

OLD FORGE BOROUGH COUNCIL
OLD FORGE, PENNSYLVANIA

IN RE: REGULAR MEETING OF COUNCIL

JANUARY 26, 2016

7:00 P.M.

OLD FORGE MUNICIPAL BUILDING

314 SOUTH MAIN STREET

OLD FORGE, PENNSYLVANIA

COUNCIL MEMBERS:

ROBERT SEMENZA, PRESIDENT
JOSEPH LENCESKI, VICE-PRESIDENT
JOSEPH FERRETT
RUSSEL RINALDI
DEVON BROWN
LOUIS FEBBO
JENN CORDIANO
WILLIAM RINALDI, ESQUIRE, SOLICITOR
MARYLYNN BARTOLETTI, BOROUGH MANAGER

Mark Wozniak

Official Court Reporter

MR. SEMENZA: Good evening, ladies and gentlemen. I would call the meeting to order with the Pledge of Allegiance.

(The Pledge of Allegiance was recited.)

MR. SEMENZA: Once again, good evening, everyone. Welcome to the January 26th meeting of the Old Forge Borough Council. The purpose of tonight's meeting is to go through some housekeeping, hear from our department heads, go down the table if any councilmen want to speak, and there's a public sign-in sheet. If anybody wants to address council we'll give you a few minutes at the end of the meeting. Roll call?

ATTY. RINALDI: Mr. Brown?

MR. BROWN: Yes.

ATTY. RINALDI: Ms. Cordiano?

MS. CORDIANO: Here.

ATTY. RINALDI: Mr. Febbo?

MR. FEBBO: Here.

ATTY. RINALDI: Mr. Ferrett?

MR. FERRETT: Here.

ATTY. RINALDI: Mr. Rinaldi?

1 MR. RUSSELL RINALDI: Here.

2 ATTY. RINALDI: Mr. Lenceski?

3 MR. LENCESKI: Here.

4 ATTY. RINALDI: Mr. Semenza?

5 MR. SEMENZA: Here. The chair would
6 call for a motion to approve the minutes
7 from the prior meeting.

8 MR. RUSSEL RINALDI: I'll make that
9 motion.

10 MR. SEMENZA: Motion by Councilman
11 Rinaldi. Call for a second.

12 MR. FERRETT: I'll second the
13 motion.

14 MR. SEMENZA: Second on the floor by
15 Councilman Ferret. Roll call?

16 ATTY. RINALDI: Mr. Brown?

17 MR. BROWN: Yes.

18 ATTY. RINALDI: Ms. Cordiano?

19 MS. CORDIANO: Yes.

20 ATTY. RINALDI: Mr. Febbo?

21 MR. FEBBO: Yes.

22 ATTY. RINALDI: Mr. Ferrett?

23 MR. FERRETT: Yes.

24 ATTY. RINALDI: Mr. Rinaldi?

25 MR. RUSSELL RINALDI: Yes.

1 ATTY. RINALDI: Mr. Lenceski?

2 MR. LENCESKI: Yes.

3 ATTY. RINALDI: Mr. Semenza?

4 MR. SEMENZA: Yes. The chair would
5 call for a motion to approve the treasurer's
6 report. Note that this does not include the
7 sewer accounts.

8 MR. FERRETT: I'll make a motion
9 that we approve the treasurer's report.

10 MR. SEMENZA: Motion by Councilman
11 Ferrett. Can I call for a second?

12 MS. CORDIANO: I'll second that.

13 MR. SEMENZA: Second by Councilwoman
14 Cordiano. On the question? Public input?
15 Roll call, please.

16 ATTY. RINALDI: Councilman Brown?

17 MR. BROWN: Yes.

18 ATTY. RINALDI: Councilwoman
19 Cordiano?

20 MS. CORDIANO: Yes.

21 ATTY. RINALDI: Councilman Febbo?

22 MR. FEBBO: Yes.

23 ATTY. RINALDI: Councilman Ferrett?

24 MR. FERRETT: Yes.

25 ATTY. RINALDI: Councilman Rinaldi?

1 MR. RUSSELL RINALDI: Yes.

2 ATTY. RINALDI: Councilman Lenceski?

3 MR. LENCESKI: Yes.

4 ATTY. RINALDI: Councilman Semenza?

5 MR. SEMENZA: Yes. The fourth

6 motion is a motion to approve invoices for

7 payment. Note this does not include the

8 sewer accounts.

