

OLD FORGE BOROUGH COUNCIL
OLD FORGE, PENNSYLVANIA

IN RE: REGULAR MEETING OF COUNCIL

JANUARY 24, 2017

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
RUSSELL RINALDI
DEVON BROWN
LOUIS FEBBO
RICK NOTARI
WILLIAM RINALDI, ESQUIRE, SOLICITOR
MARYLYNN BARTOLETTI, BOROUGH MANAGER

Mark Wozniak
Official Court Reporter

1 MR. SEMENZA: Good evening, ladies
2 and gentlemen. Welcome to the January 24th
3 Old Forge Council meeting. I'd like to
4 start the meeting with the Pledge of
5 Allegiance.

6 (The Pledge of Allegiance was
7 recited.)

8 MR. SEMENZA: Roll call, please,
9 Bill.

10 ATTY. RINALDI: Mr. Brown?

11 MR. BROWN: Here.

12 ATTY. RINALDI: Mr. Notari?

13 MR. NOTARI: Present.

14 ATTY. RINALDI: Mr. Febbo?

15 MR. FEBBO: Here.

16 ATTY. RINALDI: Mr. Ferrett?

17 MR. FERRETT: Here.

18 ATTY. RINALDI: Mr. Rinaldi?

19 ATTY. RINALDI: Mr. Rinaldi?

20 MR. RUSSELL RINALDI: Here.

21 ATTY. RINALDI: Mr. Lenceski?

22 MR. LENCESKI: Here.

23 ATTY. RINALDI: Mr. Semenza?

24 MR. SEMENZA: Here. Once again,
25 good evening, ladies and gentlemen. The

1 purpose of tonight's meeting is we'll go
2 down the table, hear from our councilmen, go
3 to our department heads, go through
4 housekeeping items and new business.
5 There's a public sign-in sheet if anybody
6 would like to address council.

7 The first motion is a motion to
8 approve the minutes.

9 MR. FEBBO: I'll make that motion.

10 MR. SEMENZA: Motion by Councilman
11 Febbo. May I have a second?

12 MR. LENCESKI: I'll second that.

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

16 MR. NOTARI: Excuse me. Are we
17 doing the minutes for the regular meeting,
18 December 20th?

19 MR. SEMENZA: The minutes that were
20 in your packet.

21 MR. NOTARI: It was also the special
22 meeting as well. Are we approving all them
23 together?

24 MR. SEMENZA: We're approving all
25 the minutes that were in the packet. Roll

1 call, please.

2 ATTY. RINALDI: Mr. Brown?

3 MR. BROWN: Yes.

4 ATTY. RINALDI: MR. Notari?

5 MR. NOTARI: Yes.

6 ATTY. RINALDI: Mr. Febbo?

7 MR. FEBBO: Yes.

8 ATTY. RINALDI: Mr. Ferrett?

9 MR. FERRETT: Yes.

10 ATTY. RINALDI: Mr. Rinaldi?

11 MR. RUSSELL RINALDI: Yes.

12 ATTY. RINALDI: Mr. Lenceski?

13 MR. LENCESKI: Yes.

14 ATTY. RINALDI: Mr. Semenza?

15 MR. SEMENZA: Yes. The second

16 motion is a motion to approve the

17 treasurer's reports. Note this does not

18 include sewer accounts.

19 MR. LENCESKI: I'll make that

20 motion.

21 MR. SEMENZA: By Councilman

22 Lenceski. May I have a second?

23 MR. RUSSELL RINALDI: I'll second

24 it.

25 MR. SEMENZA: Seconded by Councilman

1 Rinaldi. On the question? Public input?
2 Roll call, please.

3 ATTY. RINALDI: Mr. Brown?

4 MR. BROWN: Yes.

5 ATTY. RINALDI: Mr. Notari?

6 MR. NOTARI: Yes.

7 ATTY. RINALDI: Mr. Febbo?

8 MR. FEBBO: Yes.

9 ATTY. RINALDI: Mr. Ferrett?

10 MR. FERRETT: Yes.

11 ATTY. RINALDI: Mr. Rinaldi?

12 MR. RUSSELL RINALDI: Yes.

13 ATTY. RINALDI: Mr. Lenceski?

14 MR. LENCESKI: Yes.

15 ATTY. RINALDI: Mr. Semenza?

16 MR. SEMENZA: Yes. The chair would
17 entertain a motion to approve invoices for
18 payment. Note that this does not include
19 sewer accounts.

20 MR. RINALDI: I'll make that motion.

21 MR. SEMENZA: By Councilman Rinaldi.
22 May I have a second?

23 MR. LENCESKI: I'll second that.

24 MR. SEMENZA: By Councilman
25 Lenceski. On the question? Public input?

1 Roll call, please.

2 ATTY. RINALDI: Mr. Brown?

3 MR. BROWN: Yes.

4 ATTY. RINALDI: Mr. Notari?

5 MR. NOTARI: Yes.

6 ATTY. RINALDI: Mr. Febbo?

7 MR. FEBBO: Yes.

8 ATTY. RINALDI: Mr. Ferrett?

9 MR. FERRETT: Yes.

10 ATTY. RINALDI: Mr. Rinaldi?

11 MR. RUSSELL RINALDI: Yes.

12 ATTY. RINALDI: Mr. Lenceski?

13 MR. LENCESKI: Yes.

14 ATTY. RINALDI: Mr. Semenza?

15 MR. SEMENZA: Yes. The fourth
16 motion is a motion to approve sewer
17 department financial reports.

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

20 MR. SEMENZA: By Councilman Rinaldi.
21 May I have a second?

22 MR. NOTARI: I'll second it.

23 MR. SEMENZA: Seconded by Councilman
24 Notari. On the question?

25 MR. NOTARI: I see Lucille is not

1 with us tonight. I just have a couple
2 questions on the bills for -- actually that
3 should be the next one. I'll wait. That
4 will be the next motion.

5 MR. SEMENZA: Public input? Roll
6 call, please.

7 ATTY. RINALDI: Mr. Brown?

8 MR. BROWN: Yes.

9 ATTY. RINALDI: Mr. Notari?

10 MR. NOTARI: Yes.

11 ATTY. RINALDI: Mr. Febbo?

12 MR. FEBBO: Yes.

13 ATTY. RINALDI: Mr. Ferrett?

14 MR. FERRETT: No.

15 ATTY. RINALDI: Mr. Rinaldi?

16 MR. RUSSELL RINALDI: Yes.

17 ATTY. RINALDI: Mr. Lenceski?

18 MR. LENCESKI: Yes.

19 ATTY. RINALDI: Mr. Semenza?

20 MR. SEMENZA: Yes. The next motion
21 is a motion to approve the sewer department
22 invoices for payment.

23 MR. NOTARI: I'll make the motion.

24 MR. SEMENZA: By Councilman Notari.

25 MR. RUSSELL RINALDI: I'll second

1 it, Mr. Chairman.

2 MR. SEMENZA: Seconded by Councilman
3 Rinaldi. On the question?

4 MR. NOTARI: Does anybody have any
5 idea about the bills for All American Rooter
6 and Earthworks? They seem high for the
7 month of January. Have we done any work?
8 Paul, are you aware of anything?

9 MR. PAPI: Not that I can think of
10 other than the normal stuff. We repaired --
11 if you look on Milwaukee Avenue, one of
12 manholes was sinking. Blew a big hole in
13 the side. Earthworks replaced that. MEFCO
14 came and flushed all the lines out and we
15 cameraed all the lines on Moosic Road. It's
16 in my report.

17 MR. NOTARI: I saw that in your
18 report. So you think that's what these
19 bills are from?

20 MR. PAPI: It's the only thing I can
21 think of right away. We had a blocked sewer
22 on Amity Avenue we had to flush. Other than
23 that, just the normal.

24 MR. NOTARI: These are obviously
25 questions for Lucille.

1 MR. PAPI: We're not done with
2 Moosic Road. We actually uncovered a buried
3 manhole in front of Salerno's. We went 900
4 feet between manholes. There's no way to
5 clean. So we've been cameraing, and then
6 after we cameraed we found the manhole.
7 Then we cameraed again and we hit a brick.
8 We got the brick out and now we're waiting
9 for a nice day to come back and finish. We
10 think there's another buried manhole.

11 MR. FERRETT: Mr. Notari, the
12 question that you asked, was that on the
13 bill from Earthworks?

14 MR. NOTARI: I'm asking on the bill
15 from All American Rooter and the bill from
16 Earthworks.

17 MR. FERRETT: Paul, if you're saying
18 that some of the work that was done was
19 manholes and everything of this nature why
20 is this going under the sewer authority?
21 That's storm water. That's not sanitary.

22 MR. PAPI: No, they're all manholes.
23 They're sewer manholes.

24 MR. FERRETT: That's not sanitary.
25 Why should it be coming under the sewer

1 authority?

