

1 OLD FORGE BOROUGH COUNCIL

2 OLD FORGE, PENNSYLVANIA

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4  
5 IN RE: REGULAR MEETING OF COUNCIL

6  
7  
8  
9 MAY 23, 2017

10 7:00 P.M.

11 OLD FORGE MUNICIPAL BUILDING

12 314 SOUTH MAIN STREET

13 OLD FORGE, PENNSYLVANIA

14  
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16  
17  
18 COUNCIL MEMBERS:

19  
20 ROBERT SEMENZA, 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,  
7 ladies and gentlemen, to the May 23, 2017  
8 Old Forge Borough regular council meeting.  
9 Roll call, please, Marylynn.

10 MS. BARTOLETTI: Councilman Brown?

11 MR. BROWN: Here.

12 MS. BARTOLETTI: Councilman Notari?

13 MR. NOTARI: Present.

14 MS. BARTOLETTI: Councilman Febbo?

15 MR. FEBBO: Here.

16 MS. BARTOLETTI: Councilman Ferrett?

17 MR. FERRETT: Here.

18 MS. BARTOLETTI: Councilman Rinaldi?

19 Councilman Lenceski? Councilman Semenza?

20 MR. SEMENZA: Here. We'll go  
21 through some housekeeping items, hear from  
22 our department heads, go down the table and  
23 see if council has anything to report.

24 There's a public sign-in sheet if  
25 anybody would like to address council.

1                   At this time the chair would  
2 entertain a motion to approve the minutes.

3                   MR. BROWN: I'd like to make that  
4 motion.

5                   MR. SEMENZA: By Councilman Brown.

6                   MR. FEBBO: I'll second that motion.

7                   MR. SEMENZA: Seconded by Councilman  
8 Febbo. On the question? Public input?  
9 Roll call, please.

10                  MS. BARTOLETTI: Councilman Brown?

11                  MR. BROWN: Yes.

12                  MS. BARTOLETTI: Councilman Notari?

13                  MR. NOTARI: I'm voting no because I  
14 didn't have a chance to review the minutes.  
15 I received my packet late yesterday. I  
16 didn't have time.

17                  MS. BARTOLETTI: Councilman Febbo?

18                  MR. FEBBO: Yes.

19                  MS. BARTOLETTI: Councilman Ferrett?

20                  MR. FERRETT: Yes.

21                  MS. BARTOLETTI: Councilman Semenza?

22                  MR. SEMENZA: Yes. The next motion  
23 is a motion to approve the treasurer's  
24 reports. Note that this does not include  
25 sewer accounts.

1 MR. BROWN: I'd like to make that  
2 motion.

3 MR. SEMENZA: By Councilman Brown.  
4 Second?

5 MR. FEBBO: I'll second that motion.

6 MR. SEMENZA: Seconded by Councilman  
7 Febbo. On the question? Public input?  
8 Roll call, please.

9 MS. BARTOLETTI: Councilman Brown?

10 MR. BROWN: Yes.

11 MS. BARTOLETTI: Councilman Notari?

12 MR. NOTARI: No.

13 MS. BARTOLETTI: Councilman Febbo?

14 MR. FEBBO: Yes.

15 MS. BARTOLETTI: Councilman Ferrett?

16 MR. FERRETT: Yes.

17 MS. BARTOLETTI: Councilman Semenza?

18 MR. SEMENZA: Yes. The next motion  
19 is a motion to approve invoices for payment.  
20 Note that this does not include sewer  
21 accounts.

22 MR. BROWN: I'd like to make that  
23 motion.

24 MR. SEMENZA: By Councilman Brown.  
25 May I have a second?

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

2 MR. SEMENZA: Seconded by Councilman  
3 Febbo. On the question? Public input?  
4 Roll call, please.

5 MS. BARTOLETTI: Councilman Brown?

6 MR. BROWN: Yes.

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: I'm going to abstain  
13 because there's some questions I have to ask  
14 on some of the accounts and everything.

15 MS. BARTOLETTI: Councilman Semenza?

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

19 MR. BROWN: I'd like to make that  
20 motion.

21 MR. SEMENZA: By Councilman Brown.  
22 May I have a second? Bill, how long do I  
23 wait if a motion fails?

24 ATTY. RINALDI: As long as you want,  
25 but if you cannot get one after 15, 20

1 seconds I guess you're not getting one.

2 MR. SEMENZA: May I have a second?

3 Motion fails. Next motion is a motion to  
4 approve sewer department invoices for  
5 payment.

6 MR. BROWN: I'd like to make that  
7 motion.

8 MR. SEMENZA: By Councilman Brown.

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

10 MR. SEMENZA: Seconded by Councilman  
11 Febbo. On the question? Public input?  
12 Roll call, please.

13 MS. BARTOLETTI: Councilman Brown?

14 MR. BROWN: Yes.

15 MS. BARTOLETTI: Councilman Notari?

16 MR. NOTARI: No.

17 MR. FEBBO: Councilman Febbo?

18 MR. FEBBO: Yes.

19 MS. BARTOLETTI: Councilman Ferrett?

20 MR. FERRETT: Abstain.

21 MS. BARTOLETTI: Councilman Semenza?

22 MR. SEMENZA: Yes. At this time the  
23 chair is going to ask Paul Papi, DPW  
24 manager's report, please.

25 (Mr. Papi read his report, which is

1 attached.)

2 (Councilman Russell Rinaldi  
3 arrived.)

4 MR. PAPI: I met with Matty Brown to  
5 replace the storm sewer in Meade Street  
6 behind Burger King and we were stopped by a  
7 gentleman who said he was the contractor for  
8 Bruger King and they were going to redo  
9 everything. They're going to tear most of  
10 the building down and build a new building.

11 What we found out was our sewer line  
12 runs directly underneath Burger King into  
13 Main Street. So the developer said take a  
14 look at his plan, and he asking the  
15 borough -- he said he'd do all the work if  
16 we would pay for the pipe. What he's asking  
17 for is about 160 feet of plastic PVC sewer  
18 line. We happen to have more than that at  
19 our garage.

20 MR. SEMENZA: So it won't cost us  
21 anything?

22 MR. PAPI: No. He's asking for the  
23 pipe or the payment of the pipe.

24 MR. NOTARI: When is this project  
25 going to begin?

1 MR. PAPI: As soon as he gets  
2 through the planning commission. I think he  
3 wants to start June, early June. He's  
4 actually separating all the storm water,  
5 too, from the sewer. When we do ever do  
6 sewer separation down Main Street it's ready  
7 to go.

8 MR. SEMENZA: Paul, what size pipe,  
9 eight inch?

10 MR. PAPI: Eighteen is what we have.  
11 We have a big sewer trunk going through the  
12 property.

13 MR. SEMENZA: Does it matter what  
14 size they use or is that what they're  
15 requesting?

16 MR. LOPATKA: I thought they were  
17 requesting sewer line, six or eight inch.

18 MR. PAPI: Six or eight inch, but --

19 MR. LOPATKA: The storm wasn't part  
20 of it, just the sewer line.

21 MR. PAPI: They're taking care of  
22 all the sewer.

23 MR. SEMENZA: So we don't have the  
24 sewer line. We'd have to --

25 MR. PAPI: He said if we have the



1 18, that will work. Actually we have bigger  
2 than an 18-inch line in the alley.

3 MR. SEMENZA: So it doesn't matter  
4 if there's a bigger line?

5 MR. LOPATKA: A bigger line is not  
6 going to be a problem.

7 MR. SEMENZA: Even tying into Main  
8 Street, there's not going to be an issue  
9 with it?

10 MR. LOPATKA: They're actually  
11 putting a manhole right in front of his  
12 building and bringing both pipes into that  
13 and tying into the existing line.

14 MR. SEMENZA: Just tap into the Main  
15 Street line.

16 MR. LOPATKA: He's not doing  
17 anything on Main Street. He's tapping into  
18 the existing sewer. You should bypass  
19 everything and tie into the existing sewer  
20 in the front.

21 MR. SEMENZA: So it's not going to  
22 matter what size line?

23 MR. PAPI: No, just I have to tell  
24 him.

25 MR. SEMENZA: Is that something we

1 have to put to the table, Bill?

2 ATTY. RINALDI: It's his connection.

3 MR. SEMENZA: No, to give him the --

4 MR. LOPATKA: Giving him the pipe.

5 MR. SEMENZA: The material for the  
6 job.

7 ATTY. RINALDI: You can approve  
8 that.

9 MR. LOPATKA: The sewer line, I  
10 believe, is your sewer line. You have  
11 houses hooked up on it on the other side of  
12 Burger King.

13 MR. PAPI: We have to do our  
14 connection last because we're going to put a  
15 new manhole in the alley. We have to do  
16 that last. Jones Street.

17 MR. NOTARI: Is their service going  
18 to be affected during this project?

19 MR. PAPI: No. It's going to  
20 continue to run underneath the building.  
21 They're going to do the sewer line first.  
22 Once he gets his all done we'll tie right  
23 in.

24 MR. FEBBO: So the only thing  
25 they're asking for is material, pipe, which

1 we have, which we can donate.

2 MR. PAPI: Right.

3 MR. SEMENZA: Paul, who is the  
4 contractor?

5 MR. PAPI: I don't know. Out of  
6 town.

7 MR. LOPATKA: The owner is Jim  
8 Backus.

9 MR. FEBBO: That's their  
10 responsibility, all the lines on their  
11 property, sewer lines?

12 MR. LOPATKA: The other thought was  
13 should the borough have an easement through  
14 his property in case you ever have to fix  
15 that line. That line technically -- it  
16 carries public sewer from the other side.  
17 It's always gone through that property.

18 MR. PAPI: It used to be the silk  
19 mill line, Butler.

20 MR. SEMENZA: How do we go about  
21 getting an easement on the property?

22 MR. LOPATKA: Or you can have him  
23 show it on his plan.

24 ATTY. RINALDI: It's not shown on  
25 here. You're talking the hashmark going

1 through the property?

2 MR. LOPATKA: No, this. Reroute it  
3 around. This they want to take out, reroute  
4 around and put a manhole in. There's houses  
5 on Jones Street.

6 ATTY. RINALDI: I guess we should  
7 have an easement, then.

8 MR. SEMENZA: Bill, could you take  
9 care of that?

10 ATTY. RINALDI: Yes. You have the  
11 paperwork, Paul?

12 MR. PAPI: No, I don't have that  
13 information.

14 MR. LOPATKA: I have it. I don't  
15 have it with me but I have his card.

16 MR. PAPI: And the mileage is on the  
17 last sheet.

18 MR. SEMENZA: Anybody have any  
19 questions for Paul?

20 MR. FERRETT: Paul, at the last  
21 meeting I think Mr. Notari, if I read my  
22 prints right, asked you a question about  
23 that water problem up on Stewart Street, by  
24 Mr. Kania. I know there was some discussion  
25 kicked around as to ideas, what should be

1 done and how it should be done. Where do we  
2 stand on that? Have you looked into this?  
3 Have you done anything? Is anything being  
4 done on this problem?

5 MR. PAPI: Council had asked our  
6 engineer to give us a price on how to fix  
7 it.

8 MR. FEBBO: Before you get ahead of  
9 that --

10 MR. FERRETT: From what I  
11 understand, like I said, there was temporary  
12 fixes that were actually put out at the last  
13 meeting as to whether we could do this and  
14 whether we can't do this temporarily until  
15 we find out what the engineer wants.

16 MR. PAPI: I remember the discussion  
17 but nothing was ever finalized. The only  
18 thing I remember being finalized is putting  
19 it on for a vote for tonight's meeting.

20 MR. FERRETT: What's going to happen  
21 if this is going to be another one of those  
22 situations where it will be another year  
23 before anything gets done by this council?  
24 In the meantime, we're going to keep hearing  
25 this guy come to this meeting, when are you

1 going to do something, when are you going to  
2 try to do something. Are you trying to tell  
3 me there's not a temporary thing we can do  
4 to try to help the people out?

5 MR. PAPI: We talked about a couple  
6 different things, Joe.

7 MR. FERRETT: Well, why isn't  
8 anything being done if we talked about it?

9 MR. PAPI: It was never finalized.

10 MR. NOTARI: I thought Dave was  
11 going to go out and take a look at that and  
12 come up with a solution.

13 MR. FEBBO: According to the minutes  
14 that we had here from our last meeting we  
15 discussed that and we had talked about  
16 starting at Dunn Avenue. The temporary fix,  
17 we also made mention of the fact that we  
18 would see about putting a small catch basin  
19 on top of Corcoran and running pipe towards  
20 the vegetation, and we were supposed to  
21 decide on that this evening. The last thing  
22 on page 21 of the minutes states that, to  
23 make it a temporary solution into that  
24 vegetation.

25 If it does not work then, of course,

1 we would move forward with that project over  
2 on Reilly Street all the way down to Dunn.

3 But in the interim, because of the  
4 cost of it, we said that we would start over  
5 there and run that pipe across Dunn before  
6 the paving project, and then, based on Mr.  
7 Ferrett's recommendation, see if we can  
8 gradually, with the money coming in, move  
9 forward all the way up Reilly to Corcoran.  
10 Again, not that one cost of --

11 MR. PAPI: We had talked about a  
12 macadam curb, a pipe and box but nothing was  
13 never -- nobody ever told me what to do.

14 MR. SEMENZA: We went further after  
15 that. Dave wasn't at the meeting at that  
16 point in time. Now, on page 41 to 44, where  
17 Dave is involved in the conversation, we're  
18 talking about the storm water project that  
19 we had him --

20 MR. LOPATKA: We looked into what we  
21 had surveyed and you can't go up to Sampson  
22 because of the grade change.

23 MR. FEBBO: We eliminated that, but  
24 again, the temporary part with the water  
25 coming -- instead of going down towards the

1 left side there, because it is a dead road,  
2 not a property owned by someone, run a pipe  
3 with a small catch basin to the other side,  
4 towards the middle, where there's  
5 vegetation, and see if that would absorb any  
6 kind of water coming out of there. If it  
7 did not Dave would move forward with this  
8 major project.

9 Again, that was just a temporary  
10 solution to help Mr. Kania out. That's the  
11 way we left it. To quote you, Mr. Lopatka,  
12 "I don't know if you can put a pipe in  
13 there. You'd probably put it in there,  
14 divert the water somewhat. Water finds its  
15 way eventually."

16 But again, as a temporary solution  
17 we should take a look at trying that.  
18 Again, I know it's not a permanent fix, but  
19 until we --

20 MR. LOPATKA: We can do something,  
21 I'm sure, temporarily. If we can divert it  
22 to the other side we can see where it goes.  
23 Maybe it will just go down the middle and  
24 won't bother anybody.

25 MR. FEBBO: Again, even if it didn't



1           it might be absorbed in a lot of vegetation  
2           unless you got a real heavy rain.

3           MR. SEMENZA: On 44, Dave: "I got  
4           the survey information on it. I can take a  
5           look at what we can potentially do for the  
6           short term. Then we can talk about the  
7           other portion of it."

8           MR. LOPATKA: Okay, I'll get over  
9           there. I apologize.

10          MR. SEMENZA: My mind is blank. I  
11          don't know if we came to a decision we were  
12          going to have him put a temporary curb at  
13          that point in time.

14          MR. FEBBO: I believe Mr. Ferrett  
15          was supposed to go take a look with Paul and  
16          maybe myself.

17          MR. NOTARI: From what I recall is  
18          what Mr. Semenza just said, is that Dave was  
19          supposed to go with whomever and see if  
20          there was a temporary fix, if you suggested  
21          a temporary fix would work or not. We're  
22          waiting on Dave's report on that. That's  
23          how I take it.

24          MR. LOPATKA: I'll get over there.

25          MR. PAPI: Do you want us to

1 temporarily fix it or do you want us to look  
2 at it?

3 MR. SEMENZA: I'd rather Dave look  
4 and see what a short-term fix would be first  
5 before we do anything, instead of having the  
6 DPW guys go and throw cold patch down.  
7 Dave, can you get over there within the next  
8 day or so?

9 MR. LOPATKA: Absolutely.

10 MR. NOTARI: Can we agree now if  
11 Dave feels there is a short-term fix we  
12 don't have to wait until the next meeting,  
13 they can go ahead and do it?

14 MR. SEMENZA: Yes, I think that's  
15 what we're discussing now. Whatever the  
16 short-term fix you think is, Dave, Paul can  
17 go right ahead and do it.

18 MR. PAPI: Will do.

19 MR. SEMENZA: That okay, Joe?

20 MR. FERRETT: Yeah, whatever.

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

23 MR. NOTARI: Paul, on your report  
24 you said "emptied a large trailer at Marion  
25 Street park."

1 MR. PAPI: From what I understand,  
2 it was donated to the borough on the project  
3 for the school park, and when the contractor  
4 was finished he just left it filled with  
5 debris and it's been parked there all this  
6 time. I didn't know about it until somebody  
7 called the borough manager and she called  
8 me. We went and cleaned it all out and  
9 called whoever it belonged to and they came  
10 and picked it up. Couple hours of work.

11 MR. NOTARI: Where's the trailer  
12 now?

13 MS. BARTOLETTI: Gone.

14 MR. PAPI: It's their trailer. They  
15 came and took it.

16 MR. NOTARI: We had to empty it for  
17 them.

18 MR. PAPI: He called the borough and  
19 said he lent us a trailer a few years ago  
20 and nobody knew anything about it. So I  
21 went and checked around and it was all full  
22 of garbage. We got rid of all the garbage  
23 and called and said come and get it. That's  
24 when he told us that it was lent to us.

25 MR. NOTARI: My other question is

1 the deposition. Attorney Rinaldi, am I  
2 allowed to ask what that was for?

3 ATTY. RINALDI: The borough.

4 MR. PAPI: I had a deposition. It  
5 was about a person who is suing the borough  
6 for an accident that occurred approximately  
7 eight years ago. I was the zoning officer  
8 at a time. I didn't even know it happened.  
9 But being that Leonard is not around they  
10 needed to talk to someone. He should be  
11 suing the state because it's a state  
12 intersection, state stop sign. Nothing to  
13 do with the borough. I didn't understand it  
14 but I had to go through it anyway.

15 MR. SEMENZA: Anything else?

16 MR. NOTARI: Nothing from me.

17 MR. SEMENZA: Thanks, Paul.

18 MR. HUGHES: The borough donates the  
19 pipe for that contractor. Now, that pipe  
20 breaks further down the road, does that make  
21 the borough liable to fix it?

22 MR. SEMENZA: It would be our line,  
23 Bob. It is our line. That's why we asked  
24 attorney Rinaldi about an easement for that.  
25 It already is currently taking sewage from

1 Jones Street to Main Street.

2 MR. HUGHES: So it's our  
3 responsibility.

4 MR. SEMENZA: Yes, even if it's  
5 brand new pipe. Steve, zoning officer/code  
6 enforcement report, please.

7 (Mr. Bieryla read his report, which  
8 is attached.)

9 MR. SEMENZA: Anybody have any  
10 questions for Steve?

11 MR. FERRETT: Steve, correct me if  
12 I'm wrong. Back somewhere around January or  
13 February we discussed the situation with  
14 the -- I believe the lady's here today,  
15 about the wall up on Winter Street, and I  
16 understand that there was a hearing on this  
17 and everything and that the hearing was  
18 extended. A permit was issued to those --

19 MR. BIERYLA: A permit was issued.  
20 I did speak with the contractor last  
21 Wednesday, Joe. He was to get there by this  
22 weekend or early this week. So if he's not  
23 there by tomorrow or Thursday I will contact  
24 him, because I know every time they had  
25 scheduled to go there we had that rain. So

1           they took on other work and that other work  
2           continued, and when I spoke with him last  
3           week he said he would get there, if not to  
4           demolish the entire wall but remove a  
5           portion of it this week.

6           MR. FERRETT: My only question is  
7           that you're looking into this and that  
8           you're on top of this and not just --

9           MR. BIERYLA: Right.

10          MR. FERRETT: That's all I'm  
11          interested in.

12          MR. BIERYLA: I spoke with him and I  
13          told him it's too long. This one's a  
14          priority.

15          MR. SEMENZA: How long is the permit  
16          good for?

17          MR. BIERYLA: One year to start, two  
18          years to finish.

19          MR. SEMENZA: Do we have any kind of  
20          stipulation that he has to have it done at a  
21          certain point in time?

22          MR. BIERYLA: I said it can't go  
23          past July 4th. It has to get done.

24          MR. FERRETT: First of all, you have  
25          to understand this is an order by the

1                   magistrate. It's not --

2                   MR. SEMENZA: I understand that.  
3                   There's a judgment against him. I know.

4                   MR. FERRETT: The magistrate says  
5                   the work has to be done, not that he's got a  
6                   permit and it's good for a year.

7                   MR. SEMENZA: I understand that, but  
8                   I'm just asking if there was a time frame on  
9                   it by the magistrate.

10                  MR. FERRETT: There is. It should  
11                  have been done within a week's time or  
12                  something, give a week extension, but with  
13                  the weather conditions you have to  
14                  understand it's physically impossible to get  
15                  it done at that time. But like you said,  
16                  you're on top of it. Next week he's going  
17                  to do it. That's fine. I don't think the  
18                  lady -- I think she would concur with the  
19                  whole thing.

20                  MR. BIERLYA: He should be there  
21                  tomorrow with a jackhammer and excavator.  
22                  If he's not, then I'll be right on top of  
23                  him.

24                  MR. NOTARI: Was there a deadline  
25                  imposed by the magistrate?

1 MR. BIERYLA: No, just for him to  
2 get a permit. Not to get the wall done, but  
3 for him to secure a contract to get it done  
4 because at that time he had -- the  
5 magistrate's words were stuck his head in  
6 the sand and ignored all the letters we had  
7 sent him up to that point. So then he  
8 procured the contractor and he got a signed  
9 contract and the contractor was to start.  
10 That's when we had all the heavy rains.  
11 Like I said, they have to work, too. Now  
12 he's back. When I spoke with him last  
13 Wednesday I told him he's got to get there  
14 this week.

15 MR. SEMENZA: You'll stay on him,  
16 make sure it gets taken care of ASAP?

17 MR. BIERYLA: Yes.

18 MS. MACHESKA: Nadia Macheska. I'm  
19 the resident where the wall fell on my  
20 property. For over a year it's been there.  
21 At the magistrate's hearing, Magistrate  
22 Gallagher -- their notes -- the hearing at  
23 Gallagher's office on 2/28/17. "Holding for  
24 one week to see if the defendant will fix  
25 the wall."



1                   So I read this as he had a week to  
2                   fix the wall. This is from the magistrate's  
3                   office. Do you want to see it?

4                   MR. RUSSELL RINALDI: Who is the  
5                   contractor?

6                   MR. BIERYLA: Joe Mancuso.

7                   MR. RUSSELL RINALDI: When was the  
8                   permit issued?

9                   MS. MACHESKA: March 8th or  
10                  something.

11                  MR. BIERYLA: I have to go back and  
12                  look.

13                  MS. MACHESKA: The hearing was  
14                  February 28th, so he had a week. March 7th  
15                  would have been the seventh day, so March  
16                  8th was the day it should have been done or  
17                  at least started, started to fix the wall.

18                  MR. BIERYLA: He removed big chunks  
19                  of the sidewalk so you can use the sidewalk.

20                  MS. MACHESKA: Well, I have a little  
21                  path right there now, yeah.

22                  MR. BIERYLA: Before you had  
23                  nothing.

24                  MS. MACHESKA: If I had to go there  
25                  in a hurry, yes. But the grass is not cut

1 yet, either, since last year. It's this  
2 high. Your yellow sign fell out. It's in  
3 the -- I tried to put it back in the thing.

4 MR. RUSSELL RINALDI: Steve, I'm  
5 going back three months of permits. I don't  
6 see one anywhere issued to Joe Mancuso. Do  
7 you have a copy in the office?

8 MR. BIERYLA: Yes.

9 MR. RUSSELL RINALDI: Can we see it,  
10 please?

11 MR. BIERYLA: Yes.

12 MR. RUSSELL RINALDI: I'm looking  
13 back. I don't see any permits issued to  
14 him, unless you forgot to mark it down under  
15 the permit section of your notes. Would it  
16 be under Joe Mancuso or --

17 MR. BIERYLA: It would probably be  
18 under Don Guida instead of Mancuso. He's  
19 the one that had to pull the permit. Look  
20 maybe March.

21 MS. MACHESKA: March 8th, I believe  
22 he told me.

23 MR. RUSSELL RINALDI: I'd like to  
24 see a copy because I want to match the date.  
25 I want to match the date on the permit with

1 the date on the magistrate's notice.

2 MR. SEMENZA: Anybody have --

3 MS. MACHESKA: Can I be notified  
4 when they're going to start? Because, like,  
5 it's my property. I would like to know when  
6 they're going to come on and start  
7 jackhammering and doing stuff like this. I  
8 mean, it's not a problem, but I would like  
9 to know as the property owner when this is  
10 going to happen.

11 MR. BIERYLA: When I get done with  
12 my report I'll walk out and get that permit.  
13 I'll personally call the contractor up and  
14 ask him what his date is, tomorrow or the  
15 next day. I'll let you know.

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

18 MR. NOTARI: Bill, whose  
19 responsibility is it to enforce the  
20 magistrate's order?

21 ATTY. RINALDI: Well, the magistrate  
22 didn't say he had to do the work in a week.  
23 He told the guy I'm going to fine you a  
24 thousand dollars. I'd rather see you spend  
25 the thousand dollars to fix the woman's

1 wall. If you don't do anything and they  
2 come back and tell me you haven't done  
3 anything in a week I'm fining you.

4 So what he did is he got a  
5 contractor, got a contract and got a permit.  
6 Okay?

7 MR. NOTARI: He did something.

8 ATTY. RINALDI: Now, if Steve called  
9 the magistrate and said that's all we got  
10 and nothing in the last 30, 40 days the  
11 magistrate would certainly schedule a  
12 hearing and fine him a thousand dollars or  
13 just actually fine him a thousand dollars.

14 MR. FERRETT: I think the best thing  
15 is we should move forward, give Steve  
16 enough -- just give him those couple extra  
17 days and see if that guy's going to do  
18 something. If he's not going to do anything  
19 within the next three days or so, then I  
20 think council should take action, or else  
21 she should go back to court and --

22 MR. SEMENZA: I don't believe we  
23 need to take action. All I believe is a  
24 phone call needs to be made to the  
25 magistrate. Correct?

1                   ATTY. RINALDI: Yes, Steve can call.

2                   MR. BIERLYA: I know the contractor  
3 did receive a down payment to start.

4                   ATTY. RINALDI: So he spent the  
5 money.

6                   MR. SEMENZA: Give him until the end  
7 of the week. If it's not started somebody  
8 should call. Everybody in agreement with  
9 that?

10                  MR. FEBBO: Who becomes responsible  
11 for that?

12                  ATTY. RINALDI: The judge.

13                  MR. FEBBO: Guida bid to hire a  
14 contractor. They're fulfilling their part.

15                  MR. NOTARI: They're really not.

16                  ATTY. RINALDI: It's still their  
17 problem. The contractor didn't start, then,  
18 yeah, they get nailed.

19                  MR. SEMENZA: They should hire a  
20 contractor that's going to be able to start  
21 immediately.

22                  MR. FERRETT: If you hire someone to  
23 do the thing and the guy didn't come to do  
24 the work you're going to call him all day,  
25 get over here because I'm going to get fined

1 if you don't do the work. If you already  
2 paid him he's liable.

3 MR. SEMENZA: He knows the situation  
4 he's in. He should have called somebody  
5 that could come immediately.

6 MS. MACHESKA: Would the contractor  
7 have a certain length of time to finish the  
8 project or can it just go on and on and on?

9 MR. BIERYLA: The contractor said  
10 once he knocks the wall down the wall would  
11 be up within two days.

12 MR. NOTARI: It's not really up to  
13 us to set the deadline.

14 MR. RUSSELL RINALDI: The contractor  
15 is not the one responsible, it's the  
16 property owner's the one responsible. We  
17 can't blame the contractor. He can hire  
18 seven contractors. If they don't come you  
19 better hire an eighth one. If he don't come  
20 he better hire a ninth. It's the property  
21 owner's fault. That's why I want to see a  
22 permit, number one. I want to see the date.

23 Secondly, this is going on for two  
24 years. This is crazy.

25 MS. MACHESKA: Since 2008.

1 MR. RUSSELL RINALDI: We first  
2 addressed this a year and a half ago when  
3 you came to this meeting.

4 MR. SEMENZA: If nothing's done by  
5 the end of the week take action on it.  
6 Rick, anything else?

7 MR. NOTARI: The improvement for the  
8 outdoor area at the Maxim, is that in the  
9 parking lot?

10 MR. BIERYLA: Yes. There was one,  
11 the way he laid it out, in front of the  
12 building, and then there was one, as you  
13 face the building, to the left of the  
14 building along Susquehanna Avenue.

15 MR. NOTARI: Our building at the  
16 corner of Oak and Stewart, there's been some  
17 complaints that it's not moving along quick  
18 enough from the residents. How are we  
19 making out?

20 MR. BIERYLA: I noticed that myself.  
21 I have my own personal issues that I'm  
22 dealing with. I noticed that today. I  
23 don't know if it's the contractor's fault or  
24 the guy putting the dumpster, but you can't  
25 load without having a dumpster put in. That

1 was my question to him. Whether he's got to  
2 get the guy to give him more dumpsters or  
3 you're only paying for two dumpsters and  
4 when you load them he has to go away. I'll  
5 find out.

6 MR. NOTARI: Again, like this issue  
7 we spoke about. It's the property owner's  
8 responsibility. Not so much the contractor  
9 or the dumpster guy.

10 MR. RUSSELL RINALDI: Three  
11 dumpsters sat there empty for four days.  
12 The machine wasn't started once. So it's  
13 not the dumpster's fault, it's not the  
14 dumpster guy's fault, it's the owner's fault  
15 again. Property owner.

16 MR. BROWN: A question in regard to  
17 that. In order to tear down or demolish a  
18 building, structure do we have a requirement  
19 that somebody be licensed, bonded and  
20 insured in order to do such work?

21 MR. BIERYLA: As long as they have a  
22 Pa. contractor's license they're able to do  
23 the work.

24 MR. BROWN: Do we know who --

25 MR. BIERYLA: Shawn Quinn, yes.



1 Quinn's Construction.

2 MR. RUSSELL RINALDI: Is he any  
3 relation to anyone over there?

4 MR. BIERYLA: He is Bridget, who  
5 owns the property, I think he's the nephew.

6 MR. RUSSELL RINALDI: That's what I  
7 heard.

8 MR. BIERYLA: I know right now, even  
9 though it's Bridget's property, I think the  
10 power of attorney goes to her daughter.  
11 Bridget's about 86 right now. It was kind  
12 of like talk to one but you should talk to  
13 another. I had to run around and get phone  
14 numbers to even find his phone number out.

15 MR. NOTARI: What do we have in our  
16 arsenal to expedite this?

17 MR. BIERYLA: I'll put a fire  
18 underneath him.

19 MR. BROWN: One more. The fire on  
20 Sussex Street, that house there, same thing.

21 MR. BIERYLA: That's still in the  
22 hands of the insurance. We haven't received  
23 a check yet. They're looking at rebuilding  
24 that because I know they had some calls to  
25 Joe Zapolski about it.

1 MR. SEMENZA: That addition in the  
2 back, rebuilding or remodeling?

3 MR. BIERYLA: Remodeling the whole  
4 house. I know they had some questions as to  
5 the sale of the magazines in back and then  
6 the home itself, and they were looking at  
7 Joe for some direction as to --

8 MR. SEMENZA: Who said that's  
9 structurally safe, that home? Do we go and  
10 inspect that?

11 MR. BIERYLA: No, the insurance  
12 company will.

13 MR. SEMENZA: And they will let you  
14 know if the structure is safe to remodel?

15 MR. BIERYLA: Right. I think that's  
16 the dilemma right now, demolish or repair.  
17 Like I said, they did have questions of Joe  
18 Zapolski as to the business portion end of  
19 it even though it's in an R-2 zone, and  
20 underneath his ruling what category does it  
21 fall under for the specifications to  
22 rebuild.

23 MR. NOTARI: Speaking of that  
24 property, those two pods that are parked on  
25 the street, is that legal?

1 MR. BIERYLA: Same as a dumpster.  
2 We don't have any ordinances on dumpsters on  
3 the street yet.

4 MR. SEMENZA: Anybody else?

5 MS. MACHESKA: I have another  
6 question. Does that wall have to be  
7 inspected at a certain time before it's --  
8 to see if it will be okay and not fall over  
9 again? Say they're doing the work right.  
10 Does that have to be inspected?

11 MR. BIERYLA: It's under 30 inches.  
12 If it's anything over 36 or 38 inches it  
13 doesn't have to go through BIU, which it  
14 didn't.

15 MR. SEMENZA: So it's low enough it  
16 doesn't have to be inspected.

17 MR. BIERYLA: Right. I believe the  
18 contractor said he was going to put rebar in  
19 and then put that versa block on top of the  
20 wall. But I know he has to cut the block in  
21 the back because the rest of the wall is not  
22 his, it's the neighbor's behind.

23 MS. MACHESKA: Somebody asked me to  
24 ask that. Just so they did it right. I  
25 don't want to go through this again.

1 MR. SEMENZA: Thank you. Thanks,  
2 Steve. Lucille, sewer department report,  
3 please.

4 MS. YEAGER: I don't have a report  
5 but I do have a question. Bill, it's going  
6 to come to fruition in a couple months. If  
7 there is a mini-mart and a True Value store  
8 next to it and they're sharing one bathroom  
9 for the two businesses do I bill for one or  
10 two? You don't have to answer that right  
11 now.

12 ATTY. RINALDI: That's going to  
13 depend on what the floor plan is, who needs  
14 what bathroom.

15 MS. YEAGER: They have a fitness  
16 center on one side, and on the other side --  
17 it's not rented yet but it will be. I don't  
18 know whether to charge them for two or one  
19 unit. I charged the people that owned that  
20 before for two units.

21 MR. SEMENZA: Repeat that again.

22 MS. YEAGER: Hypothetically, because  
23 this is going to come to fruition, say you  
24 have a business, and attached to that  
25 business is a separate business. They're

1 sharing one bathroom.

2 MR. SEMENZA: I would say both  
3 businesses need their own bathrooms.

4 MS. YEAGER: They're sharing one.

5 MR. SEMENZA: I don't think you  
6 could share one.

7 MS. YEAGER: They'd been sharing one  
8 for years before. They were billed for two  
9 units.

10 ATTY. RINALDI: That would be a BIU  
11 issue, especially if they're remodeling.

12 MS. YEAGER: They're not  
13 remodeling. The one unit is vacant. On the  
14 other side there's a business. Now, I'm  
15 told separating the two businesses is a  
16 bathroom.

17 MR. SEMENZA: Both businesses share  
18 one bathroom? Shouldn't each business have  
19 its own bathroom?

20 MS. YEAGER: Probably grandfathered.

21 MR. BIERYLA: That's the way it was  
22 with the convenient and the store. They  
23 went into the convenient and used the  
24 bathroom.

25 ATTY. RINALDI: You shouldn't be

1 billing by bathrooms.

2 MS. YEAGER: I'm not. I'm billing  
3 by units. I should be billing two. I  
4 always did bill two. Now the question is  
5 coming up they're sharing the bathroom, two  
6 businesses.

7 MR. SEMENZA: I believe both places  
8 get billed.

9 MR. FEBBO: Is the key word separate  
10 businesses?

11 ATTY. RINALDI: I don't recall it  
12 being a separate business. There's only one  
13 line going into the building. Some  
14 buildings have a line for each business.

15 MS. YEAGER: One bathroom facility,  
16 two businesses. The door takes you into the  
17 bathroom, and on the other side the door  
18 takes you into the bathroom.

19 ATTY. RINALDI: You shouldn't be  
20 billing by bathrooms. You could have 15  
21 bathrooms.

22 MS. YEAGER: I've always billed the  
23 property two units. They're commercial, two  
24 commercial. One right now is a fitness  
25 center. It used to be a True Value store.

1 The other side is going to be rented as a  
2 business.

3 ATTY. RINALDI: If it was  
4 constructed with one sewer to a commercial  
5 building they can subdivide it 50 times and  
6 keep adding bills. There's one sewer bill.  
7 The landlord's responsible for it no matter  
8 how many units there are in there.

9 MR. SEMENZA: You're saying at one  
10 time the lumber yard and the convenient  
11 store --

12 MS. YEAGER: The lumbar yard doesn't  
13 have facilities. I always charged for two.  
14 I never had a problem charging for two. The  
15 business has changed hands and I'm being  
16 questioned. They have one bathroom, two  
17 separate businesses. I don't think that's  
18 right.

19 MR. SEMENZA: We charge per unit.  
20 You should be billing two, my opinion.  
21 Correct?

22 MR. NOTARI: I don't know.

23 ATTY. RINALDI: I have to  
24 double-check.

25 MR. FERRETT: You have to understand

1           there's a technicality there because of the  
2           fact that you only have one unit but you  
3           only have one bathroom. So it's not like  
4           you have two bathrooms going into one unit.  
5           Then you have to have two different bills  
6           because you have water coming from both  
7           ends. Now you only have one and you have  
8           two businesses sharing one.

9                   MS. BARTOLETTI: How did two  
10           businesses share one bathroom?

11                   MR. FERRETT: I agree with you.  
12           There's no question or doubt about it. But  
13           as a rule, if you have one line and there's  
14           only one water going into that line that's  
15           what they're charging, only one.

16                   MS. BARTOLETTI: There's only one  
17           business there now. When they come for an  
18           occupancy permit or whatever for the second  
19           business, at that time it should be up to  
20           code. That's not up to code.

21                   ATTY. RINALDI: You can't have a  
22           building that has one bathroom for all the  
23           units in there. Depends on how he built it,  
24           when he built it and what statutes were in  
25           place at the time.



1 MR. NOTARI: Is that going to be up  
2 to planning to decide it?

3 ATTY. RINALDI: No, it's up to Steve  
4 to find out what they're doing. If they're  
5 remodeling --

6 MR. SEMENZA: They're not  
7 remodeling?

8 MS. YEAGER: They put that fitness  
9 center there. They're not paying for the  
10 other side because it's vacant. It's not  
11 going to stay vacant.

12 MR. SEMENZA: They put a mini-mart  
13 in there I would think --

14 MR. NOTARI: Coffee shop. Right?

15 MR. SEMENZA: You would think they  
16 have to put a bathroom in just for the  
17 place.

18 MR. RUSSICK: What's the sewer  
19 regulations say?

20 MR. SEMENZA: Per unit.

21 MR. FERRETT: Does that fitness  
22 place have water?

23 MS. YEAGER: Sure.

24 MR. FERRETT: If they have water,  
25 then you have water coming from both

1 properties going into the same line. That's  
2 two units.

3 MR. SEMENZA: Years ago one family  
4 owned both places and they shared the  
5 bathroom. They owned the True Value and the  
6 mini-mart.

7 MR. FERRETT: If they have water  
8 going into it and the other person has  
9 water, I'll bet you the sewer authority is  
10 going to tell you charge --

11 MR. SEMENZA: Absolutely to charge  
12 two bills. I'll tell you that right now.  
13 Absolutely. Shouldn't even be a discussion.

14 MR. FERRETT: Having a renter and  
15 both parties are going into the same line.  
16 That's two units.

17 MR. SEMENZA: Lucille, I'll talk to  
18 Tom and make sure what they're going to do  
19 there when it comes to blow, but we'll talk  
20 to Steve about it. My personal opinion is  
21 that each unit should be charged a sewer  
22 bill. Whether they're sharing a bathroom or  
23 not doesn't matter.

24 MR. RUSSICK: When you're remodeling  
25 you have to go with UCC.

1 MR. SEMENZA: They're going to have  
2 to put a bathroom in. They're going to want  
3 it to be handicap accessible. This  
4 shouldn't even be a discussion.

5 MR. FERRETT: It's not only  
6 determined by the bathrooms. If you have  
7 water --

8 MR. SEMENZA: It's unit. We charge  
9 by unit.

10 MR. FERRETT: If you have water  
11 coming from both sides you're going to pay  
12 two units. Bathrooms don't mean nothing.

13 MR. SEMENZA: When it comes time  
14 we'll take care of it. Anybody have any  
15 questions for Lucille? Thanks, Lucille.  
16 Dave, engineer's report, please.

17 MR. LOPATKA: First off, Lackawanna  
18 County Housing Authority. This is kind of  
19 just a rehash of the meeting that we had and  
20 previous meetings that I had. Some of this  
21 stuff would probably be repetitive. Give  
22 you highlights.

23 Based off the meeting they had a  
24 couple estimates. I think they wanted to  
25 come through and go with option number one,

1 which was \$98,000 worth of fixes which  
2 wouldn't really fix the problem. I think at  
3 that meeting at the time council kind of  
4 said no to that. I would prefer option two,  
5 which is actually fix the roads all  
6 together.

7 At this point I guess nothing really  
8 else is happening. At this point we're  
9 waiting to hear back from them. That's kind  
10 of a quick rehash. Most of you guys were at  
11 that meeting. I don't mean to beat that to  
12 death.

13 Kohler Avenue, the project was bid  
14 and has been recommended for award.  
15 Contract to M.E. Snowdon, \$216,807.50. Our  
16 recommendation letter went out last week, so  
17 I'm assuming the county is probably in the  
18 process of issuing that contract. I haven't  
19 heard anything from the county, but I'm  
20 assuming that will be starting relatively  
21 soon.

22 The Old Forge paving project, we met  
23 with the road committee, drove the streets  
24 and whittled the list down to a certain  
25 number of streets that we think would fall

1 within the \$600,000 limit you guys set for  
2 it. We have revised our drawings. I have  
3 to modify a couple of specs. I'll be  
4 getting it to you, hopefully by the end of  
5 the week.

6 Corcoran Street sanitary sewer, we  
7 kind of went over this at the work session.  
8 We actually had it surveyed between the two  
9 manholes in question. The sewer is  
10 collapsing there because of Pa. American's  
11 water line is right over the top. They have  
12 been surveyed. I have a call in to Jim  
13 Hoover. Hopefully we can get some kind of  
14 answer from him as to when they're going to  
15 relocate their water line. Once they  
16 relocate their water line we can put a bid  
17 together for replacement of that sewer line  
18 between those two manholes, which I think  
19 it's about 600 feet or something like  
20 that -- 400 feet of line.