9 MR. RUSSELL RINALDI: I'll make that
10 motion.

11 MR. SEMENZA: By Councilman Rinaldi.
12 Can I have a second?

13 MR. LENCESKI: I'll second that.

14 MR. SEMENZA: Second by Councilman
15 Lenceski. On the question? Public input?
16 Roll call, please.

17 ATTY. RINALDI: Councilman Brown?

18 MR. BROWN: Yes.

19 ATTY. RINALDI: Councilwoman
20 Cordiano?

21 MS. CORDIANO: Yes.

22 ATTY. RINALDI: Councilman Febbo?

23 MR. FEBBO: Yes.

24 ATTY. RINALDI: Councilman Ferrett?

25 MR. FERRETT: Yes.

1 ATTY. RINALDI: Councilman Rinaldi?

2 MR. RUSSELL RINALDI: Yes.

3 ATTY. RINALDI: Councilman Lenceski?

4 MR. LENCESKI: Yes.

5 ATTY. RINALDI: Councilman Semenza?

6 MR. SEMENZA: Yes. The fifth motion
7 is a motion to approve the sewer department
8 financial reports.

9 MR. RUSSELL RINALDI: I'll also make
10 that motion.

11 MR. SEMENZA: By Councilman Rinaldi.
12 Can I call for a second?

13 MR. FERRETT: I'll second that.

14 MR. SEMENZA: Second by Councilman
15 Ferrett. On the question? Public input?
16 Roll call, please.

17 ATTY. RINALDI: Councilman Brown?

18 MR. BROWN: Yes.

19 ATTY. RINALDI: Councilwoman
20 Cordiano?

21 MS. CORDIANO: Yes.

22 ATTY. RINALDI: Councilman Febbo?

23 MR. FEBBO: Yes.

24 ATTY. RINALDI: Councilman Ferrett?

25 MR. FERRETT: Yes.

1 ATTY. RINALDI: Councilman Rinaldi?

2 MR. RUSSELL RINALDI: Yes.

3 ATTY. RINALDI: Councilman Lenceski?

4 MR. LENCESKI: Yes.

5 ATTY. RINALDI: Councilman Semenza?

6 MR. SEMENZA: Yes. The sixth motion
7 is a motion to approve sewer department
8 invoices for payment.

9 MR. RUSSELL RINALDI: I'll make that
10 motion.

11 MR. SEMENZA: By Councilman Rinaldi.
12 Can I have a second?

13 MS. CORDIANO: I'll second that.

14 MR. SEMENZA: Second by Councilwoman
15 Cordiano. On the question? Public input?
16 Roll call, please.

17 ATTY. RINALDI: Councilman Brown?

18 MR. BROWN: Yes.

19 ATTY. RINALDI: Councilwoman
20 Cordiano?

21 MS. CORDIANO: Yes.

22 ATTY. RINALDI: Councilman Febbo?

23 MR. FEBBO: Yes.

24 ATTY. RINALDI: Councilman Ferrett?

25 MR. FERRETT: Yes.

1 ATTY. RINALDI: Councilman Rinaldi?

2 MR. RUSSELL RINALDI: Yes.

3 ATTY. RINALDI: Councilman Lenceski?

4 MR. LENCESKI: Yes.

5 ATTY. RINALDI: Councilman Semenza?

6 MR. SEMENZA: Yes. Now we'll go

7 through our department heads. Paul?

8 (Mr. Papi read his report, which is
9 attached.)

10 MR. SEMENZA: Any questions for
11 Paul? Thanks, Paul.

12 Zoning code enforcement, Steve?

13 (Mr. Bieryla read his report, which
14 is attached.)

15 MR. SEMENZA: Any questions for
16 Steve?

17 MR. PAPI: You just mentioned a pave
18 cut on Smith Street?

19 MR. BIERYLA: Small.

20 MR. PAPI: I got a call today from
21 the contractor. He's going to do it in the
22 springtime. He can't get hot patch right
23 now.

24 MS. CORDIANO: Mr. Chairman, I don't
25 have any questions, but I just wanted to

1 personally thank you and Paul for all of
2 your help with Snow Forge and cleaning up
3 after the event. You both were very
4 instrumental. Thank you.

5 MR. SEMENZA: Thanks, Steve.

6 Lucille, sewer report?

7 MS. YEAGER: I'm going to be brief.
8 American Asphalt still hasn't paid All
9 American Rooter. There's trouble there
10 because we called All American Rooter, and I
11 believe the engineer was going to get in
12 touch with the people from American Asphalt.
13 Sooner or later I'm going to have to be
14 directed whether we're going to pay them or
15 if we're going to be able to have the
16 solicitor pursue it.

17 MR. LOPATKA: I will touch on that.

18 MS. YEAGER: Also, the sewer bills
19 should be going out the middle of February
20 for \$40 for the entire year. My question is
21 when does the sewer agency or council or
22 somebody want to get back to me -- maybe
23 Russell, maybe you -- to let me know when
24 you would like the due date to be. If you
25 put it in March, Lower Lackawanna. If put

1 it in April you got taxes. But you then you
2 got PPL.

3 I was thinking possibly around April
4 15th. Council could discuss it. If
5 somebody from the sewer agency wants to get
6 back to me. There will be a \$4 late fee.
7 That's five percent to the \$40.

8 MR. FERRETT: I think it might be a
9 good idea if the sewer committee would look
10 into that matter and come back to council
11 and give counsel's opinion and then carry it
12 back to the sewer agency as to what council
13 wants to do.

14 MR. SEMENZA: Yeah, we will -- Bill,
15 is that something we have to put to the
16 table for a vote, when the bill's going to
17 go out, when the due date's going to be?

18 ATTY. RINALDI: I don't think so.

19 MS. YEAGER: You never did before.
20 Last year we made the due date in June
21 because of the confusion with the first
22 time, the one-year billing. People know
23 now.

24 MR. SEMENZA: When do you usually
25 send them out?

1 MS. YEAGER: If I sent it out in
2 February they'd be due in March. I give
3 them a month and a few days. Last time we
4 gave them until June. This time you can let
5 me know so I'll know for future years. This
6 is something new.

7 MR. SEMENZA: Would council be okay
8 with the sewer committee's recommendation on
9 what to do with that?

10 ATTY. RINALDI: Yeah. We didn't
11 change the sewer fee this year. It should
12 be the same as last year.

13 MR. SEMENZA: They want to extend
14 the due date.

15 MS. YEAGER: I don't. I'm saying
16 you may wish to. We did last time, then we
17 waived the fee. So, I mean, this year if
18 you want to go four months, three months,
19 two months, I just want to be directed.
20 Then I'll know every year.

21 MR. SEMENZA: I'll have the sewer
22 committee get together and talk about it, if
23 council's all right with the sewer
24 committee's recommendation, if we're going
25 to extend the due date.

