

1 OLD FORGE BOROUGH COUNCIL
2 OLD FORGE, PENNSYLVANIA
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5 IN RE: COUNCIL WORK SESSION
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9 JANUARY 8, 2019

10 7:00 P.M.

11 OLD FORGE MUNICIPAL BUILDING

12 314 SOUTH MAIN STREET

13 OLD FORGE, PENNSYLVANIA
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18 COUNCIL MEMBERS:
19

20 ROBERT SEMENZA, PRESIDENT

21 JOSEPH FERRETT

RUSSELL RINALDI

22 JAMES HOOVER

MICHAEL LETTIERI

23 WILLIAM RINALDI, ESQUIRE, SOLICITOR

MARYLYNN BARTOLETTI, BOROUGH MANAGER
24

25 Mark Wozniak
Official Court Reporter

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

5 (The Pledge of Allegiance was
6 recited.)

7 MR. SEMENZA: Once again, welcome to
8 the January 8th council meeting for Old
9 Forge Borough. The purpose of tonight's
10 meeting is to set the agenda for our January
11 15th. I'll go to our department heads, see
12 if they have anything for the agenda. I'll
13 go down the table, see if council has
14 anything to report. There's a public
15 sign-in sheet if anybody would like to
16 address council.

17 Marylynn, roll call, please.

18 MS. BARTOLETTI: Councilman Febbo is
19 absent, Councilman Notari is absent.
20 Councilman Ferrett?

21 MR. FERRETT: Here.

22 MS. BARTOLETTI: Councilman Hoover?

23 MR. HOOVER: Here.

24 MS. BARTOLETTI: Councilman
25 Lettieri?

1 MR. LETTIERI: Here.

2 MS. BARTOLETTI: Councilman Rinaldi?

3 MR. RUSSELL RINALDI: Here.

4 MS. BARTOLETTI: Councilman Semenza?

5 MR. SEMENZA: Here. At this time,
6 Paul Papi.

7 MR. PAPI: I don't have anything.

8 MR. SEMENZA: Anybody have any
9 questions for Paul?

10 MR. RUSSELL RINALDI: The signs for
11 Edith Street, for Tiny Tots, do we have to
12 order those?

13 MR. PAPI: I already ordered them.
14 They're in. I have them at the garage. I
15 marked where all the signs go in green. I
16 talked to Mike Ruether today. They should
17 be in by Thursday or Friday. We had two
18 weeks in a row with four days.

19 MR. RUSSELL RINALDI: I figured we
20 had to order them. Thanks, Paul.

21 MR. SEMENZA: Anybody else? Paul, I
22 know we only had four days for two weeks.
23 We're not behind on anything?

24 MR. PAPI: No. Mike forward was
25 even doing maintenance today on a couple of

1 our sewer lines that have sags. He cleaned
2 them out real good.

3 MR. SEMENZA: That's it. Steve
4 Bieryla, anything for the agenda?

5 MR. BIERYLA: For the agenda, no.
6 Just to let council know there is a zoning
7 meeting for an electronic sign. It's going
8 to be down where the Medicine Shoppe was.
9 So when you look at the sign it's actually
10 going -- the new sign will be this way.
11 They have to go in front of the zoning for
12 how long it stays on and how long it's off,
13 flashing. Just like CVS. The same criteria
14 they gave CVS.

15 And I didn't hear back from the
16 realtor yet as far as if he's still going to
17 do apartments. Like I said, the last
18 meeting he had offers from a couple
19 commercial entities to go in there. My call
20 is going to be to him later this week to see
21 if anything changed.

22 MR. SEMENZA: Anybody have any
23 questions for Steve?

24 MR. RUSSELL RINALDI: Up on Dunn
25 Avenue, the old Rohr Lingerie, are they

1 cleaning that out? I saw, like, big
2 dumpsters there. Is there a dumpster
3 business going in there or are they cleaning
4 that out?

5 CHIEF DUBERNAS: They're lettering
6 them. They were taking measurements.

7 MR. RUSSELL RINALDI: I wasn't sure
8 if there was a business going in there. I
9 know it's a pretty big warehouse. That's
10 good.

11 MR. SEMENZA: Anybody else? Up the
12 way, I know it's been a hot topic.
13 Everything's going good up there?

14 MR. BIERYLA: Actually one of the
15 residents was here at planning, and I told
16 the resident if there was anything going on
17 to write a complaint form with the police,
18 then I would act upon that complaint form to
19 go down to Mr. Seig for the zoning
20 violation.

21 MR. LETTIERI: I had someone
22 actually call me complaining, send me
23 pictures that they were still dumping
24 vehicles over there on Garber. So I don't
25 know. How often are we going up there

1 checking?

