

1 OLD FORGE BOROUGH COUNCIL

2 OLD FORGE, PENNSYLVANIA

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4
5 IN RE: COUNCIL WORK SESSION

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8
9 JUNE 6, 2017

10 7:00 P.M.

11 OLD FORGE MUNICIPAL BUILDING

12 314 SOUTH MAIN STREET

13 OLD FORGE, PENNSYLVANIA

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17 COUNCIL MEMBERS:

18
19 ROBERT SEMENZA, PRESIDENT

20 JOSEPH LENCESKI, VICE-PRESIDENT

21 JOSEPH FERRETT

22 RUSSELL RINALDI

23 DEVON BROWN

24 LOUIS FEBBO

25 RICK NOTARI

WILLIAM RINALDI, ESQUIRE, SOLICITOR

MARYLYNN BARTOLETTI, BOROUGH MANAGER

Mark Wozniak
Official Court Reporter

1 MR. SEMENZA: Good evening, ladies
2 and gentlemen. We'll start the meeting with
3 the Pledge of Allegiance.

4 (The Pledge of Allegiance was
5 recited.)

6 MR. SEMENZA: Once again, welcome to
7 the Old Forge Borough Council work session
8 of June 6, 2017. The purpose of tonight's
9 meeting is to set the agenda for our June
10 20th meeting. We'll go down the table, hear
11 from council members, see if they have
12 anything to report. We'll hear from our
13 department heads, see if they anything for
14 the agenda. We'll start with Paul Papi, DPW
15 manager's report.

16 MR. PAPI: I don't have anything for
17 the agenda.

18 MR. SEMENZA: First we'll do roll
19 call.

20 MS. BARTOLETTI: Councilman Brown?

21 MR. BROWN: Here.

22 MS. BARTOLETTI: Councilman Notari?

23 MR. NOTARI: Present.

24 MS. BARTOLETTI: Councilman Febbo?

25 MR. FEBBO: Here.

1 MS. BARTOLETTI: Councilman Ferrett?

2 MR. FERRETT: Here.

3 MS. BARTOLETTI: Councilman Rinaldi?

4 MR. RUSSELL RINALDI: Here.

5 MS. BARTOLETTI: Councilman

6 Lenceski?

7 MR. LENCESKI: Here.

8 MS. BARTOLETTI: Councilman Semenza?

9 MR. SEMENZA: Here. Anybody have
10 any questions for Paul? Paul, how's
11 everything going in town?

12 MR. PAPI: Good. I was all over
13 today in the bad spots in the rain and we
14 didn't have any problems. No flooding
15 anywhere.

16 MR. SEMENZA: I was thinking of
17 Drake's Lane.

18 MR. PAPI: It was good.

19 MR. SEMENZA: After we had Mike Ford
20 over there that seems to be flowing pretty
21 well?

22 MR. PAPI: Yes. It seem like
23 whenever we get a little break. It poured
24 like crazy and then it stopped for five
25 minutes and then start again. That little

1 break we get gives it a chance to clean out
2 all the water. So we did pretty good.

3 MR. NOTARI: Paul, what's the status
4 at the top of Stewart Street and Corcoran?

5 MR. PAPI: All the equipment is
6 there. They have a Pennsylvania One call
7 in, and as soon as the five days elapses
8 they will start the project. I'm expecting
9 any day now they'll start putting it in.

10 MR. FEBBO: That's replacement pipe?

11 MR. PAPI: They're just going to put
12 a little pipe over the hill into that
13 section of vegetation that's growing.

14 MR. LOPATKA: Have them put a curb
15 along that upper section, put a small inlet
16 in and let that go down and kind of spit out
17 where all that vegetation is.

18 MR. FEBBO: Thanks.

19 MR. PAPI: That's all ready to go.
20 All the equipment is there.

21 MR. SEMENZA: Anybody else have any
22 questions for Paul?

23 MR. RUSSELL RINALDI: Paul, who is
24 doing the work?

25 MR. PAPI: Earthworks.

1 MR. RUSSELL RINALDI: Did you get a
2 price on it?

3 MR. PAPI: No. My experience is you
4 get a better price when you don't ask for
5 one ahead of time because they know what
6 everything costs before they give you the
7 price, but if you have to project a price
8 you're never going to lose money. You
9 always want to make money. So it's always a
10 little higher. But I can get a price for
11 you if you want.

12 MR. RUSSELL RINALDI: Bill, should
13 we have a price before the work gets
14 started?

15 MS. BARTOLETTI: Yes.

16 ATTY. RINALDI: Well, you're within
17 a range, so.

18 MR. PAPI: Do you want me to go and
19 see if I can get a price right now?

20 MR. FEBBO: That won't be expensive.

21 MR. PAPI: More like a \$3,000 bid,
22 \$2,500. You guys said to do it, so I did
23 it.

24 MR. RUSSELL RINALDI: I'm all for
25 doing it. I don't want to be the one bad

1 councilman who seems like he doesn't want it
2 done. I think we should have a price.

3 MS. BARTOLETTI: We usually always
4 do before we do any kind of --

5 MR. RUSSELL RINALDI: What if they
6 dig that road up and something happens and
7 it turns into a \$100,000 job or a \$20,000
8 job or \$5,000? I'm just saying.

9 MR. NOTARI: I agree.

10 MR. RUSSELL RINALDI: I definitely
11 want to see the problem resolved, though.

12 MR. SEMENZA: We'll move on. Steve,
13 zoning/code enforcement?

14 MR. BIERYLA: Four council members
15 know, you were at the planning meeting, the
16 planning meeting was extended for Mountain
17 Road to the 15th, at 7:30, and we may have
18 something -- the approval for Mountain Road
19 at the next council meeting, recommendation
20 for it. At this time I really don't know.
21 Depends on the developer.

22 MR. NOTARI: Next planning meeting
23 will be the 16th, we'll meet on the 20th.

24 MR. FEBBO: The 15th the planning
25 commission will have a decision?

1 MR. BIERYLA: They didn't close the
2 meeting, they extended the meeting until the
3 15th at 7:30. They gave the developer two
4 extra weeks for the puddling and to remove
5 the fence. They were the two items they
6 specifically asked for for the completion of
7 Mountain Road.

