

1 OLD FORGE BOROUGH COUNCIL

2 OLD FORGE, PENNSYLVANIA

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4  
5 IN RE: COUNCIL WORK SESSION  
6  
7  
8

9 NOVEMBER 13, 2018

10 7:00 P.M.

11 OLD FORGE MUNICIPAL BUILDING

12 314 SOUTH MAIN STREET

13 OLD FORGE, PENNSYLVANIA  
14  
15  
16

17 COUNCIL MEMBERS:  
18

19 ROBERT SEMENZA, PRESIDENT

20 JOSEPH FERRETT

21 LOUIS FEBBO

22 RICK NOTARI

23 JAMES HOOVER

24 MICHAEL LETTIERI

25 WILLIAM RINALDI, ESQUIRE, SOLICITOR

MARYLYNN BARTOLETTI, BOROUGH MANAGER

Mark Wozniak  
Official Court Reporter

1 MR. SEMENZA: Good evening, ladies  
2 and gentlemen. Welcome to the November 13th  
3 work session for the Old Forge Borough  
4 Council. I'd like to start the meeting with  
5 the Pledge of Allegiance.

6 (The Pledge of Allegiance was  
7 recited.)

8 MR. SEMENZA: Thank you. Once  
9 again, welcome to the Old Forge Borough  
10 Council meeting. The purpose for tonight's  
11 meeting is to set the agenda for our  
12 November 20th meeting, which will be next  
13 week. I'm going to go to our department  
14 heads, see if they have anything for the  
15 agenda.

16 I'm going to ask our solicitor,  
17 Bill, for roll call, please.

18 ATTY. RINALDI: Mr. Febbo?

19 MR. FEBBO: Here.

20 ATTY. RINALDI: Mr. Notari?

21 MR. NOTARI: Present.

22 ATTY. RINALDI: Mr. Lettieri?

23 MR. LETTIERI: Present.

24 ATTY. RINALDI: Mr. Ferrett?

25 MR. FERRETT: Here.

1                   ATTY. RINALDI: Mr. Rinaldi is  
2 absent. Mr. Hoover?

3                   MR. HOOVER: Here.

4                   ATTY. RINALDI: Mr. Semenza?

5                   MR. SEMENZA: Here. Like I said,  
6 the purpose for tonight's meeting is to set  
7 the agenda for our November 20th meeting.  
8 I'm going to hear from our department heads,  
9 see if they have anything for the agenda.  
10 We'll go down the table, see if any council  
11 members have anything to address.

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

14                   I'm going to switch things up a  
15 little before we get started with all that.  
16 We have George Kelly here from Lackawanna  
17 County. He's going to speak to council  
18 about the Lackawanna County Land Bank.

19                   MR. KELLY: Good evening. I'm a  
20 director of Lackawanna County. I'm also one  
21 of the board members of the Lackawanna  
22 County Land Bank. What I want to do tonight  
23 is just discuss it briefly, answer any  
24 questions you may have regarding the land  
25 bank, tell you some of our successes, what

1 we plan on doing moving forward.

2 We've been operational for about a  
3 year and a half. We focus in the city of  
4 Scranton. But land bank is a governmental  
5 organization that was created to help fight  
6 blight. It is an organization that's set up  
7 that will help address blighted properties  
8 in our neighborhoods. There's a lot of  
9 properties out there that have several  
10 things going against them. Many times in a  
11 community a property may be taken down,  
12 demolished using Community Development Block  
13 Grant funds or using other funds, there's  
14 liens and encumbrances put against that  
15 building to try to recover the expenses.  
16 Usually in most neighborhoods it wouldn't be  
17 cost justifiable for someone to buy that.  
18 You're a little more fortunate in Old Forge,  
19 that if there's something available people  
20 typically would buy it. But you come across  
21 those challenging properties.

22 When the land bank takes title to a  
23 property it clears all municipal liens,  
24 encumbrances, fines that are out there. So  
25 it basically clears anything but an IRS

1           lien.

2                   We typically will only take property  
3           that comes through the judicial sale, the  
4           tax claim process. So usually all the  
5           properties are picked through. If anybody  
6           wants it to try to make a buck on it,  
7           improve it, take it over, that usually  
8           happens that way. We usually get stuff at  
9           the bottom of the barrel. Properties nobody  
10          really wants.

11                   Old Forge has four of those in the  
12          repository right now that probably have been  
13          in there for a while. I looked them up  
14          quickly. There's one off Lonesome Road that  
15          was right in the middle of the creek or  
16          whatever runs -- the waterway that runs  
17          right along Lonesome Road. Then we have  
18          three other properties in Old Forge.

19                   MR. SEMENZA: Which one would that  
20          be on Lonesome Road?

21                   MR. NOTARI: It's the property right  
22          across from Schuback's.

23                   MR. SEMENZA: That is Schuback's, I  
24          believe. That garage?

25                   MR. NOTARI: The one that's on the

1 river side.

2 MR. KELLY: Right on the river side.  
3 There's actual nothing there. It's just a  
4 big square. I don't know if something was  
5 washed away at one time.

6 MR. FEBBO: I believe that belongs  
7 to Chris Schuback. His father paid the  
8 taxes on that all the years.

9 MR. KELLY: I think I have a list of  
10 all the properties. This might help.

11 CHIEF DUBERNAS: Where he had cars  
12 stacked. There's the old car wash. That's  
13 his uncle Chris'.

14 MR. KELLY: There's three other  
15 properties. There's one that's a little  
16 triangle at the end of an unimproved  
17 property. There's not a lot there. It's  
18 very small. Mostly unusable. Probably not  
19 developable lots.

20 But what the land bank will do is  
21 work with the community, the municipality to  
22 determine is there anything we could do with  
23 these lots. We have a satellite program  
24 where we will take a lot that's usually  
25 non-conforming, not buildable, and we'll try

1 and turn it over to the neighboring property  
2 owners or split it among several owners if  
3 they're all around it. We do it for a  
4 hundred dollars. So they get the property,  
5 they take care of it, they fight the blight,  
6 and then we put it back on the tax rolls.

7 So to date we have about 78  
8 properties that we've sold through the land  
9 bank in the city of Scranton. They have 535  
10 properties in their tax repository. So  
11 there's a lot more to come in Scranton.  
12 Scranton has a habit of taking down houses.  
13 If too many people complain they condemn it,  
14 take it down. Whether there's a door that's  
15 amiss or high grass. We've seen some pretty  
16 serious demolitions going in the city of  
17 Scranton. We work with those.

18 Now, in terms of the benefit to Old  
19 Forge, only having a handful of properties,  
20 we could probably find a home for those. If  
21 there's any liens, we can take care of those  
22 and get them off the property to get into  
23 someone's hands.

24 Where the power really comes in the  
25 land bank is where we have a priority bid.

1           What that is, when we go through a tax sale,  
2           a judicial sale, where it's sold free and  
3           clear, that if the borough says we want  
4           these properties for a certain reason we can  
5           go in with the land bank and actually say  
6           we're going to take it off the auction.  
7           We'll have to pay the minimum taxes that are  
8           due on it, and then we can turn that over to  
9           whatever the borough or school district  
10          wants to do with it.

11                 We just did a property like that  
12           right off Main Avenue, behind Gerrity's.  
13           Eynon Street in West Side Scranton. We have  
14           the school right next door. The kids were  
15           being dropped off in front of Gerrity's, in  
16           the parking lot, because there's no parking.  
17           We went to the tax sale, we took that  
18           property off the auction, and then the  
19           owners of Gerrity's bought that property for  
20           the tax amount, they raised the house. It  
21           was a triple unit, rodents, blighted. They  
22           took it down, blacktopped it. Now we have a  
23           drop off and pick up for the kids at school.  
24           We went to the school board first and said  
25           you want to do this, this is what it needs.



1 We went to the city of Scranton, the mayor  
2 and council, said do you want to do this, it  
3 doesn't make sense for you. So that's where  
4 I can see the power of the land bank really  
5 being a benefit to Old Forge. As things  
6 come through the tax sale, if you want to do  
7 something specific with it, whatever reason,  
8 the land bank usually has an advisory -- we  
9 do have an advisory committee, somebody from  
10 council to represent the borough, the school  
11 district to represent the school district to  
12 tell us what you want to do with the  
13 properties.

14 It only cost a dollar to join. The  
15 reason being we're lucky enough that the  
16 state reps and Senator Blake gave us a  
17 gambling grant, \$160,000, two years ago. We  
18 still have over \$100,00 of that left. So we  
19 don't have to charge. A lot of land banks  
20 sometimes will charge \$10,000 for a  
21 municipality to join. We didn't want price  
22 to be an objection or an issue. Therefore,  
23 we keep it low.

24 The hook is that five years after we  
25 put a property back on the tax rolls we

1 split the taxes with the taxing bodies. So  
2 the borough will only get half the tax on  
3 those properties and split have with the  
4 land bank.

