

1 OLD FORGE BOROUGH COUNCIL

2 OLD FORGE, PENNSYLVANIA

3
4
5 IN RE: COUNCIL WORK SESSION

6
7
8
9 JANUARY 10, 2017

10 7:00 P.M.

11 OLD FORGE MUNICIPAL BUILDING

12 314 SOUTH MAIN STREET

13 OLD FORGE, PENNSYLVANIA

14
15
16
17
18 COUNCIL MEMBERS:

19
20 ROBERT SEMENZA, PRESIDENT

JOSEPH LENCESKI, VICE-PRESIDENT

21 JOSEPH FERRETT

DEVON BROWN

22 LOUIS FEBBO

RICK NOTARI

23 WILLIAM RINALDI, ESQUIRE, SOLICITOR

MARYLYNN BARTOLETTI, BOROUGH MANAGER

24
25 Mark Wozniak
Official Court Reporter

1 MR. SEMENZA: Good evening, ladies
2 and gentlemen. Welcome to the January 10th
3 work session of the Old Forge Borough
4 Council. I'd like to start the meeting with
5 the Pledge of Allegiance.

6 (The Pledge of Allegiance was
7 recited.)

8 MR. SEMENZA: Welcome, everyone.
9 The purpose of tonight's meeting is to set
10 the agenda for the regular council meeting,
11 which will be January 24, 2017. Tonight
12 we'll go to our department heads, see if
13 they have anything for the agenda. Roll
14 call, please, Marylynn.

15 MS. BARTOLETTI: Councilman Brown?

16 MR. BROWN: Here.

17 MS. BARTOLETTI: Councilman Notari?

18 MR. NOTARI: Present.

19 MS. BARTOLETTI: Councilman Febbo?

20 MR. FEBBO: Here.

21 MS. BARTOLETTI: Councilman Ferrett?

22 MR. FERRETT: Here.

23 MS. BARTOLETTI: Councilman Rinaldi
24 is absent. Councilman Lenceski?

25 MR. LENCESKI: Here.

1 MS. BARTOLETTI: Councilman Semenza?

2 MR. SEMENZA: Here. I'm going to
3 switch things up and do things a little
4 different tonight. We have Fred Rinaldi
5 here from the Old Forge Lions Little League.
6 He's the president of the little league. He
7 wants to present Old Forge Borough with
8 something.

9 MR. FRED RINALDI: Tonight I'm here
10 on behalf of Old Forge Little League. We're
11 not here to ask for any donations that
12 council generously gave us last year, but we
13 are here, I guess, to celebrate. Pagnotti
14 Enterprises has graciously entered into an
15 agreement of sale to donate land adjacent to
16 Pagnotti Park to Old Forge Little League.
17 I'll show you. It includes the parking lot
18 and an easement up to the parking lot from
19 the public street.

20 MR. SEMENZA: Now, it's where it's
21 darkly highlighted, kind of?

22 MR. FRED RINALDI: Yes.

23 MR. SEMENZA: Actually it starts at
24 the end of the blacktop, right past that
25 last --

1 MR. FRED RINALDI: Yes. There's a
2 little confusion on Connell Street where the
3 public street ends and where it's still
4 private property. But as an organization,
5 Old Forge Little League, our board strongly
6 believes that this property should be in the
7 hands of the community, therefore to the
8 borough of Old Forge.

9 As part of the agreement we have to
10 provide Pagnotti with an appraisal for a
11 charitable donation, and Canton Realty,
12 Appraisal has generously donated to provide
13 to Old Forge Little League an appraisal of
14 the property for free. Dave Johns of
15 Greenman-Pedersen has graciously donated to
16 provide the survey and legal description for
17 free to Old Forge Little League, and the Old
18 Forge Little League -- I'm going to make a
19 personal donation to pay for the realty
20 transfer tax as associated with the land
21 transfer.

22 So we're here tonight really to
23 present it. Our organization, like I said,
24 strongly believes title should not be held
25 by Old Forge Little League, Lions Little

1 League, Inc. We are a charitable
2 organization, but title should be held by
3 the community, therefore the borough of Old
4 Forge.

5 MR. SEMENZA: I see on that sheet it
6 says plus or minus six acres.

7 MR. FRED RINALDI: We don't know the
8 exact -- they only have -- if you look on
9 the second page they've provided some tax
10 maps that they had. They never had a
11 survey. Like, they have, I guess, the coal
12 maps but not a formal survey. That's why we
13 have to provide them with a survey of the
14 acreage.

15 MR. FEBBO: Is that the access road
16 coming from the bottom?

17 MR. FRED RINALDI: Yes. Because
18 there's confusion, Pagnotti and Dave Johns
19 over the years, where Connell Street ends,
20 so they're willing to work with us on where
21 the street ends.

22 MR. FEBBO: We've been actually
23 going across Pagnotti's private road.

24 MR. FRED RINALDI: Yes.

25 MR. SEMENZA: We had an easement.

1 MR. FRED RINALDI: So you know, the
2 parking lot, I believe the land extends into
3 Ransom also. It's Old Forge and Ransom. So
4 we have to get subdivision approval, land
5 development approval.

6 MR. NOTARI: We were always led to
7 believe that the fence line was the
8 Ranson/Old Forge border.

9 MR. FRED RINALDI: It's close.

10 MR. NOTARI: Do we have to annex
11 this property for it to be Old Forge?

12 MR. FRED RINALDI: I don't believe
13 so.

14 MR. NOTARI: Because it's not Old
15 Forge. Right?

16 MR. FRED RINALDI: The easement will
17 be Old Forge. I think some of the parking
18 lot will be Old Forge. The square of land
19 adjacent is Ransom. And I'm not exactly
20 sure on the division line between Ransom.

21 MR. FEBBO: That line runs at an
22 angle from Ciuccio's back up to Piccolini,
23 the Ransom/Old Forge line. It's not a
24 straight line. It's more of an angle. So
25 that means that back heel where they're

1 donating may be part of Ranson.

