

1 OLD FORGE BOROUGH COUNCIL MEETING

2
3 Old Forge Borough Building
4 314 South Main Street
5 Old Forge, Pennsylvania

6 Tuesday, December 20, 2016

7 7:00 p.m.

8
9 MEMBERS PRESENT: ROBERT SEMENZA, CHAIRPERSON
10 JOSEPH FERRETT, COUNCIL MEMBER
11 DEVON BROWN, COUNCIL MEMBER
12 RUSSELL RINALDI, COUNCIL MEMBER
13 LOU FEBBO, COUNCIL MEMBER
14 JOSEPH LENCESKI, COUNCIL MEMBER

15
16 ALSO PRESENT:

17 MARYLYNN BARTOLETTI - BOROUGH MANAGER
18 WILLIAM RINALDI, .ESQ.-SOLICITOR
19
20
21
22
23
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P-R-O-C-E-E-D-I-N-G-S

CHAIRMAN SEMENZA: Good evening, ladies and gentlemen. Welcome to the December 20th Old Forge Borough Council Meeting. Start with the Pledge of Alliance.

(Pledge of Allegiance.)

CHAIRMAN SEMENZA: Good evening, ladies and gentlemen. Tonight's meeting, go down the table, hear from our Councilmen, see if there's anything to present to Council, hear from the department heads. Role call, please, Marylynn.

MS. BARTOLETTI: Councilman Brown.

MR. BROWN: Here.

MS. BARTOLETTI: Councilman Notari, absent. Councilman Febbo.

MR. FEBBO: Here.

MS. BARTOLETTI: Councilman Ferrett.

MR. FERRETT: Here.

MS. BARTOLETTI: Councilman Rinaldi.

MR. RUSSELL RINALDI: Here.

MS. BARTOLETTI: Councilman Lenceski.

MR. LENCESKI: Here.

MS. BARTOLETTI: Councilman Semenza.

CHAIRMAN SEMENZA: Here. Go through some housekeeping items first. First motion is a motion to

1 approve the minutes.

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

4 CHAIRMAN SEMENZA: Motion on the floor by
5 Councilman Febbo. Could I have a second?

6 MR. RUSSELL RINALDI: I'll second that
7 motion, Mr. Chairman.

8 CHAIRMAN SEMENZA: Seconded by Councilman
9 Rinaldi on the question. Public input. Role call,
10 please.

11 MS. BARTOLETTI: Councilman Brown.

12 MR. BROWN: Yes.

13 MS. BARTOLETTI: Councilman Febbo.

14 MR. FEBBO: Yes.

15 MS. BARTOLETTI: Councilman Ferrett.

16 MR. FERRETT: Yes.

17 MS. BARTOLETTI: Councilman Rinaldi.

18 MR. RUSSELL RINALDI: Yes.

19 MS. BARTOLETTI: Councilman Lenceski.

20 MR. LENCESKI: Yes.

21 MS. BARTOLETTI: Councilman Semenza.

22 CHAIRMAN SEMENZA: Yes. The next motion
23 is a motion to approve to the Treasurer's report.
24 Note, this does not include sewer accounts.

25 MR. LENCESKI: Mr. Chairman, I'll make

1 that motion.

2 CHAIRMAN SEMENZA: Motion on the floor by
3 Councilman Lenceski.

4 MR. FEBBO: Second that motion.

5 CHAIRMAN SEMENZA: Seconded by Councilman
6 Febbo on the question. Public input. Role call,
7 please.

8 MS. BARTOLETTI: Councilman Brown.

9 MR. BROWN: Yes.

10 MS. BARTOLETTI: Councilman Febbo.

11 MR. FEBBO: Yes.

12 MS. BARTOLETTI: Councilman Ferrett.

13 MR. FERRETT: Yes.

14 MS. BARTOLETTI: Councilman Rinaldi.

15 MR. RUSSELL RINALDI: Yes.

16 MS. BARTOLETTI: Councilman Lenceski.

17 MR. LENCESKI: Yes.

18 MS. BARTOLETTI: Councilman Semenza.

19 CHAIRMAN SEMENZA: Yes. Next motion is a
20 motion to approve invoices for payments. No, this does
21 not include sewer accounts.

22 MR. RUSSELL RINALDI: Mr. Chairman, I'll
23 make that motion.

24 CHAIRMAN SEMENZA: Motion on the floor by
25 Councilman Rinaldi.

1 MR. LENCESKI: Mr. Chairman, I'll second
2 that.

3 CHAIRMAN SEMENZA: Seconded by Councilman
4 Lenceski on the question. Public put. Role call,
5 please.

6 MS. BARTOLETTI: Councilman Brown.

7 MR. BROWN: Yes.

8 MS. BARTOLETTI: Councilman Febbo.

9 MR. FEBBO: Yes.

10 MS. BARTOLETTI: Councilman Ferrett.

11 MR. FERRETT: Yes.

12 MS. BARTOLETTI: Councilman Rinaldi.

13 MR. RUSSELL RINALDI: Yes.

14 MS. BARTOLETTI: Councilman Lenceski.

15 MR. LENCESKI: Yes.

16 MS. BARTOLETTI: Councilman Semenza.

17 CHAIRMAN SEMENZA: Yes. The fifth motion
18 is a motion to approve sewer department financial
19 reports.

20 MR. RUSSELL RINALDI: Mr. Chairman, I'll
21 make that motion.

22 CHAIRMAN SEMENZA: Motion on the floor by
23 Councilman Rinaldi. Could I have a second?

24 MR. FEBBO: Mr. Chairman, I'll make that
25 motion.

1 CHAIRMAN SEMENZA: Seconded by Councilman
2 Febbo on the question. Public input. Role call,
3 please.

4 MS. BARTOLETTI: Councilman Brown.

5 MR. BROWN: Yes.

6 MS. BARTOLETTI: Councilman Febbo.

7 MR. FEBBO: Yes..

8 MS. BARTOLETTI: Councilman Ferrett.

9 MR. FERRETT: No.

10 MS. BARTOLETTI: Councilman Rinaldi.

11 MR. RUSSELL RINALDI: Yes.

12 MS. BARTOLETTI: Councilman Lenceski.

13 MR. LENCESKI: Yes.

14 MS. BARTOLETTI: Councilman Semenza.

15 CHAIRMAN SEMENZA: Yes. Next motion is a
16 motion to approve sewer department invoices for
17 payment.

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

20 CHAIRMAN SEMENZA: Motion on the floor by
21 Councilman Rinaldi. Could I have a second?

22 MR. FEBBO: Mr. Chairman, I'll second
23 that motion.

24 CHAIRMAN SEMENZA: Seconded by Councilman
25 Febbo on the question. Public input. Role call,

1 please.

2 MS. BARTOLETTI: Councilman Brown.

3 MR. BROWN: Yes.

4 MS. BARTOLETTI: Councilman Febbo.

5 MR. FEBBO: Yes.

6 MS. BARTOLETTI: Councilman Ferrett.

7 MR. FERRETT: Yes.

8 MS. BARTOLETTI: Councilman Rinaldi.

9 MR. RUSSELL RINALDI: Yes.

10 MS. BARTOLETTI: Councilman Lenceski.

11 MR. LENCESKI: Yes.

12 MS. BARTOLETTI: Councilman Semenza.

13 CHAIRMAN SEMENZA: Yes. At this time,
14 we'll go into the department heads. Paul, DPW
15 management report, please.

16 DPW MANAGEMENT REPORT

17 MR. PAPI: Good evening, everybody. A
18 brief description of the things we did last month. I
19 started the month out in November on my vacation.

20 I spent two weeks in a tree stand in and
21 out of service. So every hour, I turned on my phone
22 and get my messages and call back who I needed. Wasn't
23 too bad. Kept me busy.

24 I responded to 49 PA1 calls for the next
25 two weeks in November. On Saturday, November 3rd, I

1 sent the leaf truck out and three men out all day.

2 I sent our 2003 Red Packer to Triple
3 Cities Mack to fix a short in the taillights. I took
4 our parks and recreation vehicles to Old Forge Gulf for
5 an inspection.

6 I installed a new children-at-play sign
7 at the end of Alicia Street that was reported missing.
8 I was called on Friday, the 18th, to 1208 Mine Street
9 for a PA1 emergency at 6:45 a.m. for a water leak.

10 We installed two new stop signs that went
11 missing on the corner of Winter and Albion and one on
12 the corn of Bubernack and Koler.

13 I was called out December 21st -- it's
14 supposed to be November 21st, at 7 a.m. for a PA1
15 emergency water leak.

16 I was called out Saturday, November 26th,
17 the pump station on Orchard Street was blocked. I
18 actually sent Mike Ford over for a maintenance schedule
19 to clean it.

20 And when he got to it, he called me and
21 said it's filled right to the top. None of the
22 emergency backup systems were on.

23 So, what we figured is, it's been stuck
24 for so long that it must have went off and blew the
25 circuits.

1 So, I called Koberlein. He was the guy
2 that installed it. And between him and Mike Ford,
3 they vacuumed it out, took out the two pumps, both
4 blocked with the flushable wipes again and cleaned them
5 out and put them back in the hole and cleaned it all up
6 and everything is back to normal.

7 But I put them on a six-month schedule.
8 So, every six months, they're going to go down and
9 clean it. And if Mike Ford sees if there's anything
10 wrong, he'll call Koberlein to pull the pumps.

11 CHAIRMAN SEMENZA: Paul, could you
12 possibly periodically check it out?

13 MR. PAPI: I already got a letter out to
14 all the residents, just so -- yeah, I can periodically
15 check it out once a month.

16 CHAIRMAN SEMENZA: Right. It might not
17 hurt. You know what I mean?

18 MR. PAPI: Not at all.

19 MR. FEBBO: How big of an area does that
20 cover?

21 MR. PAPI: Covers four homes on Orchard
22 Street and George Dunbar's apartments. I think there's
23 9 or 11 on Orchard Street. Anybody know? Well, it's
24 around 9.

25 MR. BIERYLA: It's 14 total letters.

1 MR. PAPI: That's with the four homes.
2 And I was called out for a blocked sewer on Sunday the
3 27th at 1 p.m. on Oak Street. I popped both sewer lids
4 above and below and proved to the resident that it was
5 her lateral that was blocked. And that was the month
6 of November for me.

7 Anybody have any questions?

8 CHAIRMAN SEMENZA: Any questions for
9 Paul?

10 MR. FERRETT: I got one question like
11 that. Saturday, when we had the snow and everything, I
12 noticed that you had the boys out to salt and
13 everything.

14 You've done a good job. The only thing
15 is when I was coming from the store, Ray's Market,
16 exactly at 10 to 11, I seen the borough truck coming up
17 Marion Street. And I was going home at that time.

18 The road was already cindered, already
19 salted and everything. To the left side of the road
20 and everything, it was all slush and everything. I
21 don't understand, why are they using salt when they can
22 use the plow to push and everything?

