

1 MR. LOPATKA: Yes. The first shot
2 at it was to mill. I told him we can't mill
3 the road. We don't have that much paving on
4 the road. You're going to end up losing
5 the paving portion.

6 The solution is to put a rolled curb
7 in front of his driveway right across the
8 whole front. He can still get in and out
9 without any issues. Blacktop. The easiest
10 solution is blacktop right across the whole
11 front. There is an inlet right beyond his
12 driveway, so all we have to do is get it
13 past his driveway.

14 MR. FEBBO: Would that blacktop be a
15 permanent solution or a temporary solution?

16 MR. LOPATKA: No, it would be a
17 permanent solution. If they can just get it
18 done it probably would solve a lot of
19 problems.

20 MR. RUSSELL RINALDI: Why wasn't it
21 done when the road was getting paved?

22 MR. LOPATKA: At the time I don't
23 think --

24 MR. FEBBO: I don't think they knew
25 the problem existed.

1 MR. RUSSELL RINALDI: I know we
2 replaced curbs down there for people.

3 MR. LOPATKA: This is actually in
4 front of the driveway. The road ended up
5 even with the driveway, which I think is
6 where it was.

7 MR. SEMENZA: It was previously
8 below a little bit.

9 MR. LOPATKA: So there's a
10 solution -- and we did this for a few other
11 people. They never asked about it at the
12 time. We put a rolled curb in front of some
13 driveways where people asked. These people
14 at the time didn't ask. We didn't put one.
15 Since then they had issues. I'm sure it
16 would solve the problem.

17 MR. SEMENZA: What about the sitting
18 water in front of the other driveways?

19 MR. LOPATKA: Which?

20 MR. SEMENZA: A few I mentioned
21 previously.

22 MR. LOPATKA: Well, the problem with
23 the paving project is you're not going to --
24 it's not a solution to storm water problems.

25 MR. SEMENZA: They were never

1 previously there.

2 MR. LOPATKA: If you want we can go
3 out there and you can show me.

4 MR. SEMENZA: Actually do it during
5 a rainstorm or right after a rainstorm. You
6 have the addresses?

7 MR. LOPATKA: No. If you want to
8 give them to me.

9 MR. PAPI: It's going to rain all
10 day Thursday.

11 MR. SEMENZA: I know my sister's
12 address, 109 Edgewood Drive. But there's a
13 couple -- like, I know Cordiano's house had
14 water sitting in front of it.

15 MAYOR MULKERIN: They're 115.

16 MR. SEMENZA: The couple houses
17 right in a row, that's kind of almost in a
18 low-lying area.

19 MR. LOPATKA: It's almost flat.

20 MR. SEMENZA: A puddle is a puddle,
21 but what happens in the winter when a puddle
22 freezes.

23 MR. LOPATKA: We can take a look.

24 MR. SEMENZA: They never had water
25 like that. I can attest to that.

1 MR. FEBBO: The bottom of Keyser.

2 MR. LOPATKA: That was an issue that
3 I think was on our initial report way back
4 when. I think now PP&L actually has a
5 license or a bond in place. I guess we're
6 waiting until they're done.

7 ATTY. RINALDI: The license ends
8 when they complete the work. It's not an
9 easement, it's only a license.

10 MR. LOPATKA: It's just a bond. So
11 there are certain things I know they
12 did when they were going up there.

13 ATTY. RINALDI: I think they're
14 almost done.

15 MR. LOPATKA: I know they cracked
16 that mountable curb. There's some stuff
17 that they did when they were driving in.
18 That issue was always there right from the
19 get go. That's always been on the list.

20 MR. FEBBO: Does PP&L have to pay
21 for that?

22 MR. LOPATKA: I don't think PPL
23 should have to pay for that. It wasn't
24 graded properly. That's still out there.

25 Just to mention, George Parker

1 called me last week and I met with him
2 briefly to look at what his next rendition
3 of the plan would be for Mountain Road,
4 where the right-of-way would be. In looking
5 at it, I'm trying to keep the offset
6 symmetrical with the road itself as best we
7 can. I think we have a solution that works.
8 It incorporates the swales on both sides in
9 addition to the road itself. We'll see what
10 he comes back with when he actually makes
11 his submission. Anything else, then, on
12 Mountain Road?

13 MR. FERRETT: What about future
14 development up there? Is that going to have
15 some kind of an impact down on the bottom --

16 MR. LOPATKA: Anything that happens
17 in the future they would have to come back
18 and submit plans and have to have a storm
19 water management plan that reduces the flow
20 to what's currently there. They can't
21 increase the flow down to that section.
22 They would have to provide some kind of
23 plan, storm water management plan, with
24 anything they did in the future.

25 MR. FERRETT: The only reason I say

1 that is basically because of the fact that
2 I'm looking at it from a standpoint of view
3 I don't know just how much development he
4 may have. But I'm not a firm believer in
5 swales, and knowing him, with the kind of
6 construction that he may have in mind maybe
7 20 years from now, what kind of provisions
8 are going to be made for water runoff?

9 MR. LOPATKA: Well, they would have
10 to provide a plan that met the requirements
11 of the borough. It couldn't get approved or
12 built unless they meet the requirements of
13 the borough.

14 MR. FERRETT: Yeah, but I understand
15 that. This is where the big problem comes
16 in, is what you call good thinking. We went
17 to work and we allowed construction -- not
18 overlay, construction of four roads up
19 there. Nobody has thought of the idea what
20 about storm drains, what about drainage. We
21 talk about Edgewood Drive, there's supposed
22 to be swale areas. There's no swale areas
23 because people are putting their own rock
24 ledges to absorb the water.

25 Now, the big question here is this:

1 What happens if water gets underneath those
2 roads? Will it have any effect on them?

3 MR. LOPATKA: I think what happened
4 in the development itself is kind of not the
5 way it was designed. It was designed with
6 swales and now everybody has curbs, which
7 happened over the years. I don't know when
8 it happened. But most of the roads are
9 curbed now, they're not swales. I don't
10 know who allowed it or when it was allowed
11 for them to change that, but that's
12 basically what's there.

13 MR. SEMENZA: I think that
14 bituminous curb's always been there since
15 that road's been paved.

16 MR. LOPATKA: Well, some of them
17 don't have it. Couple still have a little
18 rock swale in front.

19 MR. SEMENZA: But the ones that are
20 there, existing now, they've been there, if
21 I'm not mistaken, since they paved the road.

22 MR. LOPATKA: They paved the road
23 with curbs? I think what was approved was
24 swales, so you have a bit of a mish-mosh of
25 both. It would probably be easiest if it

1 was all one or the other. At this point
2 you're not going to build swales in people's
3 front yards that already have curbs. It is
4 kind of a different situation because of how
5 it was constructed at the time. I mean, you
6 do go up there and there's people that have
7 curbs, especially on Edgewood, going in.
8 There's no curbs in some spots, then you get
9 up to the top and there is curbs, then some
10 people just have a little rock swale and it
11 goes back to curb. So it's kind of -- over
12 the years I'm sure that's kind of what has
13 happened.

14 To fix it we'd have to look at a
15 real fix. There are some inlets up there.
16 I'm sure not enough to handle what comes
17 down those roads.

18 Overall, the situation isn't helped
19 by the fact that most of the houses' rain
20 leaders dump right out on the road instead
21 of in their lawns, which would probably
22 capture 90 percent of the water. But at
23 this point that's how it goes. The one
24 thing you want is water off of the roads,
25 and up there there's a lot of water getting

1 dumped onto the roads straight from roof
2 leaders. Just about every house. That
3 doesn't bode well for a paved road either.

4 So there's a couple issues that
5 would probably help solve the problem a
6 little bit if some of those things were done
7 to keep some of the water off the road.
8 You'd probably have less issues down the
9 road in future years.

10 MR. RUSSELL RINALDI: Are the
11 residents required to put the water in their
12 property and not do that?

13 MR. LOPATKA: They're supposed to.
14 I mean, they were all there when we went to
15 do it. We had to basically cut most of
16 those pipes and replace them, extend them
17 back to where they were before.

18 MR. FEBBO: Do we have an ordinance
19 that you can't run --

20 MR. LOPATKA: It's in the ordinance.

21 MR. FEBBO: -- rain gutters into the
22 street?

23 ATTY. RINALDI: I believe they do.
24 It's one of the things that was kind of
25 discussed.

1 MR. SEMENZA: If you drive all over
2 town every neighbor has them out to the
3 road.

4 MR. LOPATKA: Just about everybody
5 has them out to the road. That's one of the
6 reasons the roads probably aren't lasting as
7 long as they typically would. That's one
8 thing you don't want on them, is water.
9 That's the quandary, I think, with the
10 development itself. There's a little bit of
11 everything going on up there, drainage wise.
12 It's not all curbs or it's not all swales.
13 It's hard to take a swale and then go back
14 to the curb and actually drain it the proper
15 way. I don't know, I'll look at some of
16 those spots that are holding water.

17 MR. FEBBO: Dave, obviously I have a
18 big issue with water runoff up there. I'm
19 not going to take up the time with council
20 because it can be a personal matter. But
21 reverting back to him moving land illegally
22 and causing water runoff through Angela
23 Drive and through my yard and so on, that is
24 all part of him doing that. That becomes
25 part of, as far as I'm concerned, this whole

1 project being accepted, not accepted.

2 MR. LOPATKA: I think that basically
3 some of that issue was -- the conservation
4 district actually did an inspection and told
5 him he needed a permit.

6 MR. FEBBO: He got a permit but he
7 circumvented the MPDES on because he cut it
8 down to one acre. He said he's not going to
9 do anything else to the other ten that he
10 manhandled. But that being said, he has
11 created a runoff problem through my
12 property, and the code, you can't do that.
13 He can't run his water.

14 Now, does the borough address that
15 or does --

16 MR. LOPATKA: Well, there's a couple
17 issues that I think would go along with that
18 because the borough doesn't actually own
19 that road, I don't think.

20 MR. FEBBO: He owns the road. He
21 owns the road, he has created a water
22 runoff.

23 MR. LOPATKA: You don't own the
24 road. It would be hard for the borough, I
25 think, to do the work. Bill, correct me if

1 I'm wrong. I think that's more of a legal
2 issue than anything.

3 ATTY. RINALDI: Talking up on the
4 north side of your property?

5 MR. FEBBO: Angela Drive and
6 Iacovazzi Drive.

7 ATTY. RINALDI: That would be him
8 discharging on you, which he can't do. It's
9 not the borough.

10 MR. LOPATKA: He owns both of the
11 properties.

12 MR. FEBBO: That being said, he has
13 created that problem all because of his HOP.
14 He applied for an HOP and --

15 MR. LOPATKA: Well, because of the
16 clearing he did to put the fence in, I
17 think, is what created it.

18 MR. FEBBO: That's exactly it. So
19 that became part of the HOP and that part
20 that we're all kicking around on the bottom,
21 there. He has gone beyond that point to
22 cause water runoff problems to come into
23 compliance with what they required. We
24 won't get into that this evening. That's
25 still before planning and everything else.

1 I'd make council aware of the fact
2 that it's going to be coming up. One of the
3 many issues that we're dealing with in
4 planning.

5 MR. LOPATKA: We'll see what they
6 come back with when they actually formally
7 submit a new set of drawings.

8 MR. FERRETT: That Rosemount deal
9 was never settled.

10 MR. LOPATKA: Three on here, I have
11 the police station. A final layout was
12 done, prepared and agreed upon by the chief,
13 I think Marylynn and some other people. It
14 was just basically to go over the changes we
15 had made at the prior meeting, so all those
16 have been made and they're acceptable.

17 MR. FEBBO: Mare, do you want to
18 address that part about the basement on
19 where we think we should go or might go?

20 MS. BARTOLETTI: I think Dave is
21 probably going to say that because we
22 already talked about it.

23 MR. LOPATKA: Well, as part of
24 that -- and just to kind of reiterate or
25 finish on the police station, basically we

1 have a layout that was done that kind of
2 meets the needs of the police department.
3 Really, to move forward at this point we
4 need a cost estimate, which is something
5 that Marylynn had asked for, just to see
6 what the cost would be to do the work.
7 Also, to actually get permit drawings we
8 would need to move forward with the
9 architects, with mechanical, electrical,
10 plumbing drawings to make sure they meet the
11 code because they're going to have to get
12 reviewed by your third party reviewer one
13 way or the other.

14 At this point we're working on the
15 cost estimate, which we'll get to Marylynn.
16 Once we get beyond that, the I guess the
17 decision needs to be made if it's going to
18 move forward.

19 One of the other discussions I had
20 with Marylynn when I was here last week, she
21 had some concerns about the overall
22 building. The exterior of the building, the
23 look of the building, the shape of the
24 building, this room.

25 MS. BARTOLETTI: The bathrooms.

1 MR. LOPATKA: What would happen if
2 the police do move downstairs, what would
3 happen to that back room.

4 So what my recommendation is for
5 something like that is to actually do a
6 master plan, and then you can kind of break
7 it into pieces, in phases, and you can
8 address, maybe, the exterior, you can
9 address this room based on the money that
10 you have, but we can master plan something
11 to incorporate each of those components so
12 if you do start doing something you can
13 allocate money, maybe do something this
14 year. Then the next step would be take the
15 next piece of the master plan and do that.
16 So that's kind of what my recommendation
17 was.

18 If there are some issues and you
19 want to address a number of issues that's
20 really the way to go, is to get a master
21 plan together and start attacking it piece
22 by piece instead of doing one overall big
23 project that may not financially be within
24 the realm of the borough.

25 MR. NOTARI: What do we need to do

1 to make that step?

2 MS. BARTOLETTI: Well, I did discuss
3 it with the finance committee and they were
4 pretty much in agreement on the same thing.
5 So I want a date to go forward with doing
6 this because my biggest concern is -- I
7 think it's a great idea. I think the police
8 do need to be updated. But if we do move
9 them downstairs no one is thinking about the
10 void that's left up here then. It's not in
11 a condition that anyone else would just say
12 I'm going to move in there now. So
13 obviously we have to do a little remodeling
14 in that area. I know everyone is always in
15 agreement about wanting to do some work in
16 here.

17 The reason why I said about the
18 bathrooms, they really need to be fixed up a
19 little bit. They're really not up to par.

20 MR. LOPATKA: They're outdated.

21 MS. BARTOLETTI: And the fact of the
22 front of the building, I had several people
23 from council discussing about the planter
24 tipping over, the steps are kind of in bad
25 shape on this side and the senior side.

1 Instead of trying to say let's fix this,
2 let's fix that, let's just try to put one
3 big plan together and then that way I can --
4 once we have one big picture, then I can
5 start hitting some grants and stuff like
6 that and, if need be, a very low interest
7 loan, possibly, to do part of it. But I
8 can't ask for a grant anywhere until we have
9 something on paper. It sounds great, oh,
10 yeah, get grants and everything, but until
11 you have something solid on paper and you
12 have a cost estimate and design we're not
13 eligible. So if Dave can get that put
14 together for us, then we can come --

15 MR. LOPATKA: It wouldn't be a full
16 design. It would break it down into pieces
17 so we could at least give you cost estimates
18 on so that you knew approximately. Then she
19 can go and ask for grants.

20 MR. SEMENZA: For grants and stuff
21 don't we need design plans?

22 MS. BARTOLETTI: You need something
23 to show this is our plan, this is what we're
24 estimating, because you're never going to
25 truly know until you put it out for bid, and

1 you're not going to put it out for bid until
2 you have money to substantiate it.

3 MR. LOPATKA: A master plan kind of
4 puts you in a position where you can start
5 picking what you want to do. And we can put
6 numbers to -- if you're doing something in
7 here, we can put numbers to that. I think
8 she needs more of a number. I don't know if
9 you need an actual design and approved
10 drawings to actually build it at that time.

11 MS. BARTOLETTI: These are the
12 drawing that we have, something similar to
13 that, to put with it. Then what we need
14 when you're applying for grants, you need to
15 be able to have other people on board.
16 Sometimes you need a letter of
17 recommendation from Lackawanna County or
18 several other things. It's not just that
19 you say okay, I'm applying for the grant,
20 here's my application. There's a lot that
21 goes in the package with it. Right now
22 we're starting to get in the direction to do
23 that. As soon as we have something, like I
24 said, then I'll be able to apply for grants.

25 There are things that are out there.

1 The fact that sometimes we say we have some
2 money in the bank and we're in decent
3 financial shape, that makes it eligible for
4 a lot more than other municipalities. We
5 usually will get -- just like what we did
6 with the paving. It all depends. Just like
7 your private stuff. It depends on your
8 credit and that type of thing. It depends
9 on how your financial stability is. I'd
10 really like to try to take advantage of
11 that.

12 MR. FEBBO: So we have pretty much a
13 plan for the basement in order.

14 MS. BARTOLETTI: Now we're looking
15 at the cost estimate for that. Also having
16 a design put together for some sort or work
17 on the facade of the building.

18 MR. FEBBO: But we don't have to
19 have the exact figures. Like the basement.
20 We'll get that approximate --

21 MR. LOPATKA: No, we're going to do
22 an estimate on that. We don't have
23 full-blown design drawings done. The first
24 step is to figure out what you want down
25 there. We went through that process. The

1 next step would be to engineer the whole
2 thing and get it so we can actually put a
3 bid drawing together.

4 MR. FEBBO: So you get a price on
5 that, but it doesn't necessarily mean we
6 have to have a price on up here.

7 MS. BARTOLETTI: I really want the
8 whole thing all at once so you can see the
9 big picture. Just like when we applied for
10 the RACP grant that we did up on the school
11 park. You're not asking them to give you
12 the money for the whole thing but you're
13 showing them the big picture. If it is in
14 phases they understand this is what we're
15 doing, but we're still looking for finances
16 for this portion. We want to show them the
17 big picture.

18 MR. NOTARI: How long, typically,
19 will it take you to put this plan together?

20 MR. LOPATKA: It will take a little
21 bit of an effort. I would think probably
22 it's going to take us a month or two to kind
23 of come into terms with what needs to be
24 done. We'll go over it with Marylynn, what
25 she wants included, and we'll come out and

1 get it surveyed. Basically that's measured,
2 and then you kind of put a rough floor plan
3 together. Then based off that we can kind
4 of figure out what needs to happen.

5 MR. NOTARI: Would you change the
6 floor plan at all?

7 MR. LOPATKA: Not necessarily. I
8 think the bathrooms are where they are. I
9 think they just need updating, for the most
10 part. You would probably change some of the
11 stuff where the police office is currently.
12 You might want to put a couple offices in
13 there or break it up into something a little
14 different.

15 I know Marylynn mentioned a little
16 bit about changing, maybe, the look of the
17 front of the building with some kind of
18 facade or something. The building is old.
19 To do stuff like that it's going to take us
20 a little bit of time to put together.

21 MR. NOTARI: I just want a rough
22 idea so it's not something we're going back
23 and forth about.

24 MR. LOPATKA: At this point we're
25 trying to keep that turning so we can get

1 those things done.

2 MS. BARTOLETTI: Is everyone on the
3 same page with this? Everyone at this table
4 feels the same way about it? The one thing
5 I did forget to mention is the entranceway
6 where the ripped carpet is in the middle of
7 the floor. There's a hole there. So that
8 would be part of it as well.

9 MR. FEBBO: Would I be out of line
10 by mentioning let's go forward with what we
11 have, then you and Marylynn get together and
12 let her propose --

13 MR. SEMENZA: I believe she's
14 already been told to.

15 MR. LOPATKA: And I've already had
16 discussions with the architect that we're
17 using downstairs, and I'll get him back here
18 and kind of go over some of those items. I
19 mean, they put the floor plan together. We
20 can get engineered from there, but at this
21 point we want a picture so we can break it
22 down into the proper pieces. So that's
23 three plus some.

24 Four is the MS4 reports. I don't
25 know if you had a chance to --

1 MS. BARTOLETTI: You don't even have
2 to mention that. We're in good shape with
3 that one.

4 MR. LOPATKA: Main Street inlet
5 replacement project, it's something that was
6 discussed, I believe, at the last meeting.
7 Paul was out, and from what I found out,
8 actually, is that Main Street is going to
9 get paved this year by PennDOT. It's
10 already in the works. I was at a meeting
11 with the contractor on another project.
12 That statement came up to me and they told
13 me it was going to be done this year.

14 So with that, Paul was already
15 looking into possibly fixing or replacing
16 about -- I think 21 or so inlets along Main
17 Street before they paved. The issue with it
18 is they have to -- they're supposed to be
19 paved by the end of October, which doesn't
20 give us a lot of time to actually bid
21 something. The cost is probably going to be
22 over the 19-5 bid that I think the borough
23 requirement is.

24 MS. BARTOLETTI: Finance committee,
25 this is what I discussed with you guys.

1 MR. LOPATKA: So what I talked to
2 Marylynn about is putting out something to
3 contractors and getting three quotes up to
4 19-5, doing what we can do.

5 MR. SEMENZA: X amount of inlets.

6 MR. LOPATKA: X amount of inlets
7 that we can do up to that price, and see if
8 we can get them done as soon as we can prior
9 to being paved.

10 MR. RUSSELL RINALDI: PennDOT wants
11 to pave Main Street before the end of
12 October?

13 MS. BARTOLETTI: Yes.

14 MR. LOPATKA: The contractor is
15 under contract to have it completed by the
16 end of October.

17 MR. SEMENZA: They told us the
18 handicapped ramps would be done in the fall
19 of '16 and the paving would start in the
20 spring of '17.

21 MR. LOPATKA: Whoever was telling
22 you that was not telling you the correct
23 date because the contractor has an end date,
24 and it has to be paved by the end of
25 October. I had called Chris about it and

1 said what can we do, is there any way we can
2 incorporate what the borough wants to do
3 into what PennDOT's doing now, and he said
4 because they don't have drainage included in
5 the contract there's no way they can include
6 it at this point.

7 MS. BARTOLETTI: They could possibly
8 be the contractor who ends up doing it.

9 MR. LOPATKA: They could. If they
10 can do 15 as opposed to somebody doing 12.
11 So they already have crews in town doing the
12 handicapped ramps. Some of them are just
13 tops and repairs, some are full inlet
14 replacement.

15 MR. FEBBO: So if we're looking at
16 19 we don't have to bid out. Just move
17 forward with it.

18 MS. BARTOLETTI: It's all within my
19 funding.

20 ATTY. RINALDI: When you do it
21 you're going to say total for 12 and give me
22 a per unit. You can add to it.

23 MR. PAPI: Some are deep, some
24 aren't deep.

25 MR. LOPATKA: So we're trying to

1 evaluate that. We actually put the permit
2 in with PennDOT. It's just a utility permit
3 that we had to apply for. That's already
4 in. We have all 21 included in the permit
5 we sent in to PennDOT. At the time we were
6 thinking we could do that and get it bid.

7 MR. SEMENZA: But we're going to
8 tell the contractor we don't want to exceed
9 19-5.

10 MR. LOPATKA: Now we are.

11 MR. LENCESKI: Wouldn't we just let
12 them bid it and take it per piece?

13 MR. LOPATKA: By the time we bid
14 it --

15 MS. BARTOLETTI: You have to
16 advertise.

17 MR. LOPATKA: To actually bid it
18 would probably take a month and a half, two
19 months to bid it properly because of your
20 advertising, because you prebid it or
21 whatever you had to do. They'll want time
22 to actually take the whole bid and review
23 it.

24 MR. LENCESKI: Regardless, we're
25 still putting it out to bid.

1 MR. LOPATKA: We're not putting a
2 whole bid spec together, we're going to take
3 basically the inlets that we have, put a
4 description together for them and give them
5 a bid sheet that they can put numbers to
6 instead of a whole bid spec together, which
7 takes a little bit of time to do, which I
8 thought we had. Then I find out the other
9 day we don't have that time. If they're not
10 done we're going to have to go back and fix
11 them, cut them and fix them anyway.

12 MR. NOTARI: How many quotes will we
13 get?

14 MS. BARTOLETTI: Three.

15 MR. LOPATKA: That's the minimum
16 that you need. So that's what's going on
17 with that.

18 MS. BARTOLETTI: Dave, if you feel
19 that you know other companies that -- three
20 is the minimum.

21 MR. LOPATKA: There are a couple.
22 I'll get it out to some of the bigger ones
23 that can handle it pretty quick.

24 The other one is Kohler Avenue. I
25 met with Marylynn and John Petrini from the

1 county, the OACD office, to look at Kohler
2 Avenue, one of the requirements of the
3 county to get your OACD money and the
4 project started. We did that. I prepared a
5 letter with a description and a cost
6 estimate and sent it in to the county.
7 That's the second phase for them to get the
8 project going. So now it's kind of in the
9 works. I don't think -- he said he didn't
10 need to do an actual survey out there. It's
11 more of a low income thing with the housing
12 authority or housing project right there.
13 He said that that street would meet any
14 requirements that they had. So at this
15 point I'm going to get it surveyed and we'll
16 start working on it. It will probably be a
17 spring project for the county next year.
18 We'll repave it and actually add storm water
19 management, some inlets and stuff.

20 MR. NOTARI: What was the estimate?

21 MR. LOPATKA: I don't know off the
22 top of my head but I can get a copy.

23 MS. BARTOLETTI: \$202,000, somewhere
24 around there.

25 MR. LOPATKA: It's a pretty long

1 road.

2 MR. NOTARI: That's going to be CDBG
3 money?

4 MS. BARTOLETTI: We're going back
5 and using the oldest money first and then
6 coming forward.

7 MR. NOTARI: At that number it's
8 probably almost two years' worth or more.

9 MS. BARTOLETTI: Probably at least
10 two and a half, three. We have a backup on
11 it. It's 2013, 2014, 2015, possibly 2012.

12 MR. RUSSELL RINALDI: It's \$202,000
13 for that road?

14 MS. BARTOLETTI: Because it doesn't
15 have any storm drains and that type of
16 thing.

17 MR. LOPATKA: It's not just going to
18 get overlaid, it's going to get a little bit
19 more than all these other roads got. If you
20 drive it, which I'm sure you have, it needs
21 to be run redone. It's new road with storm
22 water. The nice part for that is going to
23 get paid for by CDBG. Not costing the
24 borough money.

25 MR. RUSSELL RINALDI: We could have

1 used that money elsewhere.

2 MR. LOPATKA: You're still going to
3 have money.

4 MR. RUSSEL RINALDI: That's a hard
5 number to swallow.

6 MR. FEBBO: We're obligated to that
7 money.

8 MR. RUSSELL RINALDI: The road
9 definitely needs to be fixed. I can say
10 that.

11 MS. BARTOLETTI: Don't forget, it
12 was figured that the borough definitely is
13 the owner of that road. We're still trying
14 to figure out Apollo, Eisenhower. There's
15 still some big questions about ownership.

16 ATTY. RINALDI: All they need is to
17 send us a deed of dedication. There's a
18 resolution where the borough named them but
19 never took them.

20 MR. LOPATKA: I'm sure they never
21 took them.

22 ATTY. RINALDI: If we can get a deed
23 of dedication from them, then they'll be our
24 roads and we can pave them.

25 MR. LOPATKA: That's all I have.

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

3 MR. FERRETT: Dave, I'd like to ask
4 you a question, if I possibly can. I've
5 noticed that in the minutes -- I let
6 everything go by, and I happened to glance
7 through the minutes that were held at the
8 planning commission with that project up
9 on -- the Birchwood Garden project up on
10 Milwaukee Avenue.

11 MR. LOPATKA: Birchwood Estates.

12 MR. FERRETT: I'm looking at the
13 minutes over here. I just glanced through
14 them real quick and everything. What
15 disturbs me a little bit -- and correct me
16 if I'm wrong -- it appears to me that -- I
17 wasn't here, but council approved
18 preliminary approval of the plans, and
19 because of this it appears that this
20 planning commission always feels that they
21 have the authority that they can go ahead
22 and make these recommendations for approval
23 when they don't have all the things in front
24 of them. For instance, like the HOP.

25 MR. LOPATKA: Those were actually

1 contingent. The plan was approved
2 contingent upon them having those things in
3 place.

4 MR. FERRETT: Is that a good thing
5 to do?

6 ATTY. RINALDI: Technically you
7 can't not approve a plan because they don't
8 have an HOP. Their only requirement under
9 state law is that they give you the
10 application that they applied for it, which
11 they did.

12 MR. FERRETT: I'm not saying that.
13 I'm well aware of the fact. All I'm merely
14 saying is the fact that, despite the fact
15 that council approved the preliminary plan,
16 they think that they can go to work and
17 approve everything that Birchwood comes in
18 front of them that they want to move ahead
19 and get permits and start doing things
20 because everything is contingent on these
21 things coming in. What assurance do we have
22 that all these things are going to come in?

23 For instance, when you look at all
24 these you talk about storm water, and you
25 watch this very closely, which I have to

1 admire you.

2 Secondly, you look at the retention
3 ponds that they're going to build which
4 could have put water into the Saint John's
5 Creek. They need those permits. From what
6 I understand from down in Wyoming County and
7 everything, I was looking at a lot of these
8 things, they have to do something with the
9 creek, with the riprap. Put the rocks in
10 and everything and control the creek.

11 MR. LOPATKA: They applied for the
12 permits for the outflow structures, and
13 that's what their requirement is. They're
14 technically not allowed to do any work in
15 the creek itself. That has to be outside
16 the creek. It can't be in the bed
17 embankment or channel. They can outlet to
18 the creek but the can't change the creek
19 itself.

20 MR. FERRETT: Okay, but what's going
21 to happen -- that creek always floods.
22 What's going to happen and who is going to
23 say how much water that creek can actually
24 take? Because now you have -- from what I'm
25 reading in here now you have a lot of pipes

1 that are involved. Should you get a
2 tremendous storm that floods that creek that
3 could wash these pipes, and with that
4 development coming in --

5 MR. LOPATKA: Here's what I got.
6 There's certain requirements that your
7 ordinance requires. It's the two through
8 100 year storm event is what they have to
9 handle for rate control, which is the amount
10 of flow coming out of the pond. With that,
11 there is a requirement now with the MPDES
12 permit which deals with rate control and
13 volume control.

14 So by obtaining the MPDES permit
15 what they have done is -- even our review,
16 calculation wise, they meet the requirements
17 of your ordinance.

18 Now, if there's some ungodly rain
19 event, you can't design for everything,
20 unfortunately. There are some storms that
21 you just can't design for because nobody
22 would ever build anything. The size of the
23 pipes would be too big. It's overseen by
24 DEP with regard to the MPDES permits. You
25 guys have your own regulations. On top of

1 it they have to meet the MPDES permit
2 regulations.

3 So in each of those cases they've
4 met the criteria of your ordinances and the
5 criteria for the MPDES permit, if they have
6 the permit. Once they get the permit.
7 They're saying they have it and they're
8 going to send it. The borough was always
9 copied in on any MPDES permit that's issued,
10 so Marylynn should be getting a copy of the
11 permit, if they have it. Jude normally
12 sends me a copy and I haven't gotten a copy.
13 So they should have that before they
14 actually start doing the work.

15 Then there's a sequence how they
16 construct a site. They need to put ponds in
17 first so that any dirty water coming off the
18 site is routed through those ponds, and
19 that's dumping directly into Saint John's
20 Creek, or else you start having issues with
21 siltation. It minimizes the amount of flow
22 that can flow in a creek. All those things
23 are part of the approval process which
24 they've gone through, and if they have their
25 MPDES permit they have permission to move

1 forward with their project.

2 MR. FERRETT: By the same token, you
3 said before about the regulations that we
4 have. Our code and everything. There's no
5 question or doubt about it, one of the
6 issues that they have is that they are
7 following the code by trying to obtain an
8 HOP because the code calls only for one
9 entrance going in. There's no such thing as
10 an ingress and an outgress, which I think
11 this is where the borough is wrong because
12 they should change these things to see to it
13 that every development has an ingress and an
14 outgress.

15 Taking for granted at the present
16 time with this development, if you look at
17 the development, what happens if there's a
18 void at the entrance to Milwaukee Avenue?
19 How do they get out of this development?
20 Suppose there's a big fire. How do the
21 people get out of this development?

22 MR. LOPATKA: The way that your
23 ordinance is written, it allows for certain
24 length which it's considered a cul-de-sac or
25 a length of road, like, if you just put a

1 cul-de-sac in -- say you have a road that's
2 a cul-de-sac. I can't remember the exact
3 length of your ordinance. I deal with a lot
4 of different ordinances. I'd have to look.
5 Most of them are, like, 800 feet long and
6 they allow that. They allow a cul-de-sac
7 road 800 feet long.

8 So technically from Milwaukee Avenue
9 to where their loop road goes around you
10 would have -- it has to be a maximum
11 distance. That's how your ordinance is
12 written. So they can have one entrance, but
13 it can't be longer than a certain distance.

14 MR. SEMENZA: I believe he's going
15 to have another entrance.

16 MR. LOPATKA: It's more of an
17 emergency exit.

18 MR. SEMENZA: But there is going to
19 be another exit.

20 MR. FERRETT: Where's this at?

21 MR. SEMENZA: On Villa Drive.

22 MR. FERRETT: Can't do it.

23 MR. SEMENZA: Why can you do it?

24 MR. FERRETT: Because PennDOT will
25 not give him permission unless he gets a

1 highway occupancy permit for Villa Drive.

2 MR. SEMENZA: I think he can get
3 around it by it being gated or something.

4 MR. LOPATKA: It is gated.

5 MR. SEMENZA: It's just an emergency
6 access.

7 MR. LOPATKA: PennDOT will give you
8 more than one access but you have to have a
9 certain amount of frontage and he doesn't
10 have that, so he has one access point, which
11 is where he's trying to get the HOP.

12 MR. FERRETT: That's the only way
13 he's going to have that emergency route, is
14 if he gets another HOP.

15 MR. LOPATKA: The emergency route I
16 don't know, because that road is actually
17 used now by, I believe, a resident there.

18 MR. FERRETT: When he first applied
19 for his application to PennDOT, PennDOT told
20 him about Villa Drive, about the occupancy
21 permit. He refused everything in every way
22 possible. They gave him all the things that
23 he wanted to see and what he has to do.

24 ATTY. RINALDI: Originally he was
25 going to use Villa as the entrance to the

1 development, but he changed it to Milwaukee
2 in the center, where those houses are.

3 MR. FERRETT: That's not what he
4 wanted to do in the beginning. He was told
5 to do that by PennDOT but he refused to do
6 that.

7 MR. LOPATKA: He was going to do
8 that because that property has access
9 easement to that strip of land to exit there
10 if they had to. The road itself, I don't
11 believe, was ever dedicated or is permitted,
12 Villa Drive, out to Milwaukee Avenue, that I
13 know of. Maybe somebody else knows
14 different.

15 MR. NOTARI: I don't think it's
16 dedicated because the borough is not
17 responsible for it.

18 MR. LOPATKA: The borough has an
19 easement for their property on one side and
20 that property --

21 MR. RUSSELL RINALDI: Bill, who owns
22 Villa Drive?

23 ATTY. RINALDI: Louis owns it.

24 MR. SEMENZA: The whole thing? I
25 thought he only owns a portion up to the

1 creek.

2 ATTY. RINALDI: No, he owns that.

3 MR. SEMENZA: He owns all the way
4 out to Milwaukee Avenue?

5 MR. FERRETT: No, he doesn't.

6 MR. SEMENZA: I don't think he does
7 either.

8 MR. FERRETT: He only has an
9 easement.

10 ATTY. RINALDI: We have the
11 easement.

12 MR. FERRETT: And so does he have an
13 easement.

14 ATTY. RINALDI: He's got a quitclaim
15 for the property. I remember seeing it when
16 the first guy was the developer, Spano,
17 because they were trying to do an HOP.

18 MR. LOPATKA: I hope I answered your
19 question.

20 ATTY. RINALDI: He's the gatekeeper.
21 They can't get an occupancy permit until
22 everything is done correctly. So they might
23 have a building built there and ready to
24 move somebody in. They can't until they get
25 an occupancy permit.

1 MR. FERRETT: I understand that.
2 That was the question I asked you before
3 about do they have a permit, because what I
4 seen up there where they excavated --

5 ATTY. RINALDI: They can build.
6 They got their preliminary approval. They
7 can build.

8 MR. FERRETT: How can you build if
9 you don't have a permit?

10 ATTY. RINALDI: They have
11 preliminary approval to do their
12 construction work up there. The borough
13 approved it. That means they can go ahead
14 with those plans and construct all
15 improvements. They need the HOP and they
16 have to comply with the MPDES stuff. As far
17 as the borough's concerned they can do the
18 work. The borough approved a preliminary
19 plan which gives them the right --

20 MR. FERRETT: What are you talking
21 about, putting up the building?

22 ATTY. RINALDI: Doing whatever work
23 they have there.

24 MR. FERRETT: You got to be kidding
25 me.

1 ATTY. RINALDI: That's how
2 preliminary approval works. That's how we
3 did the CVS here on the corner. He had
4 preliminary approval and --

5 MR. FERRETT: Well, don't tell me.
6 Tell the people that voted for the thing --

7 ATTY. RINALDI: He didn't have his
8 HOP. He started, at his own risk, putting
9 up that building before he got the HOP.

10 MR. LOPATKA: Because there's no
11 guarantee you're going to get the HOP.

12 ATTY. RINALDI: Then lastly he put
13 it up and came back for final approval and
14 an occupancy permit.

15 MR. LOPATKA: But the way your
16 ordinance reads, all they have to do is make
17 application for an HOP.

18 ATTY. RINALDI: That's state law,
19 too. PennDOT's an independent agency and
20 the borough is, so the borough used to say
21 we won't grant it until you get your HOP,
22 and somebody filed suit, it went all the way
23 up.

24 MR. FERRETT: Don't you think that
25 before he can do any work that he should

1 have the HOP in the borough's hands?

2 MR. LOPATKA: It doesn't necessarily
3 need it. It's his risk. If he doesn't get
4 the HOP, then he doesn't have access.

5 ATTY. RINALDI: He's screwed. We're
6 covered, he's in trouble. He's spending
7 money for nothing. You can get a sense from
8 PennDOT whether you're going to get it or
9 not.

10 MR. LOPATKA: They didn't have a lot
11 of comments, from what I understand.

12 MR. NOTARI: I have a question as to
13 Mr. Ferrett, and I know they have
14 preliminary approval so maybe it's even too
15 late to consider any of this, but are we
16 concerned about any of the traffic coming
17 out of that, their entrance and exit? I
18 mean, can we do anything about it once --
19 Chief, have we even talked about are we
20 worried that there's going to be -- there's
21 142 units, so I'm going to guess there's, at
22 minimum, 142 cars coming in and out of
23 there.

24 MR. LOPATKA: That's part of their
25 HOP. PennDOT would ask for that. PennDOT's

1 going to look at sight distance, they're
2 going to look at all those issues.

3 MR. NOTARI: That's really going to
4 change traffic on that road.

5 ATTY. RINALDI: From our standpoint
6 he's paving as wide as a collector street,
7 which is the widest road we have.

8 MR. FEBBO: He bought that corner
9 house.

10 ATTY. RINALDI: That didn't change
11 the plans.

12 MR. LOPATKA: No, but that's part of
13 the PennDOT process. PennDOT wouldn't give
14 them a permit if they thought it would be an
15 issue.

16 ATTY. RINALDI: That's what the
17 purpose of the HOP is.

18 MR. NOTARI: That same project,
19 there's going to be 18 buildings, according
20 to the planning notes. Each building going
21 to have their own parking lot or parking
22 area?

23 MR. LOPATKA: I believe each
24 building has their own parking area.
25 Separate lots. And one lot may cover two

1 units. I'm not sure if each one has its own
2 lot, but they have adequate parking.

3 MR. NOTARI: There will be handicap
4 spots for each building?

5 MR LOPATKA: For the accessible
6 buildings. Not all their buildings, I
7 believe, are accessible. The ones that are
8 have handicapped.

9 MR. NOTARI: So the ones that aren't
10 accessible don't require --

11 MR. LOPATKA: They probably
12 require -- access-wise they probably have to
13 be handicap accessible, but they don't need
14 to be accessible from the parking area.
15 They only have a certain requirement. A
16 certain number of units can be non-handicap
17 accessible, meaning the route from the
18 parking area to the building. The building
19 itself has to be accessible, but the route
20 from the parking area to the unit doesn't
21 necessarily have to be for each of them.

22 MR. FEBBO: Do you have a
23 preliminary plan of Dunbar's project?

24 MR. BIERYLA: Yes.

25 MR. FEBBO: Why don't you take

1 time -- actually everybody on council take a
2 look at the preliminary ones so you have a
3 better idea.

4 MR. LOPATKA: You should have
5 multiple sets.

6 ATTY. RINALDI: It's going to be
7 private. The borough's not responsible for
8 anything. Nothing's getting dedicated.

9 MR. PAPI: They're going to pick up
10 their own garbage, plow their own streets
11 and pick up their own recycling because we
12 don't go in there with our vehicle.

13 MR. FEBBO: How about our police and
14 fire?

15 MR. LOPATKA: They can go in there,
16 I believe.

17 MR. LENCESKI: Will they patrol it?

18 MR. LOPATKA: That I don't know.
19 That would be up to the chief to answer that
20 one.

21 CHIEF DUBERNAS: He's requesting our
22 police services and fire service. He
23 brought that up in the first meeting.

24 MR. SEMENZA: Anybody have any
25 questions for Dave? Thanks, Dave. Chief?

1 CHIEF DUBERNAS: Just a couple
2 things. First thing is the children at play
3 sign on Alicia Street we talked about, there
4 is one there.

5 MR. SEMENZA: He wants one more up
6 towards the corner.

7 CHIEF DUBERNAS: If we're going to
8 move the one from where it is on Alicia
9 Street, move it to the corner of Alicia and
10 East Grace, facing going up the hill, then
11 also have one where Maxim Drive comes out so
12 you come around the blind turn where he
13 actually has his basketball court. There's
14 one there but it's tucked in the alley.
15 Just bring it out to East Grace Street.
16 I'll talk to Paul. But there's two of them
17 there.

18 MR. SEMENZA: They're faded and
19 stuff.

20 CHIEF DUBERNAS: But there's two.
21 The other thing I have is I have three
22 officers that just graduated, so I'll have a
23 total of seven FT0s now for all training.
24 All new hires are certified through MPOETC
25 and they're out and about. You'll see them

1 now. Some of them are working nights.
2 Tonight one of the new guys will be here and
3 one guy will be going -- next week he'll
4 start. All four new hires got into a county
5 class with the SFST class, so they're not
6 DUI trained. Then the entire department
7 will be certified so we could get the grant
8 for another checkpoint and also for holiday
9 season Cops and Shops.

10 MR. SEMENZA: Is everybody done with
11 their --

12 CHIEF DUBERNAS: No.

13 MR. SEMENZA: Anybody close?

14 CHIEF DUBERNAS: I'm not sure.
15 Jacob Thomas and Don Vito have been working
16 quite a bit. They're moving along pretty
17 quick.

18 MAYOR MULKERIN: Of the seven we
19 hired, there's only five.

20 CHIEF DUBERNAS: Two of them took
21 two full time jobs, but they gave me their
22 letters of resignation before we even got
23 them started.

24 MR. SEMENZA: How many officers
25 have --

1 CHIEF DUBERNAS: Seven, eight with
2 myself.

3 MS. BARTOLETTI: Does everybody know
4 what that is?

5 CHIEF DUBERNAS: It's field
6 training. The seven that actually went to
7 FTO school, field training officers school,
8 they can actually act as their coach for
9 field training for any new hires that we
10 have here.

11 We have a new hire program that
12 consists of 320 hours before somebody
13 actually can be on the road by themselves,
14 which means they ride with somebody for 280
15 hours, 140 they mirror the FTO, the other
16 hundred hours they act as the FTO, and then
17 the last 40 hours they ride by themselves,
18 but they only work a shift when there's an
19 FTO. But they handle everything. They
20 operate their own car, they handle all the
21 calls, they do all the reports, and at the
22 end of the shift they have to respond to the
23 FTO and the FTO signs off on their reports.

24 MR. SEMENZA: Chief, you said eight
25 including you. So are five full time

1 officers --

2 CHIEF DUBERNAS: No, there's only
3 four full timers that -- three full timers
4 that have FTO school.

5 MR. SEMENZA: Is there a reason why
6 all our full timers are not FTO trained?

7 CHIEF DUBERNAS: One just never
8 went. She doesn't want to go. Better off.
9 She teaches computers. It's easier that
10 way. She actually does all our computer
11 stuff. She's a county certified J-Tech
12 officer. I was, too, but my certification
13 expired. She does everything with J-Tech.
14 All the crash reports. She does a lot with
15 all our computer stuff. It's easier to just
16 let her sit down with the officers for eight
17 hours. She handles everything. Creates all
18 their passwords, changes their passwords.

19 MR. SEMENZA: Do we have any 32-hour
20 officers that are FTO?

21 CHIEF DUBERNAS: Two. I would have
22 had a third but he had a death in his family
23 and didn't go to the class. Two
24 part-timers.

25 Other than that, I'm not sure, did

1 you guys all see our new car is here? In
2 the car is one of our computer systems.
3 Thursday you'll see the guy will be here
4 putting our printer system in. Putting all
5 the printers in all the cars. I just have
6 to meet with our IT guy to get on the
7 server. Once he does that with our computer
8 service in the cars we'll be completely
9 mobile. We'll be able to do all our
10 reports, crash reports, E citations,
11 everything. I already got the approval
12 through TRACKS, which is the same system the
13 Pennsylvania State Police run, and
14 everything will be on mobile.

15 MR. SEMENZA: How far out are we
16 with the computers?

17 CHIEF DUBERNAS: One computer is
18 here. The other one should be here within a
19 week or two. He rushed the one because our
20 car was sitting there. So he got it in the
21 new car. But all of our cars will have them
22 in.

23 MR. SEMENZA: But how long until we
24 get the rest?

25 CHIEF DUBERNAS: Hopefully by the

1 beginning of November everything will be up
2 and running. Out new tazers are already in
3 service. Everybody's been certified.

4 MR. SEMENZA: Good. Anybody have
5 any questions for Chief Dubernas? Thanks,
6 Chief. Bill, solicitor's report?

7 ATTY. RINALDI: I don't have
8 anything other than what's in my report
9 except for the copy of the letter I sent to
10 attorney Karam with regards to Eisenhower
11 and Apollo Drive deeds of dedication.

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

14 MR. FERRETT: The planning
15 commission meeting when Dunbar brought it up
16 about -- something about doing something
17 with the sewer lines, the zoning officer
18 came up with the fact the borough's not
19 going to make any money on the sewer bills
20 from that project over there. You said you
21 were going to look into this because they're
22 going into an interceptor that belongs --

23 ATTY. RINALDI: He's connected
24 directly into LLVSA's interceptor.

25 MR. FERRETT: He said that we were

1 not going to be able to collect that money.
2 That's, like, \$7,000 we're losing. You
3 said -- according to the minutes you said
4 that you were going to look into this,
5 whether this was legal or whether it wasn't
6 that we're not going to collect it because
7 you were saying that we should be able to
8 collect it --

9 ATTY. RINALDI: Because I thought we
10 were going to own the line, but he's keeping
11 the line. So he's going directly -- it's
12 his own private sewer line into their
13 interceptor. So it's not going into the
14 borough at all.

15 MR. FERRETT: In other words, we're
16 not making any money on this whatsoever?

17 MR. PAPI: He contacted me. I had
18 to show him where the sewer lines were, how
19 deep they were. I had to pop all the
20 manholes on Villa Drive so his surveyor
21 could come over and get their work done.

22 ATTY. RINALDI: But he's not going
23 out Villa Drive, he's going right to the
24 manhole on the interceptor in the creek. He
25 was going to go that way, then he changed

1 it. Now, LLVSA is going to pick up money.
2 But we don't have to maintain them. It's
3 not our responsibility. We don't do
4 anything with anything in there.

5 MR. FERRETT: I was just curious
6 because I was reading in the minutes what
7 you said and everything. I just wanted to
8 get some verification on that.

9 MR. LOPATKA: It was originally
10 tying into that system on Villa but they
11 would have had to change all the inlets to
12 make it a lot deeper. So instead of doing
13 that they went straight down along his
14 property and tied right into the
15 interceptor.

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

18 MR. LENCESKI: Bill, were you able
19 to contact Wince about the project on Main
20 Street?

21 ATTY. RINALDI: I just need their
22 contract, Wince's contract.

23 MR. LOPATKA: I called him and
24 talked to him the other day about Main
25 Avenue. I said to him they're going to be

1 paving Main Avenue and you're not done with
2 your project yet. You need to finish what
3 you were doing there. He needs to fill that
4 pipe, add a pipe down below the manhole, and
5 he's supposed to -- from PennDOT, from what
6 I was told, he supposed to pour concrete in
7 that road.

8 MR. LENCESKI: I remember the last
9 meeting someone said they were going to
10 contact PennDOT or send them a letter also.

11 ATTY. RINALDI: That was Wince, my
12 letter.

13 MR. PAPI: Did he say when he was
14 going to start?

15 MR. LOPATKA: He said he's waiting
16 to hear from PennDOT as to exactly what he
17 needs to do. I said they should have told
18 you that last year when you were supposed to
19 do it and then you did it temporarily. I do
20 have a call in to PennDOT, Ed Popovich, who
21 is the maintenance director who makes the
22 decisions on what goes back in the road. I
23 haven't heard back from him. That was last
24 week.

25 MR. FEBBO: We have to keep up on

1 that one.

2 MR. LENCESKI: The last thing we
3 need is to rip up Main Street after they
4 pave it.

5 MR. LOPATKA: I'll make sure I call
6 him again and get Wince going and call
7 PennDOT.

8 MR. LENCESKI: Bill, how do we speed
9 up Villa Drive with the Villa project with
10 all the roads and --

11 ATTY. RINALDI: I think it died. We
12 had one meeting, first meeting, saying
13 here's what we want. This 60 foot parcel,
14 this parcel here, this parcel. Villa came
15 in to planning with it all drawn up and
16 planning didn't want -- I don't want to go
17 down that far to the bridge, cut it back
18 here.

19 MR. LOPATKA: It wasn't just that.
20 Some of the questions I had related to
21 survey points, like corners. He didn't have
22 any corners on the plan that he ever shot.
23 Typically that's how you fit the property,
24 by following the corners. So he said he had
25 a bunch of them. He put those on the

1 drawing. He's been back out there, I think,
2 two or three times now. He surveyed
3 Mountain Road and he located a bunch of
4 corners. I think some of your corners are
5 still there.

6 MR. FEBBO: I gave him my surveyor's
7 map.

8 MR. LENCESKI: Shouldn't we go to
9 Judge Minora and say it's been over two
10 years and this isn't solved?

11 ATTY. RINALDI: I could.

12 MR. LENCESKI: I think you should.

13 MR. FEBBO: I agree.

14 MR. LENCESKI: I think he's dragging
15 his feet. I don't like what Birchwood's
16 doing with the postmarking checks the 31st.
17 The same owner right here they can't find on
18 the Lackawanna County Conservation District.
19 "Rain garden two appears to location shown
20 on plans. Rain garden one does not appear
21 to be installed at this time." They're just
22 cutting corners on us. This is Maple Leaf.
23 Here they're just coming and just trying to
24 cut corners and do what they want. I'll
25 postmark the check for 40 days later. We

1 can't operate like this and we can't let
2 them do it. He's a landlord and we're
3 supposed to have tenant agreements. Devon,
4 you're all for that, and he's trying to pull
5 a fast one on us right off the bat and it's
6 unacceptable. We have to go after them. I
7 think, Bill, you have to --

8 ATTY. RINALDI: First I heard about
9 this permit issue in Birchwood was tonight.

10 MR. LENCESKI: But my point is it's
11 not just about this because it's the first
12 time we all heard it, but it's with Villa.

13 ATTY. RINALDI: Villa, I wait for
14 you guys to tell me when to go to court.
15 Whenever you say go to court --

16 MR. FEBBO: Let's go to court.

17 MR. FERRETT: You know what I don't
18 understand --

19 MR. LENCESKI: But we just let them
20 get away with this stuff and time -- Wince,
21 it's just time. It's dragging on. We all
22 know about it.

23 MR. FERRETT: I don't understand,
24 Dave. When Spano was there, there was never
25 no problems with going into the Villa with

1 their sewer lines and everything. I know
2 you weren't here. Now all the sudden you
3 got a new guy come in, he's taking all kind
4 of shortcuts. He wants to go through
5 Milwaukee Avenue, he wants to go here, he
6 wants to do this, he wants -- he gets away
7 with buying this property but he didn't buy
8 the HOP that's on Villa Drive.

9 MR. LOPATKA: I don't know if there
10 was one.

11 MR. PAPI: I believe so.

12 ATTY. RINALDI: There's no HOP on
13 Villa. The borough joined in the permit
14 because they wouldn't do it unless the
15 borough joined in, and there was never a
16 permit there. Spano never did plans for
17 that development. He never did a full set
18 of drawings like Dunbar did. He just did
19 here's what I propose in a sketch plan. He
20 never went to full-blown plans where it laid
21 out the sewer.

22 MR. FEBBO: There was never a set of
23 HOP plans for Villa?

24 ATTY. RINALDI: Villa, they filed an
25 application but they never went forward

1 because we agreed to be co-applicant because
2 PennDOT wanted us to be co-applicant because
3 we also have an easement there. We said we
4 would be co-applicant as long as it didn't
5 cost the borough any money.

6 MR. FERRETT: They were going to get
7 the HOP but they ran into some kind of a
8 problem that they just disbanded everything
9 completely.

10 ATTY. RINALDI: Part was the economy
11 and everything, and he himself didn't want
12 to do the development.

13 MR. FERRETT: But the HOP was there
14 if he wanted it.

15 MR. FEBBO: If he wanted it, but he
16 didn't.

17 MR. FERRETT: He didn't apply for
18 it. He didn't have the money to do it.

19 MR. FERRETT: Well, whatever. It
20 doesn't exist, then.

21 ATTY. RINALDI: You can't force him
22 to apply. He never brought plans in to go
23 forward with it.

24 MR. FERRETT: You know what? I
25 always said before that I think there's a

1 monkey in this wrench someplace. You know
2 what? The more I keep listening even to
3 council here I'm beginning to believe that
4 I'm right. Maybe I'm wrong --

5 ATTY. RINALDI: He came in with a
6 sketch plan to get his special -- to be able
7 to build so many units on the parcel.
8 That's all he needed. He never went to the
9 design with an engineer to say here's where
10 my sewers are going, here's where my roads
11 are, here's where I'm getting access. He
12 just had a sketch plan. He didn't go the
13 next step to design it, whereas Dunbar went
14 the next step and designed it. He went that
15 far, and then he was doing the HOP because
16 that was an issue. So he started with the
17 HOP, and then I think it was really more the
18 economy at that time.

19 MR. FERRETT: Okay. You know so
20 much about the HOP and everything about
21 Villa Drive. Was there a problem with Spano
22 when PennDOT was giving him trouble with the
23 ark in the road?

24 ATTY. RINALDI: That wasn't really
25 the issue. The one issue was they wanted

1 the borough to be a co-applicant, so we
2 agreed to be a co-applicant as long as we
3 didn't have to spend any money --

4 MR. FERRETT: I understand that --

5 ATTY. RINALDI: They were going to
6 flare out the road --

7 MR. FERRETT: I understand that, but
8 I'm asking you a question do you remember
9 when the issue came up about the ark in the
10 road that --

11 ATTY. RINALDI: I don't because I
12 wasn't involved in doing the drawings. I
13 mean, I wouldn't have seen them.

14 MR. FERRETT: No. I'm saying you
15 were the solicitor, just like I was the
16 councilman that sat here.

17 ATTY. RINALDI: I don't see HOP
18 plans. I don't see -- he might see their
19 comments but I don't see them.

20 MR. LOPATKA: I usually don't see
21 consultant's comments.

22 MR. FERRETT: The only thing that
23 I'm saying, Dave, is if there was a problem
24 at that time with the ark in Villa Drive,
25 are you going to tell me that he bought one