5 MR. SEMENZA: Well, most of these  
6 things we're not getting taxes off to begin  
7 with.

8 MR. KELLY: If you had a large  
9 parcel or significant parcels that come on  
10 to your tax claim inventory, then we'd be  
11 able to work those through. We also have  
12 Blight to Bright Task Force, where we've had  
13 several town hall meetings. We've had four  
14 meetings already where we're going to come  
15 up with a series of tools for municipalities  
16 to use to fight blight. Quality of life  
17 ordinances, other things we can do,  
18 conservatorships. If we have a house where  
19 someone's paying the taxes but they really  
20 let the house run down, that the land bank  
21 would come in and actually take over the  
22 property, do the maintenance of those  
23 properties, and then eventually -- it's all  
24 court overseen -- when the amount is pretty  
25 high, we can then take the property for the

1 money that's put into a house or a property,  
2 maintain it, and then we turn that around  
3 and just sell that off to recover the cost.  
4 That's really good if you have a house or  
5 blighted house where they're still paying  
6 the taxes but it becomes a significant  
7 problem. So it's a strategy you can use.

8 We have our Blight to Bright public  
9 meeting on November 29th at 6:00 at the 911  
10 center. What we're going to do there is  
11 present the strategies and the results of  
12 what we've worked with with all the  
13 different communities. People volunteer, as  
14 in the town hall meetings. We'll have the  
15 task force there. Are there any questions  
16 about the land bank?

17 MR. SEMENZA: Before we go any  
18 further, Bill, 408 Grace Street, what's  
19 going on with that?

20 ATTY. RINALDI: We put in a bid on  
21 the repository property at 408 Grace Street.  
22 I think we're waiting for the school board  
23 to sign off. The county was okay with it.

24 MR. SEMENZA: It's falling onto the  
25 other house.

1 MR. KELLY: Typically there's three  
2 days we hold the bid, we accept it, and then  
3 just a matter of the taxing body signing  
4 off.

5 ATTY. RINALDI: So I signed for the  
6 borough, since we put in the bid. Same  
7 letter should have went to the school  
8 district already.

9 MR. SEMENZA: I believe it did. I  
10 spoke with Brian. He said they had to wait  
11 until their regular meeting.

12 MR. NOTARI: Next Wednesday.

13 MR. SEMENZA: Now, I just want to  
14 know -- the reason why I brought that up  
15 first is because I want to ask you this has  
16 been going on -- when did we do this, over a  
17 month ago?

18 MR. NOTARI: At least, maybe two.

19 MR. SEMENZA: Here we are now, a  
20 month and a half later, and it's still not  
21 ours. This building is really close to  
22 falling on somebody else's property.

23 ATTY. RINALDI: Probably three  
24 weeks.

25 MR. SEMENZA: It's been longer than

1 three weeks since our last meeting.

2 MR. KELLY: The beauty of the land  
3 bank is the red tape and the time that it  
4 takes to get these houses into your own  
5 hands. Also there's more of a chance to  
6 strip out the copper, vandalism. If Old  
7 Forge decides to join the land bank we have  
8 to get the school district on board. We  
9 would take all the repository properties  
10 into the land bank. Then if council came to  
11 us and said we want that property, we're  
12 going to do something with it ourselves, you  
13 would come in and bid a hundred dollars on  
14 the property. There would be no transfer  
15 tax, of course, and then you'd get the  
16 property. It takes less than 30 days to  
17 title that over to you.

18 MR. SEMENZA: I'm looking at time  
19 frames because sometimes time is of the  
20 essence. It has to be done immediately.

21 MR. KELLY: We can work together to  
22 say how can we get demolition funds.

23 ATTY. RINALDI: Do you have the  
24 money to do demolition?

25 MR. KELLY: Right now we have -- as

1 part of the original LSA grant there's about  
2 \$40,000 we had budgeted for demolitions. I  
3 committed \$20,000 of it to Fell Township.  
4 They just joined. They have an old school  
5 house they're going to take down. So we  
6 have a little bit of money in the budget  
7 still. I know Mayfield will be joining the  
8 land bank in about a week.

9 I've been working with the  
10 commissioners to try to do a demolition fee  
11 on the recording of deeds, but I haven't  
12 done a good enough job of convincing them.

13 The other thing that I would love to  
14 do is say can we use some of the Blight to  
15 Bright Task Force money. We have about  
16 \$25,000 in that. See if we can tap that  
17 fund to support this one, too.

18 The other thing is you could see  
19 CDBG funds. For example, right now if you  
20 use your CDBG funds to take that property  
21 down they usually want you to put a lien  
22 against the property. So you take it down,  
23 use your funds, probably a \$15,000 to  
24 \$20,000 task to make that happen. That can  
25 be transferred into the land bank's name.

1           Those liens will get erased because HUD  
2           considers you taking it down achieving  
3           blight, so we'd be able to transfer it into  
4           the land bank, clean it free and clear of  
5           the title that way, and then you can direct  
6           us what you want to do with the property.  
7           Do you want to put it up for sale, do you  
8           want to do something for the community.  
9           Whatever you want to do.

10                   But we typically try to make the  
11           properties go back on the tax rolls, but  
12           there may be an instance where the school  
13           and the community comes to us and says we  
14           want a garden or we want something else that  
15           may not be taxable. If you have a group  
16           that's going to do it we'll lease the  
17           property to the group so they maintain it.  
18           If they walk away from it, don't maintain  
19           it, then we can take it back and sell it.  
20           But it's all directed by the community.

21                   MR. SEMENZA: What do we need to do  
22           to join the land bank?

23                   MR. KELLY: What you'll have to do  
24           is a resolution that says we agree to join  
25           the land bank. There's an intergovernmental

1 cooperation agreement that has to be filled  
2 out. I have examples of both. The one  
3 thing to look at as the agreement for the  
4 cooperation agreement is they originally  
5 snuck in that the city of Scranton had to  
6 maintain properties that the land bank took  
7 in until they were sold. But you don't want  
8 to get into maintenance because that means  
9 you have to cut the grass. We changed that  
10 just to say maintain in a safe manner. The  
11 reason being is we transferred over a  
12 hundred properties from the city of Scranton  
13 into the land bank's name, and then all the  
14 phone calls that used to go to the mayor and  
15 council started coming to us.

16 MR. SEMENZA: Do all three taxing  
17 bodies have to be in agreement to this to do  
18 it?

19 MR. KELLY: Yes. We need to do that  
20 for the land bank.

21 MR. SEMENZA: So if one didn't want  
22 to we can't do it?

23 MR. KELLY: The county will go along  
24 with it. I think I can get the two votes.  
25 The real challenge here is if you go ahead



1 and make this motion I'd meet with the  
2 school board and say it doesn't cost  
3 anything, you have a say in how the  
4 properties are going to be distributed or  
5 how they're going to be sold in any way. We  
6 do full transparency. There has to be a  
7 sign on it, it has to be in a repository,  
8 the land bank, for at least 30 days. We  
9 have to give an opportunity for people to  
10 bid on it. Then whatever comes in, it's a  
11 closed bid process. We go to the advisory  
12 committee and say what do you want to do  
13 with the property.

14 We had a group that wanted to rehab  
15 and make affordable housing and we had a  
16 local business owner that wanted to rehab it  
17 for a coffee shop and apartment upstairs.  
18 Even though the coffee shop and the local  
19 business person was a third of the bid, the  
20 advisory committee said no, we want a coffee  
21 shop and we want to see someone that has a  
22 local business take that back. So it's not  
23 about money at all, it's about what's the  
24 best use of the property as determined by  
25 the advisory committee. Somebody from

1 council, somebody from the school.

2 MR. SEMENZA: Okay. Anybody have  
3 any questions for George Kelly?

4 MR. NOTARI: Let's just say,  
5 hypothetical, this property on Lonesome  
6 Road, where we agreed to the land bank and  
7 the land bank takes this property. It needs  
8 clean up. What happens then? We're  
9 responsible for the clean up?

10 MR. KELLY: Well, typically you're  
11 responsible to maintain it in a safe manner.  
12 So it's unsafe. If you came and tried to  
13 cite us for an unsafe property we'll pull  
14 back the agreement and say no. We're never  
15 going to say you need to clean it up.

16 What we have done in the city of  
17 Scranton, we've had some real ugly  
18 properties. We've acquired 165 properties  
19 to date. We had the prison maintenance team  
20 go out there.

21 The other thing we do is we also  
22 partner with Neighborsworks. They had  
23 Americorp volunteers. They cleaned up four  
24 or five properties for us. We look for boy  
25 scouts or anybody else we can to work with

1 us. The land bank will provide the  
2 materials, supplies and then look to have  
3 somebody do it that way.