1 MS. YEAGER: The problem is -- well,
2 I'll have to wait until the February
3 meeting.

4 MR. SEMENZA: We can have a sewer
5 committee meeting shortly, soon.

6 MR. FERRETT: Next Tuesday is the
7 regular work session. You might just wait
8 and take it at that point.

9 MR. SEMENZA: Any questions for
10 Lucille?

11 MR. FERRETT: Not that I'm trying to
12 put you on the spot, but I'm very curious
13 because a lot of things bother me all the
14 time. I notice that in your report and
15 everything, which is a wonderful report and
16 everything, but I don't ever see anything in
17 here about delinquent accounts. How much is
18 coming in, are we getting everybody in.

19 MS. YEAGER: I'd have to go through
20 every account that's on the list.

21 MR. FERRETT: This is January. This
22 is a new year. So effective now if the
23 committee wants to do this or something, but
24 I'm very much interested that I would like
25 to know people that are delinquent, if

1 they're paid or not, because I went over one
2 or two calls and I'll tell you something,
3 I'm very, very dissatisfied, because in
4 2010, when I left, you know, there was a
5 policy that was there and it's not being
6 followed. That's bothering me. The policy
7 that you were supposed to pay your bills and
8 pay on top of that.

9 MS. YEAGER: Well, people are paying
10 it back. Who is not paying is who is
11 getting billed \$40. Who's late, who hasn't
12 paid for two quarters.

13 MS. YEAGER: They are paying on the
14 payment plan. I'm more concerned about who
15 is late on the 40 bucks. That adds up.
16 They payment plan has to pay or get the
17 water shut off in June. We have a high
18 amount of payment plans, but we just got a
19 \$4,000 check. One property closed. A lot
20 of them are in foreclosure. I got another
21 one today for 400-some from a foreclosure.
22 Sometimes at sheriff's sale they don't pay
23 you, sometimes they do.

24 MR. FERRETT: Mr. Chairman, I think
25 the best thing to do is let the sewer

1 committee get together and let them come up
2 with a plan, how it should be done, and
3 whatever recommendation one makes bring it
4 before council for approval. Then the sewer
5 committee can meet with the sewer agency
6 that this is the policy that they're going
7 to follow.

8 MR. SEMENZA: All right. Any other
9 requests for Lucille? Thank you.

10 Joe McAndrew, recreation director's
11 report?

12 (Mr. McAndrew read his report, which
13 is attached.)

14 MR. SEMENZA: Any questions for Joe?
15 Dave, engineer's report?

16 MR. LOPATKA: Good evening. First I
17 want to formally apologize to council. I
18 like to have this in usually the Friday
19 before but I was out of the office on Friday
20 of last week and didn't get a chance to put
21 it together until today. Again, I apologize
22 for the late issuance of the report.

23 The Old Forge paving program, this
24 month we met with the paving committee to
25 review existing streets, reviewed the list,

1 showing approximately four additional
2 streets that they would like to add. At
3 this point they have been measured and we do
4 have them included in the new documents.

5 Discussed different approaches on
6 bidding the project, since he's requesting
7 an alternate bid to provide full width
8 milling for each of the roads. Currently we
9 have a plan that shows some of them getting
10 full width milling and some of them getting
11 just edge milling with tie-ins. It was
12 recommended that we put an alternate into
13 the bid this time to see what it would cost
14 to do full width milling on all the streets.

15 Asked borough if they'd like to keep
16 millings and have them placed and spread in
17 different areas. The borough would like to
18 keep the millings and use them in the
19 following locations -- and this is subject
20 to change -- the DPW building, the access
21 road to the building from Sibley Avenue; the
22 soccer field, which is across the street,
23 there, that access road to the soccer field
24 from Sibley Avenue; and Pagnotti Field and
25 parking lot, which, again, I did receive

1 some calculations on that from Paul tonight
2 just for sizing purposes.

3 Does anybody have any questions on
4 the paving?

5 MR. RUSSELL RINALDI: I wasn't on
6 the roads committee last year. I am on it
7 this year. Is there a way to give us either
8 e-mail or send to the borough building the
9 streets that were taken off compared to the
10 ones that were put on? Or were there any
11 taken off from last year, last project?

12 MR. LOPATKA: There really weren't
13 any taken off.

14 MR. FERRETT: We added on.

15 MR. LOPATKA: We added a couple on.

16 MR. RUSSELL RINALDI: You did take
17 some off but then you put them back on and
18 then add them.

19 MR. LOPATKA: The second of Connell
20 Street's getting paved. That was taken off.

21 MR. FERRETT: The meeting that we
22 met Monday, that was a revised sheet that we
23 put on there. One of the reasons for that,
24 Russell, was the fact that in the bid
25 process, as I discussed with you and the

1 paving committee, that's \$180,000 which I
2 personally believe can be saved, as we
3 discussed with Dave, and he said he would
4 look into the matter and was one of the
5 reason why we figured the added streets
6 could be put on and so forth. It's not much
7 of a problem.

8 MR. RUSSELL RINALDI: I was just
9 curious. I was driving around a few of the
10 streets throughout the week just on my own
11 time, seeing what streets. I didn't know if
12 we had streets off of that current list.

13 MR. LOPATKA: No, the list is still
14 the same, although I think we added four
15 streets.

16 MR. PAPI: How about Dunn Avenue?
17 Is that still alive?

18 MR. LOPATKA: Next on my list. The
19 design is ongoing. With the holiday and
20 everything else we kind of got a little bit
21 behind. So we have the plan basically
22 together. I talked with PennDOT and we will
23 be getting to them relatively soon. So Dunn
24 Avenue, yes, it is still open.

25 Rosemount Estates roadway

1 reclamation project, American Asphalt, I
2 think I had this on last time. They
3 addressed punch list items in early
4 November. American Asphalt submitted a
5 payment app requesting retainage released
6 being the punch list items have been
7 addressed. Has inspected requested punch
8 list items and concurs with American Asphalt
9 that the project has been completed in
10 accordance with contract documents and
11 retainage can be released.