21 Sampson, Corcoran and Reilly storm  
22 project, we kind of touched on that already.  
23 As I said, I believe at the work session we  
24 did have the survey. We can't go up  
25 Sampson. Too much of a grade change. So

1 installing a line, the most cost-effective  
2 way would be Reilly Street, which we did do  
3 a cost estimate on about a year ago.

4 In the meantime, based off our  
5 earlier conversation I will call Paul  
6 tomorrow and go out and try and get a  
7 temporary fix on the top side of Sampson  
8 Street where that low spot is.

9 Rosemount, met with the developer's  
10 engineer to do a sanitary video of Villa  
11 Drive and Stone Hill Drive, visited the  
12 site, inspected the two-foot shoulders.  
13 Work has been completed in accordance with  
14 the markup by Ruether-Bowen. Also, a short  
15 pave curb was installed in front of the  
16 driveway at 9 Stone Hill Drive to keep water  
17 running along the gutters instead of down  
18 the driveway.

19 Developer's engineer resubmitted a  
20 complete set of meets and bounds description  
21 for dedication of the roads. Ruether-Bowen  
22 will be reviewing the latest court order  
23 punch list items to make sure they're  
24 addressed prior to the June planning  
25 commission meeting. There were some items

1           that I did pull out today and started  
2           looking at. If you guys have questions on  
3           Rosemount, if you want to wait I'll go over  
4           the other two items quickly.

5                     The one is Burger King, which I  
6           guess Paul already touched on. So that part  
7           of it is waiting for, I guess, your decision  
8           on the pipe. Other than that, I really  
9           don't have anything else to add to that.

10                    Then the Old Forge Borough Building  
11           master plan, I did meet with the architect  
12           about two weeks ago, I believe. They did  
13           provide some additional floor plans in  
14           addition to the rendering of what the  
15           outside may look like. At this time I think  
16           Marylynn is kind of looking at those. I  
17           don't know if they've been circulated or  
18           not. They have some pretty good ideas as to  
19           what we can do out there. That's kind of  
20           moving along. I think the floor plans are  
21           almost solidified. Now we're just waiting  
22           to kind of figure out how you guys want to  
23           handle the front of the building. We can  
24           have them move forward with the design.  
25           That's all I have.

1 MR. FERRETT: Dave, you talked about  
2 the Rosemount situation. Is everything all  
3 taken care of up in that place?

4 MR. LOPATKA: I don't believe  
5 everything is taken care of. The fence is  
6 supposed to come down. I don't think it's  
7 down yet. I don't believe they fixed  
8 anything with regards to the puddle  
9 accumulating at the exit driveway.

10 MR. FERRETT: I'm talking about the  
11 judge's order, everything that he says they  
12 were supposed to comply with. The fact is a  
13 month ago or something the deeds of  
14 dedication were in there.

15 ATTY. RINALDI: Those things are in  
16 the stipulation.

17 MR. LOPATKA: They're part of the  
18 order. There's like eight or nine items all  
19 together.

20 ATTY. RINALDI: I think that was it.

21 MR. LOPATKA: Couple of them --  
22 well, one of them has to do with the meets  
23 and bounds description which they did get  
24 us. We're in the process of reviewing them.  
25 We've had them prior. Most of the roads



1           were good. We were waiting for them to redo  
2           the right-of-way on Mountain Road. There  
3           was some issues with their creating some  
4           small parcels which we kind of didn't want  
5           to see. We'd rather have it as one  
6           right-of-way and then the rest of it taken  
7           care of. So they did submit that stuff.

8                     One of the other items, I believe,  
9           is a bond will have to be posted. A  
10          maintenance bond, Bill, has to be posted. I  
11          believe it's on page four. It's agreed that  
12          a bond will be posted in accordance with the  
13          stipulation of July 17, 2004. That's part  
14          of the dedication process. I believe it's a  
15          maintenance bond for a certain amount of  
16          time.

17                    The milling of that area in question  
18          where the puddle is, that hasn't been done.  
19          The other is the shoulders, which were done.

20                    Another one deals with the laterals.  
21          Comment from Tom McDermott. It's agreed  
22          that the laterals that he had addressed will  
23          be trimmed so there's no potential for  
24          blockage in the collector line. As far as I  
25          know that hasn't been done.

1 MR. FEBBO: When you talk about  
2 these laterals, we discussed prior to coming  
3 to the meeting, we just touched on it, and  
4 you said you looked at the film and there's  
5 no lateral obstructions. I'm going to go  
6 back to my original comment, here, that all  
7 of Rosemount needs to be cameraed. We're  
8 talking about mysterious missing tapes, that  
9 it was done. We don't have them, they can't  
10 be found anywhere. So I think for the sake  
11 of council as well as planning, before we  
12 move forward that place gets cameraed. All  
13 the sewers up there are cameraed.

14 Now, whether there is film and  
15 somebody has it, nobody here ever saw them.

16 MR. LOPATKA: I never saw them.

17 MR. FEBBO: So that being said, we  
18 do not have a set to look at. The other  
19 part is there is a hearing, as we talked  
20 about earlier, Thursday that we are not  
21 overly familiar with and neither is  
22 planning.

23 That being said, we've asked for  
24 planning to get together because they're in  
25 the dark, as we are, as to where we're going

1 with this and what he wants to get out of  
2 it. I understand it's a planning issue, but  
3 planning knows nothing about them being  
4 accused of being harsh on Mr. Ciuccio.  
5 Correct?

6 ATTY. RINALDI: That's his  
7 impression, that planning was getting  
8 involved in areas that were council's areas  
9 to decide.

10 MR. FEBBO: So that being said, I  
11 think it's only fair to planning that  
12 they're aware of the fact that they're  
13 subject to those accusations. Therefore, we  
14 are going to have a meeting tomorrow night  
15 at 6:30 with the planning commission, and  
16 you had requested that council and planning  
17 attend the hearing Thursday. Again, that  
18 being said, I think council should be made  
19 aware of the fact that there's a hearing  
20 Thursday morning at 10:30 related to this  
21 whole matter.

22 So knowing the people involved with  
23 this, I want to make sure that everything  
24 stays on course, on track and everybody here  
25 on council as well as planning is up to date

1 on everything that's going on. We're  
2 getting down to crunch time. June 1st is  
3 approaching very rapidly.

4 MR. NOTARI: Why was this hearing  
5 called?

6 ATTY. RINALDI: They filed a  
7 petition.

8 MR. NOTARI: Against us?

9 ATTY. RINALDI: Asking the Court to  
10 make the borough take over the streets.  
11 They're saying we're dragging it out. They  
12 didn't do everything they were supposed to  
13 do. We know that.

14 MR. NOTARI: From that October  
15 hearing that we were all at.

16 MR. SEMENZA: The October hearing  
17 the Judge set what he said had to be done.  
18 We all agreed on it. As of right now is he  
19 finished with everything on his list?

20 MR. LOPATKA: No.

21 MR. FEBBO: That being said, I want  
22 everybody aware of the fact we do have a  
23 meeting tomorrow night at 6:30.

24 MR. LOPATKA: The next one is the  
25 easement he's supposed to provide to

1 Pagnotti Park.

2 MR. SEMENZA: I spoke briefly with  
3 Bill about that.

4 MR. LOPATKA: We had highlighted  
5 something on the map. I haven't seen  
6 anything.

7 MR. SEMENZA: I don't know if -- I  
8 see a few people in the room here. I know  
9 Joe Ferrett agrees with me. That easement  
10 was supposed to be at the end of Oakwood  
11 Drive. The easement was supposed to go  
12 right towards the fence.

13 ATTY. RINALDI: That's the problem.  
14 Nobody here knows where it is and nobody  
15 told me where it is. We can mark something  
16 up.

17 MR. PICCOLINI: In February we sent  
18 him a recommendation and Dave has yet to  
19 hear anything back. That was the markup.  
20 We gave an L-shaped easement that you would  
21 be able to access from Villa Drive if  
22 there's a bridge or there's not a bridge.

23 MR. SEMENZA: When we sat here and  
24 talked with him, I don't know who was here  
25 but I know Joe Ferrett was. He said I'll

1 give you the easement right there so you  
2 come right down and go right through.

3 MR. FERRETT: This is at the  
4 beginning.

5 MR. SEMENZA: You know the game.

6 MR. LOPATKA: Anyway, I haven't even  
7 received anything on it.

8 MR. PICCOLINI: He's supposed to do  
9 the work to clean that, address it and get  
10 ready for the borough. That's in the first  
11 stipulation.