4 I didn't apply for a gambling grant  
5 this round because I still had \$100,000 in  
6 the bank. Next year I'll be going back to  
7 the state reps and the senator to say I need  
8 a demolition fee. We need something for  
9 maintenance to kind of spruce these up, too.  
10 We partnered with United Neighborhood  
11 Centers. So we're big on partnerships.

12 We keep the budget real low. We  
13 only pay a solicitor. Any other questions?  
14 I'll be available for any questions,  
15 Kellyg@lackawannacounty.org. Blight to  
16 Bright, when that comes out you're welcome  
17 to attend. You don't have to join to attend  
18 Blight to Bright.

19 MR. SEMENZA: We'll have Bill look  
20 them over. Are you going to go to the  
21 school board?

22 MR. KELLY: If you come back and say  
23 I think we want to pursue this I'll go to  
24 the school board.

25 MR. HOOVER: I don't want to miss

1 another month.

2 MR. SEMENZA: I don't either.

3 MR. KELLY: I can meet with them  
4 next week.

5 MR. SEMENZA: Next week, if  
6 possible. Bill, can you do that?

7 MR. HOOVER: If we pass it on  
8 Tuesday you can go there Wednesday.

9 MR. SEMENZA: Bill, does the  
10 resolution have to be put in the paper?

11 ATTY. RINALDI: That's what I'm  
12 looking at now. Not spending any money, so  
13 I don't think so.

14 MR. KELLY: It's a dollar.

15 MR. SEMENZA: I'll donate the  
16 dollar. We're basically looking to clean up  
17 these places. They're a mess.

18 MR. KELLY: Do you have a lot of  
19 blighted that aren't on the repository?

20 MR. SEMENZA: More than you think.

21 MR. HOOVER: Some are very close.

22 MR. SEMENZA: Some they look at and  
23 say somebody lives in there? Are you  
24 kidding me? The chief probably knows more  
25 than anybody. Last year how long did it

1 take us to get the Chelland building knocked  
2 down? Over a year to take possession of the  
3 property and the building and get it torn  
4 down. It took us quite some time.

5 MR. KELLY: Sometimes if you have  
6 someone that passes away and it's just not  
7 worth it to probate the property a  
8 redevelopment authority can actually come  
9 in. You can come in and you could actually  
10 probate that property, and then you can  
11 force that to finally be finished. That's  
12 another tool.

13 MR. HOOVER: Just to speed up the  
14 process when you do find one. It would help  
15 us immensely.

16 MR. KELLY: Thank you very much for  
17 your time.

18 MR. SEMENZA: Thank you. We'll be  
19 in touch. At this time we'll go to  
20 department heads. Paul Papi, anything for  
21 the agenda?

22 MR. PAPI: No.

23 MR. SEMENZA: Any questions for  
24 Paul? Paul, how is everything going?

25 MR. PAPI: Good.

1 MR. SEMENZA: That day off last week  
2 put a little hitch in things, election day?

3 MR. PAPI: Everybody went hunting.

4 MR. SEMENZA: All right.

5 MR. BIERLYA: Nothing.

6 MR. SEMENZA: Anybody have any  
7 questions for Steve? Steve, behind Bridge  
8 Street, what's going on with that property?

9 MR. BIERLYA: It's cleaned up.  
10 Dumpster's been there, everything on the  
11 outside is totally cleaned.

12 We had two court hearings today.  
13 One was for Drake's Lane, around the corner,  
14 the other one for that property on Wyalusing  
15 Avenue that has all the stuff in the back.  
16 The outcome was second week of December more  
17 stuff's got to be done progressively to  
18 clean up on the Drake Street or Milwaukee  
19 Avenue turn, and 45 days for the one on  
20 Wyalusing Avenue to make a lot more  
21 progression than we made.

22 MR. SEMENZA: When did that first  
23 start on Wyalusing Avenue?

24 MR. BIERLYA: 2016.

25 MR. SEMENZA: So we're two years

1                   into it now.

2                   MR. BIERYLA: It went into the early  
3 part of 2017 and everything halted, and then  
4 between sending letters and promising to do  
5 anything it just never happened, and then I  
6 was forced to go down to the magistrate.

7                   MR. FEBBO: You say show  
8 improvement. To what extent?

9                   MR. BIERYLA: There's pictures that  
10 I have, and everything that was in the  
11 pictures the judge wanted removed.

12                  MR. FEBBO: How about the vehicles?

13                  MR. BIERYLA: Removed.

14                  MR. FEBBO: Forty-five days?

15                  MR. BIERYLA: Forty-five days, and I  
16 guess a report to see where it stands.

17                  MR. SEMENZA: Where are we with the  
18 Stocki property?

19                  MR. BIERYLA: Stacked high,  
20 compacted. We have another hearing to go  
21 to. He wants us to meet to see what else we  
22 want him to stack higher, and then he has  
23 three months to make everything running.  
24 Everything else should be removed.

25                  MR. HOOVER: We walked that three

1 weeks ago. They stayed in the car. Me and  
2 Lou walked all the way in the back. It was  
3 ten times worse than I expected. I mean,  
4 they actually started up a machine and there  
5 diesel fuel shooting out of it. Wasn't even  
6 running. It was actually flowing out of it  
7 onto the ground.

8 MR. BIERLYA: At this time DEP has  
9 heavy fines coming towards him. Mr.  
10 Gilchrist did evacuate the premises to both  
11 senior and junior, anything that's on there.  
12 The amount of time I don't really know. I  
13 just know that there was a court order  
14 issued. The stuff that's on the top  
15 left-hand side of the Diamond Club, we were  
16 there the 26th, they were in court that  
17 week, he had 30 days to remove all of the  
18 vehicles and anything that he had on the  
19 property up on top. That was initiated by  
20 Mr. Gilchrist.

21 MR. HOOVER: The puddles between the  
22 trucks, you can see the film on top, the oil  
23 on top of it.

24 MR. FEBBO: Steve, what about  
25 incoming? The day we left there Jimmy



1                   chased a truck down --

2                   MR. HOOVER: After we left you --

3                   MR. BIERYLA: I addressed that with  
4 him and he said there's no incoming.

5                   MR. HOOVER: -- I went up Keyser and  
6 made the right on Oak Street, there was a  
7 tractor-trailer coming off of the turnpike  
8 with a dilapidated loader on it and a  
9 utility truck. I turned around and I  
10 followed him right to Gilchrist. He pulled  
11 it in and backed right in. I took a picture  
12 on my phone.

13                  MR. BIERYLA: I sent it to him. He  
14 said that was going up to scrap. All we  
15 have to look at is he has three months to  
16 abide by the judge's order or there's  
17 consequences. We go to the next meeting  
18 that we have and that utility truck is on  
19 his property, then we know it came in. He  
20 can't say it was going out.

21                  MR. SEMENZA: All right. It's in  
22 the hands of the Court and him.

23                  MR. BIERYLA: To address the judge  
24 and abide by his order. One good thing, I  
25 haven't been getting any calls about any

1 high grass now.

2 MR. SEMENZA: I have one question  
3 for you. I don't know how to address it.  
4 But somebody's property, shrubbery or  
5 whatever going onto another property.

6 MR. BIERYLA: That's the property  
7 owner. It's a state law. We don't regulate  
8 that. We regulate everything --

9 MR. SEMENZA: Because I asked you  
10 about it once before.

11 MR. BIERYLA: Within the perimeter  
12 of the property. Back in March of 2011  
13 there's a state law with trespassing issues,  
14 whether it's underneath or above the  
15 property. The neighbor couldn't cut the  
16 tree or the shrub but they're responsible if  
17 something happens to it. If it falls down,  
18 they have a clause in there for an act of  
19 God.

20 If you decide to get it cut, it is  
21 recommended to hire a professional because  
22 they have the insurance should something  
23 happen down the line.

24 MR. NOTARI: In other words, if my  
25 tree's growing on your property you have the

1 authority to cut it?

2 MR. SEMENZA: Right.

3 MR. BIERYLA: Yes, and if you need  
4 that printout I can give it to you.

5 MR. LETTIERI: Did we get any  
6 rectification on the parking issue, like,  
7 ordinance wise, with Ronnie Coles' shop with  
8 the tires and everything else?

9 MR. BIERYLA: No. I got a little  
10 involved with Walter and the other issues  
11 and I didn't dig into it. Sorry about that.

12 MR. SEMENZA: I think that's about  
13 all. Anybody else have anything for Steve?  
14 Thanks, Steve. Dave, anything for the  
15 agenda?

16 MR. LOPATKA: Just the Saint  
17 Lawrence plan was approved by the planning  
18 comission. So that's something that  
19 council's going to need to vote on, I'm  
20 assuming, and sign.

21 MR. SEMENZA: Anybody have any  
22 questions for Dave? Thanks, Dave. Chief?

23 MR. BIERYLA: Let me just address  
24 council on one thing. John Giambra's  
25 property down there, there was a party that

1 had called up, was asking of the zoning down  
2 there, and they asked if they could put a  
3 recycle center there.