12 Villa, Inc. has made final payment
13 on American Asphalt invoice via check issued
14 on 12/23/15 in the amount of \$33,824.92,
15 which was the retainage amount as approved
16 by payment application dated 11/2/15, which
17 is attachment one, if you start flipping
18 back through there. We approved it a while
19 back, right after they did the work. I'm
20 just explaining what the requirement is from
21 the borough. What the agreement is, I
22 guess. The borough reimbursing Villa 50
23 percent in accordance with the January 9,
24 2015 court-ordered stipulation.

25 Reuther-Bowen discussed with

1 American Asphalt with regard to an invoice
2 that's attachment two from American Rooter
3 for the cleaning of the manhole that was
4 damaged during the reclamation process.
5 American, they dispute some of the video and
6 excess cleaning that was completed as part
7 of the work.

8 I stated to them that they're
9 definitely responsible for a minimum half of
10 the fee and asked them to prepare a letter
11 and issue it to the borough so that we can
12 review it and determine who owes what. Some
13 of the work that was done there I know they
14 were not aware of what had to happen, some
15 of the video, and it wasn't in anybody's
16 contract originally. I think when we went
17 up there and they contacted them -- I
18 contacted, I think, Paul that day. American
19 Rooter just happened to be doing some work
20 for the borough so they actually came over
21 and did the clean out.

22 But I guess after that there were a
23 couple dates where they went back and
24 re-cameraed some stuff. Do I think that was
25 in their contract? Probably not. But

1 definitely the clean out of the material and
2 the manhole definitely should have been part
3 of their responsibility. So they're
4 supposed to be issuing a letter to the
5 borough any day. I talked to them just the
6 other day on this. When we get that I'll
7 take a look at it and we can determine what
8 the final outcome needs to be.

9 MS. YEAGER: They explained to me it
10 took more than one day to solve the problem,
11 then they ran out of daylight. There were
12 other reasons. This is what Mike Ford told
13 me. I suggested that Mike Ford should speak
14 to American Rooter and explain it. I feel
15 that that bill in full should be paid by
16 American Asphalt, but I don't think that's
17 going to happen.

18 MR. LOPATKA: Let them submit the
19 letter, we can look at it and determine what
20 the final outcome needs to be. Any
21 questions on numbers?

22 Mountain Road land development
23 project, Reuther-Bowen did a final
24 inspection on the paving on Mountain Road
25 and found that milling is not completed, as

1 previously discussed with the owner and
2 American Asphalt. By not milling to the
3 designated location it appears that puddles
4 still form during rainstorms in the lane
5 exiting Mountain Road onto Milwaukee Avenue.
6 It's been brought to the attention of the
7 owner and American Asphalt. Reuther-Bowen
8 would like to set up a meeting with each to
9 discuss the option for correcting the
10 situation.

11 Villa, Inc. has previously paid
12 TSE -- and this the work with regards to
13 just Mountain Road on invoice 21512 in the
14 amount of \$33,729.84. On the remaining work
15 on Mountain Road, including the paving --
16 see Reuther-Bowen letter dated today. That
17 letter basically is stating we agree that
18 the majority of their remaining work has
19 been completed, but we would recommend
20 withholding a certain amount of money until
21 we resolved the issue with regards to the
22 puddle coming out.

23 Reuther-Bowen has reviewed deed
24 descriptions and maps provided by Villa,
25 Inc. and their attorney. The information

1 provided does not include enough information
2 to allow Reuther-Bowen to complete a final
3 review of the documents. The description on
4 the map exhibit A leaves a number of
5 questions as to ownership of adjacent
6 remnant parcels and whether the map as shown
7 creates subdivision of these remaining
8 parcels of land.

9 Reuther-Bowen had a discussion with
10 Solicitor Rinaldi, who agreed and issued a
11 letter, which I'm sure he's going to issue
12 to you also, that's not attached in four,
13 here, to the owner's attorney requesting
14 additional information. Reuther also
15 contacted the owner's engineer. The
16 engineer stated that he had a map from the
17 EPA cleanup Superfund site which was further
18 up Mountain Road which shows how the roadway
19 entrance was re-aligned to provide for
20 easier, safer access to the state road
21 during the project.

22 This was way back when they were
23 doing the Superfund cleanup. Reuther-Bowen
24 should have those maps to review and
25 determine if this map clarifies the current

1 document. At this point I haven't received
2 the mapping from them, so I'm not sure what
3 it shows, to be honest with you. Until I
4 get it I really wouldn't know.

5 Owner's engineer also e-mailed
6 copies of the closeout HOP permits for
7 Mountain Road entrance. It's attachment
8 five. Any question on item four?

9 Item five, Miles Street Park,
10 Reuther-Bowen met with the contractor for
11 finalizing overall project change order for
12 submission to the borough prior to the next
13 borough work session for discussion. Once
14 change orders are paid we can close out the
15 Miles Street Park project. I met with them
16 and went over -- there were some change
17 orders that were approved along the way that
18 weren't documented just by e-mail, so I'm
19 compiling all that information and I'll
20 issue one overall change order to the
21 borough for that project. The change orders
22 are approved. It's not like we're making
23 them up now. Any questions?

24 MR. SEMENZA: Any questions for
25 Dave? Thanks, Dave.

1 Police report, Jason?

2 CHIEF DUBERNAS: Good evening. Just
3 a few things. In the packet you guys should
4 have the year-end report from last year.
5 You can see there's some different totals
6 that went up from the year before, total
7 calls, and then also attached should be just
8 December's report. There's a year-end one
9 and a monthly one for December. The only
10 two things I have.