23 Because it's only wasting of money and
24 everything.

25 MR. PAPI: Marion Street is a school

1 road. And a part of the school road, we really salted
2 heavily, because, at night, after the storm is over,
3 the wind blows there and blows right across the road
4 and it's slippery again the next day. That I know
5 that.

6 MR. FERRETT: I understand that. All I'm
7 trying to say is why to go ahead and use the plow
8 before you use the salt?

9 MR. PAPI: It depends, Joe, so much on
10 how much snow we had. We only had two inches.

11 MR. FERRETT: No. I'm talking about
12 Saturday after you already salted and after all was all
13 slush and everything. There was no need to salt is
14 what I'm trying to say.

15 The plow should be down is what I'm
16 saying, unless you don't want to use the plow. I don't
17 know.

18 MR. PAPI: Do you know what color the
19 truck is? I'll talk to the guys to find out who it
20 was.

21 MR. FERRETT: White.

22 MR. PAPI: It was about roughly what
23 time?

24 MR. FERRETT: Exactly 10 to 11. I looked
25 at my watch.

1 MR. PAPI: I'll find out.

2 MR. FERRETT: Oh, I don't care. I'm
3 just wondering if you're aware of it because of the
4 fact that --

5 MR. PAPI: How could I be aware of it?

6 MR. FERRETT: Well, I'm only just saying
7 that salt is something that you're going to need when
8 heavy days come.

9 The plow is something that you could use
10 without any question or doubt. Depends on what kind of
11 policy you have. I just want to bring this to your
12 attention. That's all.

13 MR. PAPI: Okay.

14 CHAIRMAN SEMENZA: Anything else, Joe?

15 MR. FERRETT: No.

16 CHAIRMAN SEMENZA: Anything else for
17 Paul? Thank you, Paul.

18 MR. PAPI: Sure thing.

19 CHAIRMAN SEMENZA: Steve, Zoning code
20 Enforcement.

21 MR. BIERLYA: Okay. The zoning report for
22 November. I met with Mr. Gilchrest about the machinery
23 that was scattered on his property by his fence. We
24 spoke on it, and I'll continue on that a little later
25 in my report.

1 I called the Magistrate's office about
2 the hearing on the wall on Winter Street. They sent
3 down a snail mail. They were in the process of sending
4 out certified and certified wasn't received. They were
5 going to issue a Constable for an arrest warrant.

6 Spoke with Joe Tayoun about the pave cut
7 on Philips Street and new homes and property.
8 Instructed him it was sagging and he needed to get the
9 contractor back to fix it.

10 We received a complaint of an abandoned
11 car call on 502 Oak Street. Had the police run the
12 plate and contact the owner about removal.

13 At the planning meeting, the subdivision
14 for the Rails for Trails was presented by Louis
15 Mariotti. A few details need to be worked out for
16 approval. As you know, they did come back.

17 Mr. George Parker presented plans for
18 Mountain Road. Planning gave him a 90-day extension
19 for completion.

20 And I believe that was through the court
21 hearing that the Council had held with him up in
22 Scranton.

23 Mr. Jude Colwell gave an update on
24 progress on Birchwood Development. All he did was when
25 he came into the planning, left the planning know what

1 stage they were at and where they were at in the
2 building process of their development.

3 Since then, I see that he's moved right
4 along. Two out of the three have roofs on them, some
5 of the infrastructure is in. He's moving right along.

6 Mr. Nick Piccini presented a lot
7 consolidation for Carl Lutkowski. That was approved by
8 Planning. And Council has signed off on that since.

9 Received a call about green water, not a
10 poll, in a pool on Fallon Street. Contacted the owner.
11 The pool has been cleaned and drained for the season.

12 Inspected 1286 Bennett Street for
13 occupancy. Previous tenant had been a nuisance and, as
14 you know, was evicted.

15 Received a call about a garage alongside
16 the house on Mary Street. I contacted the owner. The
17 tenant was evicted and all will be cleaned up within
18 the next few days. And it was.

19 Received a call from a resident on Oak
20 Street about the neighbor being a nuisance with the
21 garbage and the cars on jacks.

22 Contacted the landlord about the tenant.
23 The tenant since has been evicted and the car was towed
24 by Old Forge.

25 Received a complaint of mice in an

1 apartment on Harrison Avenue. Contacted the landlord.
2 The landlord had an exterminator at the apartment
3 already and will continue to monitor the complaint.
4 The tenant did know that the landlord already
5 corresponded to the complaint of the mice.

6 A meeting was held with Mr. Gilchrest,
7 Walter Stocki Junior, Councilman Febbo and myself for
8 environmental issues and zoning issues that were
9 discussed at the meeting.

10 Mr. Gilchrist had a court hearing on
11 December 30th. And I believe Council is aware of the
12 outcome of that meeting in speaking with his lawyer.

13 So, we'll have to wait until the proceeds
14 of the court order for Mr. Stocki on what he has to do
15 in accordance with Mr. Gilchrist and proceed. And then
16 we'll continue monitoring that situation up there and
17 see if we have to step in a little bit more after I
18 believe it's January 30th is over.

19 And we collected \$20,878.24 in permit
20 fees.

21 In continuing Paul's statement, the
22 pumps, it was the wipes that do not dissolve that
23 blocked everything.

24 So, Lucille had made up letters and Paul
25 and myself went down and distributed to all the

1 residents in their mailboxes so they were aware of what
2 was not to throw them into the toilet and flush them.

3 CHAIRMAN SEMENZA: Anybody have any
4 questions for Steve?

5 MR. BROWN: I have one question
6 pertaining to the property on Winter Street. Did we
7 hear anything? Did you hear anything back yet?