8 MR. SEMENZA: They recessed until
9 that point.

10 ATTY. RINALDI: So there's two items
11 that council's going to have to decide.
12 Where do you want the easement, because
13 that's up to council, and resolution of the
14 sewer issue to the engineer's satisfaction.
15 Then they post a bond and we accept the
16 roads and the easement. Council has to
17 figure out where they want the easement.

18 MR. SEMENZA: At that point in time
19 would we lift the ban on the building
20 permits?

21 ATTY. RINALDI: For Rosemount, Villa
22 phase one, yes. Phase two he's got screwed
23 up, but phase one. Phase two is where he
24 adjusted the lot lines. He's all over the
25 board there. There's no road on it.

1 MR. LOPATKA: Is there a plan?

2 ATTY. RINALDI: Yes, and then he
3 sold lots different from the plan. He needs
4 to come in and redo it.

5 MR. FEBBO: You're saying that we're
6 going to take over the roads?

7 ATTY. RINALDI: Not until you guys
8 figure out where you want your easement.

9 MR. NOTARI: I thought we figured
10 out where we want an easement.

11 ATTY. RINALDI: He wants to put it
12 somewhere else.

13 MR. LOPATKA: He came back with a
14 different location.

15 MR. NOTARI: Which is totally
16 unacceptable. For the councilmen that
17 weren't at the meeting and don't know, his
18 easement -- he wants to give us an easement
19 off of Villa Drive, off of Milwaukee Avenue,
20 which would then give us absolutely no
21 access to Pagnotti Park because the bridge
22 is out.

23 ATTY. RINALDI: You have an easement
24 down that road, which isn't even Villa
25 Drive. It's just a road.

1 MR. FEBBO: We already have a
2 right-of-way down the road. Wasn't it in
3 the court injunction when we were before the
4 judge that he has to give us an easement on
5 Villa and also prep the site for us with his
6 equipment and manpower?

7 MR. SEMENZA: I don't believe it's
8 stated exactly where the easement was.

9 ATTY. RINALDI: He said he was
10 going -- Villa, Inc. was going to grant
11 access to the entrance to Pagnotti Park
12 located on Villa Drive over Villa, Inc.'s
13 private property by easement. Villa assist
14 with construction -- I don't know where that
15 spot is. It doesn't say anything. It just
16 says "Villa, Inc. access to the entrance of
17 the Pagnotti Park located on Villa Drive
18 over Villa, Inc.'s private property by
19 easement or deed." There's only one Villa
20 Drive.

21 MR. FEBBO: With that being said,
22 the easement that's referring to there is
23 right before lot one. That's where the lot
24 starts. That's a dead lot. That's where
25 our gate is to access Pagnotti Park. That's

1 where the court injunction is supposed to
2 give the easement.

3 ATTY. RINALDI: Some dead land down
4 the bottom. There's lot one and some land.

5 MR. FEBBO: But prior to lot one,
6 from the creek over there's a dead lot
7 there.

8 MR. LOPATKA: It's not even a lot.
9 It's just part of the property.

10 MR. FEBBO: That's where he supposed
11 to give us the right-of-way.

12 MR. LOPATKA: That's what he has
13 marked up on the plans.

14 ATTY. RINALDI: I think 20 feet to
15 get from Villa to Pagnotti with a vehicle.
16 So somebody has to sit down and hammer that
17 out.

18 MR. NOTARI: Hammer it out with who?
19 We hammered it out. We want it at the
20 bottom, where the gate is. What's there to
21 hammer out?

22 MR. FEBBO: Can't we just take this
23 back to court and have the judge hammer it
24 out with him and have all council and all
25 planning present there before Minora so we

1 don't have to be playing this ping-pong game
2 back and forth?

3 ATTY. RINALDI: Yeah, we can do
4 that.

5 MR. SEMENZA: Bill, could you write
6 his attorney a letter stating where we want
7 the easement?

8 ATTY. RINALDI: I can do that.

9 MR. SEMENZA: This going back and
10 forth to court is getting, first of all,
11 pricey. Second of all, it's costing us to
12 pay the engineer tons of money to go back
13 and forth every time we need something done.
14 Bill could be going to court and everything
15 like that. I mean, this has been going on
16 way too long. We've got to get this put to
17 bed.

18 MR. FEBBO: Since 2008 he's been
19 playing it and he continues to play it.
20 He'll wear you out.

21 MR. NOTARI: I don't understand why
22 a letter needs to be sent when it was
23 already presented to them where we want it.

24 MR. FEBBO: Exactly.

25 MR. SEMENZA: Just say that's where

1 the easement is.

2 MR. NOTARI: I would agree if you
3 want to send a letter saying that's where
4 the easement is or the roads aren't going to
5 be accepted. I mean, I personally don't
6 understand. He was given nine stipulations
7 by the judge in October. They're not
8 completed. There should be a way for us to
9 resolve that, and I don't know why we can't
10 resolve that. If he doesn't want to meet
11 the stipulations there has to be a
12 circumstance for him to face. I think
13 that's up to the judge. But I don't know
14 why we have to keep going back to the judge
15 to ask for that.

16 ATTY. RINALDI: Because you don't
17 have a choice. You have to go back to the
18 judge if you want to enforce your
19 stipulation. You can't just say we're
20 enforcing it.

21 MR. RUSSELL RINALDI: Maybe I missed
22 it. Is one of his stipulations that we say
23 where we want the easement or no? Or does
24 he just have to provide us one?

25 MR. FEBBO: That was already agreed

1 upon.

2 MR. RUSSELL RINALDI: I know he has
3 to provide us one, but does he have to
4 provide it where we say we want it?

5 MR. FEBBO: It's where it was agreed
6 in the court injunction.

7 MR. RUSSELL RINALDI: So it's one of
8 his stipulations.

9 MR. LENCESKI: Number ten.

10 MR. RUSSELL RINALDI: So he has to
11 give us the easement we want.

12 ATTY. RINALDI: Like I said, I don't
13 know how it came into the agreement because
14 I didn't ask for it.

15 MR. LENCESKI: He put that in, and
16 everything we put in is in handwriting.
17 Then we got a copy of it.

18 ATTY. RINALDI: I'll read it to you
19 again. I don't know where it was. "Villa,
20 Inc. will grant access to the entrance of
21 Pagnotti Park located on Villa Drive over
22 Villa, Inc.'s private property by easement
23 or deed."