11 On the back of the year-end report
12 you'll see a list of all of the officers
13 that have to be reinstated. There are
14 32-hour officers and a part-time officer,
15 then there's two notations on the two that
16 aren't going to be reinstated and the reason
17 why.

18 The final thing is a stop sign at
19 the intersection of Kohler Avenue and Amity.
20 It's going to be on the south side. If
21 you're coming up Amity, traveling towards
22 Winter Street, there's no stop sign there.
23 I did a traffic study. With the new
24 residence being constructed there there
25 should be a three-way stop, not a two-way

1 stop due, to the high amount of traffic
2 coming from the north side of Kohler Avenue.
3 I addressed that with Paul and had that
4 approved for a stop sign. It would be on
5 the northwest corner, right in front of the
6 new construction being built on Amity
7 Avenue.

8 Other than that, that's all I have.

9 ATTY. RINALDI: Is that a new stop
10 sign?

11 CHIEF DUBERNAS: It will be a new
12 stop sign.

13 MR. FERRETT: We brought up that in
14 December that study was supposed to have
15 been made.

16 MR. SEMENZA: Chief, you said about
17 reinstated. Bill, do we have to do that?

18 ATTY. RINALDI: I would make a
19 motion to rehire the part-time officers for
20 2016.

21 MR. SEMENZA: Do they have to be
22 separate motions?

23 CHIEF DUBERNAS: No, I believe last
24 year President Rinaldi just read them all
25 off in order.

1 MR. SEMENZA: Make one motion but
2 read everybody's name. This is for the
3 part-time officers and the 32?

4 CHIEF DUBERNAS: They're classified
5 as part-time, too.

6 MR. SEMENZA: Bill, would that be
7 considered two different motions?

8 ATTY. RINALDI: I would do them each
9 separate. This way we know who is on the
10 roster and who's an officer when.

11 MR. RUSSELL RINALDI: Not to go back
12 and check the meeting, that's how we did it
13 last year. We did it separately. One
14 motion, read all the names, and then one
15 motion on the second one, read all the
16 names.

17 MR. SEMENZA: Any questions for
18 Chief Dubernas?

19 MR. RUSSELL RINALDI: Chief, just a
20 few questions. The officers noted on the
21 bottom -- I'm not going to mention their
22 names -- did those two officers that you
23 stated, did they request work?

24 CHIEF DUBERNAS: One gave me one
25 availability that only had two days and both

1 days are covered by full-timers, and the
2 other one I haven't had availability
3 since -- I think it states in there.
4 Neither one of them came to annual
5 qualifications and updates.

6 MR. RUSSELL RINALDI: But at one
7 point in time they did offer that they were
8 available?

9 CHIEF DUBERNAS: Yes.

10 MR. RUSSELL RINALDI: Whether we did
11 have it for them or not they did offer?

12 CHIEF DUBERNAS: Right, but I
13 haven't had availability. As a matter of
14 fact, they'll be decertified by the state of
15 Pennsylvania due to not having their annual
16 firearm qualifications and MPOETC updates.
17 They'll be taken off our roster as active.

18 MR. RUSSELL RINALDI: Then, attorney
19 Rinaldi, by that answer that he just gave,
20 that they did request time, didn't get it
21 because we didn't have any available, are we
22 in the legal to take them off the roster?

23 ATTY. RINALDI: Yes, they're just
24 part-time. There's a list of names you can
25 keep on calling.

1 CHIEF DUBERNAS: One officer
2 requested time, and it wasn't until --
3 August, September, October, November,
4 nothing. December, two days, and the two
5 days requested are covered by full time
6 officers.

7 MR. RUSSELL RINALDI: I just want to
8 make sure because if it's going to go to a
9 vote before we vote I want to make sure.

10 CHIEF DUBERNAS: Also, if they were
11 available she couldn't work or they couldn't
12 work due to not doing the firearms and their
13 updates annually. Firearms is in November.

14 MR. SEMENZA: So they're actually
15 not eligible.

16 CHIEF DUBERNAS: No. They're going
17 to be decertified when I do the list to
18 MPOETC for the state.

19 MR. RUSSELL RINALDI: If you're
20 recommending it and the solicitor is saying
21 we're doing it legal, that's good enough for
22 me.

23 MR. SEMENZA: Any questions?
24 Thanks.

25 Bill, solicitor's report?

1 ATTY. RINALDI: One thing I am going
2 ask you to vote on this evening is number
3 seven on the agenda, the limited access and
4 release agreement for the Lackawanna River
5 Corridor Association. Their access
6 agreement expires. This enables them to go
7 over Connell Street, which the borough owns,
8 in order to take water samples from the Old
9 Forge bore hole. The agreement is going to
10 hold the borough harmless, get the
11 appropriate insurance so they're covered for
12 insurance, and it just says that they have a
13 right to go across there for a period of --
14 I believe this goes for another two years,
15 if I'm not mistaken. They give advanced
16 notice to the borough to let them know -- it
17 expires December 31, 2018.

18 Just on the wording of that motion,
19 it would be a motion to reappoint the
20 following, and you can relist part-time
21 officers for 2016.

22 MR. SEMENZA: Any questions for
23 Bill? Thanks, Bill. Marylynn is not here
24 so I'll go down the table, see if council
25 has anything. Mayor?

1 MAYOR MULKERIN: Nothing tonight.

2 MR. FEBBO: Nothing.

3 MR. BROWN: Yes. As chairman of
4 public safety, I just want to make sure to
5 set up a date. I'd like to do monthly
6 meetings. Includes everybody -- the chief,
7 the mayor, yourself, Mr. Rinaldi.