2 MR. SEMENZA: Joe, it is sewer
3 lines. The manholes for the sewers.
4 Sanitary sewers. The manholes.

5 MR. FERRETT: Manholes.

6 MR. PAPI: The sewer manholes.

7 MR. FERRETT: They don't collect
8 storm water?

9 MR. PAPI: No. They're sewer lines,
10 not storm lines. It's a sewer line.

11 MR. NOTARI: I'm good.

12 MR. SEMENZA: Public input? Roll
13 call, please.

14 ATTY. RINALDI: Mr. Brown?

15 MR. BROWN: Yes.

16 ATTY. RINALDI: Mr. Notari?

17 MR. NOTARI: Yes.

18 ATTY. RINALDI: Mr. Ferrett?

19 MR. FERRETT: Yes.

20 ATTY. RINALDI: Mr. Febbo?

21 MR. FEBBO: Yes.

22 ATTY. RINALDI: Mr. Rinaldi?

23 MR. RUSSELL RINALDI: Yes.

24 ATTY. RINALDI: Mr. Lenceski?

25 MR. LENCESKI: Yes.

1 ATTY. RINALDI: Mr. Semenza?

2 MR. SEMENZA: Yes. At this time I'm
3 going to go to our department heads. Paul
4 Papi, DPW?

5 (Mr. Papi read his report, which is
6 attached.)

7 MR. FEBBO: Last night, with that
8 snow and sleet that came down, I want to
9 compliment Paul and the DPW guys for getting
10 out when it started hitting pretty bad.
11 They stayed out all night to keep the roads
12 open.

13 MR. NOTARI: I have a question.
14 There's a resident on East Grace that's been
15 badgering me for a stop sign on East Grace
16 and Fallon. He's been badgering the mayor
17 as well. The mayor has told me the chief
18 had done a study and we can't put a stop
19 sign there. Is there a possibility we can
20 put a watch children at play sign?

21 MR. PAPI: I just put a children at
22 play sign on Fallon.

23 MR. NOTARI: At Alicia you put one.

24 CHIEF DUBERNAS: There's one on
25 Fallon.

1 MR. NOTARI: Can we either put a
2 sign there or even lower, maybe at the
3 corner --

4 MR. PAPI: I'll put a sign wherever
5 you want.

6 MAYOR MULKERIN: Across from
7 Mr. Stacchiotti's house.

8 MR. PAPI: Tell me where, I'll put
9 it up.

10 MR. NOTARI: I think it should be at
11 the V. That's First Street. Right?

12 CHIEF DUBERNAS: There's a stop sign
13 on First.

14 MR. SEMENZA: Maxon Drive.

15 CHIEF DUBERNAS: At Maxon Drive
16 there's a stop sign.

17 MR. NOTARI: There's a stop sign on
18 East Grace, there's a stop sign on First,
19 which is Ghigiarelli Drive. There's no stop
20 sign coming down East Grace. Right? At the
21 three way at the football field, where
22 Anthony Cusumano lives. So coming up East
23 Grace, towards Reviello's. Could we put a
24 watch children at play sign there? Because
25 to be honest, I was able to make the green

1 light from there to Main. I couldn't
2 believe it. I never thought I was going to
3 make it. I really wasn't speeding. I think
4 people probably have the opportunity to
5 speed there if they're trying to catch that
6 green light.

7 MR. PAPI: So if I'm heading toward
8 Main Street, that's the direction you want
9 the sign facing?

10 MR. NOTARI: Correct.

11 MAYOR MULKERIN: One of the issues
12 in addition to that is -- and it comes into
13 play with complaints we received. The cars
14 go down the wrong way, one way, constantly,
15 and I've seen it myself.

16 MR. PAPI: We have a sign hanging on
17 Main Street. Four of them.

18 MAYOR MULKERIN: They're there. I
19 don't know what else to do.

20 MR. PAPI: They cut through Angelo's
21 parking lot. It says no exit, but if you go
22 out Angelo's parking lot and turn left.
23 Lots of people do that.

24 MAYOR MULKERIN: We've had a few
25 stops there with the police, wrong way down

1 a one way. I've seen them go down.

2 MR. NOTARI: If there's a spot to
3 put it, Paul. Wherever there's a convenient
4 spot to put it in that block.

5 MR. PAPI: I'll try and get a nice
6 big green one that says children at play.

7 MR. NOTARI: That's probably the
8 perfect spot. Even that corner closest to
9 the football field. There's always young
10 kids in that area, too.

11 MR. SEMENZA: Anybody else?

12 MR. FERRETT: Paul, in your report
13 and everything you said that we cleaned
14 three storm drains on Main Street. Correct?

15 MR. PAPI: Yes.

16 MR. FERRETT: Storm drains are not
17 sanitary.

18 MR. PAPI: No.

19 MR. FERRETT: Bill, is there a
20 description on that?

21 MR. PAPI: Joe, we cleaned them.
22 Mike Ford didn't clean them, we cleaned
23 them. They were blocked with all leaves and
24 debris and we just cleaned them out.

25 MR. FERRETT: Where does the bill go

1 to?

2 MR. PAPI: There is no bill.

3 MR. FERRETT: Who pays for that?

4 MR. PAPI: We did it, the DPW.

5 MR. FERRETT: Okay, no problem.

6 MR. SEMENZA: Anybody else? Thanks,
7 Paul. Steve, zoning code enforcement
8 officer's report, please.

9 (Mr. Bieryla read his report, which
10 is attached.)

11 MR. SEMENZA: The engineer's report
12 on the second page of your thing of property
13 one, which is 211 Oak Street, and property
14 two, which is 222-224, reading through it
15 what is the determination there?

16 MR. BIERYLA: Well, the
17 determination on 211, that would be Sambo's,
18 Mr. Aulisio --

19 MR. SEMENZA: No, 211 is Chelland's.

20 MR. BIERYLA: A letter had been
21 sent. I tracked Mrs. Chelland down. She is
22 at the Harrington House. I spoke with her
23 and she seems to have some wit about her.
24 She's not delusional. She knows what she's
25 talking about. So I told her the letter was

1 going to be coming about the dangerous
2 building and I attached the engineer's
3 report. She received that on January 14th.
4 That was a certified letter. I'm waiting.

5 MR. SEMENZA: I don't understand
6 how, from reading this, this cannot be
7 deemed, like, an unsafe property. Like,
8 condemned. Tear it down. It says it right
9 here in the report.

10 MR. BIERLYA: Once again, that goes
11 through our solicitor.

12 MR. SEMENZA: "The trees and
13 vegetation growing close to the foundation
14 may also be compromising the foundation."
15 If your foundation is compromised the house
16 should be condemned. The main thing of a
17 house is your foundation.

18 MR. BIERLYA: Well, I believe
19 Mr. Rinaldi said you have to give them a
20 chance either to demo or fix it up.

21 ATTY. RINALDI: Was this on 211?

22 MR. SEMENZA: Bill, did you read
23 this?

24 ATTY. RINALDI: Let me give you a
25 little background on 211. 211 is still

1 titled in Chelland's name although it's been
2 foreclosed upon by a bank. I spoke to a
3 lawyer at the bank, and there was a stay on
4 the foreclosure and I believe there was a
5 bankruptcy. So I haven't gotten to the
6 bottom of it because it's not in the record,
7 but there's a foreclosure action, final
8 judgment. Hasn't gone to sheriff's sale for
9 the bank to take it. So there's a big lien
10 on that.

11 So who the right person is -- I was
12 trying to figure out who the right person is
13 to contact.

14 MR. SEMENZA: I understand that, but
15 it's in this report. "We feel the primary
16 house structure is at risk of becoming
17 unstable in near term."

18 I mean, everything it says here is
19 that you can see into the basement, they
20 couldn't walk into the house, walking up the
21 steps was a danger. They almost went
22 through the steps. I mean, what if a kid
23 walks up there and walks into that house and
24 falls into the basement? What do we do
25 then?

1 ATTY. RINALDI: It's not our --

2 MR. SEMENZA: I understand that, but
3 something needs to be taken care of
4 immediately with this. I don't know who we
5 go to, how we get it done, but it needs to
6 be done immediately. It even says it's a
7 fire hazard.

8 MR. FEBBO: Bill, does that fall
9 back on us as a council?

10 ATTY. RINALDI: No.

11 MR. SEMENZA: It doesn't matter if
12 it falls back on us or not. If a child goes
13 into that house and falls through -- I mean,
14 I apologize for being upset, but it's
15 uncalled for that a house like that, sitting
16 there that many years and nobody has done
17 nothing about it.

18 MAYOR MULKERIN: What's the next
19 step, Steve? What happens now?

20 MR. BIERYLA: Dangerous building,
21 ten days to reply back to us. Then after
22 that council sets up that special hearing to
23 warrant why they should fix it or tear it
24 down.

25 MR. SEMENZA: Can't we just condemn

1 it? Can't we just go condemn it?

2 MR. BIERLYA: If you have the money
3 to pay for it. That's what condemn means.

4 ATTY. RINALDI: She has no money.

5 MAYOR MULKERIN: Explain that.

6 MR. SEMENZA: You can't put a
7 condemned sticker on it this building is
8 condemned?

9 MR. BIERLYA: I had three unsafe for
10 human habitation stickers on there. They've
11 been torn off and my locks have been torn
12 off the door three different times. Why? I
13 don't know or who's going in or what. But
14 when you condemn, you're condemning it so
15 you're going to own it. So if you don't
16 have the money to tear it down and she
17 doesn't have the money to tear it down,
18 you're saying you're going to tear it down.

19 MR. SEMENZA: Somebody has to tear
20 it down.

21 MR. FERRETT: It's not a question of
22 having the money to tear it down. That's
23 not a problem. We get CDBG money that does
24 that kind of work. So that's completely out
25 of the order. You're the engineer. You had

1 your company check this out and everything
2 and all the things that you wrote about,
3 it's infested, the odor, the cats and so
4 forth.

5 MR. LOPATKA: It's not in great
6 shape. It's not going to fall over
7 tomorrow.

8 MR. FERRETT: What would your
9 opinion be, then? That this place should be
10 condemned?

11 MAYOR MULKERIN: How about Thursday?
12 Not tomorrow, like Bobby said. If somebody
13 goes in there -- there's kids all over that
14 neighborhood.

15 MR. SEMENZA: I'm more worried about
16 that issue happening. I'm upset. I'm not
17 pointing fingers or blaming anybody for --

18 MAYOR MULKERIN: It could be a fire
19 hazard.

20 MR. LOPATKA: I'm not disagreeing
21 with you. We wrote the report. It's not in
22 good shape. Could we as a firm say that it
23 has to be torn down? I don't know if we can
24 legally say that. You know, our opinion is
25 it's unsafe. It's a fire hazard, there's

1 issues with it. They either need to do the
2 repairs immediately or they need to be
3 repaired -- or need to be torn down, but we
4 can't --

5 MR. SEMENZA: We all know that house
6 is unrepairable.

7 MR. FERRETT: What about a health
8 hazard?

9 MR. LOPATKA: They're kind of saying
10 that as part of it. The report kind of
11 details out it's unsafe, it's --

12 MR. FERRETT: What could happen to
13 the people next door with that odor and
14 everything coming out of that building and
15 everything? I think we should move and see
16 whether we should get the health board come
17 down here, condemn this place and move from
18 there on in. I don't think you're going to
19 be going anyplace.

20 ATTY. RINALDI: There's a legal and
21 there's a practical. The practical is you
22 can do whatever you want. We can send as
23 many letters or we can do as many orders as
24 we want. She's in a nursing home and
25 doesn't have any money. There's a

1 foreclosure pending that's been stayed, and
2 I can't find out why it's stayed yet. But
3 the bank has stayed it and they have a
4 judgment against it to take the house.

5 I mean, ideally once they take the
6 house they have the wherewithal to tear it
7 down. So that's what I'm trying to find
8 out. Because right now there's so much
9 money owed on that house between the bank
10 and the back taxes, I mean, I'd hate to see
11 the borough spend the money. You're never
12 going to get your money back liening it.
13 Put it that way. That foreclosure's been
14 out there, I think, since 2006, so the
15 interest is just racking up and the taxes
16 are racking up.

17 MR. RUSSELL RINALDI: Bill, what
18 money are you saying we won't get back, the
19 money we had to spend to pay to knock it
20 down?

21 ATTY. RINALDI: Yeah.

22 MR. SEMENZA: Would we have to --

23 ATTY. RINALDI: She doesn't have the
24 money.

25 MR. SEMENZA: All these back taxes

1 and everything, would we be liable for all
2 that stuff also?

3 ATTY. RINALDI: No, but it's not
4 worth that much money that -- once it sells
5 you're going to have the back taxes get paid
6 first, then the mortgage. We're last on the
7 list.

8 MR. SEMENZA: If the bank forecloses
9 on it could we go after the bank for --

10 ATTY. RINALDI: That's why I wanted
11 to find out why they foreclosed and they got
12 a judgment two years ago and haven't acted
13 on it. When I spoke to the council they
14 back burnered it because there's a stay. I
15 don't know if the stay's because she's in
16 bankruptcy or because she's incompetent. I
17 have to find out. That's what I'm trying to
18 find out.

19 MR. RUSSICK: You have a hazardous
20 building ordinance, don't we? It tells you
21 exactly what to do.

22 MR. BIERYLA: That's the letter
23 that's been sent.

24 MR. RUSSICK: It's council's
25 responsibility to protect the health, safety

1 and welfare of the citizens. You have to
2 take precedence. In other words, what's
3 happening here with the bankruptcy, et
4 cetera, is secondary to the health, safety
5 and welfare of the citizens.

6 MR. SEMENZA: I agree.

7 MR. NOTARI: I think we all agree on
8 that point, but I think what attorney
9 Rinaldi is saying is we need to go through
10 that process, and process is going to be a
11 waste of time. Is that what you're saying,
12 Bill?

13 ATTY. RINALDI: I'm just saying
14 she's not even going to show up, first of
15 all.

16 MR. RUSSICK: You have an eminent
17 danger situation here.

18 MR. NOTARI: What's the cost or
19 what's the liability just condemning the
20 property?

21 ATTY. RINALDI: The zoning officer
22 can condemn it as unfit and post it and
23 nobody's allowed in there, which he's done.
24 But if you're talking about tearing it
25 down --

1 MR. NOTARI: We have to own the
2 property to use CDBG money to demolish it.

3 MR. LOPATKA: I think you'd have to
4 pay the taxes and everything.

5 ATTY. RINALDI: If you're trying to
6 buy it you'd have to satisfy the mortgage
7 and the back taxes.

8 MR. FERRETT: We're not going to buy
9 it.

10 MR. PAPI: Do we have to buy it to
11 tear it down?

12 ATTY. RINALDI: No. Then you're
13 liened behind everybody else and you're not
14 going to get the money.

15 MR. FERRETT: That's not a problem.
16 We have CDBG money.

17 MR. SEMENZA: We can't use CDBG
18 money because we need to own the property to
19 use CDBG money on it.

20 MR. RUSSICK: You have an owner of
21 record. You go after the owner of record.

22 MAYOR MULKERIN: Apparently, what
23 Bill said, that's not going to get us
24 anywhere.

25 ATTY. RINALDI: We can go after the

1 owner of record, borough council can say
2 it's got to come down and we're going to
3 tear it down, we move to tear it down, we
4 lien the property, you're not getting that
5 money back.

6 MR. RUSSICK: The property's got to
7 be worth money, so you place a lien on the
8 property.

9 MR. RINALDI: Somewhere down the
10 line we're going to recoup the money. I
11 don't understand why we don't worry about --
12 and I shouldn't say -- I don't understand --
13 I'm sure everyone up here wants to do the
14 same thing. So why don't we go ahead to try
15 to move forward, use our own money, do the
16 right procedure -- condemn it, do the right
17 procedure, pay for it, knock it down, lien
18 it with the right procedure.

19 If it gets sold, whenever it gets
20 sold -- tomorrow, next year, ten years -- we
21 get the money back. If it doesn't the
22 building is knocked down -- it's condemned,
23 it's knocked down, it's not a safety hazard
24 anymore, it's not an eyesore anymore. I
25 mean, then we took care of one problem. We

1 invested the money and it sat there. Maybe
2 we'll get it back in five years, may ten
3 years. Someone will buy it --

4 MR. NOTARI: The property's going to
5 sell in an instant as soon as the house --

6 MR. RUSSELL RINALDI: It's in the
7 middle of one owner. One owner owns the
8 corner, one owner owns that nice building.
9 If that building comes down we'll have our
10 money back in a month.

11 MR. LENCESKI: Well, let's make that
12 motion tonight. Do it right now, tonight.
13 Keep moving on. We all know what we want to
14 do, that's it.

15 MR. BIERYLA: The party that has
16 that nice building wanted to buy that lot
17 and the other lot and put another similar
18 structure there a while ago. Maybe two,
19 three years ago.

20 MR. RUSSELL RINALDI: My knowledge
21 was that owner of that building wanted to
22 put two more of those there.

23 MR. SEMENZA: Can we legally do
24 this, go to work and tear this building down
25 if we wanted to?

1 ATTY. RINALDI: You have to go
2 through the process. I'm telling you
3 there's like a hundred and some thousand
4 dollars owed there. Is that lot worth more
5 than \$150,000?

6 MR. NOTARI: No.

7 MR. SEMENZA: Most definitely not.

8 ATTY. RINALDI: Well, before you
9 start spending 20 grand you better know what
10 you're going to get.

11 MR. TAGLIAFERRI: Even if you get 80
12 percent of what's owed on it. I mean, I
13 would think the bank's going to want to take
14 something rather than nothing.

15 MR. RUSSELL RINALDI: There's no
16 bank in their right mind in the world today,
17 if they're owed \$140,000 on that property
18 and someone came and said we'll give you 60,
19 70, and it's been sitting there for 20
20 years, they're owed 140, the bank will take
21 60, write the 80 off as a loss. That's
22 common sense.

23 MR. LOPATKA: But if they do that
24 they're the first lean holder. Whatever
25 money comes out of that --

1 MR. SEMENZA: They'll get it first,
2 we'll it last.

3 MR. LOPATKA: You guys might never
4 get anything.

5 ATTY. RINALDI: That's what I'm
6 saying. I'm not going to tell you you're
7 going to get your money back because you
8 might get zero.

9 MR. RUSSELL RINALDI: We did what
10 was right for the town.

11 MR. FERRETT: In regards to what it
12 cost us, if it costs us \$20,000 to knock it
13 down, which we'll probably never see again,
14 could we do that?

15 ATTY. RINALDI: That's why you guys
16 need to have that discussion. You might not
17 see a penny. Know that before you go into
18 it. There is a legal and there's a
19 practical.

20 MR. FEBBO: Do we have \$20,000 we'll
21 never see again?

22 MR. FERRETT: Didn't we do the first
23 property with CDBG money?

24 ATTY. RINALDI: The owner's already
25 got a judgment against her.

1 MR. NOTARI: We're not going to be
2 able to turn around and tear it down in a
3 month, so why don't we continue the process
4 of send them the dangerous building letter
5 out, which you've done.