4 MR. SEMENZA: I don't know if  
5 everybody knows where John Giambra's  
6 property is.

7 MR. NOTARI: I do.

8 MR. BIERYLA: That was an  
9 environmental zone that got switched over to  
10 R-2 for the project that Mr. Giambra was  
11 willing to put in there.

12 MR. SEMENZA: It was a KOZ.

13 MR. BIERYLA: Housing. He has  
14 somebody that was interested in maybe -- he  
15 was asking if -- to put a recycle center in  
16 there and make that an E-1 zone. So I told  
17 them if they wanted to come to council and  
18 address it either tonight or next week,  
19 speak to what type of recycling center and  
20 give the whole deal of what they were  
21 thinking of, but they weren't here. I just  
22 wanted to let you know there was a call on  
23 it.

24 MR. FEBBO: Steve, as it's zoned  
25 right now what could it be used for?

1 MR. BIERYLA: It's environmental.  
2 It's an E-1 which abuts -- it was a solid  
3 piece of E-1 property which abuts an R-2 and  
4 an I-1 property, meaning Mariotti's. It was  
5 changed to R-2 because you're not just spot  
6 zoning something in the middle of a zone  
7 that isn't attached to the property. So you  
8 took the R-2 and continued it over to where  
9 his project is.

10 Now, the other person is asking if  
11 everybody agrees on this recycling project  
12 that they may have in mind or address  
13 council. You could take the I-1 zone and  
14 abut it down and remove the R-2 zone, but  
15 that would be a map change. They still have  
16 to address it first to see what kind of  
17 business, truck traffic, everything that  
18 happened.

19 MR. SEMENZA: Everything since has  
20 been cleaned up there. Right?

21 MR. BIERYLA: Yes. The problem is  
22 anything closest to the river where that  
23 piece of property is where the transformers  
24 were and all the leakage of the  
25 transformers, that is kind of like a super

1 site. You've just got to monitor it and you  
2 really can't build on it.

3 MR. SEMENZA: So nothing can be done  
4 there?

5 MR. BIERYLA: No. That's fenced in.

6 MR. FEBBO: How many acres?

7 MR. BIERYLA: I don't know right  
8 now. I don't know. I'd have to look.

9 MR. PAPI: There's the fenced in  
10 area. That's where PPL owns the land, the  
11 Superfund site.

12 MR. SEMENZA: Anybody have any  
13 questions about that for Steve? Thanks,  
14 Steve. Chief?

15 CHIEF DUBERNAS: Nothing.

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

18 MR. NOTARI: Chief, how are things  
19 going over at the school?

20 CHIEF DUBERNAS: Good.

21 MR. NOTARI: No problems with  
22 staffing?

23 CHIEF DUBERNAS: No, it's just  
24 whoever works dayshift, 9:00, we just rotate  
25 every two hours, except for my two dayshift

1           guys. They usually go around 20 to eight  
2           and then stay until about 8:30, then whoever  
3           was in the school comes back for 9:00,  
4           unless there's an emergency like today.

5           MR. SEMENZA: I don't know if you  
6           can answer this right now, but by the next  
7           meeting I'd like to have something. During  
8           the dayshift, from whatever time they start  
9           at school to whatever time they leave the  
10          school, how often is a cop not there? How  
11          often is a cop called out on a call? How  
12          often is that school left unoccupied?

13          CHIEF DUBERNAS: Well, it's usually  
14          never unoccupied because there's always  
15          somebody there. Like I said, that's why  
16          even today I don't come back until 1:00, but  
17          I have a 9:00 person come in. There's  
18          always somebody there and there's always two  
19          people on the road in town to cover  
20          emergencies unless it's something serious.  
21          Today they had a three-car crash. They were  
22          down 45 minutes today. As soon as they were  
23          able to be free we went right over to the  
24          school.

25          MR. SEMENZA: Since the start of

1 school how many times was that school left  
2 unoccupied?

3 CHIEF DUBERNAS: I'll look. It's  
4 not that many.

5 MR. SEMENZA: See if you can figure  
6 it out for us. Someday we're going to have  
7 to come to a decision on what we're really  
8 going to have to do with this. These are  
9 going to be some crucial pieces to the  
10 puzzle.

11 CHIEF DUBERNAS: I have a meeting  
12 with them. They received the grant for  
13 \$25,000. I don't know if you talked to any  
14 of the school board members, but one of the  
15 biggest issues is radio communication in  
16 that building. We can't get out.

17 MR. SEMENZA: What do we need to do?

18 CHIEF DUBERNAS: Mr. Dougher  
19 actually told her the ambulance got  
20 dispatched to the thing. They have a 911  
21 tower at the school. We're going to try a  
22 couple different options. Right now  
23 Motorola came out with the Wave System.  
24 It's a special cell phone that carries the  
25 police zone, fire zone, but it's also like a



1 two-way radio, and it will run off direct,  
2 straight wi-fi. So I pitched that to them  
3 since they had that grant for the money,  
4 that they could possibly purchase them. So  
5 maybe their administrators get that phone  
6 and each police officer that's in the  
7 school.

8 Another thing was since our cars are  
9 always parked out front, the three cars that  
10 are always pretty much used for dayshift,  
11 car 3, car 4 and car C, we would get a  
12 portable receiver that would be a repeater  
13 that would be able to give our portable  
14 radios more power, so we would be able to  
15 transmit back and forth and receive back and  
16 forth.

17 So there's a few options that we're  
18 going back and forth through right now. But  
19 communication is our biggest issue over  
20 there.

21 MAYOR LEGG: Is that going to be  
22 paid for by the school from that grant?

23 CHIEF DUBERNAS: Hopefully, yeah,  
24 that's the option, they can use that  
25 \$25,000. It has to be something for safe

1 school.

2 MR. FEBBO: So it doesn't go for  
3 salary?

4 CHIEF DUBERNAS: No, it has to be  
5 for a safe school zone.

6 MR. NOTARI: Well, I hope they would  
7 begin to do something over three. I'm not  
8 aware of anything that has been done to make  
9 that school safer besides us putting a  
10 police officer there.

11 CHIEF DUBERNAS: Once a month now DA  
12 Powell has a safe school coalition, and the  
13 chief of police, the DAs or a designee --  
14 Officer Kimbal, he goes on behalf of Old  
15 Forge because that's what he does. He's  
16 certified through Homeland Security and  
17 everything. So he's been to one. With this  
18 new Act 44 they have to show a progression.  
19 I know when they were doing the things they  
20 did a couple modifications as per the  
21 survey. They put the door -- room numbers  
22 on the windows --

23 MR. SEMENZA: They've been on the  
24 windows for a long time. Years.

25 CHIEF DUBERNAS: I met with the

1 architect for the GXP app that the county's  
2 running now. The Raptor system. Now they  
3 have a law enforcement key on it that will  
4 have our cell phone number in it.

5 MR. HOOVER: You're already in the  
6 school when you give them your license,  
7 though. You know what I mean? If somebody  
8 knocks on the door, here's my license, let  
9 me go. It doesn't make sense.

10 CHIEF DUBERNAS: According to what I  
11 was told they're supposed to make a little  
12 vestibule --

13 MR. HOOVER: They were supposed to  
14 do that before they did anything else.

15 CHIEF DUBERNAS: That Raptor system  
16 is going to be in that room, so as soon as  
17 you open the door it's right there. You  
18 need to have your ID, they take your  
19 picture, everything. Before you go they  
20 would contact whoever you're looking for and  
21 they would come to personally escort you.

22 MR. FEBBO: What's the time on that?

23 CHIEF DUBERNAS: I have no clue.

24 MR. NOTARI: It's not up to us to  
25 tell them what to do.

1 CHIEF DUBERNAS: They put some kind  
2 of film on the windows, they did a couple  
3 other things. They're making small  
4 progressions. But I know that vestibule  
5 with the Raptor system --

6 MR. SEMENZA: I don't think it  
7 should be up to the public, all the things  
8 they're making there.

9 MR. NOTARI: No, it shouldn't be,  
10 but to me nothing's changed.

11 CHIEF DUBERNAS: One of the biggest  
12 issues, what it is today and when the school  
13 was built. The front doors, you would never  
14 build a school that has 27 front doors that  
15 are full of glass in this day and age.  
16 That's one of their biggest issues, and for  
17 them to try to control everybody to go  
18 through one or two doors, that's -- the only  
19 thing they need to do is pull them doors out  
20 and filling them in with brick. Maybe put  
21 one or two windows there. Because they're  
22 not allowed to use them.

23 MR. NOTARI: But they're still  
24 usable.

25 MR. SEMENZA: Thanks, Chief.

1 Anybody have any other questions for Chief  
2 Dubernas?

3 MR. PAPI: It's probably like that  
4 because the auditorium is right there. They  
5 can bail out real quick.

6 MR. SEMENZA: Anybody else?  
7 Thank's, Chief. Bill, anything for the  
8 agenda?

9 ATTY. RINALDI: Other than the  
10 church project, depending on where the  
11 bishop is, maybe we'll have everything ready  
12 to be signed for the next meeting besides  
13 the plans.