8 MR. RUSSELL RINALDI: Would you like
9 to set up a monthly meeting on a certain day
10 every month?

11 MR. BROWN: No, we can reschedule
12 every month.

13 MR. SEMENZA: What were you
14 thinking?

15 MR. BROWN: I'm available during the
16 week whenever. So after 5:00 during the
17 week. You guys good on the first Monday?
18 Is 7:00 good?

19 MR. SEMENZA: 7:00 on Monday, the
20 1st. Anything else?

21 MR. BROWN: No, that's it.

22 MR. RUSSELL RINALDI: Sewer
23 committee meeting, Lucille, I would like you
24 to be there as well with me, Chairman
25 Semenza and Councilwoman Cordiano. If we

1 can also get together sometime before our
2 work session next week just so you can
3 explain to us a little bit of what you said
4 in the meeting, what you were looking for us
5 to advise you or recommend you to do with
6 the billing, whether the delinquents or
7 granting again like we did -- I remember we
8 granted the extension period last year as
9 well. Just so the committee can meet along
10 with you.

11 MS. YEAGER: Yes. Then every year I
12 won't have to ask you. It will be
13 established.

14 MR. RUSSELL RINALDI: Again, I'm
15 good, Mr. Chairman, whenever you're good and
16 Councilwoman Cordiano. I'll make time
17 whenever. Even if you want to do it an hour
18 before the meeting next Tuesday.

19 MS. CORDIANO: Fine with me.

20 MR. RUSSELL RINALDI: 6:30?

21 MS. YEAGER: Sounds good to me.

22 MS. CORDIANO: I was appointed to
23 the Abington COG committee, and Councilman
24 Ferrett and Councilman Brown and myself, we
25 got together on Sunday and we discussed this

1 committee. So I'm not really sure how much
2 has actually been done with this committee
3 so we're looking to bring some ideas to the
4 table. Even getting together with maybe
5 Moosic Council, Taylor Council, sharing some
6 ideas. I also reached out to the Abington
7 COG to see when their meetings are. I
8 haven't heard back yet but Mr. Brown told me
9 that I guess there's been some realignment
10 there. So we would like to go to the
11 meeting together, the three of us, and see
12 what we can learn, see what we can bring
13 here to the borough. We'll keep you up to
14 date on the next meeting.

15 I was also appointed to the borough
16 school board committee with Councilman Brown
17 and Councilman Febbo, and we also met on
18 Sunday. Also a relatively new committee, so
19 I did reach out to the superintendent of the
20 school. He did e-mail me back today and we
21 are going to be setting up a meeting to get
22 together to see how both the school district
23 and borough council can unite and do what's
24 best for the town, here, see what's in the
25 best interest. We'll keep you up to date on

1 that as well. That's all I have.

2 MR. FEBBO: DPW grounds committee
3 met, Joe Ferrett and myself, Joe Lenceski.
4 We met with Paul Papi over at the DPW garage
5 on Monday. Paul gave us an update on
6 trucks, equipment and daily procedures and
7 personnel.

8 At the same time we had a situation
9 where the personnel committee had a problem.
10 That's where we got involved with the
11 personnel department and I advised you as to
12 where we had to go and personnel took it
13 over from there.

14 Also, Joe Lenceski and I had a
15 meeting with the zoning officer, Steve
16 Bieryla, on a regular basis. We're working
17 on ideas on how to improve the zoning
18 situation. We feel we're making a lot of
19 progress and we'll be giving council an
20 update on a regular basis.

21 MR. SEMENZA: Councilman Ferret?

22 MR. FERRETT: Yeah. The paving
23 committee met -- Mr. Semenza, Mr. Lenceski
24 and myself. We discussed this
25 million-dollar road paving program that was

1 brought to our attention from last year, and
2 there are a lot of issues that we sat down
3 with the engineer and discussed these
4 things.

5 One of the things that was very
6 important was the fact that I'm very strong
7 on the idea of full road milling because I
8 think this is the right way to go. And I've
9 discussed this with both my colleagues and
10 they seem to agree basically because of the
11 fact that in the bid form that was put out
12 there's a line item of \$180,000 which is
13 dealing with construction of the road, and I
14 didn't think that would be necessary because
15 when you mill across the indentures that are
16 in the road they are going to be taken out.

17 In other words, when you take an
18 inch and a half off the road a lot of those
19 marks are going to be taken off the road.
20 This is one of the basic reasons why milling
21 across the road, I think, is so important.

22 Cost-wise, I'm not worried about
23 cost-wise because if you do 34 streets by
24 doing gutter milling and you have to go to
25 work and reduce those numbers by saying

1 you're going to do 29 streets to get it done
2 the right way, the object is to do it right
3 the first time and you're not going to have
4 any problems thereafter.

5 So I'm not going to put a motion on
6 the floor right now because I'll wait until
7 new business. We talked to the engineer and
8 he told us that in about three weeks that he
9 could have the bid forms put together and
10 everything, and I'm going to make a motion
11 after while that we authorize him to go
12 ahead and put the bid forms together so at
13 the next meeting, the 16th of February, that
14 he would present to us the bid forms. Then
15 council could either approve it or
16 disapprove it or whatever direction council
17 wants to go, whether it's full width milling
18 or whether it's just strictly gutter
19 milling. That's our point of view.

20 The money that's going to be paid
21 for this is on a loan that's coming from the
22 PennDOT, which is supposed to be
23 approximately 1.5. I'm not quite sure if
24 that's the accurate interest rate, but there
25 was an interest rate that was being kicked

1 around.

