The

MR. SEMENZA: I understand. 2 3 homeowner is responsible for the lateral. That's a given. 4 5 MR. FERRETT: So everybody's aware 6 the reason why we're doing it. 7 MR. SEMENZA: Right, is because 8 we're separating. Okay. 9 ATTY. RINALDI: Are you paying for 10 this one out of the sewer? 11 MR. SEMENZA: Where are we going to 12 pay for this, out of the general fund? 13 MS. BARTOLETTI: Here's my question. 14 When I do the budget, I put together a 15 budget that barely gets us by so that we 16 don't have to raise taxes. So a shot like 17 this to the general fund is a huge shot. So 18 my request is that it shouldn't come from 19 the general fund. 20 MR. RUSSELL RINALDI: Both projects? 21 MR. LENCESKI: One is definitely 22 sewer. The other one is definitely, you're 23 saying, not sewer. 24 MR. FEBBO: We discussed that, and 25 we agreed that it would be a sewer job

back --

1

because there was a sewer in there keeping us from making that complete storm water.

MR. NOTARI: My question on Grace Street is are we 100 percent positive this is going to fix the problem, 90 percent positive?

MR. LOPATKA: I mean, the way it's graded and if they do it the right way. We have the two inlets on both sides of the thing sumped, so they're sitting down lower. Whatever's coming off those parking lots, as long as it's directed the way it's supposed to be directed according to the plan it should, yes, work.

MR. SEMENZA: Council, anybody have any suggestions?

MR. LOPATKA: If you want me to investigate these guys a little more on the other one, on Corcoran Street, I'd be happy to do that. Call around to some of the references and stuff that they have. It's up to you guys. If we get deeper into it and we get some bad references, then potentially you can move to your next guy. If you don't feel he's the lowest

MR. SEMENZA: The chair would
entertain a motion to table these two
projects, the Corcoran Street project and
the Grace Street storm separation project.
MR. RUSSELL RINALDI: I'll second
it.
MR. SEMENZA: Motion by Councilman
Hoover, seconded by Councilman Rinaldi. On
the question? Public input? Roll call,
please.
MS. BARTOLETTI: Councilman Febbo?
MR. FEBBO: No.
MS. BARTOLETTI: Councilman Ferrett?
MR. FERRETT: Yes.
MS. BARTOLETTI: Councilman Hoover?
MR. HOOVER: Yes.
MS. BARTOLETTI: Councilman Notari?
MR. NOTARI: No.
MS. BARTOLETTI: Councilman Rinaldi?
MR. RUSSELL RINALDI: Yes.
MS. BARTOLETTI: Councilman Semenza?
MR. SEMENZA: Yes. Anybody have any
other questions for Dave?
MR. LOPATKA: Just to let you guys
know, I did meet Paul over at the DPW. He's

getting me a plan. We'll get the survey taken care of, get that issue resolved. It seems like it's pretty straightforward.

MR. SEMENZA: Any elevation shot there? Do we need to?

MR. LOPATKA: We do need to just to make sure. It looks like there's enough slope, but just to verify it.

MR. SEMENZA: Anybody have any questions for Dave?

MR. NOTARI: Dave, you don't feel the difference in the bids one and two on the Grace Street project are any different than on the Corcoran Street? There's a big difference there in one and two. Not as much as at Corcoran Street.

MR. LOPATKA: Honestly, the actual bid number is very close to what our cost estimate was as opposed to Corcoran.

Corcoran was quite a bit lower.

MR. HOOVER: What was your estimate on Grace Street? Do you remember?

MR. LOPATKA: Grace was 60 or 70 and -- no, Grace was, like, around 80, somewhere around 80, and Corcoran Street it

1 is a little less. I mean, it wasn't 2 \$48,000. 3 MR. SEMENZA: Anybody else? Thanks, 4 Dave. 5 Everybody has Lucile's sewer report. Anybody have any questions on the report? 6 7 think we went over it already pretty much. Thank you, Lucille. 8 9 Anybody have any questions for the 10 chief? Everybody has his report. Chief, do 11 you have anything? 12 CHIEF DUBERNAS: To the report is 13 attached a part-time police officer to get 14 reinstated. The list is attached to the 15 report. 16 MR. SEMENZA: Anybody have any 17 questions for Chief Dubernas? 18 MR. NOTARI: I'd like to ask Chief 19 Dubernas and Mayor Legg for their 20 recommendations on hiring two new full-time 21 police officers. Since the contract is 22 MR. SEMENZA: 23 not settled yet --24 MR. NOTARI: They're still waiting. 25 Bill, what's the MR. SEMENZA:

afternoon. Thursday. Last meeting you said set up a meeting so we can narrow down the options on what they're going to do with the church. So they sent -- today is the date to meet but I didn't hear from anybody. I talked to him this morning around 8:00 and said we can do Thursday, too.

MR. SEMENZA: Is that all council or just members of that committee?

ATTY. RINALDI: Committee, whoever wants to come, actually. Whoever's interested in the project.

MR. SEMENZA: Anybody want to meet the 18th, anybody or everybody?

MR. NOTARI: I'm not available, but feel free to meet and just fill me in.

MR. SEMENZA: We'll keep it set up for Thursday, the 18th, at 1:30, 2:00.

Whatever is good. Let us know. Whoever can make it, can make it. Whoever can't, can't, I guess.

MR. HOOVER: Where?

MR. SEMENZA: Here. Anybody have any questions for Bill? Thanks, Bill.

Everybody has Marylynn's reports.

Does anybody have any questions for Marylynn? Marylynn, do you have anything you want to address council with?

MS. BARTOLETTI: No. You have all my reports, financial stuff starting the new year. Everything is pretty self-explanatory.

MR. SEMENZA: Okay. At this time the chair will go to public comment. Any public input? Okay. I'll go down the table. Any council member have anything to address? Council Febbo?

MR. FEBBO: Yes. I won't be here in February. I'd like to request a phone conference for the two meetings we're having in February.

MR. SEMENZA: Bill, can that be done?

ATTY. RINALDI: It's a big project.

You talked about it once before.

MR. SEMENZA: I remember.

ATTY. RINALDI: People out there have to hear it, the people out there have to be able to address him. I don't think we have the phones to do it.

MR. FEBBO: I think you can do that with a portable phone. It's right here in the Borough News it can be done. I'm requesting it. I would like to be a part of it, both meetings.

MR. RUSSELL RINALDI: I'm not against it because I was for it when Councilman Brown requested it, but if we shot him down by -- because I remember it went to a vote.

ATTY. RINALDI: You can't use cell phones. I checked that out.

MR. FEBBO: I want you to show me in writing we can't use cell phones.

MS. NOTARI: Marylynn, maybe you can contact the school district and see how they do it because I know they have done it.

MS. BARTOLETTI: I think the last time the problem was the borough doesn't have anything on the books that says we will be able to conduct the meetings that way. We can plug in a phone in here. We have all of our phone system hooked into this room.

You can actually have a phone in here, but I think the problems was voting.

ATTY. RINALDI: I'll get you the whole procedure, and if guys want to install it I will get if for you again. I got it last time. Then it's up to you to implement. You have to implement it first, then do it.

MR. RUSSELL RINALDI: How do you implement it?

ATTY. RINALDI: Pass the resolution by whatever you need --

MS. BARTOLETTI: That was the problem we ran into with Mr. Brown, because it wasn't anything that was on the books.

MR. NOTARI: I believe the state law says as long as you are present on the phone for the entire meeting it is allowed.

ATTY. RINALDI: Right, but the people out there have to be able to hear. It has to be in public, so it's got to be good two-way communication, not one way.

MR. FEBBO: Put it on speaker phone and everybody can participate, audience and all.

ATTY. RINALDI: I'm only telling you what the Borough Solicitors Association said when I tried to get it set up for Devon Brown.

MR. RUSSELL RINALDI: How did we come to the conclusion for his? Did we vote on it?

MR. SEMENZA: No, I think the same thing. It came up like this and it was okay, you can't, you can't.

ATTY. RINALDI: They specifically said to me you can't put your iphone on the table and say okay, I'm calling in. That you can't do. If the law changed since then, well, that was how many years ago?

I'll find out. But I remember at the time I said he just wants to use his cell phone, and they said are you kidding me.

MS. BARTOLETTI: The problem we ran into with Devon is he requested it the night it was taking place. So it wasn't in advance. This is in advance. This is something that has to be done in advance.

MR. RUSSELL RINALDI: Again, I'm not against it. I just want to make sure we do

Like

ATTY, RINALDI: I believe so. 1 I said, I'll get it for you. 2 3 MR. SEMENZA: Could you figure it out by tomorrow for us? 4 ATTY. RINALDI: Yes. 5 MR. SEMENZA: Anything else? 6 MR, FEBBO: I'm good. 7 MR. NOTARI: I found a question for 8 the Chief. Your report said 16 parking 9 tickets for the whole year? 10 CHIEF DUBERNAS: 11 12 MR. NOTARI: Is that typical? 13 CHIEF DUBERNAS: We don't really write a lot of parking tickets. It's mostly 14 parking complaints. We see somebody, flip 15 your car around or move your car. If we get 16 17 a parking complaint we don't issue a ticket. We usually give them the courtesy of move 18 the car or spin it around. 19 Not like the time you MR. NOTARI: 20 21 22 street. 23 24 25

gave me a parking ticket. I was parked the wrong way on a one-way street -- dead-end My other question is, the committee sheet, is that strictly at your discretion,

Mr. Chairman?

MR. SEMENZA: Well, yes, pretty much, but if you have something you want to change I'd definitely entertain the idea of sitting down with you and discussing where you want to be. Not a problem.

MR. NOTARI: Just curious as to how it's arrived at who gets to what. Pick out of a hat? Do you --

MR. SEMENZA: Pretty much council president -- how I come up with it?

MR. NOTARI: Well, if you're -- yes. If you're the one that names everybody to the committees, which I believe is the right of the chair, I was just curious as to what process you went through to determine who is on what committee.

MR. SEMENZA: Well, I pretty much kept it the same as last, but when you have to start flip-flopping -- it's not the easiest thing to keep three people on each committee. I try to split it up, try to put people where they wanted to be. That was it.

MR. NOTARI: You had discussions

with everybody?

MR. SEMENZA: No, nobody came to me with it.

MR. NOTARI: I'm just curious as to how it was derived, and that's fine.

MR. FEBBO: I believe Councilman Lenceski addressed you on that.

MR. SEMENZA: I talked to Councilman Lenceski about it.

MR. FEBBO: According to him, that's not the agreement you came to with him.

MR. SEMENZA: First of all, we didn't come to an agreement, Councilman Febbo. Like I said, Councilman Notari, if you want to be changed from a thing I told Marylynn they'll go in today, that the committee list could be subject to change. It's not set in stone yet. If anybody does have a request feel more free to come to me.

MR. NOTARI: I'd like to request to be on the finance committee and I'd like to request to be on the personnel committee and I'd like to request to be on the recreation committee.

MR. SEMENZA: Okay. Well, I can

tell you the recreation committee, the reason why I put them three people on the recreation committee is because the three of us have children in sports. That's one thing.

Finance committee? They're the three that we've -- we've been on that since last year. If you want to go on finance we'll sit down and talk about it.

Personnel, I mean, that's who I put on, that's who's on. So I don't know if you want to sit and talk about that, too. You can.

MR. FERRETT: Can I make my request now? I'd like to go to work, Mr. Chairman, and make a recommendation to you since you've been in charge of making these things. I'm looking at the long-range capital improvements committee. I see that my name is on there and everything.

I personally believe in my own opinion that I would like to see Mr. Hoover be put on that and I would be very glad to step down. I honestly think that he can be a greater asset than I can since he works

for the water company and we talked about this project going down --

MR. SEMENZA: That's fine. Where would you like me to switch you --

MR. FERRETT: No, just as long as I'm off that committee and let him be on that committee. I'm happy where I'm at.

MR. SEMENZA: We will sit and talk about this. If you want to have an executive after, we will.

Anything else, Councilman Notari?

MR. NOTARI: No, sir. That's all.

MR. RUSSELL RINALDI: I don't have anything to report on. The only thing, I want to echo off of Councilman Notari, yourself and Councilman Ferrett. I've been here for 11 years, and the chairman has always, to my knowledge, made the committees by himself. Every past chairman that I ever sat with. I sat in the chair myself as well for two years and I made the committees. I'm not sure if the Chairman has to speak to anybody about making the committees.

Bill, the chairman is just able to make the committees himself. Correct?

ATTY. RINALDI: All the years I've been here that's the only way you've done it.

MR. RUSSELL RINALDI: I'm not saying no request shouldn't be entertained or talked about or discussed. I'm just saying that's how it's always been. Mr. Ferrett, you're here longer than me. Correct?

MR. FERRETT: That's the process we always used. It's up to whatever process they want to use.

MR. RUSSELL RINALDI: It's up to the chairman. I mean, the chairman has final say of the committees. Correct, Bill?

ATTY. RINALDI: He would pick the chairman and the committees.

MR. NOTARI: Again, Mr. Rinaldi, I respect his right as --

MR. RUSSELL RINALDI: No, I was just echoing that.

MR. NOTARI: I was just curious as to how he came up with -- the process he went through to decide who went where.

MR. RUSSELL RINALDI: I don't know how he did that. I was only echoing that

1 the chairman's always done it. 2 MR. NOTARI: Understood. 3 MR. SEMENZA: Councilman Ferrett, 4 anything to address? 5 MR. FERRETT: No. MR. HOOVER: No, I'm good. 6 7 MR. SEMENZA: I've got nothing. 8 Right now we'll go into new business. At 9 this time the chair would entertain a motion 10 to appoint Dan Mozaleski to the recreation 11 board as an at-large member for a four-year 12 term. 13 MR. FEBBO: I'll make that motion. 14 MR. SEMENZA: By Councilman Febbo. 15 MR. NOTARI: I'll second it. 16 l MR. SEMENZA: Seconded by Councilman 17 Notari. On the question? 18 MR. NOTARI: Were there any other 19 applicants or anybody else interested? 20 MR. SEMENZA: We didn't get any 21 other interests. It was basically a 22 recommendation from the recreation board. 23 Word was out and, really, nobody came to me 24 or anyone else. Marylynn, did anybody come 25 to the borough building or submit any

letters?

MS. BARTOLETTI: No. While we're on that subject, I would like to point out that I think we do need to update the list that we have because some of the terms are not up to date. So maybe the February meeting we can go over that, do what we need to do for the public meeting.

MR. FEBBO: The last meeting of the rec board everyone was present. Of those, Dan was one of the three that remains favorable with everybody.

MR. NOTARI: He'll be a good addition to the board.

MR. SEMENZA: He'd be a good asset because we'll known facts from the school of what goes on. Public comment? Roll call, please.

MS. BARTOLETTI: Councilman Febbo?

MR. FEBBO: Yes.

MS. BARTOLETTI: Councilman Ferrett?

MR. FERRETT: Yes.

MS. BARTOLETTI: Councilman Hoover?

MR. HOOVER: Yes.

MS. BARTOLETTI: Councilman Notari?

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23

24

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1	MR. NOTARI: Yes.					
2	MS. BARTOLETTI: Councilman Rinaldi?					
3	MR. RUSSELL RINALDI: Yes.					
4	MS. BARTOLETTI: Councilman Semenza?					
5	MR. SEMENZA: Yes. Do we want to					
6	open proposals for the engineering firms,					
7	Marylynn?					
8	MS. BARTOLETTI: First proposal is					
9	from Reuther-Bowen.					
10	MR. RUSSELL RINALDI: Not to					
11	interrupt, how many do we have?					
12	MS. BARTOLETTI: Three. A proposal					
13	from Penn Eastern Engineering. The final					
14	one is from GPI. The letter is signed by					
15	David Johns.					
16	MR. RUSSELL RINALDI: Any letters					
17	signed in the Penn Eastern one?					
18	ATTY. RINALDI: Harold Ash signed					
19	it.					
20	MR. SEMENZA: Are we going to move					
21	forward to open proposals for the					
22	third-party inspection firm?					
23	MS. BARTOLETTI: For that we have					
24	two. First one is from BIU.					
25	MR. RUSSELL RINALDI: Contact would					

be Mr. Hudak?
MS. BARTOLETTI: Yes.
MR. NOTARI: Mr. Hoover, they're our
current.
MS. BARTOLETTI: Second one is
Northeast Inspections Consultants.
MR. SEMENZA: Where are they from?
MS. BARTOLETTI: Childs,
Pennsylvania. The name is John Marino.
MR. SEMENZA: Help me remember. Is
that the firm that came here at one point in
time to
MS. BARTOLETTI: Yes.
MR. HOOVER: Both of these
contracts, are they bid yearly?
MS. BARTOLETTI: We haven't had a
change with BIU in how many years?
MR. PAPI: Like, 14 years.
ATTY. RINALDI: About 2004.
MR. RUSSELL RINALDI: You're allowed
to have more than one third-party inspector.
Right?
ATTY. RINALDI: I think some towns
do have two, yes. Alternate between the
two.

MR. RUSSELL RINALDI: But there's no ordinance or any code saying you can't. Or is there? I'm asking, I'm not telling.

ATTY. RINALDI: I know our ordinance says we pick one for third-party inspector, so we have to change that.

MR. SEMENZA: See, the only problem if we have more than one, so and so gets a job that's \$50,000 and so and so gets a job that's \$550,000. So and so is X amount of dollars cheaper, we're getting more percentage off that company than we're getting off this company. You know what I mean?

MR. RUSSELL RINALDI: I understand.

MR. SEMENZA: I don't have a problem with the job that BIU does for the borough. I think they actually do a very good job.

One of my main issues is the percentage we're getting back from the permit fees. I don't think we got enough. We're only getting 20 percent of the permits. Correct?

MR. BIERYLA: For as long as I remember, when you first negotiated with them it was 80/20.

MR. SEMENZA: It never changed.

ATTY. RINALDI: They have a fee schedule. In this proposal they have 60 percent of the fee schedule attached and adopted by the borough.

MR. SEMENZA: So it's a 60/40 cut.

ATTY. RINALDI: On the fees that they're setting. In other words, if you're going to change the fees, then the cut will be different, I'm assuming. This is BIU.

MR. BIERYLA: The state basically sets that fee schedule if you start going over a certain amount for what it costs on the dollar. I don't know exactly what they are right off the top of my head, but once it reaches a certain point the state has a say in what the fee schedule is. The amount of split between borough and the agency you hire is the deciding factor.

ATTY. RINALDI: NEIC is 30 percent, but I think their fee schedule is --

MR. SEMENZA: They're taking 30 percent only?

ATTY. RINALDI: No, they're giving you a 30 percent discount. In other words,

you keep 30 percent of the fees. Their fee schedule is a little different, I think.

It's the same. You'd have to compare them.

They look a little different.

MR. SEMENZA: A recommendation, Bill?

ATTY. RINALDI: Right now? You kind of have to plot them out. I don't know what Steve's charging now, but they both have different -- they have fee schedules, one for Old Forge that they're proposing, and then one is saying we'll only take 60 percent and the other one is saying we'll take only 70 percent, but one has minimum fee is \$60. New stand-alone construction, \$50 plus .16 per square foot GFA.

BIU has new construction, \$48 plus
.18 cents per square foot GFA.

MR. BIERYLA: The minimum for BIU on a permit is \$64.50. It's \$64 between the administration fee or whatever it might be and the state upped it 50 cents. Now the state wants \$4.50.

ATTY. RINALDI: BIU, they look a little cheaper. They're higher square foot

prices than Northeast. They just start at a lower starting fee. If it's a bigger building it's going to cost you more with BIU than it is with NEIC.

MR. SEMENZA: Marylynn, will they be in the office for people to look at?

MS. BARTOLETTI: Yes.

MR. SEMENZA: Whoever wants a copy, ask Marylynn. She'll get you a copy.

That's all I have on the agenda.

Anybody else have anything they want to motion? If not, the Chair would entertain a motion to adjourn.

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

MR. FERRETT: What are we going to do with these bids for the engineer? Are we going to discuss this at the private meeting or an executive meeting or are we going to have it at the next meeting when we make a decision?

MR. SEMENZA: We'll have to have an executive session to go over it.

ATTY. RINALDI: Why don't you guys all look at them.

MR. SEMENZA: Why don't we review it first, Joe, then we can have an executive I think Mr. Febbo said he's going away, and I think he should have an opportunity to vote on whoever he feels. That's what I was just wondering, the time on just what we plan on doing.

MR. SEMENZA: We have to set up that

Okay, if that's what you're going to do. In the event it can't be done, is it possible Mr. Febbo could cast

ATTY. RINALDI: It probably won't be until March. Do you think you'll vote

Anything else? Motion on the floor to adjourn by Councilman

a sewer committee meeting for January 29th at 7 p.m., if Mr. Rinaldi and Mr. Hoover are

available, here in council chambers. It's a Monday. Lucile, can you make it that night? MS. YEAGER: Sure. MR. SEMENZA: Motion on the floor to adjourn by Councilman Rinaldi. All in favor? (Unanimous. Meeting adjourned.)

CERTIFICATE

I hereby certify that I attended the foregoing proceeding, took stenographic notes of the same, that the foregoing, consisting of 67 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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