

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 NOVEMBER 15, 2016

10 7:00 P.M.

11 OLD FORGE MUNICIPAL BUILDING

12 314 SOUTH MAIN STREET

13 OLD FORGE, PENNSYLVANIA

14
15
16
17 COUNCIL MEMBERS:

18
19 ROBERT SEMENZA, PRESIDENT

JOSEPH LENCESKI, VICE-PRESIDENT

20 JOSEPH FERRETT

RUSSELL RINALDI

21 LOUIS FEBBO

RICK NOTARI

22 WILLIAM RINALDI, ESQUIRE, SOLICITOR

MARYLYNN BARTOLETTI, BOROUGH MANAGER

23
24
25 Mark Wozniak
Official Court Reporter

1 MR. SEMENZA: Good evening, ladies
2 and gentlemen. I'd like to call the meeting
3 to order with the Pledge of Allegiance.

4 (The Pledge of Allegiance was
5 recited.)

6 MR. SEMENZA: Welcome to the Old
7 Forge Borough Council meeting of November
8 15th. Marylynn, roll call.

9 MS. BARTOLETTI: Councilman Brown?
10 Councilman Notari?

11 MR. NOTARI: Present.

12 MS. BARTOLETTI: Councilman Febbo?

13 MR. FEBBO: Here.

14 MS. BARTOLETTI: Councilman Ferrett?

15 MR. FERRETT: Here.

16 MS. BARTOLETTI: Councilman Rinaldi?

17 MR. RUSSELL RINALDI: Here.

18 MS. BARTOLETTI: Councilman
19 Lenceski?

20 MR. LENCESKI: Here.

21 MS. BARTOLETTI: Councilman Semenza?

22 MR. SEMENZA: Here. Good evening,
23 ladies and gentlemen. Tonight we'll go
24 through some housekeeping items, we'll hear
25 from our department heads, go down the

1 table, hear from our councilmen, see if they
2 have anything to address us with. There's a
3 public sign-in sheet if anybody would like
4 to address council.

5 At this time the chair would
6 entertain a motion to approve the minutes
7 from the prior meeting.

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

9 MR. SEMENZA: Motion by Councilman
10 Febbo. Can I have a second?

11 MR. LENCESKI: I'll second that.

12 MR. SEMENZA: Seconded by Councilman
13 Lenceski. On the question?

14 MR. NOTARI: I have a question.
15 What minutes are we passing? Previous
16 meeting? I don't have a copy of those
17 minutes. From the October meeting?

18 MS. BARTOLETTI: The one before
19 that.

20 MR. NOTARI: When do we approve the
21 October minutes?

22 MR. SEMENZA: Where are the October
23 minutes? Oh, you didn't do them yet. I'll
24 rephrase that motion. Motion to approve the
25 minutes from November 1, 2016, and to

1 approve the minutes from September 27, 2016.

2 MR. FEBBO: Do I have to revise that
3 motion?

4 ATTY. RINALDI: Amend your motion.

5 MR. FEBBO: I'll amend my motion
6 from the last month's meeting to the
7 previous one just mentioned, November 1st
8 and September 27th.

9 MR. LENCESKI: I'll second that.

10 MR. SEMENZA: Second by Councilman
11 Lenceski. On the question? Public input?
12 Roll call.

13 MS. BARTOLETTI: Councilman Notari?

14 MR. NOTARI: Yes.

15 MS. BARTOLETTI: Councilman Febbo?

16 MR. FEBBO: Yes.

17 MS. BARTOLETTI: Councilman Ferrett?

18 MR. FERRET: Yes.

19 MS. BARTOLETTI: Councilman Rinaldi?

20 MR. RUSSELL RINALDI: Yes.

21 MS. BARTOLETTI: Councilman
22 Lenceski?

23 MR. LENCESKI: Yes.

24 MS. BARTOLETTI: Councilman Semenza?

25 MR. SEMENZA: Yes. The chair would

1 entertain a motion to approve the
2 treasurer's reports. Note that this does
3 not include sewer accounts.

4 MR. RUSSELL RINALDI: I'll make that
5 motion.

6 MR. SEMENZA: By Councilman Rinaldi.
7 Can I have a second?

8 MR. LENCESKI: I'll second that.

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

12 MS. BARTOLETTI: Councilman Notari?

13 MR. NOTARI: Yes.

14 MS. BARTOLETTI: Councilman Febbo?

15 MR. FEBBO: Yes.

16 MS. BARTOLETTI: Councilman Ferrett?

17 MR. FERRETT: Yes.

18 MS. BARTOLETTI: Councilman Rinaldi?

19 MR. RUSSELL RINALDI: Yes.

20 MS. BARTOLETTI: Councilman
21 Lenceski?

22 MR. LENCESKI: Yes.

23 MS. BARTOLETTI: Councilman Semenza?

24 MR. SEMENZA: Yes. Third motion is
25 a motion to approve invoices. Note this

1 does not include sewer accounts.

2 MR. LENCESKI: I'll make that
3 motion.

4 MR. SEMENZA: By Councilman
5 Lenceski. Can I have a second?

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 Notari?

11 MR. NOTARI: Yes.

12 MS. BARTOLETTI: Councilman Ferrett?

13 MR. FERRETT: Yes.

14 MS. BARTOLETTI: Councilman Febbo?

15 MR. FEBBO: Yes.

16 MS. BARTOLETTI: Councilman Rinaldi?

17 MR. RUSSELL RINALDI: Yes.

18 MS. BARTOLETTI: Councilman

19 Lenceski?

20 MR. LENCESKI: Yes.

21 MS. BARTOLETTI: Councilman Semenza?

22 MR. SEMENZA: Yes. Fourth motion is
23 a motion to approve sewer department
24 financial reports.

25 MR. RUSSELL RINALDI: I'll make that

1 motion.