2 MR. NOTARI: It could even be
3 Duryea.

4 MAYOR MULKERIN: Duryea is further
5 down, though.

6 MR. FERRETT: What does that
7 actually mean? Do you have to get an
8 easement off of Ranson Township for the rest
9 of the parking lot?

10 MR. FRED RINALDI: No. It's all
11 owned by Pagnotti Enterprises.

12 ATTY. RINALDI: They're going to
13 deed the parking lot and give an easement
14 for the driveway? We can own land in
15 another --

16 MR. FERRETT: Being that that now is
17 going to be ours or --

18 ATTY. RINALDI: That's what he's
19 saying. They're going to deed the parking
20 lot.

21 MR. FERRETT: If we do a paving
22 program this year we can add that onto the
23 paving program.

24 ATTY. RINALDI: Right.

25 MR. SEMENZA: We spoke about that

1 earlier. We said before we couldn't pay for
2 that because it wasn't our road.

3 MR. NOTARI: Will we have access to
4 the pole line trail, then, or cut off there?

5 MR. FRED RINALDI: Well, they're
6 going to do the initial survey. Our
7 engineer, Dave Johns, is going to sit down
8 with Pagnotti, and if someone from the
9 borough would like to be there just to come
10 up with -- you know, my main concern was
11 making sure the easement connects to the
12 public street because there's confusion on
13 where it ends and where it begins. Pagnotti
14 has ownership of it, even though it may --
15 the public may have a right to the street.

16 MR. SEMENZA: Regardless, it will
17 connect to the public street?

18 MR. FRED RINALDI: Yes. The one
19 condition that Pagnotti has which will be
20 part of the deed, hopefully, to the borough
21 of Old Forge, there will be a reverter. As
22 long as it's used for youth sports in the
23 community. If the borough ever wanted to
24 sell it it will revert back to Pagnotti. So
25 basically for recreation purposes only.

1 ATTY. RINALDI: So they're going to
2 donate it to the borough, not little league.

3 MR. FRED RINALDI: Yes. That's
4 where the attorneys for Pagnotti
5 Enterprises, their intent is look, they made
6 a donation to the little league, but our
7 little league, which Pagnotti is aware of,
8 we want to hand it to the community. It
9 belongs to the community. Dave Johns did a
10 mockup. We would like to have two practice
11 fields for baseball, not all fenced in.
12 Just two straight fences. You could have
13 soccer fields, football. Baseball only uses
14 it -- we really don't use, say, Pagnotti in
15 the fall. Only for games. So, really, it's
16 used from, say, April until end of June,
17 then there's no use. So soccer, football,
18 all youth sports can use it.

19 MR. SEMENZA: So basically just a
20 fence as the outline shows here, and then
21 whatever is in between they do?

22 MR. FRED RINALDI: Yeah, we're
23 thinking our goal is to put up two practice
24 fields.

25 MR. SEMENZA: Now, typically off the

1 top of your head, being involved in the
2 little league, would you know off the top of
3 your head what the size of an average little
4 league field would be acreage wise?

5 MR. FRED RINALDI: I don't have it
6 with me. Dave Johns did a mockup which I
7 can bring to the next meeting. He had two
8 practice fields and three soccer fields.

9 MR. SEMENZA: On six acres?

10 MR. FRED RINALDI: Yes. One large
11 one for 12 and older, and 12 and under the
12 two smaller fields. So two smaller soccer
13 fields, one larger one.

14 MR. LENCESKI: Do you have a
15 topographic map?

16 MR. FRED RINALDI: Yes. There's
17 site work to be done. It's not something --
18 we're right now in the midst of the lighting
19 project. Our goal is to hopefully leverage
20 this donation to -- it's called the Tomorrow
21 Fund by major league baseball, to have a
22 match. Typically the Tomorrow Fund, they
23 require a 50 percent match. So we're hoping
24 the appraisal -- we feel confident the
25 appraisal would be a very good number. What

1 that number is I don't know.

2 MR. SEMENZA: Anybody have any
3 questions for Fred Rinaldi on this?

4 MR. FRED RINALDI: Our goal is we're
5 going to do all the work. We'd like the
6 borough to take on this. We have lined
7 everybody up to do that work as far as
8 completing the transaction.

9 MR. FEBBO: Not building the fields?

10 MR. FRED RINALDI: Not yet. I just
11 started.

12 MR. NOTARI: Would it matter if they
13 did the work first and then we took title or
14 do you need us to take title first? Bill,
15 does that matter?

16 ATTY. RINALDI: Who would do the
17 work?

18 MR. NOTARI: Mr. Rinaldi is saying
19 the little league has people lined up to do
20 the work.

21 MR. FRED RINALDI: For engineering,
22 legal and survey. That's when I say work.

23 MR. FERRETT: Once they get that all
24 finished and then it comes over to the
25 borough, after all that work is being done.

1 MR. FRED RINALDI: As long as -- I
2 was trying to keep Marylynn informed of our
3 projects, what we're going to try and start.
4 Our goal is to put in two practice fields.
5 That's the little league goal.

6 MR. SEMENZA: I understand what
7 Fred's saying here because anybody that's
8 involved in the youth little league knows
9 that we are fighting over fields left and
10 right.

11 MR. FRED RINALDI: You have 350 kids
12 to put on two or three fields, it's
13 difficult. High school uses it, little
14 league.

15 MS. BARTOLETTI: Based on the plans
16 Mr. Johns put together where were you saying
17 that the practice field would possibly go?

18 MR. FRED RINALDI: Right adjacent
19 to -- he had it laid out in the square part.
20 We estimate that square is probably five and
21 a half, six acres.

22 ATTY. RINALDI: Any idea how wide
23 the easement is going to be?

24 MR. FRED RINALDI: Fifty feet. Dave
25 said that was more than sufficient and the

1 engineer for Pagnotti.