14 Me and Marylynn talked about the  
15 recycling bid. It seems like there's really  
16 nothing to bid but because the last bid was  
17 for pricing, and since nobody's paying for  
18 it anymore, now you're just ordering  
19 dumpsters and switching them out.

20 MS. BARTOLETTI: Is there something  
21 we can do through proposals?

22 ATTY. RINALDI: Yeah, but what is  
23 the proposal? The original contract was for  
24 purchases and selling everything, and then  
25 you started streamlining all together and

1                   that went out the door, and now you're  
2                   basically just paying.

3                   MR. SEMENZA: You know what I want  
4                   to know? Since we're all single stream  
5                   right now, why can't we have the borough put  
6                   whatever out at any time now?

7                   MS. BARTOLETTI: We could, but I  
8                   really don't want to stay with single  
9                   stream.

10                  MR. SEMENZA: I don't either.

11                  MS. BARTOLETTI: If the recycling is  
12                  going to go back to having a value, then I  
13                  really don't want to mess anything up now  
14                  and then have to change again. I'd rather  
15                  fix it on our part to make it work, if it  
16                  takes two different containers or whatever,  
17                  and either working it that way. I'd rather  
18                  try to work it out on our own. To me it  
19                  doesn't make any sense.

20                  MR. FEBBO: Do you think you can  
21                  work out something like that?

22                  MS. BARTOLETTI: Yes.

23                  MR. FEBBO: Can you give us  
24                  something for next meeting?

25                  MS. BARTOLETTI: I'll try.

1 MR. PAPI: They don't want us to  
2 bring yard waste to the recycling center.  
3 They want it separate. They want grass and  
4 leaves separate from brush.

5 MS. BARTOLETTI: But that's  
6 Lackawanna County. That's not where we're  
7 going now.

8 ATTY. RINALDI: The single stream in  
9 the contract was a price and we used to  
10 shuttle it down there.

11 MS. BARTOLETTI: What Paul means is  
12 branches, leaves --

13 MR. PAPI: Our yard waste.

14 ATTY. RINALDI: I don't know how  
15 you're going to get three dumpsters side by  
16 side to do multi-stream.

17 MR. LETTIERI: How many do you have  
18 now?

19 MR. PAPI: Two. One for recycling  
20 and one for yard waste. With our new big  
21 dump truck we can handle running down with  
22 it.

23 MR. SEMENZA: We try to avoid that  
24 because of gas.

25 MR. PAPI: This week technically our

1 two big dump trucks we got all the paper on.  
2 We still didn't dump. We have Monday's and  
3 Tuesday's on, tomorrow we'll fit Wednesday's  
4 on, and then when they're done the two  
5 trucks will go down and dump. So we have  
6 the whole week on one load down. That new  
7 truck is amazing, how much it will hold.

8 ATTY. RINALDI: So when are you  
9 using --

10 MR. PAPI: The compactor is like  
11 when they go down and we're not finished yet  
12 or if a truck breaks down, then the small  
13 trucks dump.

14 MR. SEMENZA: Why couldn't we run  
15 the one big dump truck?

16 MR. PAPI: It needs three guys. We  
17 only had six guys.

18 MR. SEMENZA: Can't run one guy in  
19 the back?

20 MR. PAPI: You'd kill him.

21 ATTY. RINALDI: You're not filing up  
22 the dumpsters with each stream. In other  
23 words, you don't have enough big recycling  
24 and commingle to say come and pick it up.

25 MR. PAPI: We can fill them up if we



1 dumped into them and let them do it all the  
2 time. It's a tricky thing, and then they  
3 don't know what's going on from week to week  
4 either. Now with this grass with Lackawanna  
5 County, they charged one of the  
6 municipalities for dumping their yard waste  
7 700-some dollars. For what? Because grass  
8 and leaves are mixed in with the brush and  
9 we can't do that. Grass has to go separate.  
10 We don't really go to Lackawanna County. We  
11 can if we have to. Anybody can.

12 MS. BARTOLETTI: Then they came back  
13 and cancelled out the charge.

14 ATTY. RINALDI: You were separating  
15 cardboard, newspaper and paper --

16 MR. PAPI: Paper products was one  
17 week and commingle was the next week.

18 ATTY. RINALDI: So now you're doing  
19 cardboard and paper together?

20 MR. SEMENZA: We were always doing  
21 cardboard and paper.

22 MS. BARTOLETTI: Who is the DPW  
23 committee right now? Two of you?

24 MR. SEMENZA: It was Joe Lencieski,  
25 so it's Mike Lettieri.

1 MS. BARTOLETTI: Maybe what I'll do  
2 is I'll give you guys a text tomorrow and  
3 we'll set up a meeting --

4 MR. HOOVER: Febbo, Ferret,  
5 Lenceski.

6 MS. BARTOLETTI: Then for next week  
7 maybe we'll have more information.

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

10 Marylynn, borough manager's report,  
11 please. Do you have anything for the  
12 agenda?

13 MS. BARTOLETTI: No. I'll probably  
14 have a first draft of the budget to give you  
15 next week so we'll be ready to tentatively  
16 pass at our first meeting in December, and  
17 then do the --

18 MR. SEMENZA: Do you want to have a  
19 finance meeting before that?

20 MS. BARTOLETTI: Yeah, before our  
21 December meeting have one. Then all these  
22 plans that I showed everyone, if everybody  
23 wants to stay a couple minutes after this  
24 meeting to give you a little input. I  
25 already have some notes on them. That's it.

1 MR. SEMENZA: Anybody have any  
2 questions for Marylynn? Thanks, Marylynn.  
3 At this time I'm going to go down the table  
4 and see if council has anything to address.  
5 Mayor?

6 MAYOR LEGG: Mr. President, I have  
7 nothing this evening.

8 MR. FEBBO: No, I'm good.

9 MR. NOTARI: I'm okay.

10 MR. LETTIERI: Mr. Mayor, where are  
11 you with bringing in the junior councilmen?  
12 You brought that up at the last meeting.

13 MAYOR LEGG: I talked to Marylynn  
14 and then I talked to Chris over at the  
15 school. Probably not something we're going  
16 to be able to get going this year. So  
17 probably sometime in the new year. Maybe  
18 I'll go over on a Thursday when I'm off work  
19 and maybe talk to the junior class and see  
20 if anyone is interested. We haven't laid  
21 the ground rules. That's something Marylynn  
22 and I and Chris will talk about.

23 MR. LETTIERI: What about Jason's  
24 request for the dog? Can we put that on the  
25 agenda? I know we keep bringing it up but

1 nothing gets resolved on it.

2 MAYOR LEGG: I know we got some  
3 information yesterday. The chief got some  
4 information on a dog.

5 MR. SEMENZA: You don't want to  
6 enlighten council? I've only been trying to  
7 get a dog for seven years.

8 CHIEF DUBERNAS: I have just a  
9 couple things. Like, I got how much it is  
10 to upfit a car, how much the training is. I  
11 just got some prices on dogs. I don't have  
12 a total bill. It's definitely \$30,000.

13 MR. SEMENZA: See if we can get a  
14 donor. Do you know anybody that wants to  
15 donate some money to the cause of a --

16 CHIEF DUBERNAS: We can look into  
17 it.

18 MR. SEMENZA: Before we put anything  
19 on the table we should look into that.

20 MR. NOTARI: I actually did a little  
21 research because the quarterback of the  
22 Steelers does a grant program. However,  
23 from my only readings about it, it has to do  
24 with his neighborhood, his home town and any  
25 towns around an NFL city, which we are not.

1 I'm going to see if I can make some contact  
2 and see if there is any way.

3 MR. SEMENZA: Thanks, Chief.  
4 Councilman Ferrett?

5 MR. FERRETT: I have one little  
6 thing. It's storm water. Mr. Chairman, I  
7 realize that after this last summer, the  
8 tremendous rainstorms that we had, some of  
9 the problems, I also have taken a very close  
10 look at that Pride Mobility with that big  
11 holding pond and everything. I really think  
12 that this is something that we should take a  
13 very, very close look at.

14 And I'm just wondering myself in my  
15 own personal opinion that I'd like to  
16 recommend to council that we go to work and  
17 adopt a resolution to pass a storm water  
18 tax. This would be just like your road tax,  
19 that this money that would come from the  
20 storm water tax would be strictly for storm  
21 water problems that we have throughout the  
22 town.

23 In this respect, you don't have to  
24 look forward to any money coming out of your  
25 general fund or anything of this nature.

1           You'd always have this fund prepared to do  
2           any problems that may exist throughout the  
3           town.