24 MR. FEBBO: That's pretty
25 explanatory.

1 MR. NOTARI: That's where the
2 entrance is, at the bottom of Villa Drive,
3 on his property.

4 MR. SEMENZA: Bill, could write
5 Lavelle a letter stating we want the
6 easement at the end of Villa Drive on
7 Villa's side of the creek?

8 ATTY. RINALDI: I can do that.

9 MR. SEMENZA: Is everybody in
10 agreement with that?

11 MR. NOTARI: Sure. Does he own the
12 road?

13 MR. FEBBO: He owns his road.

14 ATTY. RINALDI: Until he dedicates
15 it to us.

16 MR. SEMENZA: How about on the other
17 side?

18 MR. LOPATKA: He owns that
19 right-of-way.

20 MR. FEBBO: We have access to it.

21 ATTY. RINALDI: We have an easement
22 all along our property.

23 MR. FEBBO: So he's really giving us
24 nothing.

25 MR. LOPATKA: You already have an

1 easement all the way down that road.

2 MR. SEMENZA: That road -- if you
3 look on the map, that road, it kind of
4 goes --

5 ATTY. RINALDI: It ends at the
6 creek.

7 MR. SEMENZA: It goes right into the
8 corner where we're going to get the easement
9 anyway.

10 MR. LOPATKA: You would already have
11 access to it.

12 MR. PAPI: We have a sewer line and
13 a streetlight on that road.

14 MR. LENCESKI: Bill, can we include
15 cutting all the spurs off in the sewer line?

16 ATTY. RINALDI: I'm leaving that up
17 to Dave.

18 MR. LOPATKA: Looking at the video
19 that I looked at I didn't see any. Paul has
20 them in his office for Villa and for
21 portions of Stone Hill. There weren't any
22 that I saw. I looked at it three times.
23 Even Stone Hill. There's three or four
24 openings at the top of the pipe that look
25 like a stub comes off on the Ransom side.

1 There's nothing coming in from it. The
2 pipes don't stick down into the pipe at all.
3 Most of the pipe sticks down a quarter inch,
4 half inch. Everything's flowing. I was
5 looking for, when I looked at it, if there
6 was any sags in the pipe where you might
7 have water sitting or something.

8 MR. FEBBO: There's not a lot of
9 volume up there.

10 MR. LOPATKA: Those pipes, if look
11 at them, for how long they've been in there,
12 basically they look like they're new inside.
13 If you guys look at the video --

14 MR. SEMENZA: I saw the video.

15 MR. LOPATKA: I looked at it three
16 different times, once when I first got it
17 and then with George Parker about a month or
18 so ago. Then I looked at it again just to
19 make sure I wasn't missing something, and
20 honestly the pipes that I saw -- this isn't
21 the whole development. I don't know exactly
22 what's happening everywhere else. Those
23 videos that we have --

24 MR. FEBBO: Are we not talking about
25 the whole development?

1 MR. SEMENZA: No, we're talking
2 about -- you're saying cameraing the whole
3 development?

4 MR. FEBBO: Since we're accepting
5 the roads with sewers underneath them, why
6 would we do that if we don't know what's
7 under there.

8 MR. SEMENZA: Paul, do you know how
9 much of this development was cameraed?

10 MR. PAPI: By Mike Ford? He just
11 did a section of Stone Hill and a section of
12 Villa.

13 MR. LOPATKA: A good portion of
14 Villa. It was Stone Hill, starting at
15 Villa, up to the second manhole, then from
16 the second manhole down.

17 MR. PAPI: What I remember is he
18 couldn't go all the way up Stone Hill
19 because he hit a pipe that was sticking out
20 too far. We had to move up to the next
21 manhole and come down.

22 MR. SEMENZA: Rossi Rooter.

23 MR. PAPI: No, that was Mike Ford.

24 MR. SEMENZA: LLVSA hired Rossi
25 Rooter to run their camera up there. I

1 spoke with Tom from Rossi Rooter. Actually
2 I'm going to have him get in contact with
3 you, Paul, if we're going to go ahead and
4 camera the rest of the development because,
5 from what I understand, the bigger cameras
6 can't run them lines because they're small.
7 The lines are smaller.

8 MR. LOPATKA: They're eight-inch
9 lines.

10 MR. SEMENZA: LLVSA had trouble with
11 their camera trying to run it through that
12 line. They couldn't. Same thing with Mike
13 Ford?

14 MR. PAPI: The only problem that I
15 know he had was he couldn't get through
16 because of the lateral sticking into the
17 pipe too far.

18 MR. SEMENZA: Where was that, on
19 Stone Hill?

20 MR. PAPI: Yes.

21 MR. LOPATKA: I didn't see it.

22 MR. PAPI: I remember Mike telling
23 me that.

24 MR. FEBBO: Let's go back to the
25 rest of Rosemount itself. Does he not have

1 to have that all cameraed?

2 MR. SEMENZA: I didn't say he
3 didn't.

4 MR. FEBBO: If we're talking about
5 taking the roads over the sewers go with
6 them.

7 ATTY. RINALDI: If you guys want to
8 it cameraed, camera them. He's not going to
9 do it. It's not in the agreement anywhere.

10 MR. FEBBO: We paid for too much
11 already.

12 MR. LENCESKI: Isn't it past
13 practice to have the developers prove to us
14 that the lines are there and cameraed?

15 ATTY. RINALDI: Did you camera
16 Shawnee with we took it over?

17 MR. PAPI: I believe it is done by
18 Pasonick. I don't know who paid the bill.
19 Probably Jack.

20 ATTY. RINALDI: This development
21 went in before the ordinance. Nobody
22 inspected it. My suggestion is if you want
23 to camera them, get it done ASAP.

24 MR. FEBBO: If we want to camera
25 them. We want them cameraed but we don't

1 want to pay for it.

2 ATTY. RINALDI: Get the bill and we
3 can argue about it, but the bottom line is
4 you guys want them cameraed, camera them.