2 MR. SEMENZA: See, one thing, the
3 entranceway, I mean, I don't know if anybody
4 has offhand what the footage is there now,
5 how wide that is.

6 MR. FRED RINALDI: Dave Johns
7 estimated probably 22 feet.

8 MR. SEMENZA: I know high school,
9 the buses going up there.

10 ATTY. RINALDI: That's why I asked
11 him. We can clear trees 50 feet wide.
12 You'd have plenty of room depending on how
13 much you want to pave it or just gravel it.

14 MR. SEMENZA: I think what we have
15 to -- I don't know how far into that bank we
16 can go because I think there's a telephone
17 pole on the hillside, unless they moved it.
18 On the left side going up.

19 MS. BARTOLETTI: I know one of the
20 problems is always that huge tree. That was
21 part of the reason you couldn't go any wider
22 there.

23 MR. SEMENZA: Fred, from the
24 borough's standpoint what do you need from
25 us to do? Just sit back and wait or --

1 MR. FRED RINALDI: Well, I'll talk
2 with your solicitor and maybe when they come
3 up with -- I know they're trying to start
4 the survey now while there's no snow. Once
5 Dave Johns gets an initial survey, comes up
6 with a sketch, then at least Pagnotti --
7 they've been more than gracious in donating
8 the property. Then we can sit down with
9 your engineer so everyone is in agreement.

10 MR. SEMENZA: All right. I think
11 it's a wonderful thing.

12 MR. FRED RINALDI: Things are in
13 motion, but we're here tonight because my
14 board strongly believes it should be in the
15 community. Dave drew up just backstops, no
16 fencing. Anyone else can use it.

17 MR. NOTARI: We don't foresee any
18 problems that it's not in Old Forge?

19 MR. SEMENZA: There shouldn't be any
20 issues that it's not in the borough of Old
21 Forge or Lackawanna County, either. I
22 believe most of that is in Luzerne County.

23 MR. FRED RINALDI: It's all
24 Lackawanna.

25 MR. SEMENZA: Is part of that road

1 in Duryea?

2 MR. FRED RINALDI: I don't think so.
3 It's close. It will show up on the survey
4 map.

5 MR. SEMENZA: I think it's a
6 wonderful thing.

7 MR. NOTARI: I agree. It's great
8 for the community, great for the little
9 league. Thank you for doing the work.

10 MR. SEMENZA: Whatever you need us
11 to do.

12 MR. FRED RINALDI: I'll be in touch
13 with your solicitor and Dave and Marylynn
14 once our survey comes out.

15 MR. SEMENZA: Bill, when they want
16 to turn that over to the borough does that
17 have to go to a vote or do they just turn it
18 over?

19 ATTY. RINALDI: You'd have to vote
20 to accept it.

21 MR. FRED RINALDI: The agreement's
22 written that we can only assign it to the
23 borough of Old Forge.

24 MR. SEMENZA: Anybody have any
25 questions for Fred on this property? Fred,

1 thank you.

2 We'll go to our department heads.

3 Paul Papi, DPW manager?

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

5 I'm good.

6 MR. SEMENZA: Anybody have any
7 questions for Paul? One thing from me,
8 Paul, and I know I spoke with you earlier on
9 this, but Christmas trees will start getting
10 picked up?

11 MR. PAPI: We already started.

12 MR. FEBBO: Paul, make everybody
13 aware of the Bozo.

14 MR. PAPI: Our compactor has been
15 down about a week and a half. It's started
16 smoking in the electrical panel box. They
17 replaced most of the parts, and then when we
18 turned it on it started smoking again. So
19 they sent away for more parts. As soon as
20 they he come in -- it only takes the guy ten
21 minutes. It's only one box. As soon as the
22 parts get back we'll be back in business.

23 We've been running the two trucks
24 down to the recycling center and we had a
25 problem with a truck. It was leaking

1 hydraulics. Then we had to take one for
2 service and another one for inspection.
3 Everything hit at the wrong time. Plus we
4 had the two busiest times of the year,
5 Christmas and New Year's, with all the
6 cardboard and newspaper. But the group of
7 guys we have now do a really good job. They
8 have been staying over here and there to get
9 caught up. So we're in good shape.

10 MR. SEMENZA: When did you say it's
11 going to fixed by?

12 MR. PAPI: Couple more days. I call
13 him every day.

14 MR. FEBBO: Who is working on it?

15 MR. PAPI: Bob Wagner.

16 MR. SEMENZA: He's the one who
17 installed it?

18 MR. PAPI: Yes.

19 MR. SEMENZA: How are we doing --
20 you said it's been a busy week with
21 recyclables.

22 MR. PAPI: Staying caught up. They
23 didn't finish Tuesday's run today but we're
24 close. We only have to do Bingo's area and
25 then they'll finish tomorrow. Thursday and

1 Friday they'll be working on taking down the
2 Christmas lights and working on Christmas
3 trees.

4 MR. SEMENZA: When do we take the
5 Christmas lights down?

6 MR. PAPI: Probably start Thursday
7 or Friday.

8 MR. SEMENZA: What's the time frame
9 for that?

10 MR. PAPI: It usually takes a day
11 and a half.

12 MR. SEMENZA: Anybody have any
13 questions for Paul? Thank you, Paul.
14 Steve, zoning code enforcement?

15 MR. BIERYLA: Nothing.

16 MR. SEMENZA: Anybody have any
17 questions for Steve?

18 MR. NOTARI: Any update on the
19 Winter Street wall?

20 MR. BIERYLA: Warrant out for an
21 arrest. That was sent out, I believe, the
22 6th or 7th, last week.

23 MR. BROWN: Mr. Lopatka, I know you
24 guys spoke last week about setting up a
25 meeting to inspect.

1 MR. BIERYLA: The report is in.
2 Dave gave it to me yesterday.

3 MR. NOTARI: So you inspected both
4 of those properties --

5 MR. BIERYLA: Yes.

6 MR. BROWN: Just a little
7 clarification. I don't have a report yet.
8 Are we looking at handling both properties
9 the same way or are we still looking --

10 MR. BIERYLA: No. The Sambo
11 property is going to be buttoned up for
12 safety. The Chelland property, that's up to
13 council for recommendation off the
14 engineer's report to which direction they
15 want to proceed into condemning it, seeing
16 if we can knock it down, or have the
17 solicitor look into who owns it, is there
18 any liens on it or what we can and cannot do
19 on the ground.