2 MR. SEMENZA: Motion by Councilman
3 Rinaldi. Can I have a second?

4 MR. NOTARI: I'll second that.

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

8 MS. BARTOLETTI: Councilman Notari?

9 MR. NOTARI: Yes.

10 MS. BARTOLETTI: Councilman Ferrett?

11 MR. FERRETT: No.

12 MS. BARTOLETTI: Councilman Febbo?

13 MR. FEBBO: Yes.

14 MS. BARTOLETTI: Councilman Rinaldi?

15 MR. RUSSELL RINALDI: Yes.

16 MS. BARTOLETTI: Councilman

17 Lenceski?

18 MR. LENCESKI: Yes.

19 MS. BARTOLETTI: Councilman Semenza?

20 MR. SEMENZA: Yes. The chair would
21 entertain a motion to approve sewer
22 department invoices for payment.

23 MR. RUSSELL RINALDI: I'll make that
24 motion.

25 MR. SEMENZA: By Councilman Rinaldi.

1 Can I have a second?

2 MR. FEBBO: I'll second that.

3 MR. SEMENZA: Seconded by Councilman
4 Febbo. On the question? Public input?

5 Roll call, please.

6 MS. BARTOLETTI: Councilman Notari?

7 MR. NOTARI: Yes.

8 MS. BARTOLETTI: Councilman Ferrett?

9 MR. FERRETT: Yes.

10 MS. BARTOLETTI: Councilman Febbo?

11 MR. FEBBO: Yes.

12 MS. BARTOLETTI: Councilman Rinaldi?

13 MR. RUSSELL RINALDI: Yes.

14 MS. BARTOLETTI: Councilman

15 Lenceski?

16 MR. LENCESKI: Yes.

17 MS. BARTOLETTI: Councilman Semenza?

18 MR. SEMENZA: Yes. Now we'll go to
19 our department heads. Paul Papi, DPW
20 report, please.

21 (Mr. Papi read his report, which is
22 attached.)

23 MR. SEMENZA: Anybody have any
24 questions for Paul?

25 MR. NOTARI: Paul, the leaf truck,

1 is that out regularly, every day?

2 MR. PAPI: Yes.

3 MR. NOTARI: I know I saw it today.

4 Is it certain days of the week?

5 MR. PAPI: Whenever we get a chance
6 we get it out there. It was out all day
7 Saturday. Sunday was the only day it wasn't
8 out last week. The last day of pickup of
9 yard waste is usually December 1st only
10 because when it gets wet, stuff gets wet and
11 it freezes, then the guys come around in the
12 morning they're banging the cans, breaking
13 the cans, then people come home in the
14 afternoon and it's warm and it all melts and
15 it looks like they only took half the cans.
16 I talked to Joe in Taylor. They do the same
17 thing.

18 MR. SEMENZA: If weather allows
19 we'll go around.

20 MR. PAPI: Right.

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

23 MR. RUSSELL RINALDI: Paul,
24 Josephine and Grace Street last night,
25 around midnight, maybe even nine to midnight

1 they had the road blocked off. I think it
2 was the water company.

3 MR. PAPI: Yeah, I had to go mark
4 that. That was another water problem.

5 MR. RUSSELL RINALDI: Was it a water
6 break?

7 MR. PAPI: I went the day before to
8 mark it. There wasn't water coming out of
9 the ground that I could see, but it was
10 definitely the water company. I remember
11 the PA-1 call.

12 MR. RUSSELL RINALDI: I noticed when
13 I went down the road in the morning. I just
14 saw it patched up.

15 MR. PAPI: That's our new section of
16 road, too. Fairly.

17 MR. SEMENZA: Thank's, Paul. Steve,
18 zoning code enforcement.

19 (Mr. Bieryla read his report, which
20 is attached.)

21 MR. BIERYLA: What I'd like to bring
22 to council's attention is the gas line cut
23 down on George Street. Our ordinance -- and
24 it's not only because it's in front of my
25 house, but just the way the ordinance reads.

1 It says within 100 linear feet or four cuts
2 within that hundred linear feet constitutes
3 a total reclamation.

4 So what they're actually saying is
5 if you have four cuts within a hundred feet,
6 if you would take a resolution to this and
7 say if two cuts were made within 25 feet a
8 total reclamation would be because that
9 would be an even number between 25, 50, 75
10 and 100. So I'd just like to bring it to
11 council's attention that maybe we should
12 revise this to read because those two cuts
13 are within 50 feet, and this says if any
14 cuts are made within a hundred linear feet,
15 if you have two cuts or four cuts. So maybe
16 just because of it's a newly cut road it
17 should be if two cuts are made within 25
18 feet of each other.

19 MR. SEMENZA: Did we talk to anybody
20 about that, about repairs on that?

21 MR. LOPATKA: I have not. That was
22 the gas company?

23 MR. BIERYLA: The gas company.

24 MR. LOPATKA: I'll call them.

25 MR. RUSSELL RINALDI: According to

1 our ordinance, if there was the way you
2 suggested it to be they would have to repave
3 that whole street.

4 MR. BIERYLA: Repave the total part.
5 If you do a --

6 MR. RUSSELL RINALDI: Repave it from
7 cut to cut.

8 MR. BIERYLA: Right. If you did a
9 street 100 feet, like, in a straight line,
10 that whole portion of the street would have
11 to be --

12 MR. FEBBO: Milled?

13 MR. LOPATKA: Yes, repaved.

14 MR. BIERYLA: Milled, reclaimed and
15 paved. Or if you did four cuts within that
16 hundred linear feet. They did two cuts
17 within 50 feet. So if the ordinance says
18 four cuts within a hundred I would like to
19 recommend to council to consider --

20 MR. SEMENZA: Well, it should be
21 done from cut to cut. For the 50 foot it
22 should be done. Right?

23 MR. BIERYLA: But it's not in our
24 ordinance that says that because they didn't
25 do a hundred linear foot and they didn't do

1 four cuts in the linear foot. They did two
2 within 50.