4                   MR. SEMENZA:   So what are we taxing,  
5           all homeowners in the borough?

6                   MR. FERRETT:   It's a storm water  
7           tax.   Right.   It's a one mill tax that you  
8           would put on the borough for the primary  
9           purpose of strictly doing all storm water  
10          problems.

11                   You have a problem right now on Wood  
12          Street that I think needs some very  
13          immediate attention, and this would be the  
14          ideal time, rather than -- you got to  
15          remember one thing.

16                   MR. SEMENZA:   Joe --

17                   MR. FERRETT:   You have a lot of  
18          problems in this town, you're doing this,  
19          you're doing that, and when something  
20          happens, you need some money or something,  
21          you always have to dip into the general  
22          fund.   Storm water problems are something  
23          that's very -- just like the road tax.   We  
24          got that one mill road tax.   We have that  
25          money tied in with money we get from the

1 county and everything to do the roads. It  
2 would be the same thing to fix all the storm  
3 water problems that you have. I mean, just  
4 to consider.

5 My point of view, I think it's a  
6 very good thing. Otherwise, you're always  
7 going to be dipping into the general fund.  
8 This way you don't have to dip into the  
9 general fund. I'm sure that a lot of people  
10 would not be against something like that as  
11 long as the money's being used for a  
12 specific purpose. I realize everybody's got  
13 that idea, that I don't like to raise taxes,  
14 I don't raise taxes. You know what, you got  
15 to face reality and you got to ask yourself  
16 one question: Where does the money come  
17 when we have a problem, when a huge problem  
18 comes up? That's a big thing.

19 MR. SEMENZA: Right. I know what  
20 you're saying.

21 MR. LETTIERI: That would be a tough  
22 one to sell.

23 MS. BARTOLETTI: LLVSA brought us a  
24 check for \$15,000 not to go to the sewer  
25 agency, to go to the general fund to help

1 with any issues that we had during any of  
2 the storms that have happened. Any money  
3 the borough has had to put out to fix any  
4 pipes or any kind of storm water damage or  
5 anything like that. So just to let you know  
6 we did get \$15,000 unexpectedly from LLVSA.

7 MR. FERRETT: That's peanuts  
8 compared to any problems that exist because  
9 you take for instance -- like, I don't know  
10 if anybody on council explores what's going  
11 on up Pride Mobility with that holding pond  
12 up there. I don't know. If I knew  
13 everything before I voted on this I would  
14 have a different opinion on this whole  
15 matter.

16 MS. BARTOLETTI: But that's not done  
17 yet. So if Pride Mobility is still having  
18 issues, then it should be fixed now, not  
19 wait and say now the borough has to fix  
20 their problems. That would be insane for us  
21 to let it continue to go on and not have it  
22 fixed now. I think they've done a decent  
23 job since Dave has been there and Steve has  
24 been there to try and fix it, but  
25 honestly --



1 MR. SEMENZA: I think it's in  
2 working order right now.

3 MS. BARTOLETTI: If that's a problem  
4 fix it now.

5 MR. LOPATKA: I actually spoke with  
6 the conservation district. They've been out  
7 there twice. They kind of have it back  
8 under control. There haven't been any  
9 issues.

10 MR. SEMENZA: The last rainstorm I  
11 was up there and it looked like it was in  
12 working order.

13 MR. FERRETT: But you have to also  
14 understand they have swales running around  
15 their property.

16 MR. SEMENZA: That's not all  
17 finished yet. They're not finished grading  
18 all that whole property.

19 MR. FERRETT: I understand that, but  
20 if you look at the holding pond, you go up  
21 there and take a look at the holding pond  
22 you'll see the swales that are coming  
23 alongside the holding pond going into this  
24 little storm drain. Where is that water  
25 going? What's going to happen if you get

1 heavy rains?

2 MR. SEMENZA: It's designed to send  
3 everything to that holding pond. You know  
4 what I mean? I was there with Paul and Dave  
5 and I was against the whole thing. I didn't  
6 want that storm water going like that. I  
7 wanted a pipe to the river, the whole nine  
8 yards.

9 MR. FERRETT: If you've got time I  
10 would like to take you and voice my opinion  
11 and show exactly what I'm talking about.

12 MR. SEMENZA: I absolutely will go  
13 up there with you.

14 MS. BARTOLETTI: My point, Joe, is  
15 that now is the time to fix it before they  
16 walk away and say now they're done and then  
17 we're stuck with having the problem.

18 MR. FERRETT: This is the reason why  
19 I'm saying the storm water tax would --

20 MS. BARTOLETTI: But why would we  
21 have to have a tax for storm water to take  
22 care of a problem that they're causing?  
23 That's not our problem, that's their  
24 problem.

25 ATTY. RINALDI: It's their

1 responsibility.

2 MR. LOPATKA: It's a private  
3 development, it's their problem.

4 MR. NOTARI: Marylynn, what does a  
5 mill generate?

6 MS. BARTOLETTI: About \$48,000.

7 MR. SEMENZA: You want to put a  
8 resolution to the table? You definitely  
9 could, Joe. I'm against trying to put a tax  
10 on stuff like that.

11 MR. FERRETT: This is what I'm  
12 trying to say. I just want council --  
13 whatever council thinks they want to do.  
14 It's just my opinion, what I think. If  
15 council thinks they don't want to do it,  
16 it's not a good idea, there's no sense  
17 putting a resolution on the floor because  
18 it's not going to go no place.

19 It's just that I'm only looking at  
20 it from the standpoint of view that when you  
21 have these problems and everything you're  
22 going to be digging right into that general  
23 fund, and you got to ask yourself do you  
24 have money to go ahead and cope with all  
25 these problems.

1 MR. NOTARI: I don't know if I agree  
2 or disagree with a tax as Joe is saying, but  
3 I agree with Joe in the sense that there's  
4 going to be a time where we come to the  
5 table and have to do something because we  
6 have a storm water problem.

7 MR. SEMENZA: But there's going to  
8 come a time when the state's going to step  
9 in and mandate that you do something with  
10 your sewer and storm separation. Why raise  
11 a tax now --

12 MR. HOOVER: That's here.

13 MR. SEMENZA: But it's not here per  
14 se. It is but it's not. They're not  
15 telling us we have to do this tomorrow or  
16 within the next five years.

17 MR. LOPATKA: They want you to start  
18 somewhere.

19 MR. SEMENZA: Right, but why raise  
20 something and then have to a change it.

21 MR. NOTARI: However, to me you  
22 would start now so you're in preparation in  
23 three or four years that you have enough  
24 money to begin a project, because it's not  
25 going to be one mill this year and next year

1                   that mill is going to be enough --

2                   MR. SEMENZA: I'd rather look for  
3                   grants and stuff to try to rectify the  
4                   issue.

5                   MR. NOTARI: I don't disagree with  
6                   that, but every borough's going to be  
7                   looking for the same grant. Again, I don't  
8                   know if I'm for a tax or not, but I think  
9                   Mr. Ferrett is right, that we need to get  
10                  ourselves prepared monetarily and design  
11                  wise what we're going to do.

12                  MAYOR LEGG: You're right.

13                  MR. SEMENZA: If worse comes to  
14                  worse and our borough is in that bad a  
15                  standing that we can't afford to do a  
16                  problem we have some money put aside for it.  
17                  That's my opinion.

18                  MR. NOTARI: That's fine.

19                  MR. SEMENZA: I don't know. Isn't  
20                  that what we kind of have that there for, in  
21                  case of emergency? Or we don't even know  
22                  what we have that there for yet?

23                  MR. NOTARI: If you look at this  
24                  project, it has to be a multi-million-dollar  
25                  storm water.

1 MR. LOPATKA: Huge, huge.

2 MR. SEMENZA: Billion dollar  
3 project.

4 MR. LOPATKA: No. It's a lot,  
5 though. Probably ten years ago EPA mandated  
6 the city of Richmond separate all their  
7 storm water. It cost hundreds of millions  
8 of dollars.

9 MR. SEMENZA: Joe, what did the  
10 project cost up Austin Heights?

11 MR. FERRETT: About \$800,000.

12 MR. SEMENZA: A million dollars for  
13 the Austin Heights storm water project.

14 MR. NOTARI: I know it's going to  
15 cost, but we don't have any money in the  
16 coffers for that.

17 MR. FERRETT: It alleviated many  
18 problems that existed there. But the fact  
19 is when you get one of those hundred-year  
20 storms -- there's still many more problems  
21 that have to be done up in the Austin  
22 Heights section, but you have to understand  
23 we ran out of money at that time.  
24 Everything we done was borrow, borrow,  
25 borrow.

1                   This is the reason why I'm saying I  
2                   know what we went through. That's the  
3                   reason why I was recommending this tax,  
4                   because of the fact that up in Austin  
5                   Heights it's like sitting on top of the hill  
6                   someplace. Water has to come down no matter  
7                   how you look at it, and that's why these  
8                   people always get flooded. That's why you  
9                   have all these problems. And there's still  
10                  some minor problems that you can go to work  
11                  and alleviate them problems. Like you said,  
12                  when you get on Bennett Street why is the  
13                  water shooting up like that? Because the  
14                  problem hasn't been corrected completely.  
15                  But we done the best that we can back in  
16                  those days. There's still more has to be  
17                  done.