20 But the Sambo property is going to
21 be boarded up for right now to make it safe.
22 Then when the weather gets better he's going
23 to proceed on to fixing up the building a
24 little bit better because we didn't have
25 access to the inside right now. For the

1 sake of safety to the public board it up
2 right now and then we'll continue on that
3 property.

4 MR. BROWN: Do we have access to the
5 inside of the Chelland property?

6 MR. BIERYLA: Yeah, they busted the
7 lock off. It's very --

8 MR. LOPATKA: I guess you guys
9 should read through the report. We can talk
10 about it further. But those guys got into
11 the property, didn't go real far because the
12 floor didn't seem all that safe. There's
13 some other issues. Once you read the report
14 there's some issues with regard to storm
15 water coming in and draining into the
16 upstairs. They didn't get upstairs in the
17 house. They didn't get farther than --

18 MR. BIERYLA: Ten feet.

19 MR. LOPATKA: -- going in the front
20 door because of the fact it seems a little
21 dangerous. A lot has to do with the fact
22 that it's been sitting there so long. Holes
23 in the roof and water coming into the house,
24 it's starting to degrade a lot of the
25 interior. The wood is starting to get

1 structurally unsound.

2 I think overall the outside of the
3 house, it's not really tipping or there's no
4 real issues with, like, it's leaning or
5 something, but the longer it sits there,
6 naturally the worse it's going to get.

7 But read the report and I kind of
8 mentioned as to an agenda item, and we can
9 talk about it in depth once everybody gets a
10 chance to go through the report.

11 MR. FEBBO: You're saying internally
12 it's structurally not sound?

13 MR. LOPATKA: They didn't get in
14 there that far. This was one of my
15 structural guys and Steve. They were a
16 little concerned about walking around in
17 there with the way the floor and everything
18 was. So the report I think has
19 recommendations. I don't know from a
20 recommendation standpoint -- you know,
21 there's issues with it, there's health and
22 safety issues, I think, because of the
23 animals and stuff living in there.

24 Structurally could somebody fix it?
25 Potentially, if it's the right person, I

1 guess. But if it continues to sit the way
2 it is eventually it's going to --

3 MR. SEMENZA: When was the last time
4 this place was occupied? Anybody have any
5 idea?

6 MR. PAPI: I actually got the people
7 out of there because I had called the county
8 on aging. When I walked in there
9 approximately eight, nine years ago there
10 was feces everywhere. There was two old
11 ladies living in there in horrible
12 conditions.

13 MR. SEMENZA: So 2008 or 2009 was
14 the last time somebody lived there?

15 MR. PAPI: Yes, maybe even sooner.
16 Maybe 2007.

17 MR. SEMENZA: The structural
18 engineer that went with Steve --

19 MR. BIERLYA: Me, Paul and the
20 structural engineer.

21 MR. SEMENZA: Wouldn't walk more
22 than ten feet into the place because they
23 felt unsafe. I'm looking back at the chief
24 and the fire department. Is there any
25 concern for you guys for a building like

1 that?

2 CHIEF TAGLIATERRA: Yes, always
3 concerned.

4 MR. SEMENZA: Unoccupied for eight
5 years, it's falling apart.

6 CHIEF TAGLIATERRA: We have a fire
7 in there, all we're going to do is protect
8 the exposure. I'm not sending anybody in
9 there. Same with Sambo's. Protect the
10 exposures. Defensive attack. Just by
11 looking at the houses and from me living in
12 the area and knowing that people haven't
13 been in there, looking at the cracked
14 windows, the roof, I'm not sending my guys
15 in. Billy won't send any guys in either.

16 MR. FEBBO: Dave, if you're saying
17 you can only get ten feet inside the place
18 and you couldn't go anywhere else, that's
19 not saying much about the rest of the
20 building. Isn't that a basis for us to
21 totally condemn it and recommend that we --

22 MR. SEMENZA: How about the outside
23 of the structure, the foundation and stuff?

24 MR. LOPATKA: It's all starting to
25 get compromised because you have trees

1 growing, starting to compromise the
2 foundation. All that's in the report.
3 There's openings there, there's cracks.
4 There a lot of issues with the house. It's
5 been sitting there for eight or ten years or
6 whatever unoccupied. There's no upkeep.

7 MR. SEMENZA: Do you have their
8 report yet?

9 MS. BARTOLETTI: No.

10 MR. BIERYLA: I sent it.

11 MR. SEMENZA: Can we get a copy this
12 week in our mailbox or e-mail it to
13 everybody so we can review this so we have
14 it before we get our package.

15 MR. BROWN: Were both owners
16 contacted and notified of the --

17 MR. BIERYLA: Harrington House is a
18 PO box number. I have no idea if she picked
19 it up. I can't send it certified to her so
20 I can't say one way or the other. Lease,
21 Mr. Ferrett had spoke to him, with George.
22 Like I said, he wants to take and board it
23 up and do what he has to do to it. He knows
24 about it. Chelland's property I have no
25 idea.

1 MR. RUSSICK: The expert has to have
2 an opinion. If you're sitting in a court of
3 law you need an expert witness. You have to
4 go by what the expert witness has to say.

5 MR. SEMENZA: His opinion is in
6 there, Dave?

7 MR. LOPATKA: Yeah, and I actually
8 talked to him. I can see if he can come to
9 the next meeting.

10 MR. SEMENZA: That would be great.

11 MR. LOPATKA: He can explain it
12 better than me.

13 MR. BROWN: For council, I know some
14 of us addressed or questioned last meeting
15 pertaining to, like, how one property was
16 being handled different from the other, and
17 I'm just questioning -- it still seems that
18 both properties were handled differently.
19 One was notifications were sent to and we
20 don't know at this time if they were ever
21 received or whatnot. I'm glad that
22 inspection was done and taken care of.
23 There's a report that we will be getting.
24 Some experts have offered their opinions
25 pertaining to what should be done, but it

1 seems the other one is just going to be
2 boarded up for the time being, and it seems
3 that has been left vacant for the same
4 amount of time, if not more, and we're just
5 going to board up windows and whatnot.

6 MR. SEMENZA: Well, if the integrity
7 of the structure is not compromised on one
8 and it is on the other I can understand, if
9 they're going to fix the place up, if
10 they're just boarding it up temporary.

11 MR. BIERYLA: That's because it's
12 got a good roof, solid foundation. A couple
13 of the windows were broken, but the concern
14 of the window is the board is on the inside
15 and the window's broken on the outside. If
16 they fall out and somebody's by it --

17 MR. LOPATKA: The big concern on
18 that property is the front window. The big
19 store front window. The sill is
20 compromised. That really needs to be shored
21 up.

22 MR. SEMENZA: Can we have them
23 actually take that pane glass out?

24 MR. LOPATKA: They could. Take it
25 out and board it up would be the safest

1 thing to do.

2 MR. NOTARI: We're not just letting
3 him board it up and letting it go. Right?
4 He's going to board it up, and then when
5 spring comes --

6 MR. BIERYLA: Exactly, but for right
7 now -- if you read the report, since the
8 subject is brought up, the one structure,
9 integrity-wise, is good. The other one is
10 very deteriorated. You have windows broken
11 up on top. Water still gets in from the top
12 down. When we entered the building the
13 floor was a little creaky. If you went any
14 farther to go into the kitchen it started
15 creaking. It wreaked of cats peeing on the
16 inside. So it stops right there. You don't
17 want to go any more. You're infested with
18 fleas or something else. The structural
19 engineer walked the perimeter of both
20 buildings, and if you see the report you'll
21 see what he has to say.

22 MR. LOPATKA: One issue with that
23 Sambo property also there's a hole --

24 MR. BIERYLA: There's a hole on
25 right hand side.

1 MR. LOPATKA: -- that needs to be
2 addressed. I guess water's pouring in.

3 MR. BIERLYA: There's a hole. I
4 have pictures. If you looked at the
5 pictures you'd understand.

6 MR. LOPATKA: I'll try to make sure
7 he attends the meeting with me next week.

8 MR. FEBBO: Frame of thought, are we
9 leaning towards condemning this building?
10 What are our next steps, then? Chelland's
11 building. Based on what we're hearing
12 here is it going to get demolished, I guess
13 is the word?

14 ATTY. RINALDI: You wouldn't jump
15 down that path right away. You would notify
16 them of the report and tell the owner what
17 needs to be done on the property. If he
18 doesn't do it, then you can take further
19 steps like the Guida situation. We're going
20 after him for fines. I mean, it's optional
21 to tear down but there's expenses involved
22 in that.

23 MR. LOPATKA: From our perspective
24 we're not going to outright say it needs to
25 be torn down unless, of course, it was a

1 major health and safety hazard. The outside
2 structure of the building isn't in terrible,
3 terrible shape. It can be fixed if
4 somebody's willing to put some money into
5 it.

6 MR. FEBBO: Who makes that decision
7 as to whether or not it's feasibly going to
8 be fixed? Sure the outside looks like it's
9 presentable structure-wise.

10 ATTY. RINALDI: Ultimately the owner
11 makes that decision. You can just keep
12 chasing them and you can fine them and fine
13 them and fine them. If it gets worse you
14 can always revisit it and say okay, now we
15 think it's beyond that.

16 MR. FEBBO: Procedure steps, where
17 do we start? Everything we've been involved
18 with so long, it's taken so long from the
19 beginning to end and then we get accused of
20 not doing anything. But it's that process
21 that takes so long.

22 MR. SEMENZA: How did you get into
23 it?

24 ATTY. RINALDI: The zoning officer
25 can go on any property.

1 MR. BIERLYA: My lock got broken
2 off. That's the third lock.

3 MR. SEMENZA: So somebody's been
4 accessing it.

5 MR. BIERLYA: Somebody's been
6 accessing the building.

7 MR. SEMENZA: My concern is a young
8 child or somebody walking into that
9 building, falling through the floor.

10 CHIEF TAGLIATERRA: With these
11 inspections of these so-called blighted
12 properties, any way the fire department can
13 get involved?

14 MR. SEMENZA: Absolutely. I'd
15 actually like you to get involved.

16 CHIEF TAGLIATERRA: Myself and
17 Billy, we'd appreciate -- I work days.
18 Billy has his own business but he's around
19 most of the time. I mean, I'd love to get
20 involved just to see what these properties
21 are like so we can get a grasp in case we
22 get a call to one of them.

23 MR. SEMENZA: Steve, you have both
24 their contact information. After the
25 meeting exchange contact information with

1 Dave also and I'd love you to be on every
2 inspection that goes on.

3 ATTY. RINALDI: You're getting a
4 little dicey there because you can't just
5 go, borough officials -- in their case
6 they're not even borough officials -- can't
7 go on private property. The zoning officer
8 can and bring with him his engineer.
9 Anybody else I'd have to go get a subpoena
10 for them to view the property so they can go
11 on.

12 MR. SEMENZA: Is that typically a
13 Chelland-type property?

14 ATTY. RINALDI: You can look at it
15 from the street, but to go inside is a
16 different issue. A fire, yes. But a
17 non-fire, that's a different situation.

18 MR. LOPATKA: Steve can also go in
19 and photo document it.

20 MR. FEBBO: I think that would be
21 beneficial to the fire department if they
22 had something to go by.

23 ATTY. RINALDI: I don't want to get
24 you guys sued for trespassing. Then you
25 guys are stuck defending the trespass suits,

1 where they can't do that to him. People
2 have done that. They sued a DPW guy for
3 going on and cutting the grass on his
4 property.