3 MR. SEMENZA: Bill, do you
4 understand what he's talking about on that?

5 ATTY. RINALDI: I'm trying to
6 think who -- did Sal Luzio do that pave cut
7 ordinance for us? Maybe talk to Sal. If
8 you want to change it, I'll change it.

9 MR. RUSSELL RINALDI: He doesn't
10 work there anymore.

11 MR. SEMENZA: Do you have a contact
12 with Geoscience?

13 MR. LOPATKA: Yes.

14 MR. SEMENZA: Will you talk with
15 them and try to revise that.

16 ATTY. RINALDI: Whatever it is, I'll
17 write it up, we'll advertise it.

18 MR. SEMENZA: We can advertise that.

19 MR. BIERYLA: Unfortunately, like I
20 stated, where the original hookup was, the
21 neighbor across the street has all concrete
22 on that side of their house. So what they
23 did was they went up to where he has some
24 grass on the other side of his house, which
25 was 50 foot way, property line to property

1 line, and they went across and went up his
2 grass and come in. So they had to retire
3 the old service and then they cut the road
4 right across with the new service. That's
5 why I would recommend 25 feet. In case this
6 does happen again somewhere else you'll have
7 something in writing to back yourself up.

8 MR. FEBBO: Since we just did all
9 the roads -- and I'm glad it happened in
10 front of your house so you can bring it to
11 our attention.

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

14 MR. NOTARI: Steve, what's our next
15 step with Orchard Street, Mr. Perone's
16 property? Because that roof is falling in.

17 MR. BIERYLA: Well, he did the clean
18 out, so now his next step is to demolish or
19 repair the roof. So that's why I said we'll
20 keep on it, see where he is, because the
21 dumpster got there within two days after he
22 addressed council, and now this is about two
23 weeks. So we'll keep monitoring the
24 situation.

25 MR. NOTARI: You talked about you

1 stopped five different contractors from
2 working without permits. Do contractors
3 have to get a permit to work in Old Forge?

4 MR. BIERLYA: It depends on what
5 work they do. These guys were roofs,
6 sidewalks, and I think it was a ductless AC
7 or --

8 MR. NOTARI: So they don't need a
9 permit to work in the borough?

10 MR. SEMENZA: A license?

11 MR. NOTARI: A license.

12 MR. BIERLYA: The only time they
13 need that, because of the way the Pa.
14 registration reads, the Pa. registration,
15 when you pay the \$50 to the attorney general
16 that is your two-year quota for total
17 reclamation of the house or the Home
18 Revising Act. If you're remodeling a house.
19 If you go to the commercial end of it or to
20 a brand new house they do not cover that.
21 Old Forge had contractors registration or
22 licensing prior to the Pa. attorney general
23 putting that in place. So that still can be
24 enforced.

25 MR. NOTARI: My question is if we

1 find out that we have contractors that are
2 repeat offenders can we prevent them from
3 doing work in town?

4 MR. BIERLYLA: Yes, I can deny.

5 MR. NOTARI: So you keep track of
6 who these contractors are that --

7 MR. BIERLYLA: As soon as they see me
8 coming they got the money out because they
9 know they're not getting away with it. They
10 try.

11 MR. NOTARI: Last thing I have, has
12 the Miles Street lighting project started
13 yet, do we know? The little league project.

14 MR. SEMENZA: I don't believe so.

15 MR. NOTARI: Because they were in a
16 big hurry to get money from us because they
17 wanted to start the project by the end of
18 the year.

19 MR. BIERLYLA: There has been no
20 prints that came in to me to give to BIU to
21 review.

22 MR. NOTARI: I was going through the
23 September minutes and I noticed that. They
24 were in a big hurry to get the money from
25 us. They couldn't wait until next year so

1 we can put it in the budget. Now it's
2 mid-November and --

3 MR. PAPI: No work was started.

4 MS. BARTOLETTI: There was a
5 request, an unofficial request to me for the
6 money, and the way I looked at it was we are
7 not paying to the little league, we are
8 paying it to the company. Our portion will
9 go directly to the company. I'm sure we're
10 not going to do anything with that until we
11 have an invoice. So if that makes you feel
12 any better.

13 MR. NOTARI: I understand that, but
14 it doesn't because we have people coming
15 here saying we need it now because we want
16 to start the project. Let's follow through
17 on that. Let's not force our hand because
18 you're giving us a timeline or else it's not
19 going to happen, and then it's not
20 happening. That's all I'm worried about.
21 That's all I have for Steve.

22 MR. FEBBO: Steve, Stockey's job up
23 there with Gilchrist, I've been getting a
24 lot of complaints and I'm sure a lot of you
25 guys have been hearing about it. I've been

1 working with Steve on that for, what, six
2 months now with Stockey on just about an
3 every week basis up there, he's tough to get
4 hold of, but Billy Gilchrist is working with
5 him to get him evicted.

6 I looked at Google, if you look at
7 that place on the Google map it's a mess.
8 And now with the leaves off the trees and he
9 has expanded up Keyser, towards Sibley. He
10 has no business being there.

11 It's just a matter of time before we
12 can catch him to have him move that stuff
13 out of there. We did talk to his foreman, I
14 guess, last week. He said he would start
15 moving, but I don't see any action up there.
16 Perhaps this week we'll get up there again.
17 Just to let everybody know that it's not
18 going without being dealt with.

19 MR. BIERLYA: He kind of was a
20 little intimidated when he just was going to
21 see his worker and he seen us there. Walter
22 isn't intimidated but his guy in charge was.
23 He seemed like he was a pretty level-headed
24 person to deal with. He said he would move
25 on it. I'll make my way up there tomorrow

1 and see what's been done.

