

1 MR. LAVELLE: Yes.

2 MR. NOTARI: That's my question. If you
3 said we had to do it, then find something to do it.
4 But I just want to -- we would then need permission,
5 obviously, if we had to do it.

6 CHAIRMAN SEMENZA: Bill, I don't think
7 there's a need to go looking for it.

8 ATTORNEY RINALDI: Villa will assist in
9 the construction improvements of the entrance by
10 supplying the use of heavy equipment or machinery,
11 along with operator's expense.

12 So, if you need a bulldozer to clear the
13 path, he's volunteering it.

14 MR. NOTARI: And keep it clear as well?

15 ATTORNEY RINALDI: No. Then we're going
16 to have keep it clear.

17 MR. NOTARI: I was just asking.

18 ATTORNEY RINALDI: Sorry.

19 CHAIRMAN SEMENZA: Dave, Bill, Dave, both
20 of you, are all stipulations met in the matter of
21 Rosemount Estates?

22 MR. LOPATKA: According to what I know,
23 they are.

24 CHAIRMAN SEMENZA: Bill.

25 ATTORNEY RINALDI: We discussed all of

1 them. The only one was, everybody discussed with Dave
2 the sewer, the sewer pipe issues. And that was the
3 only other one. Everything else was work to be done.
4 And I know I got the invoices for Kathy Construction.
5 And that was per Dave's specs. I can't think of
6 anything else that was there.

7 CHAIRMAN SEMENZA: All right. I have a
8 motion by Councilman Rinaldi to accept the streets of
9 Rosemount, names that were named by our engineer, Dave.
10 I'm looking for a second.

11 MR. FERRETT: I'll second.

12 MR. RUSSELL RINALDI: I'll make the
13 motion, Mr. Chairman. Did I make that one too?

14 CHAIRMAN SEMENZA: Motion on the floor by
15 Councilman Rinaldi.

16 MR. FERRETT: I'll second it.

17 CHAIRMAN SEMENZA: Seconded by Councilman
18 Ferrett on the question.

19 MR. RUSSICK: Yes.

20 CHAIRMAN SEMENZA: On the question.
21 Public input.

22 MR. RUSSICK: Yes.

23 CHAIRMAN SEMENZA: Hang on, Joe. On the
24 question. Councilman Notari.

25 MR. NOTARI: Do we have stormwater plans

1 for Rosemount?

2 MR. LOPATKA: We have a whole set of
3 drawings.

4 ATTORNEY RINALDI: Yeah. They were done
5 back in the '70s, '80s.

6 MR. NOTARI: Well, eventually, we're
7 going to have to put stormwater in there.

8 MR. CIUCCIO: There is stormwater.

9 MR. NOTARI: That's what I'm asking. I'm
10 here, you know, so there is a system in place ready to
11 --

12 MR. LOPATKA: Is there a system in place?
13 There was a plan in place. As far as I know, there are
14 some inlets in the development.

15 MR. NOTARI: I mean, this has gone on
16 long enough, to be honest with you.

17 ATTORNEY RINALDI: The system, that was
18 planned and approved by Council. It didn't call for
19 any pipes for support or catch basins.

20 MR. NOTARI: Did or didn't?

21 ATTORNEY RINALDI: Did not. It was
22 slopes on the sides of the pavement, which have since
23 been filled in by the homeowners up there.

24 So, when this was discussed, to correct
25 the problem, the homeowner didn't want their lawns

1 disturbed. So, we went with the system that was there,
2 which is some slope, some catch basins that are there
3 and some additional curbing to run it into the catch
4 basin.

5 CHAIRMAN SEMENZA: Does that answer your
6 question?

7 MR. NOTARI: It does. I'm not --

8 CHAIRMAN SEMENZA: I get it.

9 MR. NOTARI: I'm just going to say my
10 peace and take it for what it's worth. But I drove by
11 there, what's today, yesterday, rained yesterday.

12 Your sister happened to be getting in her
13 car, so I stopped to talk to her. There's a lake in
14 front of her driveway.