12 MR. SEMENZA: I just ask how big the  
13 easement is.

14 MR. PICCOLINI: It's pretty large.

15 MR. LOPATKA: I actually have a  
16 sketch, I believe, somewhere.

17 MR. PICCOLINI: It's sort of a dead  
18 piece of property to him that he's not going  
19 to do anything with.

20 MR. SEMENZA: Is it 15 foot? Is it  
21 30 foot?

22 MR. LOPATKA: It's a little wider  
23 than that. Probably about 25 or 30. But  
24 it's at the end of where his lot ended and  
25 it's kind of along where I guess the old

1 right-of-way was.

2 ATTY. RINALDI: It doesn't affect  
3 his recorded plans.

4 MR. SEMENZA: That's fine.

5 MR. LOPATKA: Somebody mentioned  
6 that that's where the gate is you can  
7 access.

8 MR. SEMENZA: We knocked around the  
9 idea of putting a walking bridge going  
10 from --

11 MR. PICCOLINI: Actually Bill had  
12 the idea of making the easement L-shaped so  
13 when the time comes for this bridge that we  
14 hope to put some day you can access it from  
15 across the creek or from Villa Drive, where  
16 the development is now.

17 MR. SEMENZA: Right.

18 MR. LOPATKA: Here's the map. I do  
19 have a copy of it here, if you want to take  
20 a look at it.

21 MR. SEMENZA: We have to be clear on  
22 that, too, when he's giving us an easement,  
23 that he knows about that and he knows about  
24 clearing for the easement.

25 MR. PICCOLINI: It's all part of the

1 order.

2 MR. SEMENZA: Things get forgotten  
3 and lost, twisted around.

4 MR. FEBBO: This is why we have to  
5 keep redigging it.

6 MR. LOPATKA: It's right in the  
7 order, too. The next one had to do with an  
8 extension. They requested an extension from  
9 the planning commission, which the planning  
10 commission did grant up until June 1st,  
11 which is fast approaching.

12 The last item is with regard to the  
13 fence. That item was resolved -- on paper  
14 it was resolved. Bill did talk to an  
15 attorney from PennDOT. They had no issue  
16 with it. Plan was revised showing the fence  
17 extending straight out to the upper portion  
18 of Mountain Road.

19 MR. FEBBO: Iacovazzi Drive.

20 MR. LOPATKA: They were supposed to  
21 remove the fence along the right hand side  
22 of Mountain Road. That hasn't happened yet.  
23 I mean, out of the nine items that were  
24 listed in the court order probably half of  
25 them or more haven't been completed yet.



1 MR. FEBBO: What happens if June 1st  
2 comes and all these things aren't  
3 accomplished?

4 ATTY. RINALDI: That's why we're  
5 having the hearing Thursday.

6 MR. RUSSELL RINALDI: He'll drag it  
7 out another nine years.

8 ATTY. RINALDI: June 1st, if it  
9 wasn't done we'd be the one filing to be  
10 back in court. We're there either way.

11 MR. FERRETT: Is there any reason  
12 why he doesn't comply with all these things  
13 after all this time? It would be another  
14 year or two years.

15 MR. LOPATKA: I can't answer for  
16 him.

17 MR. SEMENZA: Maybe longer.

18 MR. MINELLA: What is Minora going  
19 to say? I don't get Lou doing this. I  
20 don't get it.

21 ATTY. RINALDI: I agree with you  
22 there. Since eight years ago.

23 MR. SEMENZA: We'll see Thursday.

24 ATTY. RINALDI: In regards to the  
25 Kohler Avenue rehabilitation project, can

1           you authorize him to coordinate Lackawanna  
2           County? Because when we did Sampson Street  
3           it turned into a disaster because our  
4           engineer wasn't involved. People doing  
5           change orders that didn't have authority to  
6           do change orders.

7                   MR. LOPATKA: We should be  
8           inspecting it.

9                   ATTY. RINALDI: Because the county  
10          doesn't care.

11                   MR. SEMENZA: Authorize who?

12                   ATTY. RINALDI: Authorize him to  
13          coordinate with the county to inspect the  
14          work. Dave. Make sure it goes smoothly.

15                   MR. SEMENZA: Anybody have any  
16          questions for Dave? Thanks, Dave. Chief,  
17          police report.

18                   CHIEF DUBERNAS: Good evening. I  
19          have a few things. First thing is we're  
20          fully in production with out e-file  
21          citations.

22                           Our Click It or Ticket is in full  
23          swing until June 3rd. I think to date we  
24          have 130 citations written already. So  
25          easy. It's just generated right to the

1 magistrate. The only issue we're having  
2 with our computers right now is actually on  
3 the county's end. For our scanners, the  
4 county's VPN is blocking our board, I have a  
5 call in to get that squared away. Now all  
6 of our MDTs will all be up in service.

7 MAYOR MULKERIN: What he's talking  
8 about, the tablets that we got the grant for  
9 last year. We have the computers in the  
10 cars, they're all up and running. They  
11 e-file a citation when they're on a traffic  
12 stop. A copy goes electronically to the  
13 magistrate's office.

14 CHIEF DUBERNAS: As soon as I hit  
15 send. We'll have the bikes Memorial Day.  
16 I'm trying to get a copy of the little  
17 league schedule to try to schedule officers  
18 when there's games.

19 But the addressing of Keyser Avenue,  
20 I went and I spoke to multiple residents,  
21 multiple businesses, and some of those  
22 businesses were actually in a little bit of  
23 shock because when they would tell people to  
24 come to their business and they would put it  
25 in their GPS they would actually end up at

1 Eagle-McClure Hose Company. They could  
2 never find the 300 block of South Keyser  
3 Avenue because the 300 block of South Keyser  
4 Avenue is at Milwaukee and Franklin, where  
5 it all joins.

6 So they're all aware of it. A  
7 letter will be sent out tomorrow.  
8 Lackawanna County Communication Center, he's  
9 on board, he knows what we're doing. The  
10 only thing we're going to have to do is get  
11 two North Keyser signs, one at the corner of  
12 Sibley and Keyser and one at the corner of  
13 West Sibley and Keyser. There is a North  
14 Keyser sign at Oak. I pulled the tax  
15 assessor's office and everybody below Oak to  
16 Eagle-McClure, on their deeds it says South  
17 Keyser. Everybody above there, except for  
18 the Bericki residence, only says Keyser  
19 Avenue.

20 I'm not sure where the confusion  
21 ever came in of who is South Keyser, who is  
22 North Keyser, but everybody's numerics are  
23 going to stay the same. The only thing  
24 they're going to switch is an S to an N on  
25 their license. The postmaster's aware of

1           it. So that's going to be effective July  
2           1st with Keyser Avenue.

3                     Oak Street, only one address, the  
4           Vitali residence. We got a call there the  
5           other day regarding a truck running.  
6           Dispatched us to 128 West Oak. They said  
7           the name. That's how we knew where it was  
8           at. He's going to get a letter saying his  
9           address is going to be 906 West Oak. He has  
10          two properties right on the 900 block, so  
11          his house is actually the second property  
12          in. We're going to make him 906. He's  
13          going to be addressed as 906 to the  
14          postmaster and to our 911 center.

15                    The final one right now that I have  
16          done is the elderly couple here on Railroad  
17          Street, 332 Railroad-231 Pine. I already  
18          talked to the county 911 center. They're  
19          just going to leave it the way it is.  
20          They're going to put in their dispatch notes  
21          if, unfortunately, an ambulance or somebody  
22          has to go there. They're going to say 332  
23          Railroad is next to the ambulance building  
24          instead of trying to have them readdress  
25          everything. They've been there 50-some

1                   years, they told me.

2                   But other than that, I don't have  
3                   anything. We're moving along with our  
4                   streets.

5                   MR. NOTARI: Chief, thanks for your  
6                   work on that, we can get that finished.

7                   MR. SEMENZA: Two questions. First,  
8                   stop sign on Grace and George.

9                   CHIEF DUBERNAS: I haven't had a  
10                  chance.

11                  MR. SEMENZA: Please, when you can  
12                  do a traffic study there. Also, this isn't  
13                  so much a question as it is a request -- or  
14                  I don't even know if I should go through the  
15                  mayor for an order. The packets. The  
16                  packets came to us late once again and it's  
17                  happened time after time again to us. It's  
18                  important for council to review these  
19                  packets.

20                  CHIEF DUBERNAS: I understand. They  
21                  were delivering them Friday and they got  
22                  jammed up.

23                  MR. SEMENZA: They've been in the  
24                  police department's hands since Friday  
25                  morning.

1 CHIEF DUBERNAS: Friday afternoon.

2 MR. SEMENZA: I received mine 10:00  
3 at night on Sunday. Other people received  
4 them on Monday, I believe. This can't  
5 happen no more. If the police department  
6 can't handle handing out packets -- I  
7 understand there's emergencies and they have  
8 to do things. I don't know where else to  
9 go. But they have to have it done. If it  
10 happens again, Jason, somebody's going to be  
11 written up or something, whoever is told to  
12 do it. Got to take care of it for us.