6 MAYOR MULKERIN: A hearing would be
7 scheduled. She's not going to show.

8 MR. NOTARI: Schedule the hearing,
9 go through the process --

10 MR. BIERLYA: And at that time you
11 can determine what you want to do.

12 MR. NOTARI: Let Bill continue to
13 research the property and see --

14 ATTY. RINALDI: You want to give the
15 mortgage holder notice because you don't
16 want him coming after the borough saying you
17 tore down my collateral.

18 MR. SEMENZA: Bill, can you contact
19 who you have to contact, try and get as much
20 information as you want. Tell them borough
21 council is looking to tear this structure
22 down.

23 ATTY. RINALDI: I'm waiting for one
24 call from a lawyer that represents her that
25 put the stay in because he's a bankruptcy

1 attorney, too.

2 MR. SEMENZA: Do we schedule the
3 hearing tonight?

4 MR. BIERLYA: Today is ten days
5 since she received it.

6 MR. SEMENZA: We'll do that in new
7 business.

8 MR. PAPI: If we did demolish the
9 building who is responsible for the
10 maintenance of the property after, when the
11 grass grows all summer and the weeds?

12 MR. SEMENZA: They're still the
13 owner of the property.

14 MR. PAPI: She's not going to do
15 anything. We're back to the same thing with
16 the maintenance of the property.

17 MR. FERRETT: You have to
18 understand, like Bill was saying, if the
19 bank is foreclosing on this property and
20 everything goes through for the bank which
21 we're totally unaware of, then what happens
22 if we go to work and knock their building
23 down and they didn't know nothing about
24 this? They lose all their collateral stuff.

25 So the thing is, like Mr. Notari was

1 saying, maybe we're better off to let the
2 process go through and let Bill keep at this
3 thing to find out where we stand before we
4 make any moves on this matter.

5 MR. FEBBO: That process is already
6 in motion with Steve and Bill.

7 MR. NOTARI: You can condemn the
8 building. Right? Or do you have to wait
9 for the process to play out?

10 THE MAYOR: It's basically been
11 condemned three times. They take the
12 stickers and break the locks.

13 MR. BIERLYA: I put the unsafe for
14 human habitation on it.

15 MR. RUSSELL RINALDI: It was never
16 condemned.

17 MR. BIERLYA: I never put a
18 condemned sticker. Like I said, if you own
19 it you have to take it down.

20 MR. FEBBO: You sent a letter out,
21 you said, ten days. That's today, now we go
22 into the second phase.

23 MR. BIERLYA: It's up to council to
24 schedule that hearing. I sent out the
25 letter, as we did on the wall, and then

1 continue from there. Then at that meeting
2 council can decide as to if nobody shows up
3 or Bill gets a call from the lawyer as to
4 repairs or demolish. If nobody shows up
5 council makes a decision and we send the
6 decision out to the party, whether it be the
7 bank or the lien holder or whoever it is
8 right now.

9 ATTY. RINALDI: Right now it's her
10 problem and her liability. The bank is
11 probably insuring it because she's not
12 paying ten cents. I don't want to make it
13 the borough's problem by saying we're going
14 to tear it down and then find out you have
15 to put it out to bid and on and on.

16 MR. BIERLYA: I spoke with her. I
17 said action's going to have to be taken and
18 she should get a lawyer. I said I
19 recommend, if you have somebody, to show
20 some representation for yourself. That's
21 where it left off.

22 MR. SEMENZA: Is the building
23 secured?

24 MR. BIERLYA: No, not yet.

25 MR. SEMENZA: Can we secure that

1 ASAP?

2 MR. BIERLYA: I'll put that on
3 tomorrow. I got busy with a property owner
4 on Henderson all last week. Just to inform
5 council, it was a problem property. The son
6 got put in Camp Hill. He was gone. The
7 father got sick. Some of the son's friends
8 were still staying there. They left two
9 dogs there. The father went to the
10 hospital. He was supposed to come out of
11 the hospital. He fell on his way out of the
12 hospital. They found out he had to get a
13 pacemaker. He wound up in Riverside Rehab.

14 There was two dogs in the house plus
15 a cat, which was his cat. I went up to the
16 rehab and spoke to the social worker, got in
17 contact with Griffin Animal. Officer
18 Bernardi and another police officer, we fed
19 the animals for five days before they could
20 come down just to make sure they had food
21 and water in the house.

22 Then I went back up to Riverside
23 Rehab after the dogs were removed and I
24 spoke with him. There was a cat there which
25 was his cat. I tried to retain the cat. I

1 called up the vet, Blue Chip and Guardian
2 Angels for the pets, because they take care
3 of animals when pets get sick. In turn,
4 they got the cat in a home for him and they
5 pay half of the cost.

6 Went back up there to speak with him
7 again for -- number one would be nobody's in
8 the house. The house was cold. He tried to
9 secure the plumber underneath his phone. I
10 made a few phone calls and the plumber went
11 up to see him, got the keys, went down and
12 got the furnace back up.

13 Riverside Rehab came down again
14 because he had said his son had a snake.
15 Went over there at 6:00 at night with them.
16 We walked through the house, we didn't find
17 no snake. We went back again the second
18 day, didn't find no snake. They determined
19 that since the property was so cold that
20 they either took the snake or the snake got
21 out and died.

22 I was in the process of trying to
23 speak to the social worker to see who's
24 going to come and clean up the house because
25 it's defecation all over the place because

1 the animals were left alone for so long. He
2 went back in the hospital and I have yet --
3 I don't really know if he's back up at
4 Riverside.

5 MR. SEMENZA: He left already. I
6 was up there yesterday.

7 MR. BIERYLA: That means he's in the
8 hospital. So he's still in the hospital.

9 MR. SEMENZA: Then he came back to
10 Riverside and he left again.

11 MR. BIERYLA: The problem now is for
12 him to come back home he needs to get
13 somebody to take and clean the house for
14 him, because he's not going to be able to do
15 it himself. It really is a mess. So I was
16 working on that the whole time.

17 MR. SEMENZA: All right. Anybody
18 have any other questions?

19 MR. BIERYLA: Let me go back to
20 Sambo's. Since then Mr. Aulisio has boarded
21 it up. If you see, over the weekend he has
22 fixed or boarded it up. He's going to
23 either repair or demolish, but at the
24 present time he's trying to weigh his odds.
25 He kind of, like, complied to just take away

1 the danger of the Plexiglass and the animals
2 to secure it there. He said it's kind of
3 sentimental because back in 1897 his
4 grandfather bought the property. The house
5 was built in 1902, then with that Lease
6 Cleaners' original shop right there. Then
7 they moved down the street. So it has some
8 sentimental value right now. He just wants
9 to see whether the sentimental value is
10 going to go away or if he wants to refurbish
11 the building just because it's so
12 historical, since it was built in 1927.

13 MR. SEMENZA: Anybody have any
14 questions for Steve?

15 MR. RUSSELL RINALDI: On that,
16 Steve, that building is leaning. Is that
17 correct? You told us a meeting ago it was
18 out of plumb.

19 MR. BIERYLA: The front is. So
20 that's why his repair is -- he wants to see
21 what he's going to do. The back is --

22 MR. RUSSELL RINALDI: By putting up
23 those three things it straightened the
24 building out?

25 MR. BIERYLA: Well, no, it took away

1 the hazards.

2 MR. RUSSELL RINALDI: That's not
3 what I'm saying. You told us the building
4 was out of plumb, that it's leaning.

5 MR. BIERYLA: But you're asking from
6 a standpoint --

7 MR. RUSSELL RINALDI: No, I'm just
8 asking if it's still out of plumb? Is it
9 still leaning?

10 MR. BIERYLA: If I said it was
11 leaning before, it must be leaning a little
12 bit now.

13 MR. RUSSELL RINALDI: So, then, if
14 it's leaning and it's out of plumb could it
15 be left that way legally? Or no? Could
16 three boards going up on the front stop it
17 from being out of plumb? You said it puts
18 it out of violation.

19 MR. BIERYLA: For the hazards.

20 MR. RUSSEL RINALDI: What about the
21 out of plumb?

22 MR. BIERYLA: I think I repeated
23 myself in saying he's going to repair or
24 demolish that front part.

25 MR. BROWN: Last meeting that we had

1 I posed a question pertaining to these two
2 properties, and the question was the process
3 and the way that we were handling the two
4 properties that seem to be structurally
5 unsafe. Now, I'm no engineer. I cannot
6 classify that. But we were handling two
7 properties that are basically across the
8 street from each other in two different
9 manners.

10 MR. BIERLYA: Did you read the
11 structural report?

12 MR. BROWN: Yeah, I totally get
13 that. One we're trying to condemn, which
14 I'm all for, and the other one we were going
15 through the process of talking with them. I
16 think, in my opinion -- and I don't know
17 about anybody else here -- maybe we should
18 have sense to use the property letter just
19 so we can have on record the time frame for
20 legal reasons and for legal recourse if the
21 owner doesn't go through with either
22 demolishing a property or rectifying a
23 property. What's the recourse we have?

24 MR. BIERLYA: A sent Mr. Aulisio the
25 letter November 23rd, and I have it filed if

1 you wish to see it.

2 MR. BROWN: But we never set up a
3 hearing then which I was saying then for the
4 nuisance property. For the ten-day hearing
5 back in November we never set up a hearing.

6 MR. BIERYLA: Right, and I laid it
7 in council's lap to set up the hearing and
8 then council never set up the hearing.