2 MR. SEMENZA: Anything else for
3 Steve?

4 MR. RUSSELL RINALDI: To backtrack,
5 on your street, the way the ordinance reads,
6 when they do officially patch that they're
7 going to have two cuts, the cut in front of
8 your house and down by your street -- I'm
9 sorry, down the road?

10 MR. BIERYLA: Here's the way it is,
11 Councilman Rinaldi. My property line -- if
12 you're coming down George Street, my
13 property line at the top and my property
14 line at the bottom, that's where the two
15 cuts are. It's perfect. It's a perfect 50
16 foot. So that's where they are at. The
17 other cut, the top cut goes right across the
18 street, right through the sidewalk, right up
19 the neighbor's property.

20 MR. RUSSELL RINALDI: So when they
21 come to fix -- are they leaving it the way
22 it is now? I drove over it. They're not
23 leaving it that way.

24 MR. BIERYLA: I don't know what
25 their timeline is on fixing it. I've been

1 trying not to park on it for it to sink.

2 MR. PAPI: Pave cuts are six months.

3 MR. BIERYLA: Being it was a newly
4 developed street we could get the whole
5 thing reclaimed.

6 MR. RUSSELL RINALDI: Bill, if we
7 change the ordinance with a resolution
8 before they do it, six months from now --

9 ATTY. RINALDI: Their permit locks
10 them into the old ordinance.

11 MR. SEMENZA: Was Geoscience there?

12 MR. BIERYLA: There were a lot of
13 people there. I believe Geoscience was
14 there.

15 MR. LOPATKA: They're notified
16 anytime there's a One call. They should be
17 there.

18 MR. BIERYLA: There was a lot of
19 blue hats and two white hats.

20 MR. SEMENZA: It shouldn't settle
21 too much. Right?

22 MR. LOPATKA: It shouldn't. That's
23 why they're there.

24 MR. SEMENZA: That's why we have
25 that pave cut ordinance.

1 MR. BIERYLA: They ran that tamper
2 for about two hours.

3 MR. SEMENZA: Has it settled at all,
4 did you notice?

5 MR. BIERYLA: The reclaimed hasn't.
6 The retired one has. Going across the
7 street you still have a little bit of a hump
8 that you can start to see it settle. I
9 don't know how much more it's going to go
10 down. It isn't like a big divot as of right
11 now.

12 MR. SEMENZA: Bill, even if we
13 change that ordinance, amend it, they're
14 still going to be on the old one. Right?

15 ATTY. RINALDI: Yes.

16 MR. SEMENZA: So there's nothing we
17 can do.

18 MR. LOPATKA: They'll tear that pave
19 out. That's temporary.

20 MR. SEMENZA: But they're not going
21 to pave a 50-foot section.

22 MR. LOPATKA: No, but that's
23 something that you can definitely look at.
24 For the compaction, they're compacting --
25 testing everything underneath that paving.

1 That paving isn't getting tested because
2 it's just temporary. That will actually
3 start to sink a little bit.

4 MR. BIERYLA: I'm sure if we get
5 some snow and the plow goes over it it will
6 take it right off.

7 MR. SEMENZA: Anything else for
8 Steve?

9 MAYOR MULKERIN: I just want to call
10 you tomorrow on the 1234 South Main. I got
11 a letter about it. I'll give you a copy of
12 the letter and talk to you about it.
13 Nothing major.

14 MR. SEMENZA: Thanks, Steve. Dave,
15 engineer's report?

16 MR. LOPATKA: Good evening,
17 everyone. Engineer's report for October.
18 On the Old Forge paving program, we have
19 punch list items mostly addressed at this
20 point with the exception of 310 McClure,
21 which was some concrete curb that was
22 damaged as a part of the milling process. I
23 did reach out to Pennsy and they're supposed
24 to be fixing that. He said it was today. I
25 didn't get over there, I didn't hear from

1 him. But I will check into that, make sure
2 that's finished.

3 Roberts Road, which needed full
4 depth base replacement added to the project,
5 work was completed the week of 11/7/16,
6 which was last week. Pennsy submitted their
7 first payment application, which was for 100
8 percent of the project minus retainage. So
9 their payment application was for
10 \$818,111.83 with the remaining retainage of
11 \$90,901.31. Retainage will be withheld
12 until punch list items are completed.
13 Hopefully they'll be finished. I think it's
14 just that one item left to finish, then
15 they'll basically be done.

16 Rosemount development and Mountain
17 Road, I just attended the hearing on behalf
18 of the borough. A couple of councilmen were
19 there. I guess Bill probably can elaborate
20 a little bit more on that. If you have any
21 questions I can answer them for you also.

22 The Old Forge Police Station, again,
23 a final layout was prepared and agreed upon
24 by the chief. Currently I'm trying to get,
25 schedule wise, the architect and Marylynn

1 together so we can set up another meeting.
2 I did send you an e-mail. So if you get
3 back to me we'll try to get something set up
4 shortly on that so that doesn't sit there.

5 Main Street inlet replacement
6 project that we were going to do was
7 canceled due to the paving project starting
8 at the same time. We just couldn't fit it
9 in in time. We couldn't get anything done.

10 Kohler Avenue rehab project, that's
11 the OECD project through the county. The
12 site has been surveyed and base plans
13 prepared and we're getting ready to start
14 design work. Hopefully we'll have that done
15 and that will get bid out and done.

16 Main Street sewer replacement
17 project. Project was taken over by Popple.
18 It was taken away from Wince, who was kind
19 of unresponsive to getting it finished and
20 getting the final pavement finished. So we
21 talked to Popple, they gave us the number,
22 we agreed to it. I think they invoiced us
23 at this point. They removed the temporary
24 pavement that was put in last year, put new
25 base course in over the entire road. The

1 wearing course was installed as part of
2 Popple's Main Street paving project. So
3 that whole thing is done. I did put a call
4 in to them to check to see if they fixed the
5 pipe. I believe Paul said he saw them down
6 there. I didn't hear back from them so I'm
7 not sure if they fixed that one section of
8 pipe downstream of that manhole at the
9 intersection. Hopefully I'll hear from them
10 shortly and I can let you know if that was
11 taken care of. That's all I have.

