

1 OLD FORGE BOROUGH COUNCIL
2 OLD FORGE, PENNSYLVANIA

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4

5 IN RE: COUNCIL WORK SESSION

6

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9 DECEMBER 4, 2018

10 7:10 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 ROBERT SEMENZA, PRESIDENT
JOSEPH FERRETT

21 LOUIS FEBBO

RICK NOTARI

22 JAMES HOOVER

MICHAEL LETTIERI

23 WILLIAM RINALDI, ESQUIRE, SOLICITOR

MARYLYNN BARTOLETTI, BOROUGH MANAGER

24

25

Mark Wozniak
Official Court Reporter

Original

1 MR. SEMENZA: Once again, welcome to
2 the December 4th work session of the Old
3 Forge Borough Council. The purpose of
4 tonight's meeting is to set the agenda for
5 the December 18th meeting. We'll hear from
6 our department heads, see if they have
7 anything for the agenda. We'll go down the
8 table, see if council has anything.

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

11 We'll go to our department heads.
12 Paul Papi?

13 MR. PAPI: I don't have anything for
14 the next meeting.

15 MR. SEMENZA: Anybody have any
16 questions for Paul?

17 MR. NOTARI: Paul, the pave cut on
18 Church Street where Kohler Avenue is is not
19 in good shape. Do we know if they're going
20 to come back to fix that?

21 MR. PAPI: I'd have to see who.

22 MR. LOPATKA: Snowden. I'll give
23 him a call.

24 MR. NOTARI: It's a big hole as of
25 Sunday.

1 MR. PAPI: I think we're going to
2 have that problem all winter. We'll have to
3 stay on top of that.

4 MR. SEMENZA: Anybody else? Thanks,
5 Paul.

6 Steve, zoning and code enforcement,
7 do you have anything for the agenda?

8 MR. BIERYLA: Nothing.

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

11 MR. NOTARI: I just want to know how
12 we're doing with Roy Williams? Any change?
13 Any update? Have we taken care of the
14 problems that are going on in that
15 neighborhood?

16 MR. BIERYLA: The answer is yes.

17 MR. SEMENZA: Anybody else? Thanks,
18 Steve.

19 Chief Dubernas, anything for the
20 agenda?

21 CHIEF DUBERNAS: One thing, possibly
22 a second. One is going to be the loading
23 zone by Tiny Tots, and the second one might
24 be handicapped parking on Williams Street if
25 that car is removed from there. The

1 paperwork went out, then the guy said he was
2 moving it but it's still there, so we
3 resubmitted the paperwork.

4 MR. SEMENZA: Chief, a traffic study
5 was done on Williams Street for parking?

6 CHIEF DUBERNAS: That will all be in
7 your packets for that.

8 ATTY. RINALDI: I need it so we can
9 get the ad in. We have to advertise that.
10 It's an ordinance.

11 MR. SEMENZA: Anybody have any
12 questions for Chief Dubernas? Thanks,
13 Chief.

14 Dave, engineer, do you have anything
15 for the agenda?

16 MR. LOPATKA: I do not.

17 MR. SEMENZA: Anybody have any
18 questions for Dave?

19 MR. NOTARI: Dave, the easement down
20 at the DPW building, have we hunted that
21 down yet to do that work down there?

22 MR. LOPATKA: I think I sent Bill --

23 ATTY. RINALDI: Paul has one.

24 MR. PAPI: I delivered them.

25 ATTY. RINALDI: And the Diakiw one,

1 he's looking for a big blanket, and I'm
2 trying to get Dave to not have to go on his
3 property. He wants a blanket hold harmless
4 no matter what happens, what gets
5 discharged. If we don't have to go on his
6 property we can let it go somewhere.

7 MR. SEMENZA: Can we avoid going on
8 his property?

9 MR. LOPATKA: The big problem, if
10 you don't you have to go on the neighbor's
11 next door. One or the other.

12 MR. SEMENZA: Who is the neighbor
13 next door?

14 MR. PAPI: Replica.

15 MR. SEMENZA: The price is going to
16 go up.

17 MR. LOPATKA: The reason we went
18 there is because the back of that property,
19 Callus, his property ends before you get to
20 the channel. So we had to extend the pipe
21 out so we can get into the bottom of the
22 channel or else we wouldn't have any cover
23 on the pipe. If we don't go there we're
24 going to have to cut across the other guy's
25 property on the side. His lawyer wants a

1 blanket agreement.

2 ATTY. RINALDI: If the water comes
3 out too strong and erodes the rest of the
4 property.

5 MR. SEMENZA: Wouldn't we be liable
6 regardless?

7 MR. FEBBO: Diakiw owns that
8 property all the way down behind Stocki's?

9 MR. PAPI: He owns the automotive
10 repair on Sibley.

11 MR. SEMENZA: Do you foresee any
12 kind of issue?

13 MR. LOPATKA: No. It's a minimal
14 amount of water.

15 MR. SEMENZA: Even X amount of years
16 down the road if there's an issue aren't we
17 liable to fix it anyway?

18 MR. LOPATKA: It's one inlet.

19 MR. SEMENZA: I don't have an issue
20 with it.

21 MR. NOTARI: I don't either. I want
22 that project to get done. We've been
23 talking about it for six to eight months
24 now.

25 MR. PAPI: Longer than that. Couple

1 years.

2 MR. NOTARI: We need to get it done.

3 MR. SEMENZA: Anybody else?

4 MR. HOOVER: Dave, Geoscience. They
5 do inspection work for the water company.
6 What are they supposed to be doing?

7 MR. LOPATKA: They're supposed to be
8 doing compaction testing.

9 MR. HOOVER: They're not. I'm doing
10 compaction testing because they're not.

11 MR. SEMENZA: My issue is we hired
12 these for a specific purpose, so our roads
13 were, you know, in good shape, these pave
14 cuts weren't sinking, and they were doing
15 compaction tests. Why aren't they following
16 up with their end of the deal?

17 MR. LOPATKA: I don't know when
18 they're out there.

19 MR. SEMENZA: Look on the contract.

20 MR. LOPATKA: They get the One Call.
21 They know when anything's getting cut. They
22 should be documenting any cut in the borough
23 and be billing the borough directly.

24 MR. HOOVER: I just wanted to let
25 you know that. Apollo Drive, I spoke to

1 Tony Grizzanti. I asked him what about the
2 paving for Apollo Drive in Old Forge, he
3 said Stafursky Paving has it. He's going to
4 do it April or May.

5 MR. SEMENZA: The plants are shut
6 down. We have a contractor now.

7 MR. SEMENZA: Anybody else? Dave,
8 did you ever get a chance to get a cost
9 estimate on the rectory?

10 MR. LOPATKA: Do you guys want a
11 full blown, everything cost estimate?

12 MR. SEMENZA: That's what I asked.

13 MR. LOPATKA: I didn't --

14 MR. SEMENZA: A long time ago.

15 MR. LOPATKA: I didn't get a chance.

16 MR. SEMENZA: Anybody else have any
17 questions for Dave? Thanks, Dave. Bill?

18 ATTY. RINALDI: I'm hoping that --
19 we should have Saint Lawrence wrapped up,
20 I'm assuming.

21 MR. LOPATKA: I have a plan here.

22 ATTY. RINALDI: Let Ed Carlin know
23 that he would get the plans and the deed
24 together for review.

25 Marylynn is going to get me a check

1 tonight to purchase the balance owed for the
2 Grace Street property.

3 The solicitor for the sheriff's
4 office still needs to get signatures for the
5 ambulance property. I spoke to him last
6 week.

7 Stocki, the judge was sick twice
8 when we were supposed to have hearings, and
9 his secretary said the judge said let's just
10 do it on the 28th. I tried to get us in
11 there today but Ed Scacchitti wasn't
12 available. So we're going to do it on the
13 28th, which is the next scheduled hearing
14 date.

15 Any word on the land bank ordinance,
16 if the school board went for that idea or
17 not?

18 MR. HOOVER: I talked to George
19 Kelly when I went to that thing. He said
20 they didn't get back to him yet. Supposedly
21 hopefully tomorrow.

22 MR. SEMENZA: Bill, could you still
23 have a resolution ready to go for the next
24 meeting? Ready to advertise if they're
25 going to pass it.

1 ATTY. RINALDI: Yeah. Pagnotti is
2 supposed to come to the next meeting to
3 finalize the parking lot area.

4 The loading zone ordinance I guess
5 I'm going to do for Tiny Tots as soon as we
6 get that add in in time. That's it. That's
7 all I have.

8 MR. HOOVER: Bill, I have December
9 18th at 9:30 for that meeting.

10 MR. NOTARI: The Grace Street
11 property, once we take that under our
12 control do we have a plan to take care of
13 it?

14 ATTY. RINALDI: Try and get three
15 quotes to have somebody come in and demolish
16 it.

17 MR. NOTARI: Can we do that before
18 we officially take --

19 ATTY. RINALDI: You can get the
20 quotes. I should have the deed tomorrow if
21 I have the check tonight.

22 MR. SEMENZA: Can you advertise
23 for three contractors to have an estimate on
24 that?

25 ATTY. RINALDI: I don't think it's

1 going to be that much money.

2 MS. BARTOLETTI: It shouldn't be.

3 ATTY. RINALDI: Make three calls.

4 If it's over the number and you need to
5 advertise, then you advertise.

6 MR. NOTARI: We won't have to do
7 anything at next meeting for that property.
8 Right?

9 ATTY. RINALDI: If she gets the
10 three quotes, just approve the quote.

11 MS. BARTOLETTI: Do we have a plan
12 of what we're going to do with it? That's
13 kind of what Rick was just asking.
14 Insurance wise and everything.

15 ATTY. RINALDI: It's going to be
16 green space.

17 MR. FEBBO: Can we sell that?

18 ATTY. RINALDI: Sell it, donate it
19 to the land bank.

20 MR. SEMENZA: I think we should try
21 and sell it, alleviate some problems for
22 Tiny Tots.

23 MR. NOTARI: It's one lot over.

24 MR. SEMENZA: Anybody else have any
25 questions for Bill? Thanks, Bill.

1 Marylynn, anything for the agenda?

2 MS. BARTOLETTI: Budget.

3 MR. SEMENZA: Anybody have any
4 questions for Marylynn?

5 MR. LETTIERI: Marylynn, with the
6 budget, I know we brought it up a couple
7 times at the meeting about a dog, police
8 dog. Is there anything budget-wise for it?
9 Are we planning on that?

10 MS. BARTOLETTI: It's up to you
11 guys. I said you pass it tentatively
12 tonight. There's still changes available
13 over the next two weeks. Once you pass it
14 in two weeks, then that's the budget that
15 stays. If you guys decide that that's what
16 you really want let me know.

17 MR. SEMENZA: Refresh our memory
18 with the last dog. We didn't pay a dime for
19 it, did we? Was it all grants and --

20 CHIEF DUBERNAS: Most of it was
21 donated. The training was donated. I'm not
22 sure how much they paid for it up front
23 because Mayor Turquato had an account set up
24 for people to donate to it. I can reach out
25 to him and find out what they did.

1 MR. FEBBO: Chief, what is a rough
2 number at?

3 CHIEF DUBERNAS: About 30.

4 MR. SEMENZA: Chief, can you reach
5 out to a person or two that you might have
6 in mind that spoke with you prior to this
7 and see if they're willing to help us out.

8 CHIEF DUBERNAS: The training for
9 the life of the dog and the officer I
10 believe is around 20, and the equipment that
11 we need to outfit one of the cars and the
12 equipment the officer would need.

13 MR. SEMENZA: At one time somebody
14 did come to you and offer a donation for a
15 dog. Correct?

16 CHIEF DUBERNAS: Yes.

17 MR. SEMENZA: Reach out and see if
18 they're possibly still interested in helping
19 the borough out.

20 MR. HOOVER: Do we have an officer
21 willing to do it?

22 CHIEF DUBERNAS: Yes. Officer
23 Turhune.

24 MR. FEBBO: Is there one particular
25 dog that's better than others?

1 CHIEF DUBERNAS: Right now either
2 for narcotics/patrol dog it's either a
3 Shepherd or a Malawa. They both have real
4 high energy drives. If you're going to use
5 it for one specific thing, a narcotics dog
6 they more go to one type of dog like a Lab.
7 Carbondale Township just got a giant
8 Schnauzer. They use theirs for one type of
9 training. If I get a dog I want to have it
10 multi-trained.

11 MR. FEBBO: What breed?

12 CHIEF DUBERNAS: Either a Shepherd
13 or a Malawa.

14 MR. FEBBO: How about life
15 expectancy?

16 CHIEF DUBERNAS: About the same.
17 You usually get about eight to ten years out
18 of them.

19 MR. SEMENZA: Anybody else have any
20 questions for Marylynn? Thanks, Marylynn.
21 At this time we'll go to public input.
22 Chris?

23 MR. GOETZ: Two things. I know
24 Solicitor Rinaldi touched on it a little bit
25 earlier about the Stocki case, but I'm just

1 looking for a little bit of an update if
2 anybody can give me that. I missed the last
3 hearing, I believe. But I do notice that
4 there's a lot more stuff in my back yard
5 piled up. There's a backhoe inside of a
6 trailer that's two stories high on top of
7 another trailer. And correct me if I'm
8 wrong, but I believe he's taking the stuff
9 from the other people's property and putting
10 it on his own. Is that correct?

11 MR. HOOVER: That seems to be it.

12 MR. GOETZ: The person who created
13 this mess from the start, Bill Gilchrist,
14 his property is getting cleaned up and the
15 poor residents of Amity Avenue are looking
16 at more junk, and every single day for the
17 last three and four weeks in my back yard
18 the noise is ungodly. I mean banging and
19 clanging and smashing. You name it.

20 What I'm going to ask tonight on the
21 record is -- and I'm also going to ask when
22 I attend the next meeting with the judge, is
23 that this gentleman brought all this stuff
24 in here whole, and we're allowing him to
25 continue to operate an illegal operation in

1 that zone to cut it up and take it out. He
2 needs to start hauling it out of there
3 whole. He's never going to make the
4 deadline. Never. Come May, when people
5 want to use their yards, we're going to be
6 back to the same old -- actually we're going
7 to be back to a worse scenario.

8 DEP fined him \$92,000. He just
9 appealed that last week. I'm not sure
10 what's going to happen there. I'm just
11 wondering if anybody here can give me an
12 update or what their thoughts are of where
13 we're headed before we go see the judge.

14 ATTY. RINALDI: Well, unfortunately
15 the last two hearings the judge cancelled
16 because of his illness. So I can't tell you
17 anything more than he complied with the
18 parameters we set forth, which was pulling
19 stuff back from the right-of-way, clearing
20 stuff from both sides of the fences on both
21 sides, and that was the last time we were in
22 front of the judge. So he did comply with
23 all that.

24 We knew he was going to move stuff
25 from Gilchrist's. It was inevitable.

1 That's basically the status we've been at.

2 MR. FEBBO: The past week -- two
3 weeks, really, there's been a lot of cutting
4 going on up there we're aware of. Steve's
5 really been on top of that. There's a fire
6 going on, and even they've been up there --
7 as a matter of fact, the fire department and
8 the chief's been up there. What they're
9 doing is taking pictures of all this
10 happening, and we're hoping when we go
11 forward with the next meeting with the
12 judge, when he sees the pictures of what's
13 going on and the blatant disregard for cease
14 and desist and no more torches he'll do
15 something about it. As far as we go, we're
16 doing everything we possibly can as a
17 borough. Steve's doing everything he can
18 and the chief and the fire departments.
19 They've been called out there quite a few
20 times.

21 MR. GOETZ: And I would agree with
22 that. I'm just asking that, as I stated, he
23 brought this stuff in here whole. He can
24 certainly get it out of here whole. It's
25 not the borough's responsibility for him to

1 cut it up and make money to get it out. He
2 needs to go find somewhere to put that stuff
3 on trucks.

4 MR. FEBBO: He's still hauling stuff
5 in. We got him this week. He's blatantly
6 disregarding the whole thing. Hopefully the
7 judge will come down on him.

8 MR. GOETZ: It looks better.

9 MR. FEBBO: He has until the end of
10 January to be out of the property. Even DEP
11 getting in there, have it cleaned up.

12 MR. GOETZ: Bill, is that the six
13 months? January 28th will be six months?

14 ATTY. RINALDI: I believe so, yes.

15 MR. GOETZ: So we just have to go
16 before the judge.

17 My second thing -- and I really know
18 if it's for you guys but it is your road and
19 it's going to be when it's all said and
20 done, but Kohler Avenue, the project over
21 there that they're doing and doing the road,
22 there's, like, a thousand feet of brand new
23 curb on one side and the county housing put
24 brand new curbs and sidewalks on the other
25 side and they left, like, 150 feet in front

1 of my garage and the lady next door, the
2 first house, with nothing. I mean, it's a
3 beautiful road. It's going to be gorgeous.
4 They shorted, like, 150, 200 feet of
5 concrete curb.

6 MR. LOPATKA: We reviewed the plans.
7 I know there were some additions and there
8 were some budgetary issues going on with
9 regard to that.

10 MR. GOETZ: I don't care, but
11 aesthetically it looks terrible. One side
12 of the road from corner to corner, and
13 that's about a thousand feet long, almost,
14 is beautiful, brand new concrete curbing,
15 and then what the county did with their
16 sidewalks and their curbing where the folks
17 park is beautiful, and then there's that
18 spot. You have a picture. I just wanted to
19 bring it to your attention. Thank you for
20 your time.

21 MR. SEMENZA: Thank you. Joe
22 Russick?

23 MR. RUSSICK: Joe Russick, 642 Clark
24 Street, Old Forge. I just want to comment
25 on how great our town looks for Christmas.

1 It really looks sharp, and everybody that's
2 involved to make it happen, congratulations.

3 MR. SEMENZA: Give thanks to her
4 down there. Her and everybody under her.

5 MR. RUSSICK: Speeding and stop
6 signs in Old Forge. I live on an
7 intersection, and you can attest to what
8 goes on down there. It's scary. People
9 really don't care. They go through the stop
10 signs and they speed. Especially around
11 when the schools let out, a short cut. I've
12 suffered over \$10,000 worth of damage to my
13 property since I've been there.

14 MR. SEMENZA: I know, Joe.

15 MR. RUSSICK: Just a suggestion, if
16 you have a spare patrol car, just park it
17 there. I know it was done in the past. It
18 could be an deterrent.

19 MR. SEMENZA: I saw a car with
20 municipal plates blowing the stop sign and
21 speeding.

22 MR. RUSSICK: Talking about a
23 loading sign down here at the daycare,
24 that's another scenario down there that
25 scares the living heck out of me. Whatever

1 could be done to alleviate that problem.

2 MR. SEMENZA: That's why I said
3 maybe Tiny Tots would be interested in that
4 property on Grace Street for a parking lot.

5 At this time we'll go down the
6 table, see if anybody from council or the
7 mayor has anything to say. Mayor?

8 MAYOR LEGG: I'd also like to
9 congratulate Marylynn and Mr. Notari for
10 their participation. Snow Forge was
11 beautiful. Nothing but positive. Great
12 job.

13 MR. LETTIERI: Nice job.

14 MR. SEMENZA: Councilman Febbo?

15 MR. FEBBO: Nothing.

16 MR. NOTARI: I have nothing.

17 MR. LETTIERI: Nothing.

18 MR. FERRETT: Nothing.

19 MR. HOOVER: I have to bring this up
20 because I was there two or three times. Roy
21 Williams, what's being done? It's a mess
22 over there. I walked my dog Saturday
23 morning and I don't think you could have put
24 a bicycle in between his property or
25 anything else that was parked in front or

1 the side of that property. He has cars
2 coming out that should be gone and he has
3 them double parked, sideways, on the street.
4 He has two in the front. I know it's a
5 state road. Now he's starting to put them
6 across the street. We have to do something
7 over there. It's just a mess. Every time
8 you go by it's worse.

9 MR. BIERLYA: Across the street is
10 owned by the Club 17. When I was over there
11 I asked him to reach out to Maria and see if
12 they can make some kind of deal with her
13 instead of parking cars on the street. See
14 if he can get on the other side of the
15 street, which would be next to Capp's
16 parking lot, and alleviate the problem.

17 MR. HOOVER: Those cars that are
18 where his garage doors are, where he's
19 supposedly putting this other building in
20 there or something --

21 MR. BIERLYA: Come to planning on
22 Thursday.

23 MR. SEMENZA: Bill, did you ever get
24 a chance to look into the ordinance?

25 ATTY. RINALDI: You can send him a

1 zoning violation. I don't know where to
2 look for what somebody got 20 years ago.
3 Steve can't find it. If he's got a defense,
4 he's got a defence.

5 MR. SEMENZA: Were you able to find
6 anything, Steve?

7 MR. BIERYLA: No.

8 MR. SEMENZA: Can you go ahead and
9 send him a zoning violation for the cars
10 using a public roadway per that ordinance
11 that's on the books?

12 MR. BIERYLA: I'll look at it. I
13 was over there twice, and he is coming to
14 planning on Thursday about the so-called
15 body shop.

16 MR. SEMENZA: No, I'm saying about
17 using the roadway for his personal parking
18 lot.

19 MR. BIERYLA: I understand that, but
20 it's kind of being taken care of. We're in
21 the process of speaking, at least. I had
22 asked him to come to a council meeting but
23 he's not getting back. He just doesn't even
24 want to do it.

25 MR. SEMENZA: I'm asking you to send

1 him a zoning violation, please. You can
2 tell him that I ordered it. Okay? He
3 doesn't want to come to speak his piece to
4 council. I'm ordering you, actually. It's
5 in our code book. Enough is enough with
6 this guy playing games with the residents in
7 the borough. Order. Done. How many
8 chances are we going to give this guy? We
9 are running around in circles here and
10 having these poor people come to these
11 council meetings. I'm sick of hearing it.
12 It shouldn't be an issue. Does anyone
13 disagree with my request?

14 MR. NOTARI: I do not.

15 MR. HOOVER: I do not.

16 MR. SEMENZA: At this time the chair
17 is going to entertain a motion to adjourn.

18 MR. FERRETT: I make a motion we
19 adjourn.


20 MR. SEMENZA: All in favor?

21 (Unanimous. Meeting adjourned.)
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C E R T I F I C A T E

I hereby certify that I attended the foregoing proceeding, took stenographic notes of the same, that the foregoing, consisting of 24 pages, is a true and correct copy, done to the best of my ability, of same and the whole thereof.


Mark Wozniak
Official Court Reporter

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