8 MR. BIERYLA: No, no. That was --
9 Councilman Brown, that was the Monday prior to the work
10 session, when I talked with Mary. And she told me
11 that's the process they were in. That's where it stood
12 right now.

13 The certified was going out. There was
14 no correspondence. There then would get a Constable
15 and whatever they have to do to issue the warrant out
16 there for the hearing or the law.

17 MR. BROWN: Jay, I have a question for
18 you. Would you get notified of anybody -- any active
19 warrant?

20 CHIEF DUBERNAS: Not a summary warrant.
21 A Constable from the district court will serve the
22 summary warrants.

23 MR. BIERYLA: Councilman Brown, I do
24 believe that Mary would give me a call to let me know,
25 because I told her to keep me updated in the situation,

1 where everybody was at.

2 MR. BROWN: And not that I'm about seeing
3 anybody --

4 CHIEF DUBERNAS: Give me a name. I could
5 check on the AOPC website and pull the docket sheet to
6 see if it was issued or not.

7 MR. BROWN: Not that I'm about -- I want
8 it on the record, I don't want anybody to get arrested
9 or whatnot.

10 Once we got our -- all on the same page
11 and held the hearing, I think it went well. We
12 followed a chain of command, sent out letters and the
13 property owner received a letter.

14 And then after they received the first
15 letter, they stopped corresponding. So, you know,
16 maybe it will take, you know, bringing them, you know,
17 to the Magistrate through a Constable or a police
18 officer to get it, you know, to get them to enhance
19 their property and keep it pertaining to code. That's
20 all I have.

21 CHAIRMAN SEMENZA: Anybody else have any
22 questions for Steve?

23 MR. RUSSELL RINALDI: I have a question.
24 Mr. Bieryla, the Oak Street property you mentioned in
25 the report, was that the one, about two weeks ago, when

1 they evicted him, all the garbage was out --

2 MR. BIERYLA. That was the one --

3 MR. RUSSELL RINALDI: The hair salon.

4 MR. BIERYLA: Miss Urban had talked about.

5 MR. RUSSELL RINALDI: Okay. Wasn't sure
6 if that was property or --

7 MR. BIERYLA: No, it was that property,
8 yes.

9 MR. RUSSELL RINALDI: That's all I have.

10 CHAIRMAN SEMENZA: Anybody else?

11 ATTORNEY BILL RINALDI: One thing. I
12 would recommend that Steve send a letter for the zoning
13 violation upon those two separate parcels up there that
14 Stocki is on. It's on 12C parcel and 1C3 parcel and in
15 nonconformance.

16 If he's doing what he's doing up there,
17 salvaging scrap, It's not what it's zoned for.
18 Especially, C3, that's zoned business property.

19 So, I mean, that just puts him on notice,
20 he's got 30 days to appeal it. Somebody doesn't like
21 it and then they appeal it to zoning. At least it
22 starts the clock ticking and puts them on notice that
23 they can't operate that, especially if he's going to
24 close up the property.

25 CHAIRMAN SEMENZA: I believe that --

1 MR. BIERYLA: I believe on the C3
2 property, if I'm saying this correctly, that the court
3 order, through Mr. Gilchrest, January 30th, this is his
4 last date to remove all machinery.

5 ATTORNEY BILL RINALDI: Doesn't matter.
6 That court case has nothing to do with the Borough. We
7 have to tell him that he's violating our zoning
8 ordinance.

9 They're in court to eject him because
10 he's making a mess of the property. But we still have
11 an obligation to say you're violating our zoning
12 ordinance by doing what you're doing on that parcel.

13 I would send it. It doesn't hurt to send
14 it..

15 CHAIRMAN RINALDI: Right. Somebody has
16 to be held accountable, whether it's Mr. Stocki or
17 Gilchrest. I hate to see -- I mean, Mr. Gilchrist
18 isn't the one causing the issues but it starts the
19 process.

20 MR. BIERYLA: A formal letter will be
21 sent.

22 ATTORNEY BILL RINALDI: I will help you
23 with it. It's got to say so much in it and be
24 specific.

25 MR. BIERYLA: Okay. Coordinate and send

1 it.

2 MR. FEBBO: Thank you. We needed some
3 direction on that.

4 ATTORNEY BILL RINALDI: Before it gets
5 worse. I know the way he is and he creates problems
6 wherever he lands. Stocki I'm referring to. He did it
7 two other places in the borough.

8 MR. FEBBO: We saw it developing up there
9 at Round and Round Circle.

10 MR. BIERYLA: On the flip side, just an
11 FYI, it didn't happen in November but December,
12 Sambel's building, I did send a letter.

13 As I told you, we didn't receive any
14 correspondence. However, Marylynn did receive some
15 correspondence from Julie. So, Julie is supposed to
16 get in contact with me as to what needs to be done per
17 my pictures that I had included into the letter. And I
18 did file for nuisance on the Chelland's.

19 ATTORNEY BILL RINALDI: I don't know if
20 the bank owns that or what. I found a foreclosure
21 action on it but no deed.

22 CHAIRMAN SEMENZA: On Chelland's
23 property, Bill?

24 ATTORNEY BILL RINALDI: Yeah, yeah.

25 CHAIRMAN SEMENZA: Anybody else for

1 Steve?

2 MR. BROWN: Just a quick thing. Could
3 you check out the property on Milwaukee? The one, if
4 you're traveling, on the left-hand side we talked about
5 two meetings ago, boarded up windows on it.

6 MR. RUSSELL RINALDI: The one behind the
7 Backstop. It's an old baseball field. It's the little
8 house behind the Backstop.