12 MR. SEMENZA: Anybody have any
13 questions for Dave?

14 MR. NOTARI: Do we have a cost
15 estimate on the police department plans yet?

16 MR. LOPATKA: We do not have a cost
17 estimate because we are going to hold off
18 until we met with Marylynn.

19 MR. FEBBO: Fred Street?

20 MR. FERRETT: Dave, do you have any
21 idea of what the Kohler Avenue project is
22 going to cost?

23 MR. LOPATKA: There was an estimate
24 somewhere around \$200,000. I mean, that's
25 paid for by the OECD money, county money.

1 Fred Street, I will get that
2 finalized. We have started looking at it.
3 I just didn't get a chance to finalize it.

4 ATTY. RINALDI: Kohler we own. They
5 were laid out in the '20s. That's how far
6 back I found the subdivision.

7 MR. LOPATKA: Right. We have the
8 whole thing surveyed. We have to do the
9 design on it.

10 MR. FERRETT: The project wasn't
11 done until 1966.

12 ATTY. RINALDI: The project was done
13 within the roadway. They only bought the
14 land within the roadways. Those roads were
15 laid out. They were all individual lots
16 that were bought at a sheriff's sale and
17 combined to put in the development.

18 MR. FERRETT: So why are we going to
19 spend taxpayers' dollars for roads that we
20 don't even own or we have no jurisdiction
21 with?

22 MR. SEMENZA: We own that road, Joe.
23 We own Kohler Avenue.

24 MR. FERRETT: We don't own Kohler
25 Avenue. No, we don't. We don't. Then

1 where's the deed of dedication? I want to
2 see them. We don't own those roads.

3 MR. FEBBO: I think we went through
4 all that when you were absent.

5 ATTY. RINALDI: Those roads were
6 laid out prior to 1920, I think. So, I
7 mean, I didn't even go back looking for
8 deeds because it would take a lot of time.
9 So like a lot of roads here that have been
10 laid out we don't have deeds for, because
11 they were laid out back in the '20s or '10s
12 that's kind of our road now.

13 MR. FERRETT: Bill, back in 1966 I
14 remember very distinctly -- I've been
15 around -- there was a contract that was
16 dealt between the county and the borough.

17 ATTY. RINALDI: I have it.

18 MR. FERRETT: Right.

19 ATTY. RINALDI: And I have the deed.

20 MR. FERRETT: So do I have the deed,
21 and in that deed it specifically states that
22 if the county wanted to get the roads,
23 sidewalks, everything paved they can turn
24 them over to the borough with the
25 understanding that the borough gets ten

1 percent of the rental income that comes in.
2 We're the taxing body.

3 ATTY. RINALDI: The only problem is
4 here's the tract that they bought. There's
5 no roads in there. They put the houses
6 facing the road. They only bought this land
7 here. This land here was not included in
8 their deed. Kohler and whatever the other
9 one is. They put all the houses facing out.

10 MR. SEMENZA: Kohler and Dunn.

11 ATTY. RINALDI: Kohler and Dunn were
12 not in their deed. He checked it and found
13 the actual map where the guy laid out this
14 whole neighborhood -- I think it was
15 Pohutsky.

16 MR. FERRETT: If you're saying --

17 ATTY. RINALDI: So there's a map
18 record that shows this particular block and
19 all little lots.

20 MR. FERRETT: No streets?

21 ATTY. RINALDI: No street.

22 MR. FERRETT: How do people travel
23 if there's no streets?

24 ATTY. RINALDI: Because the streets
25 were there. They don't go within the

1 property that the county developed. There's
2 no streets down the center. I'll show you
3 the plan. I have a copy of it. It was
4 recorded in the courthouse. So I got a copy
5 of it. This whole area was a bunch of
6 little lots. For some reason these went in
7 a tax sale and they were bought and then
8 sold to the county, and the county put
9 houses the way you see them laid out.

10 MR. LOPATKA: Also, Joe, what's
11 paying for that is the CDBG money from the
12 county.

13 ATTY. RINALDI: They were laid out
14 and approved by the borough sometime in the
15 '20s, '21 or '22, if I recall.

16 MR. RUSSELL RINALDI: Do we have
17 documentation that we own the road?

18 ATTY. RINALDI: Back then, you know,
19 some of them put deeds in, some didn't. But
20 after so many years they're yours.

21 MR. RUSSELL RINALDI: So we don't
22 have documentation we own the roads?

23 ATTY. RINALDI: I can't find deeds
24 for a lot of these streets.

25 MR. FERRETT: 1920 that area was

1 nothing but woodland and never developed.
2 There was never no roads or nothing, no
3 matter what you or whoever you said over
4 there checked these and sees that these were
5 plotted out. I don't buy it. Maybe
6 somebody else will.

7 ATTY. RINALDI: I'll get you the
8 documents. The county didn't buy the roads.
9 Let's put it that way. They don't own the
10 roads. So you either go back and try to dig
11 up who is the estate of Pohutsky and find an
12 heir to sign them over to the borough, but
13 he's not going to do anything with them
14 other than you get a quitclaim deed from
15 them. They were laid out so long ago with
16 that big subdivision there.

17 MR. FERRETT: Who was the original
18 owner of all that land?

19 MR. STASSI: It switched over to
20 Lithwik.

21 ATTY. RINALDI: Those lots went to a
22 sheriff's sale because I have a sheriff's
23 deed. I guess Pohutsky bought it from the
24 sheriff and Pohutsky sold it to the county.
25 They were laid out before that because they

1 all had lot numbers. Go and find the plot
2 plan to match it up but there was no road.
3 Then Dave plotted it out and surveyed it.

4 MR. SEMENZA: Joe, we went through
5 this with the county over a year and a half
6 ago.

7 ATTY. RINALDI: They own nothing on
8 Kohler and nothing on Dunn. Only what's
9 between those roadways. They weren't
10 responsible for doing any development there.
11 The lots were already there and subdivided.

12 MR. SEMENZA: Anybody have any other
13 questions for Dave? Thanks, Dave. Bill,
14 solicitor's report?

15 ATTY. RINALDI: Other than the legal
16 items, there's nothing, really. There was a
17 trial date posted for the Jane Doe versus
18 Old Forge Borough January 30, 2017.

19 I attached a copy of the
20 stenographer's transcript which was given to
21 both attorneys, to attorney Lavelle to
22 prepare a written agreement and get back to
23 the judge with a timeline for resolution of
24 the Old Forge Borough/Villa/Rosemount
25 Estates matter.

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

3 MR. NOTARI: Bill, when the Villa
4 hearing and everything -- when should work
5 begin on that? Are we waiting?

6 ATTY. RINALDI: I think some of the
7 work now is weather issues because of the
8 partial paving fix. The plans are getting
9 completed. We had a meeting last night.

10 MR. STASSI: We gave him a 90-day
11 extension.

12 MR. NOTARI: Do you have to wait for
13 the plans to be complete before they can
14 start work? Like the two-foot drainage
15 areas?

16 MR. LOPATKA: I'm actually going to
17 go out there and mark that out. I talked to
18 George, he asked me to go mark out the
19 location. So I'm going to mark that out.
20 The puddle, I've been waiting for it to
21 rain.

22 MR. NOTARI: So right now they're
23 waiting for you.

24 MR. LOPATKA: Just to mark it out,
25 yes. Then we're waiting for his final plan

1 to come through. He did present it to the
2 planning commission last night. He has a
3 lot of the items worked out, so it is
4 progressing.

5 MR. NOTARI: I just don't want to
6 have to revisit this again in June and
7 nothing's being done.

8 MR. STASSI: He has until February
9 2nd to submit his plans.

10 MR. LOPATKA: Whatever the work is
11 that he has, that can be done. The shoulder
12 work can be done anytime. The paving work
13 naturally is a little more time sensitive.

14 MR. NOTARI: Have we met with
15 PennDOT yet?

16 MR. LOPATKA: Bill, I believe, has a
17 call in.

18 ATTY. RINALDI: I had conversations
19 with two of their attorneys and we're trying
20 to put something together for a conference
21 call and a meeting, if necessary.

22 MR. NOTARI: We're almost three
23 weeks since that hearing.

24 MR. LOPATKA: Plus, we were kind of
25 waiting, too. Hopefully we would have had a

1 stipulation back with time frames on it to
2 make sure. But we are moving forward with
3 items.

4 MR. NOTARI: Ledge Street. Have you
5 done any --

6 ATTY. RINALDI: I haven't done
7 anything. I really could just go up and see
8 what the mapping has on it. Then that
9 depends on how much time you want me to
10 spend trying to trace back property owners
11 to see what happened.

12 MR. NOTARI: Well, basically I'd
13 just like to know if it's a borough street
14 or not. Do you have to go back and see who
15 owns the property? I would probably venture
16 a guess it's the Mariotti-Marlee Valley area
17 because all those homes, that's where they
18 border.

19 ATTY. RINALDI: If it shows up on a
20 subdivision plan I can tell you. But they
21 haven't dedicated it, at least since I've
22 been here. I think that street goes back
23 further.

24 MR. FEBBO: What about Lawrence
25 Street, the one way?

1 MS. BARTOLETTI: I have all that
2 information. I did all the research on
3 that.

4 MR. NOTARI: Can we get your reports
5 before the meeting? I know the last two we
6 got the day of the meeting.

7 ATTY. RINALDI: I send them over
8 here on Friday before 2:00.

9 MS. BARTOLETTI: I was out of town
10 and my staff did the packets and sent them
11 out and then Bill's report got here. So
12 instead of sending another packet out they
13 held them.

14 MR. NOTARI: There's a lot of
15 important stuff in his reports, and a lot of
16 it we can't talk about, has to be done in
17 executive. I think if we knew about it
18 before we got here that night and we needed
19 to schedule an executive --

20 ATTY. RINALDI: I get them here.

21 MR. NOTARI: On that note, you know,
22 the packets are delivered, and I was told it
23 was kind of busy Friday so my packet I
24 didn't get until -- really I didn't get it
25 until Monday because I was away Saturday and

1 Sunday. It wasn't in my mailbox at 8:00
2 Friday night. So if it was delivered
3 overnight, I understand it's busy and of
4 that nature.

5 MS. BARTOLETTI: I can't control
6 that part. That's the police.

7 MR. NOTARI: You can't control that
8 part and I think we need to find a solution,
9 maybe, and my solution would be we go
10 paperless and that everything can be
11 e-mailed. Then you have instant access to
12 any reports instead of us killing a tree
13 every two weeks with paper. So I don't know
14 if that's something that we could look into
15 for the future. Obviously that's not a
16 quick fix. It would be easy to just hit
17 send, attach a PDF, minutes, reports. I
18 don't know if we need to make that decision
19 as a council, if a committee needs to look
20 into that.

21 MS. BARTOLETTI: You guys need to
22 discuss that because I'm sure that not
23 everyone has immediate availability to
24 something like that.

25 MR. SEMENZA: So what would you do

1 at the table, have a laptop or a tablet or
2 something?

3 MR. NOTARI: Have a tablet at the
4 table that you take with you. It would be
5 borough property. Maybe the councilmen, the
6 borough manager and the mayor and the
7 solicitor would have one. It would be
8 borough property, for borough use only. So
9 instead of having all this paper we would
10 have a tablet with us.

11 ATTY. RINALDI: My reports are for
12 council only, not to be gone on the
13 internet. So I wouldn't like sending my
14 report e-mail, having it posted somewhere
15 where it can float around out there. It's
16 for council's eyes only. I give it to
17 Marylynn only, not to anybody else in the
18 office, and she disseminates -- I e-mail it
19 to Marylynn only.

20 There's also an open records law.
21 That's why I scan my reports as
22 attorney/client privilege. They're not for
23 a councilman to send to somebody else.

24 MR. NOTARI: I realize that, and
25 that would be the councilmen's

1 responsibility. Councilmen should respect
2 that, that it's for him only. It really
3 doesn't matter -- Bill, in my eyes it
4 doesn't matter if it's e-mail or this piece
5 of paper. I can run it off 20 times and
6 give to 20 of my friends. Whether it's an
7 e-mail or whether it's a piece of paper --
8 you know, I understand what you're saying,
9 but there's lots of ways to disseminate
10 information. So, you know, giving me a
11 piece of paper doesn't prevent me from
12 showing it to anybody as opposed to giving
13 me an e-mail. Save us some money, too, in
14 the long run. That's all I have.

15 MR. SEMENZA: Anybody else for Bill?
16 Thanks, Bill. Marylynn, borough manager's
17 report, please.

18 MS. BARTOLETTI: First, you have all
19 my financial reports. You got them today.
20 Does anyone have any questions on them?

21 MR. NOTARI: How are we looking,
22 Mare?

23 MS. BARTOLETTI: Good. We will be
24 good through the end of the year. Any
25 questions?

1 MR. FERRETT: How are we doing with
2 the contracts?

3 MS. BARTOLETTI: That's up to
4 council. That's not up to me.

5 MR. FERRETT: No, all I'm asking is
6 where do we stand? Because I don't want
7 someone to say here, you got to vote on this
8 and I don't even know what the hell is going
9 on.

10 MS. BARTOLETTI: The DPW contract
11 hasn't even had one meeting yet because when
12 we reached out to them they're not ready --

13 MR. FERRETT: What about DPW?

14 MS. BARTOLETTI: That's DPW. The
15 police, I can't really --

16 MR. FEBBO: You say council, in
17 terms of a committee or the committee to get
18 back to council?

19 MS. BARTOLETTI: I think that
20 council as a whole. Everybody got together
21 and discussed the police contract. I think
22 we could probably talk about that in
23 executive session, not in a public meeting.

24 MR. NOTARI: You said DPW is not
25 ready. In the past have we typically waited

1 until a contract has expired to begin
2 negotiations?

3 MS. BARTOLETTI: No, theirs is
4 usually done. Theirs expires December 31st.
5 Once they get to us with their desires, then
6 we'll meet with them. Their contract
7 usually goes very quickly. I don't have any
8 worries about that.

9 I did some investigating about the
10 issue of Lawrence Street because it's been
11 back and forth, and I can give you some
12 information about the history of what
13 happened there. So there was an ordinance
14 in June of 1992 to put four-way stop signs
15 on Grace and Lawrence.

16 An ordinance in 2000 to put stop
17 signs at Lawrence and Mary.

18 There was an ordinance in 2002 which
19 made Lawrence Street one way. Then in
20 December of 2007 it was changed to two-way.
21 Voted on at a council meeting but never done
22 by ordinance. So that's why it's not
23 recognized in this book or anything because
24 it was never done by ordinance. It was
25 voted on, it was a unanimous vote at a

1 council meeting, but there was never an
2 ordinance set forth.

3 MR. SEMENZA: So it was voted on and
4 it was passed as a two-way street?

5 MS. BARTOLETTI: To put it back to
6 two-way, but every other step before that,
7 the four-way stops, was done by ordinances.
8 Then the stop sign at Lawrence and Mary was
9 done by ordinance.

10 Then in 2002, to make Lawrence
11 Street one way it was done by ordinance.

12 But in 2007, when it was decided to
13 make it back to two way it was voted on in a
14 council meeting, but there was never an
15 ordinance that was passed. So that's why it
16 was never recorded in this book, because
17 this is all ordinances. That's why those
18 people came here and said it wasn't
19 reflected as going back to two ways because
20 it was done as a vote but not as an
21 ordinance.

22 MR. SEMENZA: Bill, how long does
23 that stand? Can we just pass the ordinance
24 now?

25 ATTY. RINALDI: Which way do you

1 want it?

2 MR. SEMENZA: I don't know. I'm
3 just saying it's one way now without an
4 ordinance.

5 ATTY. RINALDI: So technically on an
6 ordinance police officers can cite somebody
7 because somebody came to a meeting and asked
8 for it to be done and council just voted on
9 it.

10 MS. BARTOLETTI: It came up in
11 several different council meetings, but then
12 in December of 2007, that's when they voted
13 on it and decided to turn it back to two
14 way.

15 ATTY. RINALDI: Did they turn it
16 back to two way?

17 MS. BARTOLETTI: It was turned back
18 to two way but there was never an ordinance
19 set forth. So it's not official in our code
20 book because it's not voted on.

21 MR. SEMENZA: Do you remember that?

22 MR. RUSSELL RINALDI: Yes.

23 MR. SEMENZA: So what do we do?

24 MR. FERRETT: Despite the fact it
25 was voted on it's still legal.

1 ATTY. RINALDI: They can never cite
2 anybody. It's not legal but it's posted
3 that way. I know what happened. Nobody
4 said they wanted to change it before the
5 meeting. There was no ordinance advertising
6 done and they just did it at the meeting.

7 So how do you want it? I think
8 that's where we started.

9 MS. BARTOLETTI: Two way or one way?
10 Because if you want it one way, technically
11 since there was no ordinance, technically
12 that's an easy thing. But if you want it
13 two way you need to do an ordinance to make
14 it --

15 MR. NOTARI: And it was one way from
16 Grace to Mary?

17 MS. BARTOLETTI: Grace to Mary, yes.

18 MR. SEMENZA: Anybody have any
19 suggestions?

20 MR. RUSSELL RINALDI: Bill, one way
21 or another it would have to go to a vote?

22 ATTY. RINALDI: Yes. You can
23 rescind that resolution, just so you have it
24 in the minutes that you rescinded it.

25 MR. SEMENZA: There's no resolution.

1 ATTY. RINALDI: If you want to cite
2 somebody for going the wrong way it wouldn't
3 hold up because you don't have an ordinance.

4 MR. NOTARI: We do have an ordinance
5 for it to be one way.

6 MS. BARTOLETTI: You have an
7 ordinance making it one way, you have a vote
8 making it two ways and no ordinance.

9 MR. NOTARI: If you went tomorrow
10 and took the signs down to make it one way
11 everything would be kosher.

12 ATTY. RINALDI: That's it.

13 MR. PAPI: You have to add new
14 signs.

15 MR. SEMENZA: What about that vote
16 on the two way?

17 ATTY. RINALDI: You can vote to
18 correct the signage on the street for a
19 resolution that was passed but not by
20 ordinance. If you want to keep a record of
21 the minutes if they're ever looking back to
22 see what happened.

23 MR. FERRETT: Why not just go to
24 work and offer a resolution to put it back
25 to where it was originally, one way, by

1 ordinance?

2 ATTY. RINALDI: I think it was going
3 back and forth because of the school and the
4 church, then the school closed and it went
5 the other way. So it was always a school
6 issue and traffic.

7 MS. BARTOLETTI: 2007 technically, I
8 believe, was the year the school closed. So
9 that's why it was voted on to turn it back
10 to two way. But where the problem came in
11 is there was no ordinance. So the fact that
12 there is no school there, do you feel that
13 it's beneficial to continue it to be one way
14 or --

15 MR. FEBBO: Didn't we discuss that?
16 Russ, didn't you bring that up about the
17 church being heavily used?

18 MR. RUSSELL RINALDI: I think we all
19 brought it up. It's very heavily used.

20 MR. FEBBO: And then the weekends,
21 too. Junior basketball uses it as well.
22 Even at night.

23 MR. LENCESKI: Or yesterday.

24 MR. RUSSEL RINALDI: Just put it to
25 the floor and end it.

1 MR. GRECO: If you make it a one-way
2 street and somebody gets stopped going the
3 wrong way can they be cited by the police?
4 Because there's no ordinance saying it's a
5 one-way street.

6 MR. SEMENZA: Right now there is an
7 ordinance saying it is a one way.

8 MR. SEMENZA: But in 2007 it went to
9 the table to a vote to change it to two way
10 and they never passed an ordinance to have
11 it two way. The vote was there but the
12 ordinance wasn't there. Do you want to put
13 that on the agenda?

14 MR. FERRETT: The question here is
15 how does council want it? Does council want
16 it a two way or one way?

17 MR. RUSSEL RINALDI: I think it
18 would have to go to a vote.

19 MR. NOTARI: We've been asked to
20 look at this.

21 MR. RUSSELL RINALDI: Numerous
22 times.

23 MR. NOTARI: To turn it back to a
24 one way.

25 MS. BARTOLETTI: But we didn't have

1 the history. So there's the history for
2 you.

3 MR. NOTARI: We have been approached
4 by residents to turn it back into a one-way
5 street.

6 MS. BARTOLETTI: Yes, but those
7 people who came here to discuss it, they
8 live on Lawrence Street and they themselves
9 had different opinions on how it should be
10 handled. One person thought it should be
11 one way, one person thought it should be
12 going a different way. So even within that
13 there wasn't an agreement.

14 ATTY. RINALDI: If you're going to
15 change it to one you don't have to do
16 anything.

17 MS. BARTOLETTI: Just put up the
18 signs again.

19 MR. NOTARI: Do we need to notify
20 the residents of that block of Lawrence
21 Street?

22 MS. BARTOLETTI: I don't think it
23 would be fair to just go there tomorrow and
24 change the signs.

25 MR. SEMENZA: How long did we give

1 notice on Henderson?

2 MR. PAPI: I think we did that in
3 the paper when you changed the street.

4 ATTY. RINALDI: You have to
5 advertise the ordinance, then you pass it as
6 an ordinance. That's how they get notice.

7 MS. BARTOLETTI: Not as an
8 individual thing but in the legal section.

9 MR. BIERYLA: I think what you did
10 on Henderson was you gave so much time for
11 no tickets, just warnings to let everybody
12 know that it changed over. Then two weeks
13 or three weeks, after that it was you know
14 enough not to be going the other way.

15 MR. SEMENZA: I know on nights of
16 catechism is pretty hectic there. Now that
17 basketball started there's some traffic in
18 and out.

19 ATTY. RINALDI: You decide what you
20 want to do.

21 MR. SEMENZA: Church, too. The
22 worst problem is Grace Street.

23 MS. BARTOLETTI: Sometimes I think
24 doing that as a one way doesn't fix the
25 problem because Grace Street is such a

1 headache in itself. Traffic can't pass, as
2 we all know.

3 MR. SEMENZA: I don't remember how
4 it was when it was a one way. Does anybody
5 here? How the traffic was. Was traffic
6 held up?

7 MS. BARTOLETTI: If you're coming up
8 on Grace Street from Main I think you just
9 followed the flow because you had to go that
10 way.

11 MR. PAPI: It used to be go up
12 Bradley and hang a right. That was the one
13 way. Correct?

14 MR. FEBBO: No, left.

15 MR. GRECO: Everybody coming out of
16 the church parking lot had to make a right.

17 MS. BARTOLETTI: The only problem is
18 then you're forcing the traffic on Mary
19 Street out to Main Street.

20 ATTY. RINALDI: Maybe you should
21 look at -- you have a problem with a narrow
22 street, you have parking, you make it a two
23 way.

24 MR. FEBBO: Is that a public safety
25 committee?