2 CHIEF DUBERNAS: Our guys patrol.
3 We haven't had any issues up there.

4 MR. LETTIERI: He might be the one
5 complaining.

6 MR. BIERYLA: Once again, you guys
7 were here. He was parking them on the other
8 side of the street and he said he didn't
9 have any complaints at that time, because I
10 addressed it at the planning meeting. I
11 said if you have any complaints please come
12 in. I said I'll fill it out for you. If
13 I'm not here please see the police and then
14 I'll act upon it. And he said no, to me
15 everything was, in his words, fine.

16 MR. HOOVER: I noticed he got a
17 couple cars out from the driveway next to
18 the building. They're not parked nine deep.

19 MR. LETTIERI: It was Keith that had
20 sent me pictures and said he's still doing
21 it.

22 MR. BIERYLA: Keith wasn't here.
23 The other resident was. So I told him the
24 form that we're going to go on, you come
25 down and give the complaint, I have it in

1 writing, then I can advance forward to Mr.
2 Seig and go with the zoning violations.
3 Then I have solid evidence to stand on. I
4 said feel free to call up at any time and
5 I'll come up and take pictures so I have
6 evidence of what you're speaking of.

7 MR. SEMENZA: All right. Well, if
8 you get any complaints let us know. I'm
9 going to come right back to you.

10 Gail? I'm going to let you speak.
11 I know you have a long drive back home.

12 MS. LITWINIEK-SAUERS: I was born
13 here in Old Forge, and I don't know any of
14 you who are sitting on this board right now
15 but I know your names. I am one of the
16 partners for Shawnee Hills Partnership, the
17 land that runs between Milwaukee Avenue and
18 runs up into Apache Drive.

19 Over the last year I've reported to
20 the chief of police an issue with
21 trespassing. Our signs are being taken
22 down, our trees have -- that we are trying
23 to keep quads from running up and down back
24 there because it's a safety. Our trees that
25 we have cut, they've cut our trees that

1 we've cut so they can make a new path. I
2 have had witnesses come to me and tell me
3 they have seen who the quad runner is, and
4 they personally are afraid to report it
5 because they don't want their home to be
6 vandalized.

7 I know who that person is and I have
8 gone directly to that person. His name is
9 Jamie Granko, and he lives at 115 Apache
10 Drive. I have asked him not to trespass on
11 our property. While visiting him, I noticed
12 that his shed -- his brand new shed was
13 installed on my property -- on our property,
14 Shawnee Hills Partnership. It's not a
15 matter of inches that he went over our line,
16 it's a matter of in excess of 20 feet.

17 While doing that, I also noticed
18 that his next door neighbor, Mrs. Pietras,
19 who is at 117 Apache Drive, has installed a
20 fence also in excess of 20 feet onto Shawnee
21 Hills Partnership denying me access to my
22 land. Land that our partnership pays taxes
23 on.

24 So I want, number one, the fence to
25 be removed; two, the shed to be removed; and

1 number three, Mr. Granko to be informed with
2 no uncertain purposes that he is not
3 permitted to drive his quad on our land.

4 Now, I have prepared some visual, if
5 you will allow me to come forward.

6 MR. SEMENZA: Steve, are you aware
7 of the Granko property down there?

8 MR. BIERYLA: Well, I have spoken to
9 her and that's really a trespassing issue.

10 MR. SEMENZA: But how about the
11 shed? Is there a permit pulled for that
12 shed?

13 MR. BIERYLA: I'd have to look. I
14 can't say.

15 MR. SEMENZA: If there wasn't what
16 are our actions?

17 MR. BIERYLA: Well, the trespassing
18 issue, it comes down to exactly what --

19 MR. SEMENZA: No, if you put a shed
20 up without a permit, what are our actions
21 there? Citation?

22 MR. BIERYLA: Yeah, it's either you
23 have to get the permit or you get a citation
24 for it.

25 MS. LITWINIEC-SAUERS: I have this

1 board, and it's actually kind of divided up
2 with Pietras on one side and Granko on the
3 other. The outline in yellow is actually
4 the property line. That's 110 feet. The
5 red is how far back Mrs. Pietras had the
6 fence installed. I measured it today. It
7 was in excess of 20 feet. My measuring tape
8 didn't go beyond 20 feet, so that's all I
9 can tell you.

10 MR. RUSSELL RINALDI: The fence is
11 currently back where that red line is now?

12 MS. LITWINIEC-SAUERS: This is the
13 fence, yes.

14 MR. RUSSELL RINALDI: So the yellow
15 is the fence --

16 MS. LITWINIEC-SAUERS: No, the
17 yellow is where her property line should be.

18 MR. RUSSELL RINALDI: And then the
19 fence is coming onto your property?

20 MR. PARKER: Way back.

21 ATTY. RINALDI: You said you
22 measured 110 feet back. From where?

23 MS. LITWINIEC-SAUERS: From the
24 front of the property.

25 ATTY. RINALDI: That's probably your

1 problem right there. The pavement isn't
2 where the property line is. It's probably a
3 50-foot right-of-way there, so you're
4 missing probably ten or 15 feet.