5 MR. SEMENZA: Well, if not that, at
6 least we can keep you informed, photographs
7 and stuff, Steve, if we can get them on the
8 property. Just so they know what would
9 happen on a property like that.

10 MR. RUSSICK: Then you have to show
11 cause to the owner that nothing was done in
12 reference to that inspection. Then you've
13 got to show cause to the owner of what's
14 going to happen next, and if it doesn't
15 transpire, then you take the appropriate
16 action. But you have to notify the owner.

17 Bill's right. You can't go on a
18 property, unless you have a search warrant,
19 without the owner's permission.

20 MR. SEMENZA: Anybody have any
21 questions for Steve?

22 MR. NOTARI: Any update on the
23 Orchard property?

24 MR. BIERYLA: That one I'll let you
25 know. I didn't go down there with the

1 couple other things that were going on in
2 town. I will get back down there, let you
3 know the progress.

4 MR. SEMENZA: Anybody else? Thanks,
5 Steve. Dave, engineer's report?

6 MR. LOPATKA: I guess we handled
7 most of it. I mean, that's been submitted,
8 so once everyone has it we can discuss it at
9 the meeting.

10 MR. SEMENZA: Anybody have any other
11 questions?

12 MR. FEBBO: Borough building?

13 MR. LOPATKA: Again, we're still
14 trying to get together with the architect
15 and Marylynn.

16 MS. BARTOLETTI: Just send me
17 something.

18 MR. LOPATKA: I'm going to set a
19 meeting up on my own.

20 MS. BARTOLETTI: I don't have a
21 whole lot on my schedule.

22 MR. LOPATKA: You tell me, I'll make
23 sure he gets here.

24 ATTY. RINALDI: One item. There's
25 one issue out there that we addressed in

1 planning with regard to Rosemount, so I'm
2 going to pass what planning recommended and
3 what the engineer's going to go back to. If
4 everybody just looks at the blue ink and the
5 hashmarks where the easements area is, we're
6 going to suggest --

7 MR. LOPATKA: I guess also just to
8 add on to that, I am going to respond in
9 writing, so that will get submitted to the
10 borough, too. Respond in writing to George
11 Parker, his letter to the borough with
12 regard to Ciuccio's -- the couple questions
13 that he had. We did discuss them, like Bill
14 said, at the planning commission meeting.
15 I'll put a formal letter together and get
16 it, hopefully, this week sometime.

17 ATTY. RINALDI: I just want to make
18 sure nobody's going to object before he
19 sends that out and says here's where we want
20 the easement located.

21 MR. FERRETT: What purpose is that
22 going to serve us?

23 ATTY. RINALDI: It's going to give
24 you access both from Villa Drive, within the
25 development, and Villa Drive if you ever

1 wanted to put a stream crossing to the
2 baseball field.

3 MR. FERRETT: If you look at that
4 picture it's everything on the other side of
5 the creek, which is Villa Drive.

6 ATTY. RINALDI: He doesn't own
7 anything on the other side.

8 MR. FERRETT: That's the big
9 question you have to look into.

10 ATTY. RINALDI: That's why we're
11 getting everything from the easement of
12 Villa over.

13 MR. FERRETT: My point is what
14 purpose is that going to serve the borough
15 in any fashion because there's no place for
16 parking. People are not going to come down
17 and try to get to the park from that area.
18 They're not going to be able to cross the
19 creek to get over. That area right there
20 doesn't seem to make sense.

21 MR. SEMENZA: Bill, let me ask you a
22 question.

23 ATTY. RINALDI: It was pretty much
24 vague on who wanted what and I wasn't
25 involved in that discussion.

1 MR. SEMENZA: This easement that
2 he's going to give us here --

3 ATTY. RINALDI: We're going to ask
4 for that.

5 MR. SEMENZA: It's coming halfway
6 across the road. That road bends like this.

7 ATTY. RINALDI: We can't change that
8 because that's his subdivision plan that's
9 recorded. So that lot one is on his
10 original plan. We're asking for a strip
11 along lot one that comes into that kind of
12 cul-de-sac area where people used to drive
13 across from Villa, there was a bridge, and I
14 just said why don't we just make it down,
15 straight across to where that Villa Drive
16 was so if you ever wanted to replace it with
17 a walking bridge or whatever you want to
18 do --

19 MR. FERRETT: How are you going to
20 get across the creek to get to that from
21 Keyser Avenue?

22 ATTY. RINALDI: You're going to need
23 a walking bridge.

24 MR. SEMENZA: This park is going to
25 come down --

1 ATTY. RINALDI: Well, I don't know
2 that you're going to want people driving in
3 there to go to the park because that was an
4 issue that came up before, people parking
5 all on the streets in Rosemount to go to the
6 park. You're going to have to address that
7 down the road.

8 MR. FEBBO: What happens when we
9 take over those roads and they become
10 borough roads?

11 ATTY. RINALDI: It's up to you what
12 you guys want to do with parking. It's all
13 up to you. I just remember the neighbors
14 coming down here and complaining. That's
15 why you put the lock on the gate.

16 MR. NOTARI: The blue line is ours,
17 what's going to be the easement?

18 ATTY. RINALDI: That's what we're
19 going to ask for.

20 MR. LOPATKA: That gives you access
21 to the gate, basically. The whole easement
22 I don't think is accessible now because of
23 the creek is there, a portion of it.

24 MR. FERRETT: You're not going to
25 get across that no way whatsoever.

1 ATTY. RINALDI: If you ever want to
2 put a bridge you own the land there. You
3 can have parking and a footbridge across.

4 MR. LENCESKI: Are we going to get
5 stuck into having to put a bridge in because
6 now we own this property?

7 ATTY. RINALDI: No.

8 MR. FERRETT: You're not going to
9 put a bridge there because there's no way
10 possible. We've been through that how many
11 years trying to get a bridge and we couldn't
12 even do that. You know what I don't
13 understand --

14 ATTY. RINALDI: I won't ask for it.
15 I thought you guys wanted --

16 MR. FERRETT: My understanding is
17 that from years back that down the road
18 we're going straight through. That's where
19 we're getting the easement.

20 ATTY. RINALDI: You can put the
21 bridge anywhere you want.

22 MR. FERRETT: I'm talking about the
23 easement. Now the easement is down on the
24 bottom, on the creek. Before it was down --

25 ATTY. RINALDI: I don't have that

1 information.

2 MR. FEBBO: Lot three, lot two, lot
3 one.

4 ATTY. RINALDI: All I have was he
5 was giving you access. He didn't say he was
6 giving you a lot. I don't have anywhere in
7 my documentation he was giving you a lot.

8 MR. FERRETT: I didn't say that. I
9 said from what I understand from in the
10 past, when they talked about it, we were
11 getting an easement down the road to go
12 right into the park. I didn't say that
13 we're getting a lot or nothing whatsoever.

14 ATTY. RINALDI: Down what road?

15 MR. FERRETT: What's the first one?
16 Oakwood. Down Oakwood, supposed to have an
17 easement go right straight through that lot.

18 MR. NOTARI: Joe, in your mind what
19 is the difference between the easement
20 through one of his lots or the easement at
21 the bottom of the park? What's the
22 difference? In your mind what's the
23 difference? Mr. Ferrett, I'm asking you
24 what's the difference if we get an easement
25 through one of the lots or get an easement

1 at the bottom of the --

2 MR. FERRETT: Because of the fact
3 that you go straight through and everything
4 rather than going through the bottom. If
5 you had to go with a bus to take the
6 ballplayers in or something you go straight
7 through --

8 MR. NOTARI: You're not going to be
9 able to go straight through with a vehicle.

10 MR. LOPATKA: It's not a vehicle
11 access, this is a walking access. It's not
12 to drive in there.

13 MR. NOTARI: There's nowhere to go
14 anyway if you did.

15 MR. FEBBO: What we're looking at is
16 something potentially down the road if we
17 ever decided to get a bridge put in there.
18 That's the only way we can have access. So
19 we're fighting for something in the future
20 because right now as it actually exists
21 there's no place to park.

22 MR. NOTARI: There's places to park.
23 You can park on the street like when people
24 park for football games and little league
25 games. They park on the street.

1 ATTY. RINALDI: Once they're your
2 roads. I know people came down in the past.
3 They didn't like the parking up there. So
4 you're going to make that call. You have
5 the access that you can get in there if you
6 need an emergency vehicle to go in.

7 MR. LOPATKA: This is purely for
8 access. It's not for driving access, it's
9 for pedestrian access.

10 MR. FEBBO: Make everybody aware of
11 where we are, what's to come and what
12 potentially can happen. Potentially in the
13 future we will have access to that. Is it a
14 viable use right now? No. Now, again, when
15 we take the roads over, then it's up to us
16 to decide whether we allow parking on those
17 roads. It's like Rick said --

18 MR. FERRETT: Mr. Notari, let me ask
19 you a question, if I can. You talk about
20 the easements and everything, you talk about
21 the people going to the park. Would you say
22 that would be a better way for people to go
23 to the park or would it be a better way --
24 we have seven acres of land which we can
25 develop over there and put a walking bridge

1 right to the park from our parking area
2 where people can park all the cars they want
3 with no problems whatsoever.

4 MR. NOTARI: My answer, being lazy
5 most of the time, it's more convenient if
6 the easement was at first base. I don't
7 know if we have that opportunity. But in
8 terms of convenience for people -- and to
9 me, people park wherever they want to park
10 now, so parking to me isn't an issue unless
11 we're going to enforce it all over town.

12 So for convenience, then, yes, the
13 easement at first base is the best place.
14 In terms of where the borough is probably
15 best, then I personally think it's at the
16 bottom, where the entrance is at the bottom,
17 because there's no -- it gets some parking
18 away from the houses, and if we were able to
19 put a walking bridge in, then yes. What
20 you're saying is that land we own on Villa
21 Drive, that could be a parking lot, then,
22 yeah, borough-wise that's the best place.

23 MR. FEBBO: I believe I said that
24 before.

25 MR. NOTARI: But, you know,

1 convenience-wise for everybody, people just
2 love to park -- they're doing it now. They
3 cut holes in the fence. They park there.
4 They cut holes in the fence, they walk in
5 that way. They walk through the property
6 already. Nobody's stopping them. Once in a
7 while Ciuccio comes and puts a rock in front
8 of the hole or sews up the fence or we sew
9 up the fence.

10 Yeah, in the grand scheme of things
11 if everything worked out and we had the
12 money to do it, yeah, we'd use our parking
13 lot at Villa and create an entrance into
14 Pagnotti Park from there.

15 MR. FERRETT: That's the best way
16 to go.

17 MR. FEBBO: So as everything stands
18 and exists presently, right now, everything
19 that Bill has done is as far as we can go
20 with it. If you gain access to the gate at
21 the bottom of the hill, where the bridge is
22 washed out, in the future we have a couple
23 options. One is to take over the roads and
24 allow parking in the park or Rosemount or
25 whatever.

1 The other option is if we acquire
2 some money or whatever to put a crossing
3 bridge in, a walking bridge, then we have
4 the option of using Villa Drive and opening
5 up that parking lot and put the crossing
6 bridge. Those are future plans. As we
7 stand right now I think Bill gave us all the
8 options that have.

9 MR. SEMENZA: My personal opinion,
10 the access easement at the bottom of the
11 thing down there is useless. I think now,
12 then, whenever, that's a useless easement
13 for Old Forge Borough.

14 MR. FEBBO: What option do you have?

15 MR. SEMENZA: If we're going to put
16 a walking bridge in we don't need an
17 easement from Louis Ciuccio. We go right to
18 our gate. If he's going to give us an
19 easement -- initially said he was going to
20 give us an easement, which is lot three,
21 then that's accessible because we can put a
22 double gate there. God forbid an ambulance
23 had to get in the place quick or whatever.
24 That's just my personal opinion. I don't
25 think at the bottom of the road, there, that

1 easement is going to do anything for
2 anybody. I know that area down there.
3 There's not room for more than two or three
4 cars to park, especially when they develop
5 that other part of his property. When you
6 come down Park that's going to butt right
7 into it. That's going to be a nightmare.

8 MR. FERRETT: Bill, I got to ask you
9 a question. Villa Drive, from Milwaukee
10 Avenue down to the creek, my understanding
11 is from what I'm hearing and everything -- I
12 don't know how true it is -- that he has a
13 quitclaim on that piece of the land, which
14 means that nobody else could get anything or
15 travel it.

16 ATTY. RINALDI: You have an easement
17 for it.

18 MR. FERRETT: So if we have an
19 easement for it there's no problem for us to
20 go to work, and those acres of land that we
21 have, to make a park there for people and
22 put a bridge across the thing to the park.

23 MR. SEMENZA: We own all that land
24 right down to the creek. Correct?

25 MR. NOTARI: Across the creek.

1 ATTY. RINALDI: You own the land up
2 against that road, so you can do whatever
3 you want on your land. It's Project 70
4 land.

5 MR. FERRETT: You need to get to it.

6 ATTY. RINALDI: That's your easement
7 to get to it.

8 MR. SEMENZA: We have six acres
9 there?

10 ATTY. RINALDI: Something like that.

11 MR. FERRETT: Why is it, from what
12 I'm hearing, that Dunbar had a lot of
13 problems with Ciuccio to finally use that
14 road as an access area?

15 ATTY. RINALDI: He can use it as an
16 access area. There was a sewer issue. He
17 wanted to start running sewer and stuff down
18 it. Spano was using that.

19 MR. FERRETT: I wasn't sure the way
20 things were saying.

21 ATTY. RINALDI: Because of the HOP
22 Louis wouldn't sign it. As a landowner he
23 has to sign it. He wouldn't sign it.

24 MR. FERRETT: I don't understand
25 that we're having a problem like that, that

1 they play baseball, you got people from out
2 of town coming. Why is it that we don't
3 look into this, that it can't be that costly
4 to go ahead and knock those trees down and
5 build a park there and try to do something.
6 Every year we're doing paving. There's no
7 reason why we -- and you can look into
8 putting a bridge across the thing to get to
9 the park and have a gate to get into the
10 park for the people to come in.

11 MR. SEMENZA: In the spring, next
12 couple months we'll maybe go down there and
13 see what it will entail to put a bridge in,
14 a walk bridge.

15 MR. FEBBO: It is what it is right
16 now because Ciuccio isn't going to bend on
17 anything, give us anything else. We have to
18 accept what we have now. In the future, if
19 we take the roads over, then we can talk
20 about opening up parking if you want to.

21 MR. FERRETT: Why can't we do that
22 now?

23 MR. FEBBO: Because we don't own the
24 roads, Joe.

25 MR. FERRETT: What roads?

1 MR. FEBBO: Ciuccio's development.

2 MR. FERRETT: We're not talking
3 about Ciuccio's, we're talking on this side
4 of the creek.

5 MR. FEBBO: No, no.

6 MR. FERRETT: We got seven acres of
7 land up there.

8 MR. FEBBO: Right. That's a future
9 proposal. If down the road we decide to put
10 a walking bridge in, then we have access to
11 that.

12 MR. FERRETT: Everything -- you sit
13 at this council table, everything, put it on
14 the back burner. Look at it now. Now is
15 the time you want to do something. Why do
16 you want to be waiting?

17 MR. SEMENZA: Next coming month or
18 so we'll go down with Dave and take a look
19 at it.

20 MR. FERRETT: You got an engineer.
21 He can figure this out. You got an attorney
22 to get the things that's necessary. There's
23 no reason in the world why you can't do it.

24 MR. SEMENZA: If the dimensions and
25 everything is right we possibly might have a

1 bridge we can look into buying.

2 MR. LOPATKA: All you need is the
3 abutments. You have to let me know what
4 size bridge.

5 MR. NOTARI: We're working on it.
6 No promises.

7 MR. SEMENZA: There's possibly a
8 bridge that can be utilized.

9 MR. NOTARI: Just going back to that
10 property, we would have access from Villa
11 Drive, then?

12 MR. FEBBO: Yes.

13 ATTY. RINALDI: Yes. You have
14 access.

15 MR. NOTARI: Who would reopen Villa
16 Drive?

17 ATTY. RINALDI: What do you mean
18 reopen? Because they didn't want anybody
19 driving into the creek.

20 MR. SEMENZA: We closed it.

21 ATTY. RINALDI: Everybody used to
22 drive it.

23 MR. SEMENZA: Anybody have any other
24 questions for Dave? I think Bill has the
25 floor.

1 ATTY. RINALDI: I finished up with
2 him.

3 MS. BARTOLETTI: Have you seen
4 anything in regard to, in the Ciuccio
5 development, the Kisolovich property? He's
6 the guy who has the water problem.

7 MR. LOPATKA: That's part of this
8 response that we're going back to. One of
9 his questions was who's to pay for that. I
10 think from the beginning we said being we
11 don't own the roads yet it's still his
12 responsibility.

13 ATTY. RINALDI: Another thing, the
14 RCAP applications can go in. All you need
15 from him is a sketch plan and a proposed
16 budget, and the application Marylynn and I
17 can do. If you want to do the street scape
18 project. That's not a big issue to put a
19 cost estimate together. You have to tell
20 him to do it. The deadline is coming up
21 quick. Right?

22 MR. LOPATKA: You have to let me
23 know.

24 MR. FEBBO: Can we get on that?

25 MS. BARTOLETTI: That's what we're