2 ATTY. RINALDI: I thought it was one
3 percent or one and a half.

4 MR. FERRETT: Whatever the case, but
5 until the time comes we'll have -- but the
6 most important thing is to prepare the bid
7 form, and then council can approve the bid
8 form at the next meeting and everything.
9 Then we can move forward. Delay of time is
10 not the answer to the question. The thing
11 is try and get it out there so we can get
12 paving done maybe in the latter part of May
13 or early part of June. But we'll have more
14 information on that when the engineer gives
15 us his report and we'll move forward at that
16 point. That's it.

17 MR. SEMENZA: Councilman Lenceski?

18 MR. LENCESKI: As chairman of the
19 finance committee, I would like to schedule
20 a meeting next Tuesday, the 2nd, 9:00 in the
21 morning.

22 MR. SEMENZA: Ask Marylynn. We'll
23 go for Tuesday, the 2nd.

24 MR. LENCESKI: As soon as Marylynn's
25 available.

1 MR. RUSSELL RINALDI: I'm good
2 anytime after 8:30.

3 MR. LENCESKI: That's all I have.

4 MR. SEMENZA: I have nothing, so we
5 will go into public input. Joe Russick?

6 MR. RUSSICK: Good evening. Joe
7 Russick, 642 Clark Street. In regard to
8 lighting, I don't know if you went through
9 Pittston recently. On Main Street they
10 converted to LEDs. As of January 1st of
11 this year PPL customers may request to
12 convert from existing high pressure sodium
13 and mercury vapor streetlights with more
14 efficient LED.

15 Everybody knows LEDs draw a heck of
16 a lot less power than regular, conventional
17 lighting. So this is something we should be
18 looking at. You can see the difference in
19 the electric bill.

20 MR. SEMENZA: Do you see the
21 savings?

22 MR. RUSSICK: Without a doubt. Plus
23 the maintenance. These things last a long,
24 long time. This is something I pulled off
25 the website.

1 MR. RUSSELL RINALDI: Joe, the
2 borough's required to contact PPL to tell
3 them that they would be interested in having
4 the lights switched over?

5 MR. RUSSICK: I believe so. Don't
6 you have a contract with PPL for
7 streetlights? And there's timeframes, too.
8 After ten years I believe it's free.
9 Something to explore.

10 MR. RUSSELL RINALDI: Looks a lot
11 brighter, too.

12 MR. RUSSICK: In reference to energy
13 savings, you might have heard of compressed
14 natural gas, commonly known as CNG. A lot
15 of commercial vehicles are using CNG. You
16 have a CNG station right down the street
17 here at LT Verrastro. That's an unattended
18 self-service. If you have a card you can go
19 in there and purchase CNG. Now, there's a
20 large refueling station being installed up
21 by Pilot. Waste Management is converting
22 all of their packmasters to CNG. Penn Argyl
23 has a large facility up there. Waste
24 Management in Dunmore is also putting a CNG
25 station in.

1 MR. SEMENZA: Duryea Borough has a
2 truck that runs on one.

3 MR. RUSSICK: When you're looking at
4 vehicles to purchase you might want to take
5 a look at CNG fuel. From what I understand,
6 these trucking outfits are getting a
7 guaranteed price between ten and 15 years.
8 There's also benefits from the government,
9 too, from what I understand.

10 Lastly, is Old Forge a member of the
11 Pennsylvania State Association of Boroughs?

12 MR. SEMENZA: Yes.

13 MR. RUSSICK: There's various
14 training programs that are available.

15 MR. SEMENZA: Actually a couple
16 councilmen just attended one.

17 MR RUSSICK: Again, there's
18 information I took off the internet. Also
19 the Governor's Center for Local Government
20 Services is an excellent source of
21 information.

22 MAYOR MULKERIN: The center you're
23 talked about, they touched that at that boot
24 camp.

25 MR. RUSSICK: Several years ago

1 there was a representative here and actually
2 the borough at that time did send a letter
3 in requesting to be part of that, but I
4 don't think it was ever followed up with.

5 MR. SEMENZA: Joe, to go back to the
6 LED lights, actually Marylynn, the borough
7 manager, is already working with PPL on
8 getting the LED lights.

9 MS. BARTOLETTI: Yes. We have tons
10 of accounts with PPL and we started working
11 on trying to get them done a little bit at a
12 time.

13 MR. SEMENZA: Didn't we do something
14 a couple years back, energy efficient
15 fixtures?

16 MR. BIERYLA: Yes.

17 MR. PAPI: The whole DPW was done
18 over, too.

19 MR. SEMENZA: We're coming out of
20 the caveman days, Joe. Before I go to the
21 next public input we'll go back to
22 Councilman Lenceski's question about a
23 finance meeting, Marylynn. February 2nd,
24 early in the day would be fine? Nine
25 o'clock all right?

1 MS. BARTOLETTI: Fine.

2 MR. SEMENZA: Lou Ciuccio?

3 MR. CIUCCIO: Good evening,
4 councilmen. I'm here this evening just
5 requesting payment for some invoices for the
6 work that was done up at Rosemount Estates
7 add was approved by Dave from Reuther-Bowen.
8 There's three invoices. One from PennDOT,
9 \$2,867; TSE, \$23,029; American Asphalt,
10 \$33,824. The total is \$59,722, and, you
11 know, your share of that would be half,
12 \$29,861.17.

13 MR. RUSSELL RINALDI: Dave, did you
14 receive those invoices?

15 MR. LOPATKA: Yes. Just the one
16 that I had mentioned with regard to the TSE
17 number, there is a new letter out there --
18 and I'll get you a copy of it, Lou -- that
19 we are looking to withhold some of that
20 because of the puddle until we can resolve
21 that issue.

22 MR. SEMENZA: Is this the January
23 26th letter?

24 MR. LOPATKA: Yes.

25 MR. SEMENZA: What's your

1 recommendation on that?

2 MR. LOPATKA: The contract work for
3 the reclamation project has been completed.
4 The majority of the work on Mountain Road at
5 this point has been completed other than
6 that one issue that we still have
7 outstanding that we'll get resolved. It was
8 up to you guys to talk about the PennDOT
9 invoices. I have them written up on a
10 letter dated October 6th or something like
11 that that they were paid, and I think at
12 this time you guys disagreed whether you
13 were going to pay the PennDOT invoice.
14 That's not up to me, I guess. I made the
15 recommendation and said that they were paid.

16 MR. RUSSELL RINALDI: Lou, we don't
17 have them in front of us. I know I would
18 like to know. Could you read those off
19 again?

20 MR. LENCESKI: They're in the
21 packet.

22 MR. SEMENZA: I only have one.

23 MR. RUSSEL RINALDI: I only see one
24 as well from TSE, \$33,729.84. That's the
25 only one I have.

1 MR. CIUCCIO: That's American
2 Asphalt.

3 MR. LOPATKA: TSE was an invoice, it
4 wasn't a payment application. Payment
5 application should be in your packets. That
6 was issued on November 2nd. Actually, our
7 date on it was 12/15. The payment
8 application was issued to us on November
9 2nd. I think the check was finally paid and
10 we agreed with it once we got receipt of the
11 check on 12/15.

12 ATTY. RINALDI: Did we get that
13 check? I don't have a copy of it.

14 MR. LOPATKA: That should be in what
15 I just gave you guys tonight. It's one of
16 the attachments.

17 MR. LENCESKI: Third page.

18 MR. SEMENZA: So American Asphalt is
19 \$33,824.92?

20 MR. CIUCCIO: Correct. The PennDOT
21 invoice is \$2,867.58. Since that's been
22 paid we've been issued the HOP permit.

23 MR. SEMENZA: Where is the invoice?

24 MR. FEBBO: Dave, is that what you
25 have? Do you recommend that we pay \$10,700,

1 reduced from 33 --

2 MR. LOPATKA: That's on that letter
3 I issued today, that we would hold
4 ten-seven. So if you look down there's a
5 calculation there that shows what the half
6 would be of the overall number.

7 ATTY. RINALDI: Maybe council would
8 consider tabling this because this is the
9 last payment that's going to be owed.

10 MR. CIUCCIO: There's more invoices
11 coming.

12 ATTY. RINALDI: I'm talking about
13 American Asphalt, there's no more invoices
14 there. Is there another TSE one?

15 MR. LOPATKA: The letter that I
16 have, attachment four in here, we're going
17 to withhold, like, ten-seven to make sure we
18 address that issue at the entrance.

19 ATTY. RINALDI: I just want to make
20 sure we get the deeds before we make the
21 final payment on all those roads up there
22 because we don't have them yet.

23 MR. LOPATKA: There's definitely
24 some conflict with regards to them. It
25 comes out to \$11,514.92.

1 ATTY. RINALDI: I think the payment
2 was made on December 29th. At least a copy
3 of the American Asphalt check that I got. I
4 did not get the TSE. I don't have that one.
5 That was for the work --

6 MR. LOPATKA: That was paid actually
7 quite a while ago. We had another letter
8 out there that we withheld that money
9 because we had to go back and he had to redo
10 the road. So I think it was paid in full
11 initially.

12 MR. CIUCCIO: Yes.

13 MR. LOPATKA: Then we withheld
14 paying out on that because we had to go back
15 and redo the road.

16 ATTY. RINALDI: Is this after your
17 calculation on how far up that payment is
18 for? In other words, you did a calculation.
19 We're only paying for so many -- I think
20 it's 300 feet or something like that. This
21 is a bill for the whole thing, isn't it, the
22 invoice? I know you had a calculation you
23 did where you calculated how much --

24 MR. LOPATKA: I thought the
25 discussion for the longest time was 475

1 feet.

2 ATTY. RINALDI: Whatever it was. I
3 know there was a calculation done.

4 MR. LOPATKA: The calculation I did
5 was, I think, based off of TSE's invoice.

6 ATTY. RINALDI: The whole invoice.
7 Right?

8 MR. LOPATKA: Yes.

9 ATTY. RINALDI: So this \$33,729 has
10 to be adjusted somewhat.

11 MR. LOPATKA: I guess we have to get
12 the overall dimensions.

13 ATTY. RINALDI: I know you had a
14 spreadsheet on how that was calculated.

15 MR. LOPATKA: I can pull that up,
16 redo it that way.

17 MR. SEMENZA: Dave, your
18 recommendation is to hold or reduce \$10,700
19 off of that?

20 MR. LOPATKA: Well, withhold that
21 for now until that work is completed
22 properly or you come to some agreement.

23 MR. CIUCCIO: Dave, you estimate --
24 what you're saying is \$10,000 to fix it?

25 MR. LOPATKA: I submitted somewhere

1 in that range just to make sure we had
2 enough money left over.

3 MR. FERRETT: Bill, what's your
4 recommendation?

5 ATTY. RINALDI: I'd like the borough
6 to get the roads before we make a final
7 payment.

8 MR. CIUCCIO: There's more payments
9 to be done here. There's more invoices
10 coming in. There's for fencing --

11 ATTY. RINALDI: We're not paying for
12 fencing. We're only paying for American
13 Asphalt, TSE. These are the last two
14 payments to those. Okay? Those are the
15 last payments.

16 MR. CIUCCIO: You're not paying for
17 the HOP. Is that correct?

18 ATTY. RINALDI: We're not paying for
19 the HOP either. Only Mountain Road and
20 Villa. I sent a letter to your attorney.
21 Go over it with him. You have to come back
22 in to planning so we can get Mountain Road,
23 a final approval on it. We have to record
24 that plan. I think there were some
25 questions on that.