5 MR. RUSSELL RINALDI: Bill, are they
6 supposed to be cameraed before we accept
7 them? Is that written anywhere?

8 MR. FEBBO: That's what he just
9 said. All developments have to be prior to
10 acceptance by the borough.

11 MR. LOPATKA: I don't think they
12 technically need to be cameraed.

13 MR. RUSSELL RINALDI: Bill, is it
14 written somewhere that he has to do this?

15 ATTY. RINALDI: This is not a new
16 development. This is an old mess that we're
17 trying to fix. If anybody's concerned about
18 the sewers and they want them cameraed, I'm
19 telling you camera them. You can fight
20 about who pays for it later. Camera them.

21 MR. NOTARI: Is it not in the
22 stipulation?

23 ATTY. RINALDI: No. It didn't come
24 up until after we left court. Then all the
25 sudden everybody started worrying about

1 cameraing.

2 MR. NOTARI: I seem to remember
3 being at the planning meeting and them
4 asking for them to be cameraed.

5 MR. RUSSELL RINALDI: So it's not in
6 the stipulation, it's not written anywhere
7 that it has to be done, that we have to have
8 them cameraed or they have to be cameraed?

9 MR. LOPATKA: At one point they
10 recommended it, a letter from LLVSA.

11 MR. NOTARI: Well, we would like it
12 because before we accept them we want to
13 know what's there. Am I correct in saying
14 that?

15 MR. LENCESKI: I agree.

16 MR. RUSSELL RINALDI: Sure, I would
17 like them cameraed, too, but by some type of
18 ordinance or code does he have to do it
19 before we accept it or we can ask him to do
20 it?

21 MR. SEMENZA: They have to meet a
22 standard, but I don't think it says anywhere
23 he has to camera them.

24 MR. RUSSELL RINALDI: So why don't
25 we take a letter back to him and ask him to

1 have them cameraed or we'll camera them and
2 split the cost.

3 MR. LENCESKI: Like Bill said, time
4 is of the essence. We'll camera them and
5 then fight him for the money.

6 MR. LOPATKA: It shouldn't be a
7 fight because overall he agreed to pay half.
8 You guys agreed with him to pay half.
9 That's one of the costs. He should be
10 paying half anyway.

11 MR. SEMENZA: The pipes that have
12 been viewed to this point, the partial, are
13 in pristine condition.

14 MR. LOPATKA: The typical procedure
15 is if you have somebody inspecting you
16 shouldn't have to camera it, but even back
17 then nobody cameraed or, probably,
18 inspected. So nowadays if you're going to
19 take over the development and you guys
20 approve something you would have somebody
21 inspecting the work as it's being done as
22 opposed to going back and doing it later.

23 A lot of times what they will do
24 is -- and not so much for an old pipe like
25 that. All these new pipes they would do an

1 air test. It had to hold a certain pressure
2 so long. Then you would know.

3 MR. SEMENZA: You can't do that with
4 them pipes. I don't want to make the rules
5 up as we go along here. I just want to get
6 things right, get it taken care of, put it
7 to bed. Like I said before, it's going on
8 way too long. I just want to see things
9 move along.

10 MR. NOTARI: I agree, it needs to
11 get put to bed, but I think on our end, to
12 protect ourselves we probably should have
13 them cameraed.

14 MR. SEMENZA: But it's not in the
15 stipulation, and if we do camera them and
16 there's nothing wrong with the lines how are
17 we to say that you owe us the money?

18 MR. NOTARI: I understand your
19 point. He's also told us a lot of other
20 things.

21 MR. SEMENZA: I understand that.

22 MR. NOTARI: I do understand what
23 you're saying and I don't disagree with you,
24 but I think the way this project has gone
25 on.

1 MR. SEMENZA: I'm just saying from
2 what I viewed, and I'm sure Dave can attest
3 to saying that the lines that we reviewed --

4 MR. LOPATKA: I didn't see anything
5 wrong. I looked at them a couple times.

6 MR. NOTARI: You're the expert. You
7 work in the field. I think I would go on
8 your word.

9 MR. LOPATKA: We saw two streets and
10 they were good. Really good, actually, for
11 how long they've been in. We haven't seen
12 everything. Couldn't hurt to see them all.

13 MR. NOTARI: What does it cost to
14 camera lines?

15 MR. SEMENZA: Thousands.

16 ATTY. RINALDI: We tried to camera
17 them before we paved, when we had that
18 problem. For whatever reason, two people
19 on -- somebody on council stopped the job.
20 So now the pave went down and we don't have
21 them cameraed. Paul was there. I said
22 Paul, while he's there have him do all the
23 lines. If you want to camera them, camera
24 them. We got a lot of it cameraed.

25 MR. RUSSELL RINALDI: If we camera

1 them, they come back perfectly good are we
2 going to accept the roads first and then
3 fight for payment or are we going to fight
4 for payment and then accepting them and drag
5 on another year of not accept the roads?

6 MR. SEMENZA: If we camera the lines
7 and they're perfectly good who are we to go
8 after him for money?

9 MR. RUSSELL RINALDI: All right, I
10 agree there, too.

11 MR. RUSSELL RINALDI: Are we going
12 to say okay, they're good now, we accept
13 them, and then if we want to go for money
14 are we going to try and fight, drag it out
15 without accepting them? This can go on
16 again.

17 ATTY. RINALDI: You can't tack on
18 new conditions after you change the
19 ordinance. He was approved prior to the new
20 ordinance.

21 MR. NOTARI: So we're not going to
22 camera the lines?

23 MR. SEMENZA: I didn't say we're
24 not. This is just a discussion. If you
25 want to camera them, we'll camera them.

1 MR. NOTARI: We've been discussing
2 this for 25 minutes. Let's figure out we're
3 either going to camera them or we're not. I
4 mean, right now Dave and yourself are saying
5 that they look like they're in good
6 condition from what you looked at. So that
7 tells me maybe we don't need to do it, but
8 there's others that feel we need to camera
9 the lines as a backup to us in case
10 something does go wrong with them once we
11 accept the roads.

12 MR. LENCESKI: The problem is it's
13 almost too late. What are we going to do
14 even if they are bad? They should have been
15 cameraed before we put the pave down but a
16 council member stopped them and it was never
17 done. So right now if they're bad what do
18 we do, dig all the roads up?

19 MR. SEMENZA: This is what it is.
20 We're not going to accept the roads and the
21 sewers are going to back up and block. I
22 worked in the field for 15 years. There
23 hasn't been a problem in Rosemount Estates
24 since I worked there that I know of. Has
25 there been a problem in Rosemount Estates

1 that you know of?

2 MR. PAPI: No.

3 MR. SEMENZA: I mean, I don't think
4 there's an issue with the sewers. I really
5 don't. That's just my personal opinion.
6 You know, now even say professional opinion.
7 No offence. You're saying we'll take the
8 roads over and then there's going to be a
9 problem with the sewers.

10 MR. NOTARI: I'm not saying there
11 is, I'm saying if there is a problem.

12 MR. SEMENZA: There could be a
13 problem on your street tomorrow. There
14 could be a problem on my street with the
15 sewer tomorrow. It is what it is. It
16 happens. You can camera the lines and
17 they'll be fine and then something happens.
18 A rock -- I've seen rocks gets lodged in
19 lines. How did they even get in the line.

20 MR. NOTARI: So what I'm taking from
21 what you're telling me is we don't need to
22 camera these lines.

23 MR. SEMENZA: My opinion, I say no.
24 That's my opinion.

25 MR. NOTARI: Dave, you concur?

1 MR. LOPATKA: I'm just going to go
2 on record from what I saw.

3 MR. NOTARI: From what you saw,
4 Dave, do we need to camera the lines?

5 MR. LOPATKA: No.

6 MR. NOTARI: That's good enough for
7 me.

8 MR. LOPATKA: Again, it's up to you
9 guys.

10 MR. NOTARI: If something happens
11 I'm not going to come back at you. I'm
12 looking for your professional opinion. I
13 don't want to sit here and go waste more
14 money if you're saying that you don't feel
15 we need to.

16 MR. LOPATKA: From what I saw I
17 don't think you do. That's my own opinion.
18 If I saw something where there was a bunch
19 of laterals that were sticking in there,
20 then I would say yeah, you probably need to
21 do something.

22 MR. FEBBO: The situation we have
23 here is the developer scares us to death.
24 You can sit here, your hat is bright red,
25 he'll say it's blue. So based on that,

1 every step of the way since 2008 it's been
2 an uphill battle, and to this day he's still
3 changing and rearranging and flip-flopping,
4 and this has got to come to an end.

5 Consequently, the sewers were in there in
6 the mix. So based on your professional
7 opinion we'll put it to rest. Let it go.
8 Again, this is what we hire you for and
9 Bill. It's not an issue, let's get by this
10 issue here.

11 MR. LOPATKA: The way you do it the
12 right way is get an as-built, but we're long
13 past that.

14 MR. FERRETT: I think there's one
15 thing that we better really take into
16 consideration, is the fact that going back
17 and forth to court and everything of this
18 nature, as Bill said, there's nothing
19 whatsoever in the agreement in court saying
20 about the sewer lines whatsoever. So if you
21 try to make an issue of this thing and don't
22 accept the roads you're going to have him go
23 to court and say well, the borough doesn't
24 want to take the roads because -- there's
25 nothing in there whatsoever that says about

1 sewer lines.

2 MR. SEMENZA: That's what I meant by
3 saying I don't want to make the rules up as
4 we go along here.

5 MR. FERRETT: You have to be
6 careful, because this is what Bill's trying
7 to say.

8 MR. FEBBO: Again, based on the
9 advice of our solicitor and the engineer
10 let's just forget the issue of sewers
11 because according to everything he is in
12 compliance with the '72 ordinances, and
13 that's what we're going by.

14 MR. LENCESKI: Bill, what else do we
15 need for Rosemount to put it to bed?

16 ATTY. RINALDI: I believe all the
17 deeds are done, the easement we need he's
18 got to give us. Pretty sure they're still
19 the same.

20 MR. LOPATKA: All other than
21 Mountain Road is fine.

22 ATTY. RINALDI: We would accept
23 them, post a bond, then we square up the
24 money.

25 MR. SEMENZA: Do we know the number?

1 ATTY. RINALDI: He keeps sending me
2 other bills which I don't really believe.
3 For instance, latest round of repairs, he
4 sent me a bill for Conti Paving and
5 Construction, \$12,100. Now, you know the
6 work that was done.

7 MR. LOPATKA: I didn't see the
8 invoice for that.

9 MR. SEMENZA: What was the initial
10 amount that we held from them?

11 ATTY. RINALDI: He didn't come back
12 and tell us he was going to spend \$12,000
13 either.

14 MS. BARTOLETTI: In your packets
15 I'll put together a spread sheet of what we
16 paid so far, what's outstanding from the
17 previous, and then anything that we get.

18 ATTY. RINALDI: We know what we owe
19 on our side. Might be some other split.
20 The temporary pave, I think maybe \$4,000 or
21 \$5,000, maybe seven, total.

22 MR. SEMENZA: So we're basically
23 stuck on the easement for Pagnotti Park.

24 ATTY. RINALDI: I'll talk to his
25 lawyer, see if that can be resolved.

1 MR. SEMENZA: And the fence.

2 ATTY. RINALDI: He's got to take the
3 fence down.

4 MR. SEMENZA: They were saying at
5 the meeting, if I heard this correctly, the
6 fence is coming down. It's not going up on
7 the other side.

8 MR. LOPATKA: No, coming down.

9 MR. SEMENZA: And a portion of it
10 stays up 60 feet or so?

11 MR. LOPATKA: It's getting extended
12 from where it turns down behind --

13 MR. FEBBO: My corner lot, the back,
14 and the gate that he has. Iacovazzi Drive,
15 coming across, continue over to Mountain
16 Road. The gate's on Mountain.

17 MR. LOPATKA: Extend it right over
18 to the road. I don't know if you're going
19 to have a gate or not.

20 MR. SEMENZA: I thought they were
21 saying a portion of it was going to stay up.

22 MR. LOPATKA: What's staying up is
23 the portion along that upper road. Along
24 your upper property line.

25 ATTY. RINALDI: Corner of his

1 property, his northwest corner, I guess.
2 Right there. Because there's a road there.
3 They don't want people coming in that road
4 to get on Mountain.

5 MR. LOPATKA: Where it comes
6 straight across Lou's property, where it
7 would turn down to Lou's, this section is
8 coming out and just getting extended
9 straight over to Mountain Road.

10 MR. SEMENZA: That gate's staying
11 there.

12 ATTY. RINALDI: The gate is
13 separate. That has nothing to do with the
14 fence.

15 MR. FEBBO: The fence is going to go
16 over as far as the gate. That eliminates
17 the whole problem of anything coming down
18 that road.

19 MR. RUSSELL RINALDI: Coming down
20 the road from the old landfill?

21 MR. LOPATKA: Yes.

22 MR. RUSSELL RINALDI: Isn't there a
23 gate already there? So there will be two?

24 ATTY. RINALDI: They just want it
25 going across the road.

1 MR. SEMENZA: Nothing on the other
2 side of the road?

3 MR. LOPATKA: Solely so there's no
4 access to any of those other roads.

5 MR. RUSSEL RINALDI: They still
6 could get through if they wanted to
7 trespass.

8 MR. FEBBO: No, there's no way to
9 get there.

10 MR. RUSSEL RINALDI: In between
11 properties.

12 MR. LOPATKA: They have to go
13 through his property.

14 MR. FEBBO: There's no access.
15 That's the whole issue. From my driveway,
16 yeah.

17 MR. RUSSELL RINALDI: That's your
18 road.

19 MR. LOPATKA: Even if the fence
20 stayed there's a gate there.

21 MR. RUSSELL RINALDI: For them to
22 come through they'd have to trespass.

23 ATTY. RINALDI: PennDOT's only
24 worried about the roads.

25 MR. SEMENZA: All right.

1 MR. FEBBO: So that has to be dealt
2 with before we accept it?

3 ATTY. RINALDI: Yes.

4 MR. LOPATKA: It's supposed to be
5 down.

6 ATTY. RINALDI: For the planning
7 commission.

8 MR. SEMENZA: By next week.

9 MR. NOTARI: As a council, are we
10 prepared next Friday if Thursday night they
11 don't come to the planning meeting with what
12 they need to have done done? Are we
13 prepared on Friday to file a claim?

14 ATTY. RINALDI: They don't go to
15 planning, planning will most likely deny
16 them and then come to council.

17 MR. LOPATKA: It can come to
18 council. You guys would still vote on it.
19 They're a recommending body to you guys even
20 if they didn't approve it.

21 MR. SEMENZA: We can do whatever we
22 want to do.

23 MR. NOTARI: If we know Thursday
24 night he either shows up and doesn't have it
25 done or doesn't show up and doesn't have it

1 done I personally would like Friday morning
2 for us to call the judge and say let's go.

3 ATTY. RINALDI: Planning had me send
4 the judge a letter telling him what
5 transpired, which was what we just laid out.
6 They kept the meeting open, gave him two
7 weeks to take the fence down, fix the plan
8 and fix the puddle.

9 So they fixed the plan. I got that
10 today. We're waiting for him to take down
11 the fence and fix the puddle. Then planning
12 should be able to approve it.

13 MR. FEBBO: What's the solution to
14 that puddle?

15 MR. LOPATKA: I was out there today.
16 What the issue is and why it's puddling,
17 there's a little hump of asphalt between
18 where that section is and where it should
19 drain to the --

20 MR. FEBBO: The right hand side of
21 Mountain coming down?

22 MR. LOPATKA: Yes. The puddle's in
23 the same spot it was in before. It's not in
24 a different spot. It was right where it was
25 before. There's a little hump. That's why

1 it's creating a puddle. Probably about a
2 foot wide. I actually went -- I had another
3 meeting and I stopped to see Jamie Valvano,
4 I asked him what could be done with this.
5 He said you can mill it.

6 My recommendation is just to saw cut
7 it where each of those ribs are just enough
8 to get the water to flow into -- once we get
9 to the concrete rumble strip it continues.
10 It's not fast, but it continues across the
11 road there. That's what he's going to do.
12 All I have to do is call him. He said he'll
13 go over and do it. He's just got to go back
14 just to where the center of the puddle is.
15 If you try and grind it out of there you
16 have to mill it, and I don't think it will
17 look all that good if you mill it. I think
18 we can solve the problem by saw cutting it
19 and just creating a couple little saw cuts
20 there to get it into that concrete rumble
21 strip.

22 MR. LENCESKI: Was that a poor
23 design or poor craftsmanship? You have one
24 grade here, you have your other grade here.
25 You could have pitched everything down this

1 way and pitched it more away from Milwaukee
2 Avenue, and you have a creek that can take
3 the water. So either George Parker did a
4 terrible job designing it or whoever did it
5 did a terrible job putting it in there
6 because they should have known they needed
7 more pitch. They should have dropped the
8 road.

9 MR. LOPATKA: I don't want to
10 criticize anyone, but from looking at the
11 plans and looking at what was done could
12 there have been maybe a couple extra spot
13 elevations on the plan to ensure that water
14 went across the road? Maybe. If you look
15 at the plans it kind of indicates it wants
16 to go that way, but there's not enough
17 detail on the plan to ensure it goes that
18 way.

19 MR. LENCESKI: You have to have the
20 elevations of Milwaukee Avenue because
21 that's existing, then you have where you
22 have to put your sewer, and that has to
23 slope from that point to that. Did they do
24 the right job?

25 MR. LOPATKA: What the contractor

1 did, I think, is correct. I just don't
2 think that there -- there may not have been
3 enough information on the plan. If you look
4 at the plan you're talking two-foot
5 contours. This particular area you're
6 talking maybe a half a percent. You can't
7 see it on the contour, a half a percent. I
8 would probably put a couple spot elevations
9 on there saying this elevation should be
10 this. Like, where you want it to cross.

11 I'm not saying what he did was
12 wrong, but maybe if there was more detail it
13 would have been a little bit clearer.
14 There's no way for the contractor, unless he
15 has enough information, to lay it out based
16 off of what I saw. If it's that flat and
17 you want to build something that's that flat
18 normally you need to add a little bit more
19 information.

20 MS. BARTOLETTI: Being involved in
21 pitch with concrete and sidewalks, I mean, I
22 can look at prints and see what the
23 architect wants, but sometimes they don't
24 know what's going on and you have to make it
25 work the right way. You have to go about it

1 so it doesn't come back to haunt you,
2 because if it wasn't us involved Ciuccio --
3 if it was all his money he could be, like, I
4 don't want this puddle here. You have to
5 redo it. Or George Parker's at fault.
6 Someone's at fault or you guys for not
7 really watching him better.

8 MR. RUSSELL RINALDI: Is there any
9 way that all that heavy machinery by PPL
10 going down that road did any damage to it?

11 MR. FEBBO: No, that was there prior
12 to it.

13 MR. LOPATKA: That issue was there.

14 MR. RUSSELL RINALDI: It's been
15 there? I just heard about it a few months
16 ago.

17 MR. LOPATKA: The puddle was always
18 there. They tried to massage that a little
19 bit but it didn't get rid of that one
20 particular puddle.

21 MR. RUSSELL RINALDI: I'm the
22 furthest person that knows anything about
23 roads. That's why I have to ask.

24 MR. SEMENZA: I understand what Joe
25 was saying about making it work, but I don't

1 know if you just went and made it work would
2 there have been issues afterwards that you
3 didn't follow the prints?

4 MR. LOPATKA: From a contractor's
5 perspective he needs to follow the plan.
6 Honestly, from our perspective in
7 inspecting, we're only going to inspect that
8 they're putting in -- we're not shooting
9 grades. We're making sure they're putting
10 in the proper depth of pave and they're
11 putting in the stuff that's supposed to be
12 there.

13 I mean, it may be a little both on
14 that side. Maybe the contractor should have
15 asked questions.

16 MR. LENCESKI: But even when he's
17 shooting elevations to find -- he's got his
18 road, the elevations to make sure that he's
19 going to go to his storm water inlet and
20 they're looking through the transit and say
21 we have barely any pitch here. Maybe just
22 rough this out a couple more inches to get
23 the right pitch.

24 MR. LOPATKA: I'm not sure why they
25 didn't put an inlet over there on that side

1 of the road. To drain across the road like
2 that, typically you would try to catch it
3 before.

4 MR. LENCESKI: And to have a creek
5 right there.

6 MR. LOPATKA: They have the inlet
7 right above it going there. They could have
8 put something in that corner and pitched it
9 back.

10 MR. RUSSELL RINALDI: They couldn't
11 be allowed to pitch their water into that
12 creek, would they?

13 MR. LOPATKA: Again, that was the
14 plan --

15 MR. RUSSELL RINALDI: Are they
16 allowed to do that, send their water into
17 the creek?

18 MR. LOPATKA: Yes. The one that's
19 right before discharges over there.

20 MR. SEMENZA: Going forward, if they
21 do the saw cuts or milling or whatever is
22 that going to be adequate enough to accept
23 the roads?

24 MR. LOPATKA: I told him we need to
25 get the water off the road and they're going

1 to saw cut it. Then once it gets to that
2 rumble strip it goes across the other lane.
3 Now, it's not flowing heavy across there but
4 it moves. It's pretty flat but it does
5 move. I was there actually before it
6 started raining, then it started raining and
7 I stayed there. We were in the pouring rain
8 and I watched the puddle as it formed.

9 I don't know if it was overly done
10 wrong, but because of that little hump in
11 there, if that hump wasn't there, if it was
12 flat -- and you wouldn't notice. It's hard
13 to notice until the water starts filling up.

14 MR. SEMENZA: I did drive around
15 today and I did drive by there for that
16 purpose. I saw you there. I actually drove
17 around town, too, and I'm not saying it's
18 right that there's puddling here, but if
19 somebody drives around and looks, when it's
20 raining, of the ponding at the end of every
21 road going into intersections, especially
22 along Keyser Avenue, almost every road is.
23 And they're way worse than what's there at
24 the end of Mountain Road. I understand that
25 there's a stipulation that we have to fix

1 this and it has to get done.

2 MR. LOPATKA: That's the key. I
3 mean, you don't want water on the roads.

4 MR. RUSSELL RINALDI: Didn't we have
5 a lot of water on the road on Amity? Didn't
6 we have a guy complain about the paving last
7 year?

8 MR. SEMENZA: There's water
9 everywhere.

10 MR. LOPATKA: There's a couple
11 spots.

12 MR. SEMENZA: We just did a major
13 paving project in Old Forge and there's
14 water everywhere, puddling everywhere in Old
15 Forge.

16 MR. FEBBO: What makes this bad is
17 it's the intersection of Milwaukee Avenue.

18 MR. SEMENZA: But there's puddling
19 everywhere. We just did a million-dollar
20 paving project and there's puddling
21 everywhere. I'm not saying it's right. It
22 has to be done --

23 MR. LOPATKA: Unfortunately, when
24 all you're doing is milling and paving back
25 over it you're not going to solve all your

1 problems because unless you can put storm
2 water in there's only -- there's areas all
3 you did was take an inch and a half off, put
4 an inch and a half back.

5 MR. RUSSELL RINALDI: There's
6 probably 232 areas in Old Forge that it
7 puddles.

8 MR. LOPATKA: There's probably a
9 bunch.

10 MR. SEMENZA: The bottom line of
11 what I'm saying is this is going on way too
12 long. We have to stop nitpicking and get it
13 done. If the saw cut's going to work -- is
14 it going to work, in your opinion?

15 MR. LOPATKA: I think so, yeah.

16 MR. SEMENZA: Let's get it done,
17 let's get these roads taken care of. I
18 mean, I'm sick of coming to these council
19 meetings and talking about Rosemount
20 Estates. Every meeting I've ever been to
21 the subject came up about Rosemount Estates.

22 MR. LOPATKA: Not going to disagree
23 with you.

24 MR. RUSSELL RINALDI: After it's
25 done, instead of waiting for rain can we

1 dump some water and see what happens?

2 MR. LOPATKA: You dump a pretty good
3 amount of water it will show up pretty
4 quick.

5 ATTY. RINALDI: Then send a letter,
6 tell everybody to take their rain gutters
7 out of the road, because otherwise those
8 roads are going to go to hell pretty fast.

9 MR. LOPATKA: The more water you get
10 on the roads -- I said that a long time ago.
11 That's one of the issues. And it's not just
12 Old Forge, it's everywhere. I've had that
13 problem with multiple municipalities.

14 MR. RUSSELL RINALDI: Bill, are we
15 sending that letter out before or after?

16 ATTY. RINALDI: Once we own the
17 roads.

18 MR. SEMENZA: Bill, send the letter
19 to Pat Lavelle telling him about the
20 easement.

21 Dave, you already talked to Valvano.
22 They're going to try to do the fix?

23 MR. LOPATKA: He's waiting for me to
24 give him the go ahead. I'll give him the go
25 ahead to do that.

1 MR. SEMENZA: Hopefully get the
2 fence down before our meeting of the 15th.

3 MR. LOPATKA: Before the planning
4 commission meeting. I'll check with George
5 Parker to make sure.

6 MR. NOTARI: Have you heard anything
7 from Burger King?

8 MR. SEMENZA: No.

9 ATTY. RINALDI: They had their plan
10 at planning and planning approved it.

11 MR. LOPATKA: Contingent upon the
12 easement.

13 MR. SEMENZA: Do you know if they
14 spoke with LLVSA?

15 MR. BIERYLA: I didn't hear
16 anything.

17 MR. SEMENZA: All right.

18 MR. LOPATKA: I haven't heard back
19 from that Jim Backus yet.

20 MR. SEMENZA: Paul, real quick, did
21 you get a price?

22 MR. PAPI: Twenty-five hundred
23 dollars. Good price.

24 MR. SEMENZA: Steve, anything else?

25 MR. BIERYLA: No, that would be the

1 only thing for council.

2 MR. SEMENZA: Anybody have any
3 questions for Steve?

4 MR. FEBBO: Do you want to bring us
5 up up to snuff on Stockey, where we are with
6 that situation there.

7 MR. BIERYLA: They've appealed the
8 zoning hearing board's decision, and
9 attorney Campolieto did findings of fact and
10 sent in the appeal notice to the court. No
11 hearing date yet for the appeal. Once I
12 have that I can let you know.

13 MR. NOTARI: So we're waiting on a
14 court decision?

15 MR. BIERYLA: Well, they appealed
16 and Campolieto sent the findings of fact and
17 his denial, denial, denial for that.
18 Mr. Stockey was denied access on the C-3 for
19 the land use.

20 MR. NOTARI: Because it's under
21 appeal it's just business as usual up there?

22 MR. BIERYLA: Well, no, he's moving
23 everything along. Friday a letter of land
24 use violation for the C-2 side and Dupont
25 Motor Lines also got the same violation for

1 running a junkyard. We're waiting on them
2 to respond.

3 MR. SEMENZA: Dupont Motor Lines is
4 running a junkyard there?

5 MR. BIERYLA: Stockey has
6 infiltrated.

7 MR. SEMENZA: It's on Dupont
8 property. Would Select Realty be getting
9 the letter of violations?

10 ATTY. RINALDI: They got theirs.
11 That's what they're appealing.

12 MR. BIERYLA: Select Realty
13 appealed, and Select Realty has also
14 appealed to the court for the ruling of the
15 judge to have everything off by January 31st
16 on the C-3 side. So the court ruling, they
17 appealed to the judge on that. Their
18 hearing, I believe, is July 6th.

19 Our hearing in front of this borough
20 with the zoning appeal has not been set yet.

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

23 MR. FEBBO: Winter Street, Stockey
24 again, bring us up to date on that.

25 MR. RUSSEL RINALDI: Church Street.

1 MR. BIERYLA: He sent an employee
2 over there today. I believe he did about 25
3 or 30 feet just to clear the stop sign.
4 He's going to continue on that all week long
5 to trim the bamboo back. At that point in
6 time we'll see if he continues his progress
7 on it. If not, I'll have to cite him again.
8 Last Thursday I cited him on Church Street
9 because he had given me verbally that it
10 would be done before the Memorial Day
11 weekend.

12 MR. RUSSELL RINALDI: Steve, did
13 you give him the idea of putting that stuff
14 on it that kills it?

15 MR. BIERYLA: I told him four years
16 ago. I told him.

17 MR. RUSSELL RINALDI: What did he
18 say?

19 MR. BIERYLA: His worker said he was
20 definitely going to have it done in time.

21 MR. RUSSELL RINALDI: I mean putting
22 that stuff on it.

23 MR. BIERYLA: It's RM43.

24 MR. RUSSELL RINALDI: Did you tell
25 him about it?

1 MR. BIERLYA: Yes. His worker said
2 he was going to do it. He also said last
3 year and the year before and the year
4 before. My recommendation to him was once
5 the weather breaks or before the weather
6 gets cold and it's knocked down. Give it a
7 day or two to try out and spray the RM43.
8 Then go back next week and spray, go back
9 the next week and spray and that bamboo will
10 never come up again. He just doesn't do it.
11 Then he had somebody over there with a
12 machete or weedwhacker or, like last year, a
13 backhoe. They did a nice job and didn't
14 spray. I keep on him to cure the problem
15 once and for all.

16 MR. RUSSELL RINALDI: I had couple
17 veterans at the Memorial Day Parade that
18 said some of the lights are out on the
19 monuments. You said the timers, maybe?

20 MR. BIERLYA: Through Ryan Avvisato
21 and All Phase, they had -- actually they
22 gave us all new lighting, and the problem
23 with this one over here is the timer is
24 defunct. So it's either an all on or all
25 off. Once the weather breaks all these

1 lights will get changed to the LED lights.

2 MR. RUSSELL RINALDI: By his
3 company?

4 MR. BIERYLA: I'll be changing them.
5 We already have the lights, so once that's
6 done, then he is going to bring a
7 representative down and I believe Old Forge
8 is going to be one of the first ones for
9 their LED promotion that was given through
10 RAB Lighting.

11 MR. RUSSELL RINALDI: That far
12 monument doesn't have a light on it. Are we
13 required to have a light on it?

14 ATTY. RINALDI: If you want it lit.

15 MR. RUSSELL RINALDI: Because they
16 asked about that, too. Just flags?

17 MR. BIERYLA: I would say by state
18 law a flag is the only one that needs a
19 light.

20 MR. RUSSELL RINALDI: That far
21 monument is the only one that doesn't have a
22 light on it.

23 MR. BIERYLA: That was the one the
24 Boy Scouts fixed. As far as I know that
25 never had a light on it.