9 MR. BROWN: So we're able to set up
10 a hearing for that property -- for the two
11 Oak Street properties if we want. I don't
12 know if that's everyone else's opinion on
13 here but we can. I mean, Aulisio is
14 verbally telling the code enforcement that
15 he's either going to demolish it or fix it,
16 but if we don't have anything in writing we
17 don't have anybody coming to us. Then how
18 are we going to be able to go after them in
19 the future?

20 MR. SEMENZA: Councilman Brown, in
21 my opinion these two properties are two
22 totally different -- if you read the report,
23 two totally different situations.

24 MR. BROWN: I did.

25 MR. SEMENZA: One is definitely --

1 MR. BROWN: They're both, as
2 Mr. Rinaldi said, out of plumb. The
3 property is leaning.

4 MR. SEMENZA: That doesn't matter.
5 Out of plumb --

6 MR. BROWN: The structure is
7 leaning.

8 MR. RUSSELL RINALDI: You told us
9 out of plumb means --

10 MR. SEMENZA: Listen, it says in the
11 report it appears to be sound and intact.
12 "The rear masonry portion of it appears to
13 be sound and intact."

14 MR. BROWN: But they weren't allowed
15 inside, whereas they went inside of this
16 property. So if they were allowed inside
17 would that differ?

18 MR. SEMENZA: You weren't allowed
19 inside Sambo's?

20 MR. BIERYLA: At that time
21 Mr. Aulisio wasn't available when the
22 structural engineer came around. From what
23 I understand from the contractor that he had
24 the portion of the steps going downstairs
25 need to be repaired, but I guess they have

1 some pressing machines. The beams are two
2 by 12, doubled up, 12 inches on center. So
3 the floor was pretty secure.

4 MR. LOPATKA: I think the biggest
5 issue with that property is there's a void,
6 a hole opening up on the right-hand side of
7 the property where storm water is draining
8 into. The property itself, in talking to
9 Mark, who did the inspection, it could be
10 stabilized. They could rebuild the front of
11 that building. It's not something that
12 needs -- right now it's not in great shape.
13 It's boarded up or did they secure it. I
14 think it's okay. But the biggest issue was
15 still the void on the right-hand side of the
16 building where the water was going in.
17 That, in turn, is going into the structure.
18 So, I mean, that's where our concern was,
19 filling that void right now.

20 MR. SEMENZA: In my opinion -- and
21 my opinion might not matter, but it seems
22 like, in the reports, two different
23 situations totally. I'm just saying, when I
24 said about being plumb, if anybody ever put
25 a level on an old home --

1 MR. LOPATKA: Very few.

2 MR. SEMENZA: -- how many are plumb?

3 MR. RUSSELL RINALDI: Well, no, he
4 made the statement that it's tilted. He
5 said it's out of plumb and he said it has to
6 be fixed.

7 MR. NOTARI: I think we've
8 demonstrated already that we're going on a
9 case by case basis and Mr. Aulisio is
10 working with Mr. Bieryla, so we're giving
11 him the opportunity to fix the property
12 before we go --

13 MR. BROWN: And I totally agree with
14 that. It's just that --

15 MR. NOTARI: Kind of like what we've
16 done on Orchard with Mr. Perone.

17 MR. BROWN: Something in writing in
18 case nothing gets done we have legal
19 recourse.

20 MR. NOTARI: Well, Steve said we do
21 have something in writing.

22 MR. BROWN: He sent a letter. He
23 sent a nuisance property letter. Last
24 meeting we could have put on the agenda to
25 have a ten-day hearing, is what I was

1 saying, but we didn't, like, do anything
2 with that. Mr. Bieryla was in contact
3 verbally with Mr. Aulisio. I have nothing
4 against Mr. Aulisio or anything. I'm just
5 saying for a legal standpoint nothing gets
6 done it's going to be on us because we sent
7 a letter and it was up to council to have a
8 hearing, which we never did. So right now
9 we can't go after for Mr. Aulisio for
10 anything because we didn't set the hearing.

11 MR. NOTARI: You're right.

12 MR. BROWN: So we have the
13 opportunity tonight to put both on the
14 agenda.

15 MR. SEMENZA: So you want to set up
16 a hearing just in case?

17 MR. BROWN: Well, just for legal
18 recourse.

19 MR. TAGLIAFERRI: I think you need
20 to give people time to fix up their property
21 but you need to give them a specific time.
22 When are you going to figure that out, five
23 years from now?

24 MR. SEMENZA: We wouldn't give him
25 that kind of time.

1 MR. TAGLIAFERRI: I live across the
2 street. I got really mad when I saw this
3 guy put a couple boards up on the property.
4 Oh, my God, that's what they're going to do.
5 There's a very nice property right next to
6 it. Nobody was allowed inside. How do you
7 know if there's infestation there as well as
8 health issues. It doesn't look good. I can
9 tell you that.

10 That's the other thing. We can make
11 a good determination by entering the
12 property. They live right down the street.

13 MR. NOTARI: Can we have Steve
14 revisit the property, take a walk through?

15 MR. BROWN: Steve, you were there
16 with the property owner. Correct?

17 MR. BIERLYA: I was with the
18 property owner at Lease's Cleaners. I
19 wasn't with the property owner on site.

20 MAYOR MULKERIN: You were with the
21 engineer.

22 MR. BIERLYA: I was with the
23 engineer on site. Once again, we weren't
24 inside. The contractor was inside and
25 that's what he had told me. He said that

1 void on the side needs to be shored up,
2 filled in. The steps coming down that side,
3 I guess the landing is somewhere there.
4 That's in the void. He said they're a
5 little shaky. But other than that, he said
6 the floor was pretty solid.

7 MR. NOTARI: So you sent the
8 nuisance property letter.

9 MR. BIERYLA: Yes.

10 MR. NOTARI: He responded to that
11 letter by boarding up the building.

12 MR. BIERYLA: Right, because I
13 showed him pictures of what needed to be
14 taken care of.

15 MR. NOTARI: But we haven't sent a
16 dangerous buildings letter. Do we consider
17 the building dangerous, Dave?

18 MR. LOPATKA: The front portion of
19 it, yes, where the window is.

20 MR. NOTARI: But the window's been
21 covered up now with a board.

22 MR. LOPATKA: That was the worst
23 portion because the sill was kind of giving
24 way.

25 MR. BIERYLA: Would council care to

1 see before and after? Because I do have the
2 pictures.

3 MR. SEMENZA: Please.

4 MR. NOTARI: That void we're talking
5 about, does that make it a dangerous
6 property or a dangerous building?

7 MR. LOPATKA: The void itself is
8 dangerous. You don't want that staying the
9 way it is. You want it filled in. I mean,
10 somebody can fall in the whole.

11 MR. NOTARI: So to be uniform, are
12 we supposed to have Steve issue a dangerous
13 building letter? To be uniform, as
14 Mr. Brown is saying.

15 MR. BROWN: Well, if we're going off
16 the nuisance property, the letter's been
17 sent. We were able to set up the hearing
18 back in November but we didn't.

19 MR. NOTARI: No, the hearing's after
20 dangerous buildings. We sent a nuisance
21 property letter.

22 MR. BROWN: The hearing is after the
23 nuisance property or dangerous building?

24 MR. BIERYLA: Dangerous building.

25 MR. BROWN: But the letter -- which

1 letter was sent, dangerous building or
2 nuisance?

3 MR. BIERYLA: Nuisance on him,
4 because right now the property was a
5 nuisance until we had an engineer's report,
6 so I couldn't confirm that.

7 ATTY. RINALDI: So since he got the
8 letter he secured the building, boarded it
9 up. Right?

10 MR. BIERYLA: He has a steel plate
11 over the void.

12 ATTY. RINALDI: So he's got a steel
13 plate over the void? Then it's secure.

14 MR. LOPATKA: Other than the hole
15 that needs to be filled in.

16 MR. BIERYLA: He's got a steel plate
17 over it.

18 MR. LOPATKA: You're still going to
19 get water in there.

20 MR. BIERYLA: For right now the
21 void, somebody falling in, is gone. So when
22 Victor has some time he's going to come back
23 and he's going to put something on the wall.
24 He's going to let me know how he has to take
25 care of that structurally on the inside to

1 secure that.

2 MR. NOTARI: Aesthetically we can't
3 force him to do anything.

4 ATTY. RINALDI: Right. That's not a
5 dangerous building. It's boarded up and
6 it's secure.

7 MR. BIERYLA: The biggest problem is
8 with the windows. The front was Plexiglass,
9 the back was windows. The windows were up
10 high, in the back the windows were up high.
11 Glass was broken. If a piece of that glass
12 broke off and somebody was coming down and
13 they got hit. Now there's board on the
14 inside and the outside so it can't happen.

15 MR. PAPI: We have a maintenance
16 ordinance that you have to take care of your
17 property.

18 MR. RUSSELL RINALDI: Steve, what if
19 the Chelland owners or whoever is
20 responsible for the property came and cut
21 the vegetation, boarded up the windows, the
22 doors --

23 MR. BIERYLA: That wouldn't fly.
24 Not with the engineer's report.

25 MR. RUSSELL RINALDI: Why not? Why

1 wouldn't it?

2 MR. BIERYLA: Because the inside is
3 gone. There's no way that you can
4 physically do that to that property by the
5 engineer's report.