5 MS. LITWINIEC-SAUERS: No, there's
6 no sidewalk here.

7 ATTY. RINALDI: They don't pave the
8 full 50 feet, so measuring from the edge of
9 the road back you're not getting the true
10 dimensions of the lot.

11 MR. HOOVER: In other words, if the
12 road is 30 feet there may be five feet of
13 right-of-way on both sides.

14 MS. LITWINIEC-SAUERS: They're still
15 15 feet on my property. It's not a close
16 call.

17 ATTY. RINALDI: I don't know how
18 wide the road is.

19 MR. SEMENZA: The road is pretty
20 wide down there.

21 MS. LITWINIEC-SAUERS: The original
22 plan shows the property lines for all those
23 homes back there. Apache Drive is somewhat
24 of a semi-circle. Granko's property is 110
25 on one side and 112 on the other. They both

1 have pools. Granko's pool doesn't have a
2 fence. In here you can see the quad.
3 Actually you can see that this is his
4 property here. You can see the street that
5 he has made running his property, and his
6 quad, so he can create a pathway for
7 himself. Here's a picture of the quad, and
8 witnesses say within the last week somebody
9 in a vehicle that looks similar to this --
10 they can't say it was definitely this
11 vehicle, but it plowed down one of our pine
12 trees.

13 I'm only asking for what's right.
14 I'm asking for somebody to have them remove
15 their fence and for him to move the shed. I
16 spoke with Steve a couple of weeks ago and
17 he gave me the option to go to district
18 court, and I've gone there. The district
19 justice said unless there's a judgment
20 amount he really can't hear it. He said he
21 decides judgment, he decide money issues. I
22 don't want money from these people, I just
23 want them to move. Move your stuff onto
24 your property. And if they don't have a
25 permit, why didn't they get a permit?

1 MR. SEMENZA: Steve, why is there no
2 fence around the pool?

3 MR. BIERYLA: It all depends on the
4 cover. If it's a walkable cover, with the
5 state, then you have no chance of falling
6 in.

7 MS. LITWINIEC-SAUERS: What about in
8 the summertime?

9 MR. BIERYLA: First of all, that
10 goes through BIU, which is our third-party
11 agency. So I would have to ask Joe about
12 that pool, because once the permit goes
13 through he takes over and he gives occupancy
14 or not occupancy for a pool. So that would
15 be a question for me to ask him or go back
16 into the files and see if he actually issued
17 a permit. Sometimes pools have temporary
18 fences, and then a year later, even though
19 there's a temporary fence around, then they
20 put the fence around. But they don't have
21 occupancy to use the pool. So it's a catch
22 22. I'll look into that.

23 Just to let you know, I told you to
24 go to district court only because the girl
25 over on Barber Street, the next door

1 neighbor, the shed was on her property. She
2 took him to district court. She came in and
3 told me they were going to central court. I
4 sent a letter to the owner of the shed
5 stating that if the survey comes out that
6 you're on her property and central court
7 orders you to move that shed to your
8 property you must be within the setbacks of
9 the ordinance. It's seven over here. He
10 moved the shed.

11 So right now we're in court with our
12 zoning solicitor about the shed being moved
13 over because he appealed it to the zoning
14 hearing board, and the judge sometime in
15 February is going to come down and look at
16 the situation to see if he actually has a
17 hardship for his appeal.

18 That's why I said, when there's a
19 trespassing issue on that note that's where
20 it goes. The zoning board only gives you
21 relief of. It's a perimeter deal.

22 MS. LITWINIEC-SAUERS: Both
23 Mr. Granko and Mrs. Pietras have
24 acknowledged they're on my property verbally
25 to me. Mrs. Pietras asked me for 30 days to

1 get the fence removed because she said she
2 had to wait for her sons to come. I said
3 you can have longer than that. I'll give
4 you six weeks. She's had over six months
5 now and nothing's been done.

6 Mr. Granko also said he was going to
7 move his shed because he knows that it's not
8 on his property. He acknowledged that to me
9 and he showed me where his pin was. He
10 hasn't moved his, and when I went there on
11 Friday he basically ordered me off his
12 property. He said I don't like the way you
13 went about doing this and you're going to
14 have to have an official thing happen to me
15 because I'm not going to move it on my own,
16 and I talked to all of our neighbors and
17 we're all in compliance. We're going to
18 fight you on this.

19 So I'm done trying to be nice and
20 knocking on people's doors. I really am
21 trying to be a good neighbor and we really
22 don't want problems, but we don't think it's
23 fair and we would ask --

24 MR. FERRETT: Are you saying that
25 that shed is on your property?

1 MS. LITWINIEC-SAUERS: Yes, sir.

2 MR. BIERYLA: