

1 OLD FORGE BOROUGH COUNCIL

2 OLD FORGE, PENNSYLVANIA

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4
5 IN RE: COUNCIL WORK SESSION
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9 SEPTEMBER 5, 2017

10 7:00 P.M.

11 OLD FORGE MUNICIPAL BUILDING

12 314 SOUTH MAIN STREET

13 OLD FORGE, PENNSYLVANIA
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18 COUNCIL MEMBERS:
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20 JOSEPH FERRETT
21 RUSSELL RINALDI

22 LOUIS FEBBO
23 RICK NOTARI

24 WILLIAM RINALDI, ESQUIRE, SOLICITOR
25 MARYLYNN BARTOLETTI, BOROUGH MANAGER

Mark Wozniak
Official Court Reporter

1 MR. FERRETT: I make a motion
2 Russell Rinaldi be chairman, get the meeting
3 going.

4 (The Pledge of Allegiance was
5 recited.)

6 MS. BARTOLETTI: Mr. Brown is
7 absent. Councilman Notari?

8 MR. NOTARI: Present.

9 MS. BARTOLETTI: Councilman Rinaldi?

10 MR. RUSSELL RINALDI: Here.

11 MS. BARTOLETTI: Councilman Febbo?

12 MR. FEBBO: Here.

13 MS. BARTOLETTI: Councilman Ferrett?

14 MR. FERRETT: Here.

15 MS. BARTOLETTI: Councilman Lenceski
16 is absent, Councilman Semenza is absent.
17 Rick, go first.

18 MR. NOTARI: Well, really my
19 question was for Dave, who is not here yet.

20 MS. BARTOLETTI: He's on his way.

21 MR. NOTARI: I guess at the last
22 meeting Chairman Semenza asked us to come up
23 with some projects or some ideas for 2018,
24 so just a couple I thought about. Maybe
25 putting some money into recreation either at

1 Marion Street park, try to continue to
2 upgrade that park. Also, maybe Ripple
3 Street, see what we can do down there on
4 that land. Maybe have our engineer do a
5 site plan on the land we own up in Austin
6 Heights, which is for recreation, Project 70
7 land, whether it just be a park with a trail
8 in it to walk. I also thought about maybe
9 if there was a way we could look at see if
10 we can build a trail from our Sibley park to
11 Pagnotti Park, along Saint John's Creek,
12 what that might entail, what kind of land we
13 have there, kind of give us our own nature
14 trail within the borough. Obviously it's
15 not a quick thing to do but maybe a process
16 we can start to take a look at.

17 MS. BARTOLETTI: When I first
18 started here, believe it or not a couple
19 council members -- there had been a problem.
20 I forget what the reason for it is, but we
21 walked from Sibley Avenue, inside the creek
22 bed, all the way to Oak Street, then hopped
23 out and then got back in, and then walked
24 all the way to -- I believe it was the end
25 of Keyser Avenue. Up in that area. It was

1 really amazingly nice. I think that's
2 something we could do. That would be a
3 really great idea.

4 MR. NOTARI: Looking at the tax map
5 I realize we own some property along that
6 route. There's also some private property
7 along that route that maybe -- I don't know
8 how much use it would be for those property
9 owners, so maybe they would be willing to
10 donate.

11 I even thought maybe -- I'm not sure
12 how we would connect the trail from the
13 Rosemount entrance across the street on
14 Milwaukee Avenue into Pagnotti Park, but
15 maybe it would be something that we could
16 run through Mr. Dunbar's property if he
17 would allow us. Maybe that may be something
18 for his residents there. That would be one
19 of theirs options. They'd have a trail
20 right there to use for themselves.

21 I thought about it. I was coming
22 home from Pittsburgh last weekend. There's
23 a section of trails, I think it's in Cambria
24 County. It may run across this main road,
25 route 28. So I don't think it would be a

1 major problem to run the trail across
2 Milwaukee Avenue at that one point.

3 So that was just a couple ideas I
4 had along with -- again, I'd like tablets
5 instead of getting packets every week. That
6 way you could just e-mail the notes to us
7 and the minutes. I know Mr. Rinaldi would
8 like new chairs for the councilmen, which I
9 agree with.

10 MS. BARTOLETTI: I'm hoping that
11 that stuff will be part of our remodel.
12 Just do it all at one time.

13 MR. RUSSELL RINALDI: I would say we
14 do it all one shot.

15 MR. NOTARI: That's all.

16 MR. RUSSELL RINALDI: I have a
17 couple questions for Dave as well. I'll
18 wait until he gets here. To echo off of
19 Rick, didn't the county have something
20 planned for a walking trail there years ago?
21 They had funding in place, everything was in
22 order. I mean, didn't they find some type
23 of fish that was endangered?

24 MS. BARTOLETTI: The fish thing, the
25 wildlife species was when the whole thing

1 was going on on Sonny Drive, and any fix
2 that was come up with at the time to try to
3 fix the flooding, there was a species of
4 wildlife found there.

5 MR. RUSSELL RINALDI: I thought they
6 said something, it flowed to Saint John's
7 Creek from up top there.

8 MS. BARTOLETTI: What Rick is saying
9 is near but not -- we wouldn't bother the
10 creek. We wouldn't be allowed to do that.
11 We can put a walking trail near it or
12 something.

13 MR. RUSSELL RINALDI: I couldn't
14 remember what that fully entailed.

15 The second thing is I don't know if
16 anyone noticed this. The only light in the
17 borough that hasn't been changed is by the
18 high school. The one by the corner of
19 Railroad and Mary. I just happened to
20 notice it the other night.

21 MS. BARTOLETTI: We were actually
22 just talking to PPL about it last week.

23 MR. RUSSELL RINALDI: There's more
24 than that one?

25 MS. BARTOLETTI: Yes. They weren't

1 on their list of items to be changed.

2 MR. RUSSELL RINALDI: The reason why
3 I think I noticed it, you have no idea how
4 many people in the past -- I want to say
5 probably like a week or two because it's
6 starting to get darker earlier. You have no
7 idea how many come into the restaurant who
8 come down Main Street or up Main Street and
9 say those lights look so good on Main
10 Street. We wish we had them in our borough.
11 I said we got them through our borough.
12 Taylor has it, we have it. I think they're
13 in some other places. We got complimented
14 four days in a row on them and I noticed
15 this one light out.

16 MS. BARTOLETTI: That's good to
17 here.

18 MR. RUSSELL RINALDI: I love those
19 lights. Then the other thing I had was --
20 and Chairman Semenza's not here. We can
21 contact him after the meeting. Me, him and
22 Councilman Notari have to get together for a
23 sewer meeting. But I'll wait. I can talk
24 to Councilman Notari tonight.

25 Then my last questions I'll wait for

1 Dave.

2 MR. FEBBO: I'm not going to be so
3 short. I met with Bobby yesterday and Joe
4 Lenceski, the water problem on Smith Street.
5 You may not be aware of that puddle. We
6 discussed it. In the course of doing that
7 we went over a whole bunch of things we want
8 to kind of bring to the table anyway.

9 I think Burger King, Jim Backus, the
10 issue that we have over there is which way
11 we're going to go with the sewer. Joe's
12 been working on that with us. I think that
13 we have a solution or resolution. Going
14 back in the minutes, we had talked about us
15 paying for the labor and you paying for the
16 material, and I believe it was a
17 44-some-thousand-dollar bracket.

18 I think we want to opt out of that.
19 We feel more comfortable with the idea of us
20 taking Meade Street to Sussex Street and let
21 you run your storm water out to Main Street
22 from the front. There's actually nothing to
23 be gained by the borough getting involved
24 with running down Meade and down Sussex
25 Street. We can handle your sewer but not

1 the rain water.

2 At our last meeting, looking at the
3 minutes, what we decided there was to put it
4 out for bid, which I don't believe we did.

5 MS. BARTOLETTI: I told them to be
6 on hold until the meeting tonight, get some
7 direction on what council plans on doing.

8 MR. FEBBO: Bobby and Joe both
9 agree. Just to bring you up to scale so you
10 know where you're going. Again, I guess the
11 next meeting --

12 MR. BACKUS: You want the storm --

13 MR. FEBBO: Storm water to go out
14 the front to Main Street. The sewer, we can
15 handle that. Right?

16 MR. FERRETT: Yes.

17 MR. FEBBO: Coming out of Meade
18 Street to Sussex Street. We would get
19 involved in our own project on Jones Street
20 to Sussex Street if we so desire to separate
21 there. But we cannot handle your storm
22 water coming from Burger King out to Sussex
23 and then down to Main Street. There is
24 nothing to be gained for the borough to
25 spend 40-some thousand dollars to tap into

1 that corner.

2 MR. BACKUS: So you would be just
3 putting a new sanitary line down Meade
4 Street.

5 MR. FEBBO: Sanitary and water from
6 Meade.

7 MR. FERRETT: Sanitary line is going
8 to go from Meade Street to Sussex Street.
9 They'll be able to hook into the sanitary
10 line if they want. That's up to them.

11 MR. BACKUS: As far as storm that
12 currently comes into our lot, that wouldn't
13 be happening? I would just be taking my
14 storm forward?

15 MR. FEBBO: Comes from Jones Street?

16 MR. FERRETT: We're not going to
17 take storm water.

18 MR. FEBBO: Right now it goes
19 through your property?

20 MR. BACKUS: Everything from that
21 back street currently comes through our
22 property. The storm and sanitary. I hook
23 my sanitary and come out the back to Meade
24 but I would take my storm out the front.

25 MR. FEBBO: That's where we get

1 clarity from Dave on that.

2 MR. FERRETT: See, the big problem
3 is the cost wise, what we're talking about,
4 because as far as the project is concerned,
5 the \$50,000 project, the sanitary line
6 that's going to be coming from Jones Street
7 to Meade Street is going to go right to
8 Sussex Street. We will accept that
9 responsibility because that is our
10 responsibility.

11 But insofar as the storm water is
12 concerned, we're now forced to put a new
13 storm line from Meade Street all the way to
14 Main Street. The question is some people --
15 I don't know whether they -- I know some
16 people talked to me and said it, why are we
17 going to go to work and put a special line
18 in and we have to pay for it. So that's the
19 question that council has to wrestle with.
20 What do they want to do with that? Is that
21 the way they want to go? Unless you feel
22 you want to pay for the storm line or come
23 up with some other plan.

24 MR. BACKUS: I already had a plan
25 approved going forward, so I can do that.

1 I'll just take my storm forward. That does
2 make some sense on Sussex Street.

3 MR. FEBBO: Dave, the Burger King
4 project, we want to take the line down Meade
5 Street. We want Burger King to run their
6 storm water out the front into Main Street
7 rather than -- in other words, instead of
8 going down Sussex Street, that's \$40,000
9 that's going to cost the borough, we want to
10 opt out of that. What we want to do is
11 separate sewer and water from Meade Street
12 to Sussex, do whatever manholes or whatever
13 we have to put in there to separate from
14 going into his property, get involved with
15 that. I guess going back to the original
16 plan.

17 MR. PAPI: He already has an
18 existing sewer lateral. It's our sewer line
19 but it's his lateral.

20 MR. FEBBO: So you won't be running
21 your sewer out the back to Meade.

22 MR. BACKUS: I would run my storm
23 out the front and run my sewer out the back.

24 MR. PAPI: When is that back going
25 to be ready? He's got to open up Burger

1 King. He's on a time frame.

2 MR. FEBBO: As soon as we move on
3 it.

4 MR. LOPATKA: You guys are only
5 running the sewer line out to Sussex Street?
6 There's no storm line?

7 MR. FERRETT: You're going to run
8 the storm line that comes out of Jones
9 Street. Instead of going to Burger King,
10 that manhole that's right on Meade Street,
11 you're going to run from Meade Street to
12 Sussex Street. Is that what you had?

13 MR. LOPATKA: Separate lines.

14 MR. FERRETT: That's what you had on
15 your print. But if he's going to run his
16 sanitary line into our sanitary I don't
17 know. You have to look at that. You may
18 have to put a different manhole in there.

19 MR. PAPI: We need to replace the
20 manhole that exists already. It's shot.

21 MR. LOPATKA: The manhole definitely
22 has to be replaced and we need to add one
23 where we're going into on Sussex Street for
24 sanitary, yes. We already had that.

25 ATTY. RINALDI: Now, the existing

1 sewer and storm water line that runs through
2 Burger King, who's going to plug that up?

3 MR. LOPATKA: It's a combination
4 line. The borough's not going to use it, so
5 whatever he does --

6 ATTY. RINALDI: The second question
7 is can he run storm water from his property
8 right out Main Street?

9 MR. NOTARI: He got approval from
10 LLVSA.

11 ATTY. RINALDI: He had approval to
12 run combination.

13 MR. LOPATKA: He was running one
14 line down one side and the other line down
15 the other side and tie into the same place.
16 It's going to the same spot.

17 MR. FERRETT: He's already
18 grandfathered into that.

19 ATTY. RINALDI: Somebody better make
20 sure LLVSA knows because all we were doing
21 was taking the existing line and moving it
22 over. We weren't changing any of what went
23 in it. LLVSA said well, we won't
24 technically bother you. Now if you're
25 saying you're putting a sewer line in that's

1 fine, but I don't know if LLVSA wants to
2 give him permission to run storm water off
3 his property and into their sewer line.
4 That's separate.

5 MR. FERRETT: If you recall, when
6 Dave brought this up at the planning
7 commission --

8 ATTY. RINALDI: We were keeping it
9 as our line, so it was a
10 combination/combo.

11 MR. LOPATKA: Correct me if I'm
12 wrong, but you had a plan approved to bring
13 storm down one side, sanitary down the
14 other, tie into the existing lateral and
15 discharge into the same line you were going
16 in.

17 MR. BACKUS: Right.

18 ATTY. RINALDI: As long as they're
19 okay.

20 MR. LOPATKA: He's not changing what
21 he's doing other than bring the sanitary out
22 back. Now he's just bringing storm around.
23 There's two inlets in the back. They were
24 going to go into ours. Those are the only
25 two storm inlets.

1 ATTY. RINALDI: Now he's only tying
2 in on Main Street with storm water only.
3 LLVSA has to approve it. I don't want to
4 get everybody on Main Street running their
5 storm water into the sewer line.

6 MR. NOTARI: Why don't we just let
7 him do what the original plan was asking him
8 to do and we don't run our sewer line
9 through the property. That's ultimately
10 what we're doing. Correct?

11 ATTY. RINALDI: He can do that.
12 We're just cutting off on the back end.

13 MR. BACKUS: That was going to be
14 very deep. Where I was starting --

15 MR. NOTARI: This way he's following
16 his original plan. The only part of the
17 plan doesn't have us running underneath
18 Burger King. That's the only change.
19 Correct?

20 ATTY. RINALDI: And we're taking
21 everybody off it that's on --

22 MR. BACKUS: But you're running two
23 separate lines and then you're connecting on
24 Sussex.

25 ATTY. RINALDI: What are you doing

1 with storm water on Jones Street?

2 MR. LOPATKA: Running it out to
3 Sussex Street.

4 MR. BACKUS: But you're going to
5 join them back together.

6 MR. FEBBO: Because it's all one.

7 MR. BACKUS: I'd be doing the same
8 thing on Main Street.

9 MR. FERRETT: Down the main line on
10 Main Street we have the storm water,
11 separate line, above the sanitary line going
12 down. Why is it not possible that they
13 connect into that storm water line on Main
14 Street?

15 MR. LOPATKA: Who?

16 MR. RUSSELL RINALDI: Burger King.

17 MR. FERRETT: They don't need
18 permission from LLVSA.

19 MR. LOPATKA: Because their lines
20 are deeper.

21 MR. FERRETT: They only have to go
22 down four feet. If what he's saying is
23 true, that they can't connect into the same
24 line because of the sanitary line, there's
25 nothing saying that they can't run their

1 storm water into the storm water line on
2 Main Street, which is only -- am I correct?

3 ATTY. RINALDI: There is a separate
4 storm water line.

5 MR. FERRETT: It's four feet above
6 the sanitary line.

7 MR. LOPATKA: When that fills up, in
8 the manholes there's pipe cut in half. If
9 that storm water pipe overflows, then it
10 spills --

11 MR. BACKUS: Would I need a PennDOT
12 permit to do anything in that street?

13 MR. LOPATKA: If you're going to tie
14 in PennDOT will make you get a permit.

15 MR. FERRETT: Going on Main Street
16 he probably would have PennDOT --

17 MR. LOPATKA: It's their road. Even
18 though they make you take care of it, it's
19 still their road.

20 MR. NOTARI: That was in the
21 original plan, for him to tie into Main
22 Street, wasn't it?

23 MR. LOPATKA: But tie into the
24 existing lateral.

25 MR. BACKUS: The original plan

1 was -- we weren't comfortable with the line
2 being under the building because if anybody
3 ever had to access or fix it. So that's
4 what the whole idea was, the side of the new
5 building and hook it back in.

6 MR. LOPATKA: The original
7 discussion was for the borough to get an
8 easement, continue your line that way.

9 MR. FERRETT: How much of a problem
10 would it be for you to do what you've been
11 doing right along, have the sanitary and the
12 storm water combined going out to the front,
13 as you're doing now? You're grandfathered
14 in with whatever you were doing before.

15 MR. BACKUS: I can do that. I think
16 I'm okay doing that. I'm not an engineer.
17 That's what was happening originally.

18 ATTY. RINALDI: Get a letter from
19 LLVSA. It's new construction.

20 MR. BACKUS: We sent them the plan
21 and they sent the letter back. But that was
22 taking your water through. So it would be
23 less coming through my --

24 MR. FERRETT: You're not taking our
25 water. Whatever's coming out of Jones

1 Street is going to Sussex Street. It's not
2 going into your line at all.

3 MR. BACKUS: But the plan I showed
4 them it was.

5 MR. FEBBO: The original plan that
6 he had was going that way. We just feel
7 like 40-some thousand dollars out of the
8 taxpayers' money in the borough, there's no
9 real advantage to us getting involved with
10 that other than causing more financial
11 problems for us.

12 MR. BACKUS: Okay. I can go with my
13 original plan. I can take mine straight out
14 the front.

15 MR. FEBBO: We want to get you going
16 here so we don't have you tied up. Just to
17 let you know that I think the majority of
18 council feels that we don't want to get
19 involved with that 40-some thousand dollars.

20 MR. BACKUS: How much do you think
21 you're spending just on those two separate
22 lines across the back?

23 MR. FEBBO: We have to talk to
24 Earthworks because they looked at it. I
25 believe it would be well under.

1 MR. FERRETT: He gave us a bid on
2 that.

3 MR. FEBBO: That was for the whole
4 thing. What does Earthworks want to do that
5 project?

6 MR. FERRETT: All the way to Main
7 Street.

8 MR. RUSSELL RINALDI: No, the two
9 pipes in the back, on Meade Street.

10 MR. FERRETT: From Meade to Sussex
11 Street? He said it would less than -- I
12 anticipate it would be about \$16,000, but
13 then he anticipated -- you have to talk to
14 him to make sure you get everything
15 straight. He's got to talk to him to get
16 him the details of what's actually needed.

17 MR. LOPATKA: You have to show me
18 what you want to do. We just need to make a
19 revision.

20 MR. FERRETT: What are they going to
21 be agreeable to?

22 MR. FEBBO: It's actually what we're
23 agreeable to.

24 MR. LOPATKA: He can do what he was
25 doing before.

1 MR. FERRETT: You're going to do
2 what you planned on doing before?

3 MR. BACKUS: Well, at this point I
4 need to be done by November, before the
5 weather sets in. Hopefully reopen the new
6 store in November. So I need to be hooked
7 up. I need to close off that line before
8 that. So we would have to get -- that
9 sanitary that's running through there needs
10 to be cut off before then if I'm not going
11 to bring it through on my new line. So we
12 need to keep the -- one choice I have would
13 be just to go forward with a everything.
14 I'm okay doing that.

15 I guess my question was how much --
16 because I can see how much that's going to
17 cost me. That wasn't free to me to do that,
18 and you're going to be digging up the whole
19 back street and putting two lines, and it
20 looks like you need at least two manholes
21 going in. You've got yourself separated
22 across to Sussex but you're not separated
23 from there down.

24 Now, I don't know how much you're
25 saving. I know there's \$11,000 worth of --

1 in this original plan I think there's
2 \$10,000 or \$11,000 worth of materials that I
3 already offered to give to the total
4 project. I don't know how much you're
5 saving if you're still doing two lines and
6 manholes going down the street. But you're
7 not coming down Sussex Street.

8 At the same time, I'm paying to go
9 down through my parking lot. So I might be
10 able to put some money towards that, but one
11 thing is I can't get held up and not be done
12 by winter. We're really in a tight bind.

13 MR. FEBBO: I think, looking at the
14 original figures of 50-some thousand or
15 40-some thousand, whatever it was, and you
16 kicking in ten and us 40, that didn't seem
17 like the scale was level on that. There
18 wasn't much to be gained by us doing that.

19 ATTY. RINALDI: It's really now a
20 timing issue. We don't want him to cut the
21 back end of the sewer off if we don't have
22 our sewer in place on Jones Street to pick
23 it up. So he's got to coordinate with us
24 before he says all right, that sewer for
25 those houses, it's not coming on my property

1 anymore. So we have to coordinate.

2 So we can either do an easement
3 temporarily to move it around so that he
4 knows what he's doing and we can still keep
5 the flow coming from Jones to Main Street
6 until the project with whatever you're going
7 to do down on Jones gets done. But I don't
8 see it getting done by November. We didn't
9 even get it out to bid yet.

10 MR. FERRETT: I think if Dave takes
11 a look at this, what is actually needed, it
12 is very possible that this could be done
13 inhouse where it doesn't have to be put out
14 for bid. In that respect, the separation
15 comes quicker than what you might think.

16 MR. RUSSELL RINALDI: It definitely
17 has to be put out to bid if it's going to be
18 more than \$10,000.

19 MR. FEBBO: Nineteen-five. We feel
20 we can do that well under 19-5. Have it
21 done by --

22 MS. BARTOLETTI: We still need three
23 quotations.

24 MR. RUSSELL RINALDI: The \$44,000
25 bid, is that taking one out front, one out

1 back or both back?

2 MR. BACKUS: That was taking
3 everything of mine out the back plus the
4 three residents.

5 MR. RUSSELL RINALDI: Do you want to
6 split the 44 with us, make it 22 apiece,
7 take everything out the back?

8 MR. BACKUS: If that's what it was.
9 I don't know what --

10 MR. RUSSELL RINALDI: I'm going off
11 Councilman Febbo. I wasn't here at the last
12 meeting.

13 MR. FERRETT: That was the figure
14 they gave us.

15 MR. RUSSELL RINALDI: If it's going
16 to cost us 19-5, if he's willing to cut the
17 difference with us, it gets done in time for
18 him, I'm guessing, the right way, if it's
19 \$44,000, if you want to split it for 22 and
20 we pay 22 it's going to cost us three extra
21 thousand more, it doesn't hold you up, you
22 don't have to put it out to bid,
23 potentially, and it gets done the right way
24 and it's over with. That's if you want to
25 kick 22 in.

1 MR. BACKUS: If it's going to get
2 done in the time frame.

3 ATTY. RINALDI: He can do what he
4 needs to do. The problem is on our end when
5 he does what he does. There's nowhere for
6 the sewer to go. He's not making it happen
7 because we're doing something different.

8 MR. RUSSEL RINALDI: He would make
9 it happen if that 44 was split. Correct?

10 MR. BACKUS: What I'd prefer --
11 because I have stuff already with my
12 contractor. I would prefer to buy
13 materials, and then if the materials are ten
14 and I'm splitting I'd give you a check for
15 \$12,000.

16 MR. NOTARI: That's the problem,
17 though, because the project is still 45,
18 say, so we still have to put it out for bid,
19 don't we, even if it's 22?

20 MR. FEBBO: Yes. If we're going
21 that way, yes, we have to put it out for
22 bid.

23 MR. NOTARI: Even if you're helping
24 with the cost. Your help is going to come
25 in after the project.

1 MR. BACKUS: Not if I'm giving you
2 all the materials.

3 MR. LOPATKA: All you'd be bidding
4 is labor. If it comes in over 19-5, then
5 yes.

6 MR. NOTARI: It's never going to get
7 done by November 1st.

8 MR. BACKUS: Can your DPW do that?
9 Can they do the back street and maybe only
10 put it out to Sussex Street?

11 MR. NOTARI: That I don't know.

12 MR. PAPI: No.

13 MR. FEBBO: It's not going to be
14 DPW.

15 MR. PAPI: Earthworks can do it in a
16 couple days.

17 MR. FEBBO: We're not saying DPW
18 guys.

19 MR. LOPATKA: It is overall,
20 regardless. Anything above ten and under
21 19-5 you need three quotes.

22 MS. BARTOLETTI: Yes.

23 MR. BACKUS: How quick can you ask
24 for quotes?

25 ATTY. RINALDI: Somebody has to

1 coordinate this. You have a gap.

2 MR. FERRETT: You're willing to pay
3 half of the bill, whatever it is?

4 MR. BACKUS: No, up to \$22,000.

5 MR. FERRETT: That's going to be
6 half of the bill.

7 MR. FEBBO: Do you want to do that?

8 MR. RUSSELL RINALDI: My statement
9 made on the \$44,000. That's what I thought
10 it was. I wasn't at the last meeting.
11 That's where my question came in to him, if
12 he wanted to split the 45.

13 MR. FERRETT: I have over here
14 sanitary, storm water improvement from Meade
15 Street to Sussex Street, \$55,814. Is that
16 correct?

17 ATTY. RINALDI: Right, and then the
18 top sheet, the \$10,686 was the stuff. So
19 you would subtract that off of 55, which
20 brings you down to 45.

21 MR. FERRETT: You pay half, 22-5?
22 If you think that's going to solve the
23 problem --

24 ATTY. RINALDI: I just don't want to
25 see a problem where he's not constructed on

1 the back end and you don't have anything to
2 catch it coming the other way.

3 MR. FERRETT: Dave, can we get this
4 done that way?

5 MR. LOPATKA: That would be up to
6 Bill.

7 MR. FERRETT: You're the engineer.
8 You got to tell this council --

9 MR. LOPATKA: I think you can get
10 done by that. It has to be done the right
11 way.

12 MR. FERRETT: He's willing to go
13 half and half. Right?

14 MR. BACKUS: Up to 44.

15 MR. RUSSELL RINALDI: We'd have to
16 split 55, not 44.

17 MR. NOTARI: Let him do what he was
18 going to do on the plan, let us do Jones to
19 Meade. Call three companies tomorrow, let
20 them come in and see what the cost is going
21 to be from Jones to Sussex, let him go
22 around with his original plan, because right
23 now we're costing him. The way I'm looking
24 at it we've come in here in the fourth
25 quarter to try to change everything. I know

1 we're trying to get the best deal for us,
2 but the planning commission probably should
3 have done that three months ago. If we hold
4 him up --

5 ATTY. RINALDI: The planning
6 commission just approved his plan to remove
7 the pipe from under the building.

8 MR. NOTARI: And then LLVSA gave him
9 approval to run everything into Main Street.
10 Then we came in and decided we were going to
11 do other things the last two months and
12 haven't really come up with a decision. We
13 can't come up with a decision tonight
14 because we need to vote and we can't vote
15 tonight.

16 MR. BIERYLA: The best deal, as Bill
17 said, if he gave a temporary easement, went
18 with his plan, and then when the borough
19 decided to cut him off he's still out the
20 front. Then the easement goes away.

21 MR. NOTARI: Because that was
22 Councilman Ferrett's biggest concern, that
23 we were underneath his building and what, if
24 anything, ever happened. So that would
25 alleviate that concern. Correct?

1 MR. FERRETT: Correct. If they want
2 to go with the plan they have to run on the
3 side of the building, they're perfectly
4 welcome to do that. But when we decide that
5 we're going to take the storm water from
6 Jones Street and run it to Sussex Street to
7 get it off the private property we can cut
8 it off right at the manhole. You can do
9 that anytime.

10 MR. NOTARI: Right.

11 ATTY. RINALDI: If you're going to
12 do it you use what's there. It's under the
13 building. You just hook back in. You're
14 the only one on it?

15 MR. BACKUS: There's three houses on
16 it and an let in the street.

17 ATTY. RINALDI: They're going to
18 disconnect. You're saying you're going to
19 disconnect.

20 MR. LOPATKA: That's what you're
21 ultimately saying, you're going to
22 disconnect from going through the Burger
23 King site.

24 MR. RUSSELL RINALDI: We would have
25 to. What happens in the future if something

1 was to happen to that line?

2 MR. LOPATKA: He's still not going
3 to go underneath the building. He's
4 rerouting it around the building.

5 MR. NOTARI: Into that current line
6 that's there. So that would force him to go
7 to PennDOT?

8 MR. LOPATKA: If he had to tie both
9 lines in. Right now he's tying into the
10 existing lateral in the front of the
11 building. So he's not going under the
12 building anymore. He's going to go around
13 the building and tie into the manhole.

14 MR. RUSSELL RINALDI: I'm not trying
15 to force the problem on him and I'm not
16 trying to have the problem forced on us, but
17 wouldn't the main objective be to get that
18 line out from underneath that building?

19 MR. BACKUS: We're doing that. Down
20 Sussex Street there's the existing line. Is
21 that a storm or a sewer line or both?

22 MR. FERRETT: A sanitary line with a
23 storm line above it.

24 MR. LOPATKA: Two separate lines.

25 MR. BACKUS: Currently there.

1 MR. LOPATKA: Currently there's two
2 lines.

3 MR. PAPI: But the storm line only
4 goes from Meade Street to Main Street.

5 MR. LOPATKA: The sewer runs all the
6 way up.

7 MR. BACKUS: Is it possible to take
8 my storm out the back and then put that new
9 line down Meade Street and hook onto the
10 existing Sussex line?

11 MR. FERRETT: No.

12 MR. FEBBO: His storm water coming
13 off his property as well as our storm.

14 MR. FERRETT: The line is not big
15 enough. That was your words, what you said,
16 Dave.

17 MR. FEBBO: That's what caused this
18 whole ruckus to begin with, that we could
19 not handle that flow.

20 MR. LOPATKA: I don't have it in
21 front of me.

22 MR. FERRETT: Do you want to read
23 your report? Your report says that after
24 Nick Piccini made a survey of the thing you
25 made a report and said that the pipes are

1 not big enough to handle the storm water
2 that would be coming from Burger King with
3 the existing line.

4 MR. LOPATKA: Correct.

5 MR. FERRETT: You have to put a
6 bigger line going from Sussex all the way
7 down to Main. That's where the \$50,000
8 comes in.

9 MR. LOPATKA: We were upsizing the
10 size of that pipe.

11 MR. FEBBO: Then to get back out to
12 Main Street you're back in combination
13 again.

14 MR. LOPATKA: Well, you're
15 separated.

16 MR. BACKUS: We still have these
17 three residents that have the sanitary line
18 that comes through. We have to coordinate
19 this that I don't cut them off.

20 MR. FEBBO: Bill, give us a legal
21 interpretation. Is that the right thing to
22 do?

23 ATTY. RINALDI: Where are you going
24 to start -- where do you have to do it? You're
25 going to come right out the front, right, on

1 that plan? You're going to use this manhole
2 to run everything to or are you going to
3 start back here or in the front? This is
4 assuming you just have to get from here to
5 here with everything. That's the existing.

6 MR. BACKUS: There was one later
7 plan than this and it had a manhole here.

8 ATTY. RINALDI: So you're planning
9 on just start here and go right out, right,
10 with the sewer and everything?

11 MR. BACKUS: Well, this was the
12 storm.

13 MR. FERRETT: There's two storm
14 drains.

15 MR. BACKUS: We brought these out
16 closer.

17 ATTY. RINALDI: So you're still
18 hooking into this line somewhere.

19 MR. BACKUS: Right here.

20 ATTY. RINALDI: He only has to
21 trench here, here, and the sewer from his
22 building here. He doesn't have to go all
23 the way back here with anything. But we got
24 to figure out when that's going to be
25 because people have sewer lines there.

1 Right now it runs right through the middle.
2 So it's got to be cut off at some point in
3 time.

4 MR. FERRETT: I think you can take
5 care of that matter immediately, tomorrow.
6 Get in touch with Earthworks and find out
7 would they do it and what would it cost. On
8 Meade Street, the manhole, it's got to go to
9 Sussex Street.

10 MR. FEBBO: Why don't you do it.

11 MR. FERRETT: That's where the cut
12 off has to be where his line is no longer
13 going to come into that line.

14 ATTY. RINALDI: He can do his
15 construction work. He's just not going to
16 do anything with regards to this. So
17 there's going to come a point in time where
18 he's going to go down and cut this off and
19 you're going to cut it off out here on Meade
20 Street so this connection doesn't exist
21 anymore.

22 MR. FERRETT: All I'm saying is Paul
23 can find out immediately, tomorrow whether
24 Earthworks can do it at X number of dollar
25 price, that he can do it immediately. That

1 he can go ahead and proceed with whatever he
2 wants to do.

3 MR. PAPI: What do we do with the
4 storm drain, then? Keep it right in the
5 sanitary? There's a storm drain there and
6 sewer coming down Jones Street.

7 MR. FEBBO: Joe, you've been talking
8 about this a long time. Why don't you meet
9 with Matty tomorrow and you explain to him
10 what we're talking about tonight. You have
11 the most knowledge about what has to be done
12 there.

13 MR. FERRETT: Let the engineer be
14 there, let the street commissioner be there.
15 I'll voice my opinion, if you want. Don't
16 get me involved.

17 MR. BACKUS: The \$55,000, was that a
18 quote just --

19 MR. LOPATKA: That was just a cost
20 estimate.

21 MR. FERRETT: It could be cheaper.

22 MR. BACKUS: If it comes in at
23 \$40,000 the three residents and Burger King,
24 if you did it the way it was drawn here,
25 everybody separated completely, you're

1 making a big improvement to your system.

2 MR. NOTARI: There's only one
3 problem. You're not going to meet the time
4 limit. We definitely would be making a big
5 improvement. It probably would be something
6 that everybody on this council wants to do,
7 but it would be at your cost. I mean, in
8 terms of being open. Because that process,
9 whether it's \$55,000 or \$40,000 it has to go
10 through a bidding process. So we would have
11 to approve that in two weeks and we'd have
12 to wait three weeks?

13 MR. FERRETT: No, you can have a
14 special meeting to do that just basically
15 for the purpose of that one condition.

16 MR. NOTARI: Let's say he's looking
17 at November 1st. Correct? Around there,
18 basically. I mean, we're looking at two
19 months. So the time to get the bids in and
20 then they actually get the work done, is it
21 going to be in that time frame?

22 MR. FEBBO: If we can finally decide
23 what we want to do. If we get Dave to write
24 the specs on that and get it out for bid I'm
25 sure we can get three companies to take a

1 quick look at it with an urgency to get back
2 to us. You can do that in a couple weeks.
3 I know Earthworks would get us a quote in a
4 week.

5 MR. LOPATKA: If it's just quotes
6 it's going to come in at a certain number,
7 but if you're at 40 and you have to bid
8 it --

9 ATTY. RINALDI: If it's over 19-5
10 you have to bid. You're over even at half
11 the price.

12 MR. BACKUS: If you get a quote and
13 it's \$70,000 --

14 ATTY. RINALDI: She can pick up the
15 phone and try and get three quotes. If it's
16 over 19-5 we're bidding.

17 MR. NOTARI: Personally, I'm good
18 with either option, but I'm also looking out
19 for Mr. Backus and Burger King. Obviously,
20 we're looking out for the borough, but we've
21 kind of strung him along now for the last --
22 when was the plan approved? Three months?
23 Two months?

24 MR. BACKUS: My question is if you
25 went out and got a quote from one of these

1 people you're talking about, not an actual
2 bid, an idea quote, and it was about a 40
3 number, whatever, 45, then you put it out
4 for bid, you give them seven days to bid it,
5 then open the bids, you award the bid and
6 you put in a bid process that the process
7 has to be completed by October 31st. That's
8 a done deal. You'd have to put that in --
9 that's the only way I can participate. It's
10 the time factor. We're going to hit that
11 time factor.

12 If not, I'm just going to go with
13 the way I have it. But even if I do that we
14 still have a problem with the residents
15 behind us. You're still going to have to
16 spend that money to go down that back street
17 and you're hooking back in a combined
18 situation and so am I. So if we can fix it
19 right, if we can do the time frame.

20 MR. FERRETT: Bill, from a legal
21 standpoint of view, if we allowed him to go
22 according to what's on the plan, going on
23 his property to get him started and get it
24 going, and in the meantime we would have the
25 opportunity to put it out some way to find

1 out if we can cut it off ourselves after he
2 gets finished so he can proceed with his
3 construction and everything and we would cut
4 it off at a later date and take it to Meade
5 Street and Sussex Street --

6 ATTY. RINALDI: You can't because
7 you have to keep in mind he's not going to
8 spend money constructing this line. They're
9 won't be a line.

10 MR. FEBBO: Everything has to be
11 coordinated together.

12 ATTY. RINALDI: He doesn't need this
13 line. He's doing this for us, this line.
14 He only needs from here to here, which is
15 what he's going to do.

16 MR. FERRETT: He has to bring his
17 storm water that's in back of here to the
18 front. So if he brings his storm water and
19 everything to the front --

20 ATTY. RINALDI: He's going to do all
21 that.

22 MR. FERRETT: -- he's done good.
23 Now, we decide that we're going to cut this
24 line off, his sanitary line. We're going to
25 cut it off over here. Right? He's going

1 to -- we're going to have to cut off over
2 here. So this line underneath the building
3 doesn't mean nothing because there's nothing
4 going into that line. So he still has all
5 his going through the front and we will do
6 the cutting off on Meade Street.

7 ATTY. RINALDI: That's fine. He
8 needs something to guarantee that --

9 MR. BACKUS: There's two things to
10 consider, is because of the houses behind
11 and that the street is two feet lower than
12 my lot. Those lines are three feet deep
13 there to begin with. They're coming in deep
14 at my lot, five feet. So I originally was
15 going to go seven and a half feet deep.
16 That's my reply.

17 My original request was for the
18 borough to supply the pipe down through my
19 lot. That was the original request, because
20 instead of me going through mine at four
21 feet, three to four feet, I was at seven --
22 you know, six to, say, seven and a half
23 feet. So that's a lot more to dig. That
24 was the only thing I was asking originally,
25 and I was going to take the sanitary down

1 through from the street behind and I was
2 going to take the storm down. And I
3 understood you have some pipe laying around.
4 That was the only request I had.

5 I'd like to know how we're doing it
6 because I don't want to go seven and a half
7 feet deep, because if I go seven and a half
8 feet deep, then I never could hook it in
9 right out front because out front in the
10 street the storm is, like, six feet deep,
11 and the sanitary -- the storm's the higher
12 one. That might be six and the other one's,
13 like, nine. So if I'm ever going to get it
14 right I have to stay higher.

15 I can't do that if I bring anything
16 from the back street. I can never get mine
17 because I have to keep my elevation low
18 enough to bring the storm water from the
19 back street.

20 So we're back to square one. The
21 question is if that's a good bid, 55?

22 MR. RUSSELL RINALDI: Could we treat
23 it almost like we treated the fix in
24 Rosemount? Let him do it and we reimburse
25 him.

1 ATTY. RINALDI: No, because this is
2 our sewer line and our houses.

3 MR. RUSSELL RINALDI: Because he has
4 the original plan --

5 MR. NOTARI: Can we get Earthworks
6 out tomorrow to give us an idea cost of what
7 Dave has down on the plan?

8 MR. FEBBO: If we know what's on the
9 plan.

10 MR. BACKUS: If you go with the plan
11 of last design, I thought that's where we
12 were going. That's where you had the 55
13 estimate. The question is, is that a good
14 number now? Because if we can get this down
15 to \$40,000 and you put in half and I put in
16 half, that's what you're going to do to take
17 care of your three residents, just to go
18 down that street, but you're not separating.
19 With my money and your money I think we can
20 get it separated and get it done right. The
21 question is, is it 40 or 55 or 80?

22 MR. RUSSELL RINALDI: I know you
23 want to call Earthworks and ask them to give
24 us a price, but we already know it's going
25 to be over 19-5. We're going to have to put

1 it out for bid regardless.

2 MR. FERRETT: Jim, you still have
3 to put it out for bid, and it's the time
4 frame that you're really looking at.

5 MR. BACKUS: I'm not sure how quick
6 you can put it out to bid and I don't how
7 long you have to leave it out. Can you put
8 it out for bid and open it up for seven
9 days, have a special meeting, award the bid?

10 MR. RUSSELL RINALDI: We can
11 advertise it Thursday.

12 ATTY. RINALDI: We're going to be
13 the ones that have to worry because we don't
14 have anyplace to collect. He's okay.

15 MR. FERRETT: If he's willing to pay
16 half --

17 MR. PAPI: There's a large piece of
18 land at the end of Jones Street -- beginning
19 of Jones Street, and I met with the
20 surveyor, I spent hours with him and the
21 person who is purchasing the property, and
22 they're looking at putting six homes there.
23 They're going to come right down and tie
24 right into -- we just located Jones Street.
25 I had to show him where our sewer line was,

1 where he can hook up to. We located it and
2 marked it two days ago.

3 MR. FEBBO: I believe that's one of
4 the reasons why we got involved with
5 separating. Unfortunately, we talk about
6 things and we never address it. We just let
7 it go until we get in a situation like we
8 are tonight where we're out of time. We're
9 out of time. This should have been
10 addressed a long time ago and we didn't do
11 it. We kick this around, we kick that
12 around, we look at this, we look at that.
13 Everybody has ideas but we had no follow
14 through. Consequently, here we sit tonight
15 with this gentleman trying to get him
16 straightened out. We don't have a clue --

17 MR. PAPI: I said you're going to
18 have to come to a council meeting.

19 MR. FERRETT: How you do feel about
20 the idea paying half or him paying half for
21 the project?

22 MR. NOTARI: Any money somebody
23 wants to give to us I'm open to. However, I
24 have no problem with either way. But I
25 think we need to come up with a solution