6 MR. RUSSELL RINALDI: Then you'd
7 have to get inside this building?

8 ATTY. RINALDI: Is it falling down
9 inside?

10 MR. RUSSELL RINALDI: They don't
11 know. They didn't get inside.

12 MR. LOPATKA: You're talking
13 Sambo's.

14 MR. BIERYLA: The contractor told me
15 the only instability inside of it was the
16 steps going downstairs.

17 ATTY. RINALDI: On which one?

18 MR. BIERYLA: Sambo's.

19 ATTY. RINALDI: You asked him about
20 Chelland's. You said if they boarded it
21 up --

22 MR. RUSSELL RINALDI: If they board
23 up Chelland's would it make it okay? He
24 said no because they were in there and it's
25 structurally, inside, not sound or

1 repairable. But my question is then they
2 need to get into Sambo's. You didn't get
3 into Sambo's.

4 MR. BIERYLA: No, I went by what the
5 contractor told me when he was in there.

6 MR. RUSSELL RINALDI: You went by
7 what the contractor said?

8 MR. BIERYLA: Yes. He said the
9 steps were the ones where the insecurities
10 were --

11 MR. RUSSELL RINALDI: Did you get in
12 Sambo's?

13 MR. BIERYLA: No, I did not.

14 MR. RUSSELL RINALDI: That's the one
15 we have to get in, then. Maybe Sambo's is
16 the same as the inside of Chelland's, and
17 then we can take the same course of action
18 against both properties, the same exact
19 steps once we get inside Sambo's and see.

20 MR. BIERYLA: We'll make
21 arrangements to get inside of Sambo's. I
22 was going off the contractor. I know him.
23 I know he's not going to pull your leg.

24 MR. RUSSELL RINALDI: He didn't go
25 in Sambo's.

1 MR. BIERYLA: He did. He said he
2 had to see what the void was on the side.

3 MR. RUSSELL RINALDI: Excuse me.
4 The contractor went in Sambo's and you took
5 his word for it?

6 MR. BIERYLA: Yes.

7 MR. RUSSELL RINALDI: But you didn't
8 go in Sambo's? You're the zoning officer.
9 You didn't go in Sambo's?

10 MR. BIERYLA: No, I did not.

11 MR. RUSSELL RINALDI: No offense to
12 the contractor, I'm not saying the
13 contractor is lying, not saying he's telling
14 the truth. I don't know. But the
15 contractor goes into a building and you just
16 took his word for it? You didn't go in
17 specifically and do it like you're supposed
18 to?

19 MR. BIERYLA: I did not as of yet.
20 Like I just explained to council, I got tied
21 up all last week with Henderson Street. So
22 I will.

23 MR. RUSSELL RINALDI: Okay. So --
24 all right. I thought we -- first we didn't
25 get in there, then the contractor got in

1 there, then we're taking the contractor's
2 word. The contractor doesn't work for the
3 borough, does he?

4 MR. BIERYLA: Once again, I got tied
5 up --

6 MR. RUSSELL RINALDI: Does the
7 contractor work for the borough?

8 MR. BIERYLA: No, he does not,
9 Councilman Rinaldi.

10 MR. RUSSELL RINALDI: Okay. You do.

11 MR. BIERYLA: I do.

12 MR. RUSSELL RINALDI: So you should
13 have went in there instead of taking the
14 contractor's word. Am I right or wrong
15 here?

16 MR. SEMENZA: Can you get in there
17 tomorrow?

18 MR. BIERYLA: Yes. Anybody have any
19 other questions for Steve? Thanks, Steve.
20 Dave?

21 MR. LOPATKA: I don't have a lot to
22 talk about. That was basically all I really
23 had from December. If you guys have
24 additional questions on my report I'd be
25 happy to answer them.

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

3 MR. LOPATKA: I mean, there's a
4 couple items that I will go over. I didn't
5 put it in the report because most of these
6 items were in January that I've been working
7 on. Anything on the report quick? Okay.

8 Just for FYI for council, we did
9 have a meeting set up for the building
10 master plan but Marylynn took sick, so that
11 was cancelled. Try to get it rescheduled.
12 It was scheduled for Monday morning. We'll
13 reschedule it.

14 I talked to Bill today. We're
15 actually putting a plan together after last
16 meeting with regard to the RACP funding
17 we're submitting the application for. We're
18 putting a plan together and we'll put a cost
19 estimate together, have that for Bill. That
20 may go in by, I believe, the end of next
21 week, February 4th.

22 MR. NOTARI: Is that for the
23 building --

24 MR. LOPATKA: No, the RACP is for
25 the street scape project.

1 ATTY. RINALDI: Otherwise you're
2 going to wait until next year.

3 MR. LOPATKA: So that's in the
4 works. We're putting that plan together
5 now.

6 MR. FEBBO: Are we going to have it
7 together by then?

8 MR. LOPATKA: We'll have it, yeah.
9 We're putting the letter together. We just
10 have to get a cost estimate. It's an online
11 application. Whatever we provide map-wise
12 and cost estimate-wise, I think it's a PDF
13 you can attach to the application. We'll
14 have that.

15 Bill sent me some deeds with regard
16 to the housing authority. I did review it.
17 They don't seem to have enough information
18 for me to really determine what they're
19 dedicating to the borough. So I did send
20 them a response with regards to that. I
21 have to get in touch with the county to get
22 more information so we know exactly what
23 we'd be taking over from the housing
24 authority road wise.

25 You guys may have gotten the letter.

1 I sent it to Marylynn. I put together a
2 letter addressing comments from George
3 Parker with regard to Rosemount. That
4 letter, there was, like, six items, I
5 believe, on the letter that he had
6 questioned. I sent responses back to him on
7 that. I believe, Bill, you got the letter
8 also.

9 MR. FEBBO: Will we be getting a
10 copy of that?

11 MR. LOPATKA: I sent it to Marylynn.
12 I thought it would be in your information.
13 I can get copies. I sent it to her. Make
14 sure she distributes it to you guys.
15 Basically what I said to them is -- a couple
16 questions that he had. They talked about
17 the ponding in front of the driveway. I
18 went over there after it rained one day. I
19 actually met with Paul there. We went and
20 looked at that other property. But there is
21 a puddle that forms there, whether they
22 acknowledge it or not. But I have photos of
23 it and I attached them to the letter so they
24 can see exactly what I saw when I was out
25 there. I need to actually get over and mark

1 out where they need shoulders. The road was
2 wet so I didn't get over there yet. I will.

3 MR. NOTARI: Where are we at on
4 that? We're three months since that
5 hearing.

6 MR. LOPATKA: We got his letter. We
7 thought he was addressing the issues. Now
8 the map, I believe, we all came to terms
9 with. He came back to the planning
10 commission, showed us the map. We made
11 recommendations, he revised that. So the
12 map that we're talking about from a
13 recording standpoint, dedication standpoint,
14 it's been taken care of. There were a few
15 issues still out there. One was the puddle.
16 They claim there isn't a puddle, I still
17 claim there is. I took pictures of it.

18 The other one was with regard to the
19 one property down Stone Hill, water flowing
20 into the guy's driveway. I told them, I
21 believe, from the beginning that it was
22 their responsibility to fix it. We came up
23 with a solution, he questioned who was
24 supposed to pay for it. I responded back
25 and told him until the roads are

1 dedicated --

2 MR. NOTARI: Didn't we all agree on
3 what was going to happen at that hearing?
4 Wasn't there an agreement made exactly what
5 was going to happen, eight or nine steps?

6 MR. LOPATKA: There were, and what
7 his question back --

8 MR. NOTARI: Bill, how can they
9 continually question what was agreed upon?

10 ATTY. RINALDI: I don't know that
11 the questions were for us or more for the
12 developer. But the paperwork part of it is
13 probably 90 percent complete. The only
14 issue is if work can't be done right now
15 because it's winter --

16 MR. LOPATKA: But some of the
17 questions kind of were asking who is going
18 to pay for it, and the response always has
19 been until they're dedicated they're the
20 responsibility of the developer.

21 ATTY. RINALDI: And the easement
22 issue had to be concluded before the plans
23 are final, which I think everybody --

24 MR. NOTARI: I just want to make
25 sure we're on track to getting this done.

1 ATTY. RINALDI: We're on track.

2 MR. LOPATKA: I just responded to
3 it. They came to council, they had the
4 letter, so I responded to it in that
5 fashion. That's all I have, unless somebody
6 else has something.

7 MR. FEBBO: I want to back up a
8 little bit here. I want to go back on to
9 Sambo's building. This is in regard to
10 Steve. Since council appears that they want
11 somebody in there, structural engineering to
12 take a look at it, see if it's sound, could
13 you make that a priority?

14 MR. LOPATKA: Absolutely.

15 MR. FEBBO: Within the next few
16 days.

17 MR. LOPATKA: I'll get in touch with
18 Steve.

19 MR. FEBBO: Inspect that so we can
20 put that away.

21 MR. SEMENZA: Can we try to do it
22 tomorrow, actually?

23 MR. LOPATKA: I'll see if he can get
24 somebody there tomorrow. Steve, call me.

25 MR. BIERLYA: I'll go down and talk

1 to Mr. Aulisio first thing in the morning.

2 MR. LOPATKA: I'll try and find out
3 who I can get down there.

4 MR. SEMENZA: Anybody have any
5 questions for Dave? Thank's, Dave. Chief,
6 police report?

7 CHIEF DUBERNAS: You all have the
8 end-of-the-year report. That was given out
9 the second week of January. I put it in all
10 of your boxes. If there's any questions on
11 that. Other than that, that's it.