13 CHIEF DUBERNAS: Like I said, they  
14 started delivering them and they got crushed  
15 all weekend.

16 MR. SEMENZA: I understand, but  
17 there's --

18 CHIEF DUBERNAS: I'll tell them to  
19 deliver them at 3:00 in the morning.

20 MR. SEMENZA: Put them on somebody's  
21 porch 3:00 in the morning. I wouldn't mind.  
22 I don't know if anybody else would.

23 CHIEF DUBERNAS: That's fine. I'll  
24 tell night shift to deliver them.

25 MR. NOTARI: Sunday morning at 9:00

1 I ran into an officer at Turkey Hill having  
2 a cigarette.

3 CHIEF DUBERNAS: He might not have  
4 known. It was the officers on Friday night  
5 that were supposed to deliver them.

6 MR. SEMENZA: Get it coordinated.

7 CHIEF DUBERNAS: They were left on  
8 the officers' desk and they don't know what  
9 they were. When I walked in on Monday and  
10 seen the two of them sitting there they had  
11 no clue.

12 MR. SEMENZA: And the only reason  
13 I'm really adamant about it right now is  
14 because Councilman Notari didn't have a  
15 chance to review the reports and he couldn't  
16 vote yes on them. He had to vote no, which  
17 is the right thing to do. We had trouble  
18 getting a second. I had a motion fail on me  
19 today. I don't know the last time a motion  
20 failed. Never, since I've been here.

21 MR. NOTARI: Personally, I would  
22 like to take it out of the police  
23 department's hands. I think I've been  
24 harping on this probably since I was  
25 appointed. I would like our finance



1 committee to look into a technology option  
2 for us where this information is e-mailed to  
3 us. We could not only save paper, but save  
4 time and take this task away from the police  
5 department, which in my opinion they  
6 probably shouldn't even be tasked with.

7 MR. SEMENZA: Well, until that point  
8 in time.

9 MR. NOTARI: I understand that, but  
10 hopefully we can look into a better solution  
11 in the future.

12 MR. SEMENZA: Can we further look  
13 into what we talked about?

14 MS. BARTOLETTI: Yes, but it has to  
15 be for everyone and not everyone was on  
16 board with it. I think the majority thing  
17 is it's forced on everyone, but that's for  
18 you guys to decide.

19 One thing with our building  
20 remodeling. There was going to be a room  
21 specifically for council where council has  
22 keys to get in, and that's going to be the  
23 contact room for anything that I need to get  
24 council to go in there. You'll have your  
25 own mailbox. No one else will have access

1 to that room, basically, except for council  
2 and my assistants to be able to put stuff  
3 in. Once we get the building done that will  
4 be an answer to it, too, for now.

5 MR. SEMENZA: Okay, we'll talk about  
6 this further, Rick. Anybody have any  
7 questions for the chief?

8 MR. BROWN: Just to echo off what  
9 Mr. Semenza said, the intersection of Pann  
10 Court and Sussex Street for a traffic study  
11 there to see if a stop sign could be placed  
12 up there.

13 CHIEF DUBERNAS: Pann Court, that's  
14 the old Gillotti store?

15 MR. BROWN: Yeah, and then I don't  
16 know if this goes to you or Paul, but a  
17 resident reached out to me in regard to a  
18 crosswalk near Miles Street park, where the  
19 stop signs were put up two years ago.

20 MR. NOTARI: First Street.

21 CHIEF DUBERNAS: First and  
22 Susquehanna.

23 MR. BROWN: Paul, crosswalks in  
24 residential neighborhoods, are there any  
25 restrictions on them?

1 MR. PAPI: I don't believe so, no.  
2 You put crosswalks wherever you want to put  
3 crosswalks.

4 MR. BROWN: It was just asked to  
5 me --

6 CHIEF DUBERNAS: It might be a  
7 little bit easier to put the crosswalks at  
8 the end of Miles and First Street, where the  
9 accident was. Coming off a sidewalk to  
10 cross the road to go into the park. You  
11 would have an angle there. When you come  
12 down Miles, where they're talking about.

13 MR. NOTARI: Where Mr. Brown is  
14 talking about there's nothing but crosswalk  
15 there. There's no sidewalk there.

16 MR. SEMENZA: On either side?

17 MR. NOTARI: There might be one in  
18 front of the Cusamano residence.

19 CHIEF DUBERNAS: You just have the  
20 grass. But I'm saying if you come off of  
21 Miles and First at an angle you come off the  
22 sidewalk and you can have a crosswalk at an  
23 angle right to the park entrance, if that's  
24 what they're looking for.

25 MR. SEMENZA: Take a look, see where

1 we can put them there.

2 MS. BARTOLETTI: Are you looking  
3 just at where to cross or are you looking  
4 for something that traffic stops when  
5 somebody is there to cross?

6 MR. BROWN: To have it marked, but  
7 to let the drivers know to stop if there's  
8 people coming in and out of the park there.

9 MAYOR MULKERIN: There's stop signs  
10 there.

11 CHIEF DUBERNAS: But where the  
12 people use to park it's right by the  
13 concession stand. They park there. If  
14 they're parking down the street further at  
15 Miles, which would be legitimate for a  
16 football game, but I'm not sure if they park  
17 along the fence and walk in by the  
18 concession stand. I'll take a look at it.

19 MR. BROWN: I was only asked, so I'm  
20 just asking what the proper steps are if it  
21 were to be allowed.

22 MR. NOTARI: People don't stop at  
23 stop signs. They're not going to stop at  
24 crosswalks.

25 MR. PAPI: I called PennDOT about

1           our crosswalk out the front on the state  
2           road. They told me that it's up to the  
3           driver. When the traffic is flowing you're  
4           not supposed to walk out there. You're  
5           supposed to stand there until there's no  
6           traffic and then cross. Once you're in the  
7           crosswalk the car is supposed to yield to  
8           you.

9                   MR. RUSSELL RINALDI: I walked  
10           through tonight, everybody stopped.  
11           Otherwise they won't stop.

12                   MAYOR MULKERIN: Chief, you have  
13           here about the meeting with the rep on the T  
14           & E.

15                   CHIEF DUBERNAS: The body cameras.  
16           I haven't heard anything back.

17                   MAYOR MULKERIN: We're looking into  
18           a grant.

19                   CHIEF DUBERNAS: There's a trial  
20           going on right now for a one-year body cam.  
21           They will upload, download all of our  
22           evidence and store it for one year. I  
23           haven't heard back from the guy.

24                   MAYOR MULKERIN: We're working on  
25           that.

1 CHIEF DUBERNAS: I think that's on  
2 my monthly report.

3 MR. SEMENZA: Anybody else have  
4 anything for the chief?

5 MR. RUSSELL RINALDI: Chief, I was  
6 contacted by two officers who worked here in  
7 the past. They're looking for part-time  
8 help. I told them I wasn't sure. I said to  
9 contact you.

10 CHIEF DUBERNAS: Come and fill out  
11 an application.

12 MR. RUSSELL RINALDI: I'm not sure  
13 if they're still on the roster or not.  
14 Probably not because we redid the roster.  
15 Then if they do come fill out an application  
16 do they have to go through interviews and  
17 everything again?

18 CHIEF DUBERNAS: Yes.

19 MR. RUSSELL RINALDI: I said to call  
20 you. I don't know if any of them contacted  
21 you yet.

22 CHIEF DUBERNAS: I had one bring in  
23 paperwork.

24 MR. RUSSELL RINALDI: I told them  
25 both to call you. I said let him handle it.

1                   That's all.

2                   MR. SEMENZA: Was anything addressed  
3 with the 32-hour rate when they dropped  
4 part-time?

5                   CHIEF DUBERNAS: I haven't done  
6 anything yet.

7                   MS. BARTOLETTI: That's all going to  
8 take place when the new contract is settled.

9                   MR. SEMENZA: Anything else for the  
10 chief? Thanks, Chief. Bill, solicitor's  
11 report.

12                  ATTY. RINALDI: Not really much to  
13 add to my report. You all know about the  
14 hearing. As Steve said, it appears that the  
15 Chelland property was sold at the sheriff's  
16 sale.

17                  MR. RUSSEL RINALDI: Who bought it?

18                  ATTY. RINALDI: The guy who was  
19 trying to buy it. He's probably waiting for  
20 his deed. They take a while. That's all I  
21 have.

22                  MR. SEMENZA: Anybody have any  
23 questions for Bill? Thanks, Bill.  
24 Marylynn?

25                  MS. BARTOLETTI: Go ahead. You have