9 MR. LENCESKI: Getz is the homeowner.

10 MR. BIERYLA: Yes. Yes. Mr. Getz's
11 property, yes.

12 MR. RUSSELL RINALDI: I don't know who it
13 is.

14 MR. BIERYLA: The situation up there, let
15 Council know, the house is owned by Mr. Getz. The
16 property was in a lease through maybe the railroad or
17 something. But there's a confliction between the
18 property and the house.

19 He has been trying to sell it. And when
20 you do the background check or the -- what's that
21 called, Mr. Brown, when you do the --

22 MR. BROWN: Title search for the deed.

23 MR. BIERYLA: Title search. Something
24 that comes up that says, the house is on the lot and
25 you own the lot and the house. But you don't own any

1 land that's surrounding it. So, I know that his
2 brother, who lives in Clarks Summit, has been trying to
3 solve that issue, so that that property and the house
4 could be sold, one or the other.

5 So, just to let you know, I know the
6 situation there with his brother and Mr. Getz that
7 lives --

8 MR. PAPI: In Harrisburg.

9 MR. BIERYLEA: -- down the line somewhere
10 and his brother is here and his sister is in
11 California.

12 MR. BROWN: I know there's some issue,
13 well, over there. If you can reach out to him to see
14 if you can get an exterminator.

15 MR. BIERYLEA: With that issue with the
16 rodents. I know on the property, there's a big
17 confliction there. I spoke with his brother several
18 times on it.

19 And his brother was gung-ho and was
20 boarding everything up and was cleaning everything up.
21 And then, for some reason, his other brother that lives
22 down the line came up and got into a big war. And his
23 brother said, I don't need this and he kind of like
24 stepped away from it a little bit.

25 So, yeah. There's an issue.

1 CHAIRMAN SEMENZA: Anybody else have
2 anything for Steve? Thanks, Steve. Dave, the
3 engineer's report.

4 ENGINEER'S REPORT

5 MR. LOPATKA: I don't really have much
6 from last month, other than, I think we closed up the
7 paving project.

8 We did final inspections. We did the
9 punch list. Everything was taken care of. They
10 submitted their final invoice.

11 They also have their maintenance bond or
12 whatever else was submitted to the Borough has that.
13 So, that project is actually closed at that point.

14 Still trying to get together with
15 Marylynn and the architect to go over the master plan.
16 I did talk to him last week. He was hoping for this
17 week, and just a bad time right now. So, hopefully, we
18 can get together early in January.

19 Other than that, I didn't really have
20 much. Bill sent some deeds for the Housing Authority
21 properties about the road, I guess, the dedication. I
22 didn't get a chance to review them yet. I will. You
23 faxed them to me last week. I'll get those taken care
24 of.

25 And if there's anything you guys have for

1 me to answer.

2 ATTORNEY BILL RINALDI: Did Mariotti fix
3 his map?

4 MR. FEBBO: Yeah.

5 ATTORNEY BILL RINALDI: I have not seen
6 anything. Check on that.

7 MR. FEBBO: That was in the language
8 being inserted?

9 ATTORNEY BILL RINALDI: Yes.

10 MR. LOPATKA: Supposed to change the
11 language on the two easements and I haven't gotten any
12 new maps.

13 ATTORNEY BILL RINALDI: Change is for --
14 well, I know he was in a hurry. That's what I was
15 wondering. Changes are out there.

16 CHAIRMAN SEMENZA: Anybody have any
17 questions for Dave?

18 MR. FEBBO: Fred Street, where are we
19 with that?

20 MR. LOPATKA: We are working on it. Get
21 everything together for that.

22 MR. FEBBO: We addressed that several
23 months ago and it keeps coming up every month. And the
24 Borough building, you said that we didn't get together
25 for a meeting and --

1 MS. BARTOLETTI: That's my fault.
2 Haven't been able to put it together. So, early
3 January, we can do that.

4 MR. FEBBO: Rosemont, supposed to meet
5 with his engineer and mark out drainage areas.

6 MR. LOPATKA: I haven't got together with
7 George yet. I will go over and do it myself, instead
8 of waiting. I can actually mark it.

9 We can check the map and I'll let him
10 know.

11 CHAIRMAN SEMENZA: Anybody else have
12 anything for Dave? Thanks, Dave. Chief, police
13 report.

14 CHIEF DUBERNAS REPORT

15 CHIEF DUBERNAS: Good evening. I really
16 don't have too much. The only thing I'll give you an
17 up to date, all of our computers on our cars are
18 on-line and on our system, except for one portion of
19 the system.

20 We have a crash reporting system. We can
21 access PennDOT. We can access our server here, except
22 for Jnet. That's the only thing that's down.

23 We had the state build our portable, so
24 we can be connected for our E-files by tapes.

25 Hopefully, by January 1st, everything will be up and

1 running so we can have E-files up to date with all of
2 our computers and everything, especially completed the
3 grant that we received last year.

4 CHAIRMAN SEMENZA: Anybody have any
5 questions for the Chief?

6 CHIEF DUBERNAS: All of our new officers
7 that we hired, they're all off and trained and all on
8 the schedule. Probably see them out and about now.

9 CHAIRMAN SEMENZA: Anybody have any
10 questions for Chief Dubernas? Thanks, Chief.

11 CHIEF DUBERNAS: Merry Christmas
12 everyone.

13 CHAIRMAN SEMENZA: Bill, solicitor's
14 report, please.

15 SOLICITOR'S REPORT

16 ATTORNEY BILL RINALDI: Other than what's
17 in my report, I did get Dave's comments for the pave
18 cut ordinance. That's probably going to be on for the
19 next meeting in January, with the streets, which we
20 finally -- I attached a copy of the ordinance we're
21 going to have in January for the streets, Lawrence
22 Street.

23 Also the notice of violation. Also have
24 a pave cut ordinance for January. Let me just see.
25 Reviewing the deeds of dedication, they're also going

1 to agree to pay of the sewer fees for each of the units
2 in the Housing Authority. I spoke with them today.
3 There's no more dangerous building hearing, evidently,
4 because that's going to be worked out, right?

5 MR. BIERYLA: Should be.

6 ATTORNEY BILL RINALDI: Somebody asked
7 about cell phone antennas. I gave you what the law is
8 on that.

9 So, let's see. I don't know what you
10 want to do with Miss Hutchinson. We can talk about
11 that at executive session. I did get an email after
12 the last meeting from them. I believe that's it.

13 CHAIRMAN SEMENZA: Anybody have any
14 questions for Bill?

15 MR. BROWN: Bill, I have a question. The
16 dangerous building, since the letter went out, do you
17 think it's in the Borough's best interest to still
18 contact her and have it on record?

19 MR. BIERYLA: All we sent out was the
20 dangerous building letter to comply with the pictures.
21 There was no reply. Then Marylynn did receive a -- I
22 didn't receive a reply. Marylynn did.

23 So I'm still to receive the reply to get
24 everything situated, what has to be done. But there
25 has been some correspondence. I don't know if you want

1 to continue on that route, being that there was some
2 correspondence. But the 10-day notice would start
3 past. 222, 224.

4 ATTORNEY BILL RINALDI: Did he send a
5 report?

6 MR. BIERYLA: No.

7 ATTORNEY BILL RINALDI: Which one?

8 MR. BIERYLA: Structural is Chelland's.
9 We have to meet over there. His structural engineer
10 needs to meet with us.

11 ATTORNEY BILL RINALDI: I didn't know
12 which one --

13 MR. BIERYLA: We're talking 224, 222 Oak
14 Street, which is Sambel's old building.

15 ATTORNEY BILL RINALDI: Okay. So the
16 one I sent you --

17 MR. BIERYLA: I did not send out the one
18 you sent me. I sent out the ordinance.

19 ATTORNEY BILL RINALDI: Which one did you
20 send them?

21 MR. BIERYLA: The regular dangerous
22 building letter that goes with the ordinance stating it
23 was a dangerous building. 112.

24 ATTORNEY BILL RINALDI: 112.

25 MR. BIERYLA: right.

1 ATTORNEY BILL RINALDI: So we're not going
2 to have a hearing on that?

3 MR. BROWN: That's not my question. But
4 does Council think -- would Council like or to just
5 send that out so we have it on record? Just so if
6 nothing doesn't get done, that we had a hearing,
7 informed him of what was wrong. Or do we just not want
8 to have the hearing?

9 MR. RUSSELL RINALDI: Is it up to Council
10 to have a hearing, or you just sent a letter, Mr.
11 Bieryla?

12 MR. BIERYLA: Up to Council to have a
13 hearing, because I send the letter out for dangerous
14 buildings with pictures enclosed to stress what was
15 needed to be done. That 10-day start notice has
16 passed.

17 And after that, it's up to Council to
18 have the hearing or not have the hearing as to why
19 something was done or something wasn't done.

20 MR. BROWN: Mr. -- Attorney Rinaldi, do
21 you feel, from a legal standpoint, it would be
22 beneficial for us to have that hearing, since the
23 letter was sent out?

24 ATTORNEY BILL RINALDI: I just want to
25 see the letter. I'm not sure what was sent. Is this

1 my copy?

2 MR. BIERYLA: You could have it. I
3 thought it was further down on this. I mean, this is
4 like a preletter then. This one isn't saying -- we're
5 moving to the next step.

6 Well, according to the ordinance, given
7 the 10 days to start, saying that 10 days to start, and
8 then after that, it's up to Council. If something
9 happens, that was sent November 23rd.

10 ATTORNEY BILL RINALDI: Nothing has
11 happened.

12 MR. BIERYLA: Nothing has happened. No
13 correspondence.

14 CHAIRMAN SEMENZA: We need to take the
15 next step.

16 MR. BIERYLA: Bill has the letter that I
17 need to be send out. So, if Council feels I should
18 send it out now, I will.

19 CHAIRMAN SEMENZA: We can't pick and
20 choose on what properties we're going to send letters
21 to and have hearings to.

22 We got to start the process. Each and
23 every one, we got to do the same for. So, that's the
24 next step we got to take.

25 MR. BIERYLA: As I said, sent November

1 23rd and no correspondence.

2 CHAIRMAN SEMENZA: Yeah. Then I feel we
3 definitely need to take the next step.

4 MR. BROWN: Now, Mr. Chairman, that would
5 be -- that's separate from the property which is on the
6 same side of the street as Mr. Tagliaferri. So, did we
7 send out --

8 MR. BIERYLA: Sent out a nuisance letter
9 about the property to the opposite side of the street,
10 like I said when he was up at the podium.

11 Now I need to meet with Dave's structural
12 engineer to look at the building.

13 MR. BROWN: Okay.

14 MR. TAGLIAFERRI: James Tagliaferri,
15 T-a-g-l-i-a-f-e-r-r-i. Nobody can spell that. I don't
16 understand. Like, so, one of the nuisance properties
17 and another one is a dangerous building situation.

18 So, what's the difference between the
19 two? Why is one a dangerous building and the other one
20 is a nuisance? And, really, I think they both should
21 be dangerous. They both are dangerous.

22 So, I don't know why one is being handled
23 differently than the other.

24 ATTORNEY BILL RINALDI: The other one,
25 that's being handled differently.

1 MR. TAGLIAFERRI: 217 Oak Street.
2 Something like that. 215. Chelland's.

3 MR. BIERYLA: Chelland's, the complaint
4 was the way that the structure is. What needs to be
5 determined, by Dave's structural engineer, is it sound
6 to be condemned? Chelland's property is overgrown.

7 Mr. Tagliaferri had complained about the
8 bushes out onto the sidewalk. So, I mean, that was a
9 nuisance to get somebody's attention, until I met with
10 Dave's structural engineer.

11 And I put pictures up for Sambel's.
12 There's a hole. There's glass up above that could
13 break and possibly fall down. There's holes in the
14 building.

15 So, I want to -- I sent it out as a
16 notice as a nuisance. The other one, it's cut and dry.
17 It's a dangerous building because of the hole and the
18 way it is.

19 Until I met with Dave's structural
20 engineer to say, yes, it should be condemned or it
21 shouldn't or why would it and what are the reasons.

22 I just started a process of notifying the
23 owner of we have a problem.

24 CHAIRMAN SEMENZA: Have we been at
25 Chelland's property at all to check the surrounding,

1 the exterior, to see if there was any kind of holes in
2 the foundation or anything like that?

3 MR. BIERYLA: Last year, there wasn't.
4 Last year, there wasn't. I haven't been there this
5 year.

6 CHAIRMAN SEMENZA: Dave, what do you
7 think the time frame is? Could we put -- like, get
8 that done ASAP?

9 MR. LOPATKA: Yeah, yeah. I'll talk to
10 my guys tomorrow and see who I can get out there.

11 ATTORNEY BILL RINALDI: If you can send my
12 letter first. You don't need this letter. When it's a
13 dangerous building, it's just a report, send, boom.
14 That moves quicker.

15 MR. BIERYLA: Okay. We'll do that in the
16 future.

17 MR. RUSSELL RINALDI: Bill, quick
18 question for you, if I may. To agree with the Chairman
19 saying that, and I'm sure all Council agrees as well as
20 I do, that every situation of the matter should be
21 handled the same.

22 Is there anything -- I know we can't do
23 it this evening. Is there anything that we can do to
24 make it like mandatory, that if we had a resolution for
25 the next meeting or the following meeting, that instead

1 of Council deciding, like the Chairman said, we should
2 just handle them all the same. Instead, do we want to
3 have a hearing for this one? Should we have one for
4 this one?

5 Why don't we just go ahead and put
6 something together that states, like, basically, a
7 chain of command of how it happens and just handle
8 every single one the same exact way.

9 ATTORNEY BILL RINALDI: I guess the Sambel
10 Building, that one sounds like it meets your criteria
11 for dangerous building.

12 It's dilapidated. It's decayed, unsafe,
13 falling down. It's either by fire, wind, things of
14 that nature.

15 So, evidently, this building is coming
16 down; correct?

17 MR. BIERYLA: Does have a bunch of
18 issues, yes.

19 ATTORNEY BILL RINALDI: Well, that
20 ordinance, all that means is somebody -- when Steve
21 finds out about that, okay, he can either do his own
22 report, talk to the engineer, do a report, come to
23 Council and say, hey, that building there is a
24 dangerous structure. I'm going to notify them. Okay?

25 He sent that report to that owner, and

1 that owner has -- that gets the ball rolling, okay,
2 under our ordinance.

3 So, really, the letter is supposed to be
4 -- I think I attached it -- I attached it to my report.

5 CHAIRMAN SEMENZA: Right.

6 ATTORNEY BILL RINALDI: All that we need
7 to do is say, here, here's a hearing date set. You're
8 put on notice that Council is going to take action
9 because here's what we've been told by our Zoning
10 Officer.

11 We want you to come in and tell us how
12 you're going to fix it. If not, we're going to make
13 the determination on what needs to be done, which is
14 what we did at that last hearing that we did on the
15 Guida property, got a report, sent a letter and had the
16 hearing, and finding of fact, made a determination.

17 He had so many days to comply with that,
18 which he didn't. And then it went to the Magistrate's
19 office.

20 CHAIRMAN SEMENZA: Has water been shut
21 off, all utilities shut off at that building, Steve?

22 MR. BIERYLA: Which building?

23 CHAIRMAN RINALDI: Chelland.

24 MR. BIERYLA: I'm going to probably have
25 to say yes, because you know the electric is tagged

1 out. So I'm going to say the rest of the utilities
2 are.

3 MR. PAPI: They were shut off eight years
4 ago when I was doing it in zoning.

5 CHAIRMAN SEMENZA: There could be no
6 entry to that house. It's all boarded up.

7 MR. BIERYLA: Yeah. And there's a lock
8 on the door. There are locks on the door or was. Our
9 lock.

10 CHAIRMAN SEMENZA: Our lock?

11 MR. BIERYLA: Yes.

12 CHAIRMAN SEMENZA: Could you do us a
13 favor tomorrow, if you get a chance to, take a walk
14 around that building to see if you see anything that
15 would put that into the dangerous building, so we
16 wouldn't have to get Dave's structural engineer out
17 there? It's been a year since you've been there.

18 MR. BIERYLA: Well, that was a
19 recommendation through Council and Bill to get Dave and
20 have him out there, so that's what we're doing.