18                 MR. FEBBO: We had talked about a  
19                 priority list.

20                 MR. LOPATKA: I think the first  
21                 thing you need to do is look at the big  
22                 picture, what you have, what needs to be  
23                 separated, where do you start. You need to  
24                 start talking about that. The first thing  
25                 you need to do is identify problems and then

1           get a map together that shows all right,  
2           here's the map, here's the big picture, and  
3           then you need to break it down from there.  
4           You need a master plan.

5                   MR. FERRETT: Bob, there's one thing  
6           I think you want to remember, is if you  
7           think for one minute that maybe the  
8           government is going to come out with some  
9           grants or something like this, you can  
10          forget about that.

11                   MR. SEMENZA: I know, Joe.

12                   MR. FERRETT: When we talked to  
13          Kanjorski he told us the same thing.  
14          There's not enough money to go to work and  
15          cover everybody because every little town,  
16          you're talking about separation, you're  
17          going to be talking millions of dollars.  
18          Every town, not just one town. The  
19          government's just not going to have that  
20          kind of money. That's the only reason why I  
21          was looking at preparations for the future.

22                   MR. SEMENZA: Something council can  
23          sit down and talk about.

24                   MR. FERRETT: The next thing on the  
25          agenda that I will bring up is we're going



1 to be looking into a road program for next  
2 year, paving of some roads. We have to do  
3 something because those roads are starting.  
4 I don't know, there's got to be something  
5 wrong. Why are those roads -- we only paved  
6 them one year and they're cracked all the  
7 way down already. Something's not right.  
8 Even though we milled across the road --

9 MR. LOPATKA: You're not doing  
10 overall base. To fix the roads the right  
11 way in the long run is to redo them. Nobody  
12 can afford to do that. You have to try to  
13 do the best you can with the money that you  
14 have. Milling is good and putting overlay  
15 on is good to kind of keep your roads in  
16 pretty good shape, but it doesn't fix the  
17 overall problems in the long run.  
18 Unfortunately that's --

19 MR. FERRETT: Anyhow, get the  
20 committee together, we're going to probably  
21 come up with a program of how many roads.  
22 We're going to sit down with Dave and have  
23 Dave look at the roads and see what he  
24 thinks -- let him pick out the roads that he  
25 thinks would be necessary and we'll make the

1 report to council in the future.

2 MR. SEMENZA: Sounds good, Joe.

3 MR. FEBBO: What about the Apollo  
4 project? Where are we at with that? Do you  
5 have an update on that?

6 Mr. LOPATKA: It's a county project  
7 now. A housing authority project. I can  
8 call. Once they took it over it really  
9 wasn't the borough's responsibility.

10 MR. HOOVER: I thought it went out  
11 for bid again because of something.

12 MR. LOPATKA: They put it out to bid  
13 the first time.

14 MR. HOOVER: And something happened.

15 ATTY. RINALDI: We put it out to  
16 bid, they were supposed to start in the  
17 spring. Then they turned around and said  
18 no, we want to put it out to bid.

19 MR. HOOVER: And got one bidder.

20 MR. NOTARI: How about Bill do a  
21 follow up?

22 MR. LOPATKA: I can make a phone  
23 call. I can call their engineer tomorrow.

24 MR. SEMENZA: Anybody else?

25 MR. HOOVER: In regards to the

1 paving program we do have, obviously I'd  
2 like to know what streets you're doing  
3 because I can probably do some streets for  
4 us by changing the water mains. The streets  
5 are so old. I sent you the e-mail of the  
6 streets we're doing this year, we have  
7 additional funding and I decided to do those  
8 three streets we're doing now. Next year  
9 I'm definitely doing Orchard Street from  
10 beginning to end, I'm definitely doing  
11 Stewart Street because it's a water quality  
12 up there. Once we get the paving list I can  
13 look at it and maybe I can do the street and  
14 you can go do another street. The budget's  
15 going up next year a lot. Another five  
16 million, I think. We can look into doing  
17 both.

18 The best thing that can happen is if  
19 Leeward's here, Leeward does their own  
20 paving, we have some streets here, we can  
21 give him an opportunity to pave the streets.  
22 He doesn't have to mobilize. His stuff will  
23 already be here. That's all I have.

24 MR. SEMENZA: I've got nothing. Tom  
25 Chicky?

1 MR. CHICKY: Good evening. I have  
2 some pictures relating to the problem that  
3 I'm having. Just pass them around. Several  
4 years ago there was a problem on Franklin  
5 Street where there used to be a house  
6 standing and they tore it down. Since they  
7 tore it down there's pools of water,  
8 standing water on the property.  
9 Approximately 2,000 square feet. It's  
10 saturated to the point where you can't walk  
11 through it without sinking into the mud.  
12 The summer I'm assuming it's a breeding  
13 ground for a lot of things that you wouldn't  
14 want next door to your house, and the smell  
15 on a hot day is basically like sewage.

16 About 35 to 40 years ago open sewers  
17 were running down Franklin Street in Austin  
18 Heights, and somebody thought that it was a  
19 health concern so they put in sewers.  
20 Before they did that, the sewer water was  
21 coming down and causing all the sidewalks to  
22 break up. The freeze and thaw cycle.

23 Once the sewers were put in  
24 everybody started replacing their sidewalks.  
25 Mine were replaced. The only time water was

1 coming down the street at that point was  
2 when it rained.

3 After the house was torn down the  
4 water basically started pooling up in the  
5 yard, running across the top of the grass  
6 and across my sidewalk and curb, as you can  
7 see in those pictures. In the wintertime  
8 there's ice dams that actually flow up over  
9 the top of the sidewalk, into the road and  
10 just keep encroaching into the road. I  
11 think that's a safety hazard, especially on  
12 a school route. A school bus goes up that  
13 road twice a day.

14 I spoke to the owner several times  
15 over the past 40 years -- the last 20 years.  
16 I think they tore the house down about 15  
17 years ago. It took you 20 years to have him  
18 tear it down. But ever since they did that,  
19 that's when the problem started. You can't  
20 walk down the sidewalk without sinking.  
21 There's no sidewalk on that property.

22 MR. SEMENZA: So it's an open sewer  
23 coming out of a property?

24 MR. CHICKY: It's not open sewer.  
25 It's an empty lot. It smells like sewage.

1           It's water, and I had a water test done on  
2           it and it's showing as positive for E.coli  
3           and coliform.

4                   MR. SEMENZA: And where is it coming  
5           from?

6                   MR. CHICKY: It's coming off their  
7           property.

8                   MR. SEMENZA: From where, though?  
9           Out of a sewer line?

10                  MR PAPI: It's a spring, underground  
11           spring.

12                  MR. CHICKY: We're assuming it's a  
13           spring. I don't know.

14                  MR. PAPI: Before the house was torn  
15           down the basement was full with water. You  
16           could see a penny on the bottom. It was  
17           eight feet, crystal clear. We condemned the  
18           house and had them tear it down.

19                  MR. CHICKY: I think it's 1226.

20                  MR. PAPI: Dave DeLeo's property.

21                  MR. HOOVER: I'll find out tomorrow.

22                  MR. PAPI: In a dry year it's not so  
23           bad, but the year we had everything's at its  
24           maximum saturation.

25                  MR. SEMENZA: What are you looking

1 for from the borough?

2 MR. CHICKY: I would like you to  
3 address the owner and see what they can do  
4 about it.

5 MR. SEMENZA: Steve, have you looked  
6 into this matter at all?

7 MR. BIERYLA: Not with a spring on  
8 the property. How do you stop the spring?

9 MR. SEMENZA: I don't understand how  
10 we can stop water. How do you stop  
11 groundwater?

12 MR. CHICKY: I don't want to give  
13 you the wrong impression, but if this was  
14 your next door neighbor what would you do?

15 MR. SEMENZA: I wouldn't know what  
16 to do. You're right. But I'm not sure if  
17 you're looking for the borough to satisfy  
18 the issue up there --

19 MR. CHICKY: One thing is water,  
20 clean water. The other thing is having  
21 E.coli and coliform. That's a health  
22 hazard. That's something that should be  
23 addressed by the borough.

24 MR. HOOVER: Did they put dye in the  
25 house up above buffer and did it come out

1                   into that lot? There's an empty lot and a  
2                   house next door to the empty lot.

3                   MR. SEMENZA: Could it be a sewer  
4                   line?

5                   MR. HOOVER: Is it a sewer line  
6                   that's broke where you can put the dye in  
7                   the toilet?

8                   MR. PAPI: There's no sewer line in  
9                   his yard.

10                  MR. CHICKY: They had an outhouse.

11                  MR. SEMENZA: Is it coming off the  
12                  mountain?

13                  MR. PAPI: It's coming out of the  
14                  basement. The basement was filling up with  
15                  underground water. It's a spring.

16                  ATTY. RINALDI: You can go after him  
17                  civilly, force him to put a detention pond  
18                  in and fence it all in. If his water is  
19                  getting onto your property --

20                  MR. CHICKY: I can go after him  
21                  civilly, but you can go after him because  
22                  it's a health hazard.

23                  MR. SEMENZA: Where did you get it  
24                  tested?

25                  ATTY. RINALDI: We can call DEP and



1 have them test it.

2 MR. LOPATKA: You can have them come  
3 and look at it, even.

4 MR. SEMENZA: With all due respect,  
5 I just can't take your word that it is.

6 MR. CHICKY: What I'm asking you to  
7 do is get an independent tester up there and  
8 let them take several samples off the  
9 property. Once they do that, if there is a  
10 problem, then what would you do?

11 ATTY. RINALDI: DEP would handle it.  
12 They would do an enforcement action if he's  
13 got some kind of discharge coming there or  
14 they'll find out where the discharge is  
15 coming from.

16 MR. PAPI: There was nobody living  
17 in the house for 20 years. It was a shack  
18 12 years ago. The guy who used to live next  
19 door, he always had the same problem. He  
20 would call me. What could I do?

21 MR. CHICKY: Nobody ever did a test,  
22 water sample.

23 MR. SEMENZA: I'm not saying  
24 anything. If you do a water sample on a lot  
25 of things you're going to come back with a

1 lot of contaminated water. I worked for a  
2 wastewater treatment plant and I've seen a  
3 lot of stuff like that. I'm not saying that  
4 any water in the area is going to come back  
5 like that but I don't know.

6 What I am saying is this is a  
7 private residence property that it's a  
8 spring. I just don't understand what you  
9 want the borough to do. You want the  
10 borough to go spend taxpayer dollars to go  
11 over there and rectify the issue? I don't  
12 know.

13 MR. PAPI: It's always been there.

14 MR. SEMENZA: Bill, is this legally  
15 the borough's issue?

16 ATTY. RINALDI: Like I said, if  
17 there's water moving onto his property you  
18 can sue him to stop that discharge, and  
19 maybe the recourse is, after you litigate  
20 it, you have to put up a detention pond  
21 because you have a spring. Same way anybody  
22 else has water coming off their property.

23 MR. LOPATKA: I don't know how much  
24 that would work. You have to outlet it  
25 somewhere.

1                   ATTY. RINALDI: Like a pond and it  
2 overflows where there's a lot of rain.

3                   MR. LOPATKA: Now you have just a  
4 pond sitting there full of water.

5                   MR. SEMENZA: You have a spring  
6 that's coming out of the ground which can be  
7 anywhere on anybody's property.

8                   MR. CHICKY: The water is running.  
9 You can see it. It looks like a small  
10 stream. The water is actually moving.

11                  ATTY. RINALDI: From where to where?

12                  MR. CHICKY: From the center of the  
13 property, alongside by property, running  
14 right down the sidewalks and out into the  
15 street.

16                  ATTY. RINALDI: It starts in the  
17 middle of the property? So it is a spring?  
18 Or does it come from another property,  
19 through that property and over?

20                  MR. CHICKY: Well, Paul saw it  
21 firsthand. I was in the basement of that  
22 house when I say probably five or six years  
23 old. I knew Dave DeLeo my whole life. When  
24 he moved out of Austin Heights to Glenmaura  
25 he forgot where he came from. At that point

1           that house sat for I don't know how many  
2           years vacant. I still have the clippings  
3           from the Triboro Banner where they show that  
4           house as a blighted property, and 20 years  
5           later it showed up in the Triboro Banner  
6           again as a blighted property.

7           ATTY. RINALDI: I don't know if it's  
8           too late, but he tore down the house.  
9           Wouldn't the conservation district make sure  
10          he compacts it, fills in the hole?

11          MR. CHICKY: That was torn down by  
12          hand. It wasn't a contractor that came in  
13          there.

14          MR. BIERYLA: Since we're in contact  
15          with DEP with the trouble we're having with  
16          Walter's property I would gladly give them  
17          an e-mail, have them contact me, see if they  
18          ran into this situation before, take a look  
19          at it.

20          MR. NOTARI: Good idea.

21          MR. BIERYLA: They're at the  
22          hearings with us. You can always ask them  
23          if they're in the area up here, they can  
24          meet me and Paul, show them the situation.  
25          Maybe they've had this situation before.

1 MR. SEMENZA: See what they can do.  
2 When are you going to meet with them next?

3 MR. BIERLYA: I'll send an e-mail to  
4 them and just ask them -- or give them a  
5 call, tell them the situation we have, see  
6 what their schedule is.

7 MR. SEMENZA: Okay.

8 MR. NOTARI: This water's running  
9 all the time?

10 MR. CHICKY: Yes, nonstop. There's  
11 not a time when there's not any water  
12 running down there. The wintertime, when I  
13 plow the snow on Franklin Street I hit an  
14 ice dam in front of that house. The water  
15 is over the top of the sidewalk, over the  
16 top of my sidewalk, and it goes out into the  
17 middle of the road. So do we wait for a  
18 freeze and then you go after them for --

19 MR. PAPI: I was called there once  
20 last year to salt and it took care of it.

21 MR. SEMENZA: I'm not trying to make  
22 this out to be not the borough's problem,  
23 but I don't feel like it is the borough's  
24 problem.

25 MR. CHICKY: I have to start

1                   someplace.

2                   MR. SEMENZA: I understand that.

3                   MR. CHICKY: My attorney told me to  
4 start here, especially after we got back the  
5 water test. If there is sewage coming off  
6 his property that's something that has to be  
7 dealt with by you. Right?

8                   MR. SEMENZA: Not necessarily.

9                   ATTY. RINALDI: DEP would come up  
10 with an enforcement order.

11                  MR. FEBBO: I think the issue here  
12 is what Steve said. The first step we can  
13 take as a borough is have DEP take a look at  
14 it.

15                  MR. CHICKY: Is this going to be  
16 another four year problem of mine or -- I  
17 mean, it's only been going on for 20 years.

18                  MR. FEBBO: Steve said he'll make a  
19 call this week and contact them.

20                  MR. CHICKY: I'm not trying to put  
21 the burden on you, but I don't want it to  
22 turn out to be forever.

23                  MR. HOOVER: But this is the first  
24 time we're hearing about it.

25                  MR. SEMENZA: First time I'm hearing

1 about it. Have you civilly went after him  
2 for anything?

3 MR. CHICKY: I've been at a meeting  
4 here ten years ago, same issue.

5 MR. SEMENZA: I wasn't here for ten  
6 years. I'm only here seven.

7 MR. CHICKY: I never had to have a  
8 sump pump on my property until they tore  
9 that house down.

10 MR. SEMENZA: Have you went after  
11 him at all civilly or anything like that?

12 MR. CHICKY: No, I didn't go after  
13 him.

14 ATTY. RINALDI: Well, probably  
15 because there was a basement there that was  
16 taking all the water, acting like a pond.  
17 So now that there's no basement there  
18 there's nothing to fill up, no detention  
19 pond, it's just moving.

20 MR. LOPATKA: It looks like it's  
21 just bubbling out of the ground and running  
22 down along his property. So there's water  
23 coming from somewhere.

24 ATTY. RINALDI: He says it's always  
25 running.

1 MR. CHICKY: That's what DeLeo had  
2 in their basement, was a well.

3 MR. HOOVER: Paul, if there's sewage  
4 it's got to be coming from somewhere.

5 MR. SEMENZA: It's not sewage. The  
6 test results would be different.

7 MR. PAPI: The basement was  
8 completely flooded and I hit the light  
9 switch and it went on.

10 ATTY. RINALDI: I remember as soon  
11 as you tore down the house it became a  
12 problem. The yard was all wet. That was  
13 because the basement was gone.

14 MR. PAPI: Probably.

15 MR. CHICKY: So how long of a  
16 response time does it take to get an answer  
17 from DEP? So the borough's not going to be  
18 doing any water testing anytime soon?

19 MR. SEMENZA: No, sorry to say. If  
20 it was our property, yeah. But it's coming  
21 off private.

22 MR. CHICKY: Just sit back and wait  
23 for a phone call?

24 MR. LOPATKA: You should put a call  
25 in to the Office of Surface Mining. Usually



1                   they'll respond pretty quick.

2                   MR. SEMENZA: If you want to give  
3                   DEP his number, let them contact him.

4                   At this time the chair would  
5                   entertain a motion to adjourn.

6                   MR. NOTARI: I'll make that motion.

7                   MR. SEMENZA: By Councilman Notari.  
8                   All in favor?

9                   (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 73 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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