hiring and firing of people would go  
14          through personnel.

15          ATTY. RINALDI: I would think if  
16          it's a position and not a temp. You're  
17          subcontracting with a firm.

18          MR. SEMENZA: Does anybody have any  
19          reservations about that?

20          MR. NOTARY: A temp for the time  
21          being? No. But now here's my question. If  
22          council decides to hire a temp person for  
23          the sewer agency who's going to make the  
24          call to the temp agency to tell them we need  
25          somebody to come to the sewer agency?

1 MR. SEMENZA: I'll make the call.  
2 Anybody have a problem with that?

3 MR. NOTARI: I don't have a problem  
4 with it. Is it something that we should be  
5 worried about or is it something that  
6 council chair could do?

7 ATTY. RINALDI: I mean, ultimately  
8 the president or the borough manager's got  
9 to sign the contract. There's nobody else  
10 empowered to do it. Lucille has no power to  
11 sign anything. She's just a staff worker.  
12 That's it.

13 MR. NOTARI: If the chairman has the  
14 power, then, yeah, I'm all for it. That's  
15 fine.

16 MR. FEBBO: Let me get this clear,  
17 now.

18 MR. NOTARI: I'm just listening to  
19 what Marylynn's saying, then somewhere we're  
20 going to need somebody to call the temp  
21 agency because we all agree to bring this  
22 person to the sewer agency.

23 MS. BARTOLETTI: This has been going  
24 on for 11 years.

25 ATTY. RINALDI: There is no sewer

1 authority. There is a sewer agency, which  
2 is really just a department of the borough.

3 MR. FEBBO: So sewer committee.  
4 Three members of the sewer committee.  
5 You're going to meet, then you're going to  
6 decide where we're going to go. Are you  
7 coming back to council with that decision  
8 and then --

9 MR. NOTARI: With a recommendation.

10 ATTY. RINALDI: Council would  
11 approve a contract for a temp to come in  
12 once you get a contract from the temp  
13 agency. You would approve it like any other  
14 contract.

15 MR. FEBBO: Is there something we're  
16 missing? Do we have to do all that or can't  
17 we just tonight, at the work session, put  
18 something together --

19 ATTY. RINALDI: Something has to be  
20 done here or at that level.

21 MR. FEBBO: Do we have to go through  
22 all these steps, getting these three guys  
23 together and decide on what we're already  
24 talking about? Didn't we agree on it? So  
25 if that's the case, is there something more



1           that has to be added to or deleted from what  
2           we're talking about? We need a temp person.

3           MR. SEMENZA: All the legwork will  
4           be done before our meeting in two weeks for  
5           the person starting.

6           MR. RUSSELL RINALDI: We have to  
7           vote on it. We can't vote tonight.

8           MR. FEBBO: The next meeting we'll  
9           be able to vote.

10          MR. SEMENZA: If we accept it we can  
11          possibly have, hopefully, the person start  
12          the next day. If not, the next week or  
13          whatever.

14          At this time the chair would  
15          entertain a motion to adjourn.

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

18          MR. SEMENZA: By Councilman Rinaldi.  
19          All in favor?

20          (Unanimous. Meeting adjourned.)  
21  
22  
23  
24  
25

C E R T I F I C A T E

I hereby certify that I attended the foregoing proceeding, took stenographic notes of the same, that the foregoing, consisting of 49 pages, is a true and correct copy, done to the best of my ability, of same and the whole thereof.

  
Mark Wozniak  
Official Court Reporter

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