12 I have a couple things. Councilman
13 Brown, February 7th, public safety meeting,
14 I won't be here. I'm going to school for
15 two days. I'm going to leadership training.

16 MR. SEMENZA: Is Monday okay with
17 you? The 6th.

18 CHIEF DUBERNAS: Yes.

19 MAYOR MULKERIN: Yes.

20 MR. SEMENZA: Councilman Brown, will
21 you send a text out to -- or ask the office
22 to send a message out and see if everybody's
23 available for that. Thanks for bringing
24 that up.

25 ATTY. RINALDI: Chief, do you want

1 to reappoint any rosters?

2 CHIEF DUBERNAS: It's on there. The
3 roster's attached. I want to sit down and
4 have a public safety meeting because I have
5 a vacant 32-hour position. I'm not sure
6 what you guys want to do -- personnel.
7 Sorry. Officer Demming, he resigned. He
8 took a position in Waverly. So I'm not sure
9 what you guys want to do. Do you want to
10 fill it or --

11 MR. RUSSELL RINALDI: Don't we have
12 to by contract?

13 CHIEF DUBERNAS: It's still in
14 negotiation.

15 MR. RUSSELL RINALDI: We're still
16 using the old contract. Then we have to
17 fill it, Bill?

18 ATTY. RINALDI: You have to have
19 that complement. I don't know what the rush
20 is to fill it.

21 MR. RUSSELL RINALDI: In the
22 contract it says it has to be filled within
23 30 days.

24 MAYOR MULKERIN: Reasonable amount
25 of time.

1 MR. RUSSELL RINALDI: The contract
2 doesn't say 30 days?

3 MR. SEMENZA: Why don't we set a
4 personnel meeting for --

5 MR. RUSSELL RINALDI: The contract
6 doesn't say 30 days?

7 CHIEF DUBERNAS: It says reasonable
8 amount of time.

9 MR. RUSSELL RINALDI: Every other
10 time before we did it we always said --

11 CHIEF DUBERNAS: I haven't gotten
12 the paperwork yet from the union to file a
13 grievance.

14 MR. SEMENZA: Let personnel sit down
15 and talk about this soon.

16 MAYOR MULKERIN: Bill, the previous
17 32-hour positions were done just by the
18 chief making a recommendation to council.

19 ATTY. RINALDI: Has anybody even
20 applied for the job?

21 CHIEF DUBERNAS: I haven't posted
22 it. So the process is I send out an e-mail.
23 According to the contract all 32-hour
24 positions can be changed at any given time.
25 I'm going to interview for all four of them,

1 and the recommendation I'm going to give for
2 all four. That's what it's going to be.

3 ATTY. RINALDI: How about the
4 part-time list? Do you want that updated
5 tonight or next meeting? So you know who is
6 in the department.

7 MR. RUSSELL RINALDI: What was that,
8 Chief?

9 CHIEF DUBERNAS: All part-time
10 officers and the full officers, our current
11 roster is, I think, on the last sheet.

12 MR. RUSSEL RINALDI: No, about
13 you're going to ask for --

14 CHIEF DUBERNAS: I sent out an
15 e-mail. It's going to be for an interview
16 for all 32-hour because, according to the
17 contract, they can be changed at any given
18 time.

19 MR. RUSSELL RINALDI: The old
20 contract?

21 CHIEF DUBERNAS: Yes. They can be
22 changed at any given time.

23 MR. RUSSEL RINALDI: And there's
24 definitely not that 30 days in there?

25 CHIEF DUBERNAS: Reasonable amount

1 of time.

2 MR. RUSSELL RINALDI: Because within
3 30 days, 30 days is next Tuesday. He left
4 1/1.

5 ATTY. RINALDI: There are 32 and
6 part-time?

7 CHIEF DUBERNAS: But they're still
8 classified as part-time police officers.

9 MR. RUSSELL RINALDI: Is there a
10 reason why we would go for all new 32 -- ask
11 for new four 32-hour instead of just one?

12 CHIEF DUBERNAS: That's personnel.
13 I don't want to speak about that at a public
14 meeting. I'll discuss that personnel issue
15 with you.

16 MR. RUSSELL RINALDI: If the
17 chairman would like, can we speak about it
18 after the meeting in an executive? If we
19 have a problem going on in the police
20 department I think we need to know ASAP.

21 CHIEF DUBERNAS: It's not a problem,
22 but I just think it's time for a change to
23 move forward.

24 MR. RUSSELL RINALDI: Well, if it's
25 not able to be spoken about at a public

1 meeting, to me it sounds serious. So I'd
2 like to talk about it.

3 MR. SEMENZA: Chief, do you know
4 where that is, that section?

5 MR. NOTARI: Twenty-three, maybe.

6 CHIEF DUBERNAS: It's under
7 part-time officer II.

8 MR. SEMENZA: Anything else, Chief?

9 CHIEF DUBERNAS: No, that's it.

10 MR. SEMENZA: Anybody have any
11 requests for the chief?

12 MR. NOTARI: Couple things. First
13 of all, thank you for great work the past
14 year, along with your force. I definitely
15 see an increased presence in town, and
16 officers that I've dealt with are very
17 respectful, very friendly to the public, and
18 I think that's a reflection of you and the
19 mayor and your leadership. Thank you for
20 that.

21 On the report, the vehicle makes and
22 mileage, is that current or was that --

23 CHIEF DUBERNAS: That was as of
24 January 1st. Officer Bernardi gives them to
25 me at the end of each month.

1 MR. NOTARI: So is that the mileage
2 on each car going into the new year?

3 CHIEF DUBERNAS: I'm not sure which
4 one you're looking at.

5 MR. NOTARI: The third page.

6 CHIEF DUBERNAS: That's what the
7 mileage was as of January 1st for the entire
8 year.

9 MR. NOTARI: On each vehicle?

10 CHIEF DUBERNAS: Right, but then he
11 gives me a breakdown of how many miles --
12 right now, January 1st, when you get to the
13 sheet for the February meeting it will have
14 the monthly mileage. That was for the end
15 of the year.

16 MR. NOTARI: Approximately 500 more
17 calls than last year. Any one specific
18 area?

19 CHIEF DUBERNAS: No.

20 MR. NOTARI: Any one specific area
21 in town? Nothing like that?

22 CHIEF DUBERNAS: Before we used to
23 have nicknames for places we used to go to
24 all the time. It's not like that anymore.
25 It's just the entire town. That can be an

1 EMS call or --

2 MR. NOTARI: Right. DUI and drug
3 arrests, is that more than last year?

4 CHIEF DUBERNAS: I would have to
5 look back. Right now, the 24 days into
6 January, I think we're at 13 or 14 DUIs and
7 18 drug arrests already. I had two in two
8 days on second shift.

9 MRL NOTARI: That's almost 20
10 percent of that number.

11 Last thing. Two officers certified
12 as car seat technicians, can we publicize
13 that?

14 CHIEF DUBERNAS: We do. People call
15 and we tell them. Back, I think, September
16 or October I said at a meeting that we had
17 two officers going. It was Kimball and Kim.
18 It's through us applying for a grant.
19 There's a grant that comes out twice a year.
20 You have to have a certified seatbelt
21 technician and we didn't have one. I didn't
22 know you had to be a certified seatbelt
23 technician to install a car seat. We can
24 apply for the grant but we would have had to
25 make sure that one of the troopers that was

1 certified was able to come down on that day.
2 They had hosted a class and we wound up
3 sending two of them. So you can have 20
4 officers working as long as you have one
5 technician.

6 MR. NOTARI: Do we think we should
7 have a day, like maybe twice a year,
8 offer --

9 CHIEF DUBERNAS: When the grant
10 comes out it will be a Saturday. Like a
11 six-week time frame, always on a Saturday.
12 Then it's usually nine to one. We'll
13 advertise that. We get a lot of calls for
14 that.

15 MR. NOTARI: Appreciate your work.

16 MR. SEMENZA: Anybody else? Thanks,
17 Chief. Bill, solicitor's report, please.

18 ATTY. RINALDI: Tonight for passage
19 you have the Lawrence Street change back to
20 two-way. So you're deleting it from a
21 one-way street. You have the amendment on
22 the pave cut ordinance, so that it's going
23 to be a -- in bold you'll see the changes.
24 It's 25 linear feet, which is an increase,
25 two or more transverse openings made within

1 25 linear feet, and a single pave cut, the
2 cut should be made the width of the required
3 trench, restoration minimum one-foot cutback
4 to be provided on all sides of the initial
5 cut. That was the borough engineer's
6 recommendation. We're going to amend it to
7 make those changes to the pave cut
8 ordinance. That's on the agenda.

9 Also, the increase in tax
10 collector's salary, increasing his salary to
11 \$6,300 effective for next year. So it would
12 be after the municipal election of 2017,
13 whoever comes into office 2018.

14 Another item that isn't in my report
15 is the satisfaction. I'm going to ask for
16 council to make a motion to authorize me to
17 satisfy a mortgage that was placed on a
18 property in 1992. It was part of the
19 Housing Rehabilitation Assistance Loan
20 Program with CDBG money. The owner is
21 Lillian Kreseski. She took out a loan for
22 \$7,000, made her improvements to the
23 property. That loan was to be satisfied
24 after ten years, which would be January of
25 2003, provided she did the work and she did

1 not move out of the residence. So I believe
2 her property is being sold now. It's 726
3 Oak Street.