15 So, as I drove through Edgewood, there
16 are other driveways as well that there's water sitting
17 right in front of their driveway.

18 So, we're at a point now where it's past
19 -- it's, you know, we're gone to the point of no
20 return. But the work that was done there, to bring it
21 to this point right now, to me, isn't satisfactory.

22 Is there anything we can do about it now?
23 No, there's not. There's not. But the next time we go
24 through a process of this, whether we're sitting here
25 at this table or future councils are sitting here at

1 this table, things need to be done the right way.
2 The right way.

3 And, in this instance, things were not
4 done the right way. And we have been put in the
5 position to take on that responsibility and accept
6 that.

7 And this will be the last time I accept
8 any poor work from any company that we deal with or
9 pave with or developer that we deal with.

10 I want to put that on the record. That's
11 all I have to say. Thank you.

12 CHAIRMAN SEMENZA: Public input.

13 MR. RUSSICK: Yeah. My question would
14 be, does the development meet the standard for the
15 Pennsylvania Municipal Planning Act Land Development
16 Section?

17 And the Borough engineer is supposed to,
18 theoretically approve that, that it does meet the
19 standards for land development.

20 And the Pennsylvania Municipal Planning
21 Act goes back to 1968. And I believe it was adopted by
22 the Borough in 1972.

23 In saying that, again, the P.E. has to
24 approve it and make a recommendation to Council
25 accordingly.

1 CHAIRMAN SEMENZA: Dave, does it meet the
2 standard and has it been approved?

3 MR. LOPATKA: I wasn't around when it was
4 approved. So, I couldn't answer that.

5 ATTORNEY RINALDI: This was approved
6 under the '73 ordinance.

7 CHAIRMAN SEMENZA: '73 ordinance.

8 MR. RUSSELL RINALDI: '72 ordinance.

9 ATTORNEY RINALDI: '72.

10 MR. RUSSICK: It does meet the standards
11 of '72.

12 CHAIRMAN SEMENZA: Borough had already
13 approved.

14 ATTORNEY RINALDI: Already approved it.

15 CHAIRMAN SEMENZA: So, there's your
16 answer.

17 MR. RUSSELL RINALDI: Borough already
18 approved it.

19 MR. RUSSICK: During and after
20 construction, they approve it.

21 MR. RUSSELL RINALDI: The Borough back
22 then approved it.

23 MR. RUSSICK: Like Mr. Notari mentioned,
24 he said there's a lot of water that went through or
25 under the bridge since then.

1 CHAIRMAN SEMENZA: I understand.

2 MR. RUSSICK: This isn't the first
3 development we're sitting here and discussing the
4 situation.

5 It's been all -- I've been coming here 20
6 years. And there's various developments in this
7 Borough going through the same scenario because nobody
8 was watching the store, basically.

9 And he's right. Mr. Notari is right.
10 So, I just asked the question, for the matter of
11 record.

12 CHAIRMAN SEMENZA: Thank you. Roll call,
13 please.

14 MS. BARTOLETTI: Councilman Notari.

15 MR. NOTARI: Yes.

16 MS. BARTOLETTI: Councilman Febbo.

17 MR. FEBBO: Abstain.

18 MS. BARTOLETTI: Councilman Ferrett.

19 MR. FERRETT: Yes.

20 MS. BARTOLETTI: Councilman Rinaldi.

21 MR. RUSSELL RINALDI: Yes.

22 MS. BARTOLETTI: Councilman Lenceski.

23 MR. LENCESKI: No.

24 MS. BARTOLETTI: Councilman Semenza.

25 CHAIRMAN SEMENZA: Yes.

1 The next motion I'm going to make -- actually, Council
2 Lencieski is going to make the next motion.

3 MR. LENCIESKI: I'd like to make a motion
4 to separate Jones and Meade Street sanitary from the
5 combination line and hook it up to Sussex Street.

6 ATTORNEY RINALDI: You mean the sanitary?

7 MR. LENCIESKI: Sanitary, yep.

8 MR. FEBBO: Second that motion.

9 MR. FERRETT: Second that motion.

10 CHAIRMAN SEMENZA: Motion by Councilman
11 Lencieski, seconded by Council Febbo on the question.

12 MR. RUSSELL RINALDI: I have a question,
13 Mr. Chairman. Are we making the motion to just go
14 ahead and separate? Or are we making a motion -- we
15 don't have a cost estimate, do we yet?

16 CHAIRMAN SEMENZA: Well, you need to know
17 --

18 MR. LOPATKA: I take need to know what
19 you want to do first. I mean, we looked at the option
20 of bring both that way. That was the original
21 discussion.

22 CHAIRMAN SEMENZA: Right.

23 MR. LOPATKA: To just bring the sanitary
24 over, you're going to have -- we just have to check the
25 pipe size. And I don't think the pipe size is a major

1 issue.

2 We could come up with a cost estimate and
3 a plan that shows what you want to do. And I don't
4 know if you have to necessarily have to bid it. It all
5 depends on what the cost ends up being. Over 19,5, you
6 have to bid it.

7 MR. RUSSELL RINALDI: I'm in agreeance
8 with it because, likewise, it's the fix. But I was
9 just asking if we had to do -- going to have to do the
10 cost estimate first, and then perform the work.

11 Or if we're going to make the motion to
12 perform the work and get the cost, that's all.

13 MR. LOPATKA: We can get you the cost
14 estimate, and we would need to put a plan together for
15 the actual construction along with --

16 MR. RUSSELL RINALDI: Again, I'm in
17 agreeance for it: I just listened to Councilman Notari
18 say that we're doing -- some things might have been
19 done the wrong way.

20 This sounds to me like it's being done
21 the wrong way. That's all I'm asking. It seems like
22 we're taking step 2 and going with that first instead
23 of step 1.

24 MR. POTOSKY: But, remember, Burger King
25 is now demolished and ready to build. They're going to

1 need to know sooner than later.

2 MR. RUSSELL RINALDI: I understand.

3 MR. POTOSKY: They already had the
4 engineer from LLVSA give them approval to go straight
5 through.

6 MR. RUSSELL RINALDI: I understand. We
7 had other developers here in the past, and we had to do
8 it. We sent them through the wringer.

9 MR. POTOSKY: I know.

10 MR. RUSSELL RINALDI: I'm not saying
11 them. I'm just saying other developers, quotations.
12 We sent them through the wringer.

13 They had to dot all their I's and all
14 their T's, cross all the T's. Right now, we're just
15 throwing it right out there, because Burger King needs
16 to have it done.

17 MR. POTOSKY: You can let them put the
18 pipe through, the two dummy lines through and just cap
19 the one off and do your other line through there and
20 just tie it right in when it was done.

21 ATTORNEY RINALDI: Councilman Rinaldi,
22 everybody forgot, you approved Burger King to do it the
23 way they have it on the plan.

24 MR. RUSSELL RINALDI: I know I did. I'm
25 just saying --

1 MR. FERRETT: When did we vote?

2 MR. RUSSELL RINALDI: -- if I was
3 building a house --

4 MR. FERRETT: When?

5 ATTORNEY RINALDI: I thought we approved
6 it and made a condition on easement.

7 MR. FERRETT: We never voted on that. I
8 want to see those minutes. I know I didn't vote on
9 them.

10 MR. RUSSELL RINALDI: I'm done.

11 CHAIRMAN SEMENZA: I have a motion and a
12 second on the floor. Roll call, please.

13 MR. NOTARI: Read the motion again,
14 please.

15 CHAIRMAN SEMENZA: Councilman Lenceski.

16 MR. LENCESKI: Make a motion to separate
17 Jones and Meade sanitary from the combination line and
18 hook it up to Sussex Street, the sanitation line.

19 MR. PAPI: Said both lines or just one?

20 CHAIRMAN SEMENZA: Taking the sanitation
21 and running it from Jones up Meade to Sussex, the
22 stormwater is still going to run straight through
23 Burger King.

24 MR. FERRETT: Just the sanitary line
25 that's running through Sussex.

1 MR. PAPI: That won't affect Burger King.

2 CHAIRMAN SEMENZA: Does that answer your
3 question, Councilman Notari?

4 MR. NOTARI: Yes.

5 CHAIRMAN SEMENZA: Okay. Roll call,
6 please.

7 MS. BARTOLETTI: Councilman Notari.

8 MR. NOTARI: No.

9 MS. BARTOLETTI: Councilman Febbo.

10 MR. FEBBO: Yes.

11 MS. BARTOLETTI: Councilman Ferrett.

12 MR. FERRETT: Yes.

13 MS. BARTOLETTI: Councilman Rinaldi.

14 MR. RUSSELL RINALDI: No.

15 MS. BARTOLETTI: Councilman Lenceski.

16 MR. LENCESKI: Yes.

17 MS. BARTOLETTI: Councilman Semenza.

18 CHAIRMAN SEMENZA: Yes.

19 Bill, going back real quick to --

20 ATTORNEY RINALDI: So, I'm going to get
21 an easement for the sanitary. .

22 CHAIRMAN SEMENZA: Still need an easement
23 off of Burger King for stormwater.

24 ATTORNEY RINALDI: Going forward with his
25 project.

1 CHAIRMAN SEMENZA: Yeah.

2 ATTORNEY RINALDI: You want to reconsider
3 the stormwater issue.

4 CHAIRMAN SEMENZA: No. We can't do
5 anything with the stormwater. Has to go through.

6 ATTORNEY RINALDI: They still need an
7 easement for the stormwater.

8 CHAIRMAN SEMENZA: Correct.

9 ATTORNEY RINALDI: You know that, right?

10 MR. FEBBO: Yeah.

11 MR. FERRETT: Yeah. That's through
12 Burger King though, right?

13 CHAIRMAN SEMENZA: Bill, before I go any
14 further, there is a ban on building permits, I believe,
15 or is it occupancy permits in Rosemount Estates. Does
16 that go along with accepting roads that that ban is
17 automatically lifted?

18 ATTORNEY RINALDI: For Rosemount, yeah, I
19 mean, I know --

20 CHAIRMAN SEMENZA: Or does have to make a
21 motion?

22 ATTORNEY RINALDI: There's one on the
23 second part, I never remember the first phase. But if
24 you want to make another motion that building permits

25 --

1 CHAIRMAN SEMENZA: The Chair is going to
2 entertain a motion to lift all bans on building permits
3 in Rosemount Estates.

4 ATTORNEY RINALDI: Rosemount and the
5 streets we approved.

6 CHAIRMAN SEMENZA: The streets we
7 approved. Guaranteed tax dollars coming to the
8 Borough.

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

10 CHAIRMAN SEMENZA: Motion on the floor by
11 Councilman Lenceski. Could I have a second?

12 MR. NOTARI: Second.

13 CHAIRMAN SEMENZA: Seconded by Councilman
14 Notari on the question.

15 MR. NOTARI: I have a question.

16 CHAIRMAN SEMENZA: Go ahead.

17 MR. NOTARI: How many approximate lots do
18 you have available?

19 MR. CIUCCIO: I don't know.

20 MR. NOTARI: Ten, fifteen.

21 MR. CIUCCIO: A little more.

22 CHAIRMAN SEMENZA: Public input. Roll
23 call, please.

24 MS. BARTOLETTI: Councilman Notari.

25 MR. NOTARI: Yes.

1 MS.. BARTOLETTI: Councilman Febbo.

2 MR. FEBBO: I'll vote yes on that one.

3 MS. BARTOLETTI: Councilman Ferrett.

4 MR. FERRETT: Yes.

5 MS. BARTOLETTI: Councilman Rinaldi.

6 MR. RUSSELL RINALDI: Yes.

7 MS. BARTOLETTI: Councilman Lenceski.

8 MR. LENCESKI: Yes.

9 MS. BARTOLETTI: Councilman Semenza.

10 CHAIRMAN SEMENZA: Yes. Is that
11 everything for new business or am I missing anything?

12 MR. NOTARI: How about the paving
13 project?

14 CHAIRMAN SEMENZA: Oh, yeah. Thank you,
15 Councilman Notari. I put that away. The Chair would
16 entertain -- go ahead. You want to do it?

