1	OLD FORGE BOROUGH COUNCIL				
2	OLD FORGE, PENNSYLVANIA				
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4					
5	IN RE: REGULAR MEETING OF COUNCIL				
6					
7					
8					
9	FEBRUARY 16, 2016				
10	7:00 P.M.				
11	OLD FORGE MUNICIPAL BUILDING				
12	314 SOUTH MAIN STREET				
13	OLD FORGE, PENNSYLVANIA				
14					
15					
16					
17	COUNCIL MEMBERS:				
18					
19	DODERT CEMENZA DRESIDENT				
20	ROBERT SEMENZA, PRESIDENT JOSEPH FERRETT				
21	RUSSELL RINALDI DEVON BROWN				
22	JENN CORDIANO WILLIAM RINALDI, ESQUIRE, SOLICITOR				
23	MARYLYNN BARTOLÉTTI, BOROUGH MANAGER				
24					
	March March				

Mark Wozniak Official Court Reporter

25

MR. SEMENZA: As everyone knows,
Councilman Rinaldi's dad passed away. I'd
like to have a moment of silence for him.

MR. SEMENZA: Welcome to the Old Forge Borough Council meeting. I'd like to start the meeting with the Pledge of Allegiance.

(A moment of silence was observed.)

(The Pledge of Allegiance was recited.)

MR. SEMENZA: Once again, here we are, February 16, 2016. Tonight we'll go over some housekeeping items, hear from department heads, go down the table, see if any council members have anything they want to address. Roll call, please, Marylynn.

MS. BARTOLETTI: Councilman Brown?

MR. BROWN: Here.

MS. BARTOLETTI: Councilwoman Cordiano?

MS. CORDIANO: Here.

MS. BARTOLETTI: Councilman Febbo is absent. Councilman Ferrett?

MR. FERRETT: Here.

MS. BARTOLETTI: Councilman Rinaldi?

2	MS. BARTOLETTI: Councilman Lenceski			
3	is absent. Councilman Semenza?			
4	MR. SEMENZA: Here. The chair would			
5	entertain a motion to approve the minutes			
6	from the prior meeting.			
7	MR. RUSSELL RINALDI: I'll make that			
8	motion.			
9	MR. SEMENZA: Motion by Councilman			
10	Rinaldi. Can I have a second?			
11	MR. BROWN: I'll second that motion.			
12	MR. SEMENZA: Seconded by Councilman			
13	Brown. On the question? Public input?			
14	Roll call, please.			
15	MS. BARTOLETTI: Councilman Brown?			
16	MR. BROWN: Yes.			
17	MS. BARTOLETTI: Councilwoman			
18	Cordiano?			
19	MS. CORDIANO: Yes.			
20	MS. BARTOLETTI: Councilman Ferrett?			
21	MR. FERRETT: Yes.			
22	MS. BARTOLETTI: Councilman Rinaldi?			
23	MR. RUSSELL RINALDI: Yes.			
24	MS. BARTOLETTI: Councilman Semenza?			
25	MR. SEMENZA: Yes. The chair would			

MR. RUSSELL RINALDI: Here.

2	reports. Note that this does not include			
3	sewer accounts.			
4	MR. FERRETT: I'll make a motion we			
5	accept the treasurer's report.			
6	MR. SEMENZA: Motion by Councilman			
7	Ferrett. Can I have a second?			
8	MS. CORDIANO: I'll second that.			
9	MR. SEMENZA: Seconded by			
10	Councilwoman Cordiano. On the question?			
11	Public input? Roll call, please.			
12	ATTY. RINALDI: Councilman Brown?			
13	MR. BROWN: Yes.			
14	ATTY. RINALDI: Councilwoman			
15	Cordiano?			
16	MS. CORDIANO: Yes.			
17	ATTY. RINALDI: Councilman Ferrett?			
18	MR. FERRETT: Yes.			
19	ATTY. RINALDI: Councilman Rinaldi?			
20	MR. RUSSELL RINALDI: Yes.			
21	ATTY. RINALDI: Councilman Semenza?			
22	MR. SEMENZA: Yes. The chair would			
23	entertain a motion to approve invoices for			
24	payment. Note that this does not include			
25	sewer accounts.			

entertain a motion to approve treasurer's

1	MR. RUSSELL RINALDI: I'll make that			
2	motion.			
3	MR. SEMENZA: By Councilman Rinaldi.			
4	Can I have a second?			
5	MR. BROWN: I'll second that.			
6	MR. SEMENZA: Seconded by Councilman			
7	Brown. On the question? Public input?			
8	Roll call, please.			
9	ATTY. RINALDI: Councilman Brown?			
10	MR. BROWN: Yes.			
11	ATTY, RINALDI: Councilwoman			
12	Cordiano?			
13	MS. CORDIANO: Yes.			
14	ATTY. RINALDI: Councilman Ferrett?			
15	MR. FERRETT: Yes.			
16	ATTY. RINALDI: Councilman Rinaldi?			
17	MR. RUSSELL RINALDI: Yes.			
18	ATTY. RINALDI: Councilman Semenza?			
19	MR. SEMENZA: Yes. The chair would			
20	entertain a motion to approve sewer			
21	department financial reports.			
22	MR. RUSSELL RINALDI: I'll make that			
23	motion.			
24	MR. SEMENZA: By Councilman Rinaldi.			
25	Can I have a second?			