4 MR. SEMENZA: Authorizing you to
5 satisfy the mortgage --

6 ATTY. RINALDI: It's easier because
7 I have the notary in my office instead of
8 leaving it here, running around to get
9 notarized. Just a motion to authorize the
10 solicitor to satisfy the Kreseski mortgage.

11 Then the fifth item, finally I got
12 an e-mail this week from Hutchinson's
13 lawyer, so I'd ask for a motion to approve
14 payment to the Hutchinsons of \$12,600 to
15 resolve their sewer backup damages. They'll
16 provide us with a lease prior to them
17 getting the check in their hand. Those are
18 the five items I have for this evening.

19 Next week there's a trial. Marylynn
20 is going to be there with me on the Doe
21 versus Old Forge matter.

22 The stop sign, what I'm going to
23 have, when I went back to the stop signs,
24 none of your stop signs are in the
25 ordinances. So we have to really kind of

1 update that with the chief. But for
2 purposes of if you want to do it now just
3 ask council make a resolution to authorize
4 DPW to place a stop sign at Madison-Monroe.
5 Then we'll try and straighten out all the
6 stop signs in the future.

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

9 ATTY. RINALDI: The RFP will be back
10 for the work session.

11 MR. SEMENZA: Thanks, Bill. Borough
12 manager is not here tonight. Councilman
13 Notari, I haven't seen you on the other side
14 of the table in quite some time. Anything
15 at the county going on that you want to
16 bring to light?

17 MR. NOTARI: Currently nothing. I
18 have sent in information to Marylynn about
19 different grants and things of that nature
20 that we might want to pursue. Off the top
21 of my head, I think there's a winter golf
22 clinic that's going to happen starting mid
23 to late February. So I'll send that
24 information down and have Marylynn e-mail it
25 to everybody. That's the easiest way to get

1 it to you. That's it.

2 MR. SEMENZA: At this time I'm going
3 to go down the table and see if any council
4 members have anything to report.

5 MAYOR MULKERIN: Nothing.

6 MR. BROWN: Nothing.

7 MR. NOTARI: Nothing.

8 MR. RUSSELL RINALDI: Nothing to
9 report, but I would like to set up a sewer
10 committee meeting. I know we tried last
11 month.

12 MR. NOTARI: Monday is the 30th,
13 5:00.

14 MR. RUSSELL RINALDI: That's good.

15 MR. FERRETT: The only thing I'd
16 like to report is the fact that I believe at
17 the work session I brought it to council's
18 attention that going through with a paving
19 program in the coming year and put it on the
20 agenda at the regular meeting that we can
21 vote on as to whether council wants to
22 approve going for a paving program. When we
23 go into new business I'll want to put a
24 motion to the floor in reference to that.

25 MR. SEMENZA: Do we have a list of

1 streets?

2 MR. FERRETT: I have a list of
3 streets, but there's some changes being made
4 because of a couple different things that
5 have to take place and everything like this
6 here. If council approves the paving
7 program we'll get a listing of the streets
8 and everything and any changes that are
9 made, every councilman will have a copy of
10 the sheet.

11 MR. SEMENZA: Do we have a dollar
12 amount figure on what we're going to do?

13 MR. FERRETT: Well, I think we're
14 looking at \$500,000 to \$600,000 because we
15 have enough money to carry us over for the
16 coming year, too. We're going to discuss
17 this. We were supposed to sit down with
18 Marylynn but Marylynn was sick and
19 everything, so consequently we didn't make
20 any decisions as to just what direction
21 we're going.

22 So at the present time I think it's
23 best that when the council really is
24 interested in going through and putting a
25 paving program this year, and if so we can

1 always come back and discuss and approve
2 what amount we want to go with. The paving
3 committee will make the recommendation.

4 MR. FERRETT: You're going to
5 address that under new business?

6 MR. FERRETT: I'm going to address
7 it, whether council wants to go through with
8 a paving program, then we're going to sit
9 down with Marylynn and sit down with the
10 rest of the committee to find out to what
11 extent we want to extend the paving program.
12 I don't want to just go to work and just
13 pull figures out of my own head.

14 MR. FEBBO: Are you looking for an
15 answer tonight about going forward with it?

16 MR. FERRETT: All I'm asking is --
17 looking for approval as to whether or not
18 we're going to go through with a paving
19 program or not. As far as to what extent,
20 we'll come back to council and council will
21 approve whether or not we want to go to such
22 extent. The idea is that we want to
23 continue paving the streets because I think
24 it's a big issue in the town, and as long as
25 the money is there there's no reason why we

1 can't continue it.

2 MR. SEMENZA: Is that all?

3 MR. FERRETT: The only other thing
4 is Councilman Notari and Councilman Rinaldi,
5 I gave them two phone numbers in reference
6 to the sewer agency, and I don't know
7 whether they've made any contact or whether
8 they discussed anything with you, Mr.
9 Chairman --

10 MR. RUSSELL RINALDI: Are you
11 talking about Ron, the computer --

12 MR. FERRETT: Yeah, the computer --

13 MR. RUSSELL RINALDI: Yeah, I called
14 them. That's why I was going to speak with
15 them on Monday, when we have a committee
16 meeting.

17 MR. NOTARI: I've tried twice, he's
18 called me back twice. We've been playing
19 phone tag.

20 MR. FERRETT: Bobby, they worked on
21 the sewer authority and everything. You can
22 probably check with them. That's where I
23 got most of that information from. That's
24 who they deal with.

25 MR. NOTARI: Appreciate your help,

1 Councilman Ferrett.

2 MR. SEMENZA: I know Ron. The
3 computer guy.

4 MR. FEBBO: Well, talk about the
5 sewer authority, we got these handouts about
6 Lower Lackawanna Valley Sewer Authority and
7 overflows. In reading through it, are we
8 responsible -- are they trying to say we're
9 responsible for all these drain inlets in
10 the borough?

11 MR. LENCESKI: Was it discharge?

12 MR. FEBBO: The whole thing. New
13 connections and how many we have. Also the
14 ones that we don't have, I guess. It cost a
15 lot of money, the separation that Joe talks
16 about, the sewer and the water runoff. But
17 are they telling us that we need to do this?

18 MR. FERRETT: What's that? I have
19 one.

20 MR. FEBBO: I'll let this go. I
21 just need an answer on where we're going
22 with this, where they want us to go with it.

23 MR. SEMENZA: I'll talk to --

24 MR. FEBBO: See what we are
25 responsible for. That's it.

1 MR. LENCESKI: I think the finance
2 committee should set up a meeting and
3 discuss how much money we're willing to
4 spend on the paving project so Councilman
5 Ferrett can have a better idea on how much
6 he can spend. So when Marylynn gets back in
7 the office we'll have her set up a meeting.

8 MR. SEMENZA: Me and Councilman
9 Rinaldi discussed it the other day and we
10 talked to you on the phone about it to set
11 up for financial committee anyway. So when
12 she's back in the office have her set that
13 up.

14 I only have one thing. In your
15 packet there's a letter, on the top it says
16 Marylynn Bartoletti. It's from Fred
17 Rinaldi. We gifted the Old Forge Lions
18 Little League \$10,000 for the lighting
19 project down at Miles Street park. There
20 was a payment due to Musko for \$10,000 which
21 was there was a request sent to the borough
22 for first payment.

23 Bill, could we okay this invoice for
24 payment right now, tonight, so it could be
25 sent ASAP? I believe that first payment is

1 due by February 6th or February 5th.

2 ATTY. RINALDI: Yes, you can just
3 authorize Marylynn and she'll handle it.
4 You want to authorize it tonight.

5 MR. SEMENZA: Everybody has the
6 invoice in their packet. Just okay the
7 invoice for payment. Does everybody see
8 that invoice? Okay.

9 ATTY. RINALDI: Can I ask you for
10 one more motion since Marylynn's not here?
11 Because that RCAP is due February 4th.
12 We're not going to meet again before that.
13 Can I ask that you make a motion to
14 authorize Marylynn to submit the RCAP
15 application to the state for a street scape
16 project. It has to be for a minimum of a
17 million dollars.

18 MR. FEBBO: Russ, that's what we
19 were talking about, street scape?

20 MR. RINALDI: Yes.

21 MR. FEBBO: Russel and I, along with
22 the long-range planning commission, talked
23 about that, and we mentioned it with Devon.
24 Basically what we want to do is take a look
25 at Main Street from the old doughnut shop up

1 to the present doughnut shop to Reviello's.
2 Being that the streets were paved, we're
3 looking at putting wiring underground,
4 streetlights like they did in Pittston,
5 sidewalks and curbing. Just to bring
6 everybody up to date on what that's all
7 about.

8 MR. NOTARI: Can we have a phased
9 plan? Maybe not this time, but maybe your
10 plan is from --

11 ATTY. RINALDI: You can phase it.

12 MR. NOTARI: From Oak Street to
13 Grace Street, and maybe in the future we can
14 go from Grace to Drakes Lane or Oak to --

15 MR. FEBBO: That's what we're doing.
16 To be realistic, it's not doable. That's
17 why we said from the doughnut shop here to
18 the business section right now, and then
19 from there perhaps going north to Taylor.

20 MR. NOTARI: I just don't want some
21 of our businesses to feel left out.

22 MR. FEBBO: Good point, well taken.
23 We don't know how much money is available.

24 ATTY. RINALDI: This kind of came
25 about because of the deadline is the 4th.