17 MR. NOTARI: I have a lot of paperwork.
18 Here we go. Make a motion to accept the paving bid of
19 Pennsy Supply at \$443,823.10.

20 CHAIRMAN SEMENZA: Motion on the floor by
21 Councilman Notari to accept Pennsy Supply at the amount
22 of \$443,823.10.

23 MR. LENCESKI: Mr. Chairman, I'll make
24 that motion.

25 CHAIRMAN SEMENZA: Seconded.

1 MR. LENCESKI: Second that.

2 CHAIRMAN SEMENZA: Seconded by Councilman
3 Lenceski on the question.

4 MR. RUSSELL RINALDI: One question, Mr.
5 Chairman. Dave, could you read the streets to be added
6 into the motion that are going to be paved, through
7 this motion?

8 MR. LOPATKA: Sure.

9 ATTORNEY RINALDI: Just the street name.
10 You don't have to do all the other stuff.

11 MR. LOPATKA: Kasper Street, Sherry Lane,
12 Morris Street, Edith Street, Alecia Street, Susquehanna
13 Avenue, Smith Street, First Street, Cedar Lane, Church
14 Street, Vine Street, the alleyway between Second Street
15 and Third Street, Vine Street alley and Ledge Street.

16 MR. RUSSELL RINALDI: Thanks, Dave.
17 That's all, Mr. Chairman.

18 CHAIRMAN SEMENZA: Public input. Roll
19 call, please.

20 MS. BARTOLETTI: Councilman Notari.

21 MR. NOTARI: Yes.

22 MS. BARTOLETTI: Councilman Febbo.

23 MR. FEBBO: Yes.

24 MS. BARTOLETTI: Councilman Ferrett.

25 MR. FERRETT: Yes.

1 MS. BARTOLETTI: Councilman Rinaldi.

2 MR. RUSSELL RINALDI: Yes.

3 MS. BARTOLETTI: Councilman Lenceski.

4 MR. LENCESKI: Yes.

5 MS. BARTOLETTI: Councilman Semenza.

6 CHAIRMAN SEMENZA: Yes.

7 ATTORNEY RINALDI: Just two items. When
8 you send me the deeds, the bond, okay, and if you want
9 to make a pitch on the fees, I recommended a number to
10 Council on what is owed. If you want to do that or
11 discuss it further.

12 MR. LAVELLE: I think we should have a
13 meeting and discuss it further. I really was not
14 prepared to discuss the credits that you're talking
15 about. I didn't know about them. I apologize, but I
16 never took them into consideration. I think you and I
17 can work it out.

18 ATTORNEY RINALDI: Okay.

19 CHAIRMAN SEMENZA: At this time, the
20 Chair would entertain a motion --

21 MR. NOTARI: One question about the
22 paving list. What's the process of going by naming the
23 street? What do we have to do, anything?

24 MS. BARTOLETTI: Name a street?

25 MR. NOTARI: Yeah.

1 ATTORNEY RINALDI: You have to advertise
2 it.

3 MR. NOTARI: You have to advertise it.
4 We can discuss it.

5 CHAIRMAN SEMENZA: At this time, the
6 Chair would entertain a motion to adjourned.

7 MR. NOTARI: Seconded.

8 (Whereupon, at 9:55 p.m, the hearing was
9 concluded.)

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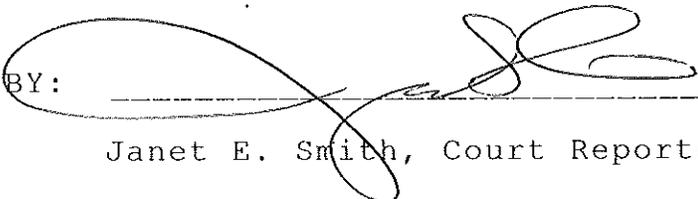
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transcript is a true and accurate record to the best of
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Janet E. Smith, Court Reporter

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