MR. SEMENZA: Engineer's report?

Dave, do you have anything on the paving project for us?

MR. LOPATKA: Yes, I have the plans and specs here that I'll leave with the borough. They're ready to go out to bid.

All I have to do is verify some dates that we want to have a pre-bid meeting and want the bids back. I can touch base with Joe or Marylynn with regard to the dates.

MR. SEMENZA: Okay. Everybody has the engineer's report on the table here tonight. Does anybody have any questions for Dave? Joe, anything for the engineer?

MR. FERRETT: No.

MR. SEMENZA: Thanks, Dave. The fire chief is not here. Chief Dubernas?

CHIEF DUBERNAS: I have nothing.

Just what's in my report that I gave you.

MR. SEMENZA: Lucille?

MS. YEAGER: I have nothing.

MR. SEMENZA: Borough manager's report? Anything, Marylynn?

MS. BARTOLETTI: You have all my financial reports. Does anybody have any

questions for me?

MR. SEMENZA: Thanks, Mare.

ATTY. RINALDI: Just one thing. On my report, next month we're going to amend the recycling ordinance. So the italics words are what we're adding and the grayed words are what we're taking out. So all we're doing is just putting in on a bi-weekly basis we're going to pick up newspapers, on a bi-weekly basis we're going to pick up leaves and grass during the early spring to late fall, and we're going to collect curbside on a weekly basis the clear plastic, colored glass.

We need to make those changes so that we came in compliance with our grant money. We couldn't get the ad in in time, so that will go in next month. We're not doing that tonight.

MR. SEMENZA: So that's going to be the ordinance amending Chapter 290 of the Old Forge Borough code?

MS. BARTOLETTI: Yes.

MR. PAPI: We pick up our yard waste weekly.

ATTY. RINALDI: Well, it says at least bi-weekly.

MR. SEMENZA: Bill, are we adding this one that was on the table, here?

ATTY. RINALDI: Yes, you are adding -- well, number five is there. The other ones haven't changed. You just have one additional, which is the resolution for the PennDOT paving project on Dunn Avenue, authorizing the borough council president to sign for that grant.

MR. SEMENZA: Okay. Anybody have any questions for Bill?

MR. FERRETT: Bill, I got to ask you a question. It's bothering me and it's bothering my mind because of the fact that I don't know whether I'm reading that code book the right way or whether I misunderstand something or there's something standing in the way that -- I'm hoping that you understand and have some knowledge on the code.

The question that I really want to ask is this: If a developer comes in and wants to go to work and develop some land,

and he goes to work and he knows that he has to come in and get a permit, he has to know that he also has to come before council to get a conditional use, whatever the circumstances may be, council approves it, conditional use has been approved. He now comes in with a site plan, he does every specification that needs to be done, approved by PennDOT, et cetera, council approves everything and he's moving forward to go ahead and proceed.

As I understand it, there is a time limit for him to go ahead and have this project done. Once this time limit runs out where does he really stand? Now, if he comes in for an extension and he's granted that extension it's nothing more than the amount of time that was actually originally given to him for him to proceed.

Once he doesn't proceed or he can't proceed or cannot go forward anymore where do we stand with this situation? Is it a dead issue? Is the issue revised again? Can someone buy that issue after an expiration of time?

ATTY. RINALDI: Well, there's preliminary planning and there's final approval. So preliminary plans are good for, I believe, three or five years.

MR. LOPATKA: Five, I believe.

ATTY. RINALDI: So if planning approves a preliminary plan it's good for five years to allow them to do that work.

All that means is we can't change any ordinances and put different requirements on them. They can rely on that.

Final approval they have to record within 90 days, and that is a situation where you don't grant final approval on a preliminary plan unless either the work is done or somebody posts a bond for all the improvements that need to be done.

We don't have any pending final approvals now. Everything is done so far. Right? The last one, I think, was Hatala.

MR. PAPI: Hatala, Mariotti.

ATTY. RINALDI: Now, if somebody has a preliminary approval that was granted by the planning commission and the five years are going to run they can come in to

planning and say can I get an extension on my preliminary plan, which the planning commission could give them.

MR. FERRETT: So what is the regulation if someone was to go ahead and proceed and move forward because of the extension on the preliminary plan? Does he still have to follow the same procedures?

ATTY. RINALDI: If he's got an extension on his preliminary plan for another year he's got within that year to complete it or whatever the extension that was grant.

MR. FERRETT: But it has to be done according to the plans?

ATTY. RINALDI: According to the preliminary plan, yes. That's all he's extending.

MR. FERRETT: Not according to the new developer that purchased it, it's according to the plan that was there.

ATTY. RINALDI: The plan that was there, right. But somebody who has a preliminary approval can come back and say I want to modify my preliminary plan. They

would go back to planning and I already have approval for this preliminary plan. I want to make a few changes before I start my construction, can I amend it. As long as it meets all the borough ordinances and criteria they can amend it. Then assuming it's even within that five-year period they can amend it, or if they got an extension and come back and amend it within that period they can amend it.

MR. FERRETT: In other words, what you're telling me is this, whatever the plan they originally came up with, a conditional use isn't going to have to be granted for an extension?

ATTY. RINALDI: Well, the conditional use is a separate issue. It doesn't have to do anything with preliminary plans. Conditional use is a grant by council to be able to use the property a certain way. Our conditional uses are for whatever the criteria is. So if you wanted to put -- for instance, I know Popil got one -- there was one up here with Spano and one down here --

council?

MR. MCANDREW: Nothing.

MR. SEMENZA: Mayor?

 $\label{eq:MAYOR MULKERIN: No, I don't have} % \begin{center} \end{center} % \begin{center} \en$

MR. SEMENZA: We'll go down the table. Councilman Brown?

MR. BROWN: No, I'm, good.

MS. CORDIANO: Nothing.

MR. RUSSELL RINALDI: Nothing borough related, but just a thank you to Chairman Semenza for asking for a moment of silence for my dad. That was much appreciated. I think I can speak for my family, myself and definitely my father. That was very nice.

Also, a big thank you to all council, the borough manager, the solicitor, all the department heads, the mayor, the police department. They sent a nice arrangement of flowers up to my dad's viewing as well and a nice card. Again, from my family, myself and my father I say thank you. It was very kind and thoughtful. My family appreciates it very much. That's

all. Thank you.

MR. FERRETT: The only thing I'd like to know is that I noticed that under new business we don't have any resolution in reference to the paving for 2016. So I would like to make a note before we adjourn today that I'd like to make a motion on the paving project for 2016.

MR. SEMENZA: Councilman Ferrett?

MR. SEMENZA: To put out for bid?

MR. FERRETT: Yes.

MR. SEMENZA: We're all ready for that?

MS. BARTOLETTI: I just didn't put it on until we got in here to make sure it was all ready. So Dave, in his report, said it's ready to go.

MR. FERRETT: I just want to make sure that we don't adjourn the meeting and didn't get an opportunity. I understand that he said everything was okay.

MR. SEMENZA: Before we go into new business. Joe Russick?

MR. RUSSICK: Joe Russick, 642 Clark Street, Old Forge. I just want to remind

council and various officials that the financial statements for the state, for the ethics commission is due shortly. You're aware of that. Right? The various commissions -- zoning, planning, zoning officer. Anybody that's involved with enforcing, they're required to have the financial statements and also the code of ethics statements.

MR. SEMENZA: Thank you. Nobody
else, we'll go into new business. The first
motion will be a transient license for John
Yaros, Varsity Garden Center. Steve, do you
want to speak on this for a moment?
Everything's in order here?

MR. BIERYLA: Yeah. Varsity Garden has been down there for the last four years. This will be their fifth year. They're required through the transient ordinance to lay out a plot plan and give precise dates to which they're charged a fee for from start to finish, and in the last four years they've done that. This is the fifth year, and council's approved it for the last four year. Unfortunately, John or Jane couldn't

be here. They also have a death in their family. So they just asked me to present to council their plans and their application for the transient license and hope that council would grant them another year.

MR. SEMENZA: So it's basically the same. Nothing really has changed over the past couple years.

MR. BIERYLA: Yes.

MR. SEMENZA: Anybody have any questions for Steve?

MR. RUSSELL RINALDI: Steve, that's the same one located behind Valley Auto.

Correct?

MR. BIERYLA: Yes.

MR. SEMENZA: At this time the chair would entertain a motion for a transient license for John Yaros, Varsity Garden Center.

 $\label{eq:mr.state} \mbox{MR. RUSSELL RINALDI: I'll make that} \\ \mbox{motion.}$

MR. SEMENZA: By Councilman Rinaldi.

Can I have a second?

MR. BROWN: I'll second that.

MR. SEMENZA: Seconded by Councilman

Brown. On the question? Public input? Roll call, please.

MS. BARTOLETTI: Councilman Brown?

MR. BROWN: Yes.

MS. BARTOLETTI: Councilwoman

Cordiano?

MS. CORDIANO: Yes.

MS. BARTOLETTI: Councilman Ferrett?

MR. FERRETT: Yes.

MS. BARTOLETTI: Councilman Rinaldi?

MR. RUSSELL RINALDI: Yes

MS. BARTOLETTI: Councilman Semenza?

MR. SEMENZA: Yes. The next

motion --

ATTY. RINALDI: The commonwealth passed Act 52 which now mandated that the boroughs no longer have to provide a death benefit for police officers that died in the line of duty. Now the state does that. So when you see the amendment here we're deleting section 52A, which was that a police officer who died in the line of duty would be paid from the pension fund. Now that's going to be picked up by the state. So we're deleting that and just leaving the

resolution regarding the pension contributions by the police officers themselves. Because our pension plan is adequately funded and is performing satisfactorily, the police officers do not have to pay into the pension for the years 2012, 2013, 2014, 2015 or this current year, 2016. That's what that resolution is. It has to be done by resolution of the borough council.

MR. FERRETT: We're in good shape with that, Marylynn?

MS. BARTOLETTI: Yes.

MR. FERRETT: I'll make the motion.

MR. SEMENZA: Next motion is to pass a resolution authorizing the elimination of a member contribution to the Old Forge Borough Police pension plan for the years 2012 through 2016. Motion by Councilman Ferrett. Can I have a second?

MR. RUSSELL RINALDI: I'll second that.

MR. SEMENZA: Seconded by Councilman Rinaldi. On the question? Public input?

Roll call, please.

MS. BARTOLETTI: Councilman Brown?

MR. BROWN: Yes.

MS. BARTOLETTI: Councilwoman

Cordiano?

MS. CORDIANO: Yes.

MS. BARTOLETTI: Councilman Ferrett?

MR, FERRETT: Yes.

MS. BARTOLETTI: Councilman Rinaldi?

MR. RUSSELL RINALDI: Yes.

MS. BARTOLETTI: Councilman Semenza?

MR. SEMENZA: Yes.

ATTY. RINALDI: The next resolution is for a grant that the borough applied for and then received. What PennDOT wants is an authorized signatory for the borough. So this resolution here is appointing our president of council to sign that grant from the federal highway projects for paving and ADA ramp construction on Dunn Avenue from Main Street to Reilly Street in the borough of Old Forge. The grant amount is \$160,000.

MR. SEMENZA: Next motion is a motion passing resolution of the borough of Old Forge, Lackawanna County, Pennsylvania

be a motion to put the 2016 pave project out for bid. Dave, you said everything is ready to go?

MR. LOPATKA: It is, yes.

MR. FERRETT: I'll make a motion that we authorize our chairman or borough manager or solicitor or engineer or whoever is involved, authorize them to put the 2016 paving project out for bid.

ATTY. RINALDI: Is there going to be a start date?

MR. LOPATKA: Start date? What I need to find out is the pre-bid date and when we want the bids back and where we're going to open them.

ATTY. RINALDI: All you need is 50 days. I don't want to hold up the bid.

MR. SEMENZA: Motion on the floor giving authorization to put the 2016 pave project out for bid by Councilman Ferrett.

Can I have a second?

 $\label{eq:mr.RUSSELL RINALDI: I'll second} \mbox{ it. }$

MR. SEMENZA: Seconded by Councilman Rinaldi. On the question? Public input?

1	Roll call, please.				
2	MS. BARTOLETTI: Councilman Brown?				
3	MR. BROWN: Yes.				
4	MS. BARTOLETTI: Councilwoman				
5	Cordiano?				
6	MS. CORDIANO: Yes.				
7	MS. BARTOLETTI: Councilman Ferrett?				
8	MR. FERRETT: Yes.				
9	MS. BARTOLETTI: Councilman Rinaldi?				
10	MR. RUSSELL RINALDI: Yes.				
11	MS. BARTOLETTI: Councilman Semenza?				
12	MR. SEMENZA: Yes. That's it for				
13	the meeting. At this time the chair would				
14	call for a motion to adjourn.				
15	MR. RUSSELL RINALDI: I'll make that				
16	motion.				
17	MR. SEMENZA: By Councilman Rinaldi.				
18	All favor in favor?				
19	(Unanimous. Meeting adjourned.)				
20					
21					
22					
23					
24					
25					

CERTIFICATE

I hereby certify that I attended the foregoing proceeding, took stenographic notes of the same, that the foregoing, consisting of 26 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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