21 MR. LOPATKA: We'll meet them tomorrow.

22 CHAIRMAN SEMENZA: Get a guy out there
23 tomorrow?

24 MR. LOPATKA: Yeah.

25 MR. RUSSICK: Joe Russick. There's a

1 procedure to follow insofar as sending the letter out,
2 notifying the owner and what the ramifications are if
3 you don't do it --

4 CHAIRMAN SEMENZA: Right.

5 MR. RUSSELL: -- in that time frame. So,
6 if you do a SOP, standard operational procedure, then
7 you're not picking and choosing. And then you won't be
8 accused of being discriminatory.

9 So, Mr. Semenza, you're on the right
10 track. You got to treat everything the same. In
11 saying that, you draw the SOP, standard operational
12 procedure, and you follow that right through. And
13 Steve could follow that and just bring it to a head.

14 Otherwise, you're going to be dancing
15 around here. Is that imminent danger up here? Does
16 that have an effect on the man's property? Is there
17 rodents there?

18 The ordinance addresses that. So, it's
19 spelled right out. All you got to do is find it and
20 enforce it.

21 CHAIRMAN SEMENZA: Right.

22 MR. RUSSICK: Thanks.

23 CHAIRMAN SEMENZA: Thanks, Joe.

24 MR. FEBBO: Mr. Chairman, I have a
25 question for you. The last meeting, we passed an

1 ordinance on a nuisance property, a third party.

2 CHAIRMAN SEMENZA: Didn't pass an
3 ordinance. We advertised -- we passed to advertise for
4 a third-party inspection agency.

5 MR. FEBBO: Would that give us any more
6 teeth in these situations with the third party?

7 MR. RUSSELL RINALDI: If they're
8 commercial, I think they would, right?

9 MR. FEBBO: Says rental.

10 ATTORNEY BILL RINALDI: Not going to do
11 residential property. Only going to do --

12 CHAIRMAN SEMENZA: Landlord and tenant.

13 ATTORNEY BILL RINALDI: Landlord and
14 tenant.

15 MR. FEBBO: What are the properties that
16 are nuisance?

17 ATTORNEY BILL RINALDI: That was one of
18 the questions that you wanted to add to that.

19 CHAIRMAN SEMENZA: What it's going to do
20 is it's going to help Steve out a hell of a lot. And
21 it's going to --

22 MR. FEBBO: Take the burden off of us to
23 do a lot of work.

24 CHAIRMAN SEMENZA: Lot more inspections
25 are going to be happening, you know.

1 ATTORNEY BILL RINALDI: You have them
2 doing Chapter 229.

3 CHAIRMAN SEMENZA: I don't think anybody
4 is going to know until it's done, you know, until we
5 have a guy that goes out. I mean, I don't know how
6 effective it will be. I believe it will be pretty
7 effective.

8 MR. RUSSICK: You do have an ordinance
9 that addresses hazards. And it's wide in scope. Take
10 a look at the wording there.

11 ATTORNEY BILL RINALDI: I think that's
12 229, actually.

13 MR. BIERYLA: Yeah, 228.

14 CHAIRMAN SEMENZA: 28.

15 ATTORNEY BILL RINALDI: I don't have a
16 copy of it, which should cover everything. The
17 dangerous structures is the extreme case, where it's
18 burned out. It's falling down. It's leaning over.

19 CHAIRMAN SEMENZA: That's Sambel's
20 property. It's leaning, the pane glass window in the
21 front is ready to fall out. Steve says there's a hole
22 in the foundation.

23 MR. TAGLIAFERRI: There was a fire.

24 CHAIRMAN SEMENZA: Was there a fire?

25 ATTORNEY BILL RINALDI: Go through it and

1 show you kind of how you have to do it.

2 CHAIRMAN SEMENZA: Chelland's -- been
3 dancing around Chelland's for years, since you've been
4 a zoning officer, you've been dancing around that. I
5 know there's issues with the homeowner stuff.

6 MR. PAPI: When I was first there, they
7 were still living there. And the conditions were
8 unsightly. I mean, it was feces everywhere.

9 So, we got them out of the house into the
10 county projects. And then we condemned it for health
11 and sanitation. Structurally, it was fine. But we
12 condemned it, boarded it and blocked it all up.

13 And then we started sending their letters
14 and never got any response.

15 ATTORNEY BILL RINALDI: I don't know that
16 it's a dangerous structure.

17 CHAIRMAN SEMENZA: How could it not be
18 torn down by --

19 ATTORNEY BILL RINALDI: The condition --

20 CHAIRMAN SEMENZA: -- if it's an
21 environmental hazard?

22 MR. RUSSICK: Look at the description in
23 the Code.

24 ATTORNEY BILL RINALDI: I do have it.
25 Probably a lot of houses in the same criteria. You're

1 not meant to go that far.

2 MR. RUSSELL: But if it affects the
3 neighbors, that's a hazardous situation. Has to
4 protect the health --

5 ATTORNEY BILL RINALDI: If it affects the
6 neighbors by falling down, not because it looks bad.

7 MR. RUSSICK: If it's harboring rodents,
8 that's an issue.

9 ATTORNEY BILL RINALDI: Not something to
10 have it torn down.

11 MR. RUSSICK: Not torn down, but
12 corrective action.

13 ATTORNEY BILL RINALDI: That's a different
14 ordinance.

15 MR. TAGLIAFERRI: On that property, there
16 is a building in the back, that is a partial structure.
17 It's stonewall that's standing by itself.

18 ATTORNEY BILL RINALDI: Which property?

19 MR. TAGLIAFERRI: Chelland's property.

20 MR. PAPI: Like an old garage.

21 MR. TAGLIAFERRI: Yeah. I don't know if
22 it was a sewer plant or something like years and years
23 ago, I was told.

24 So, that wall in itself is a hazard,
25 because it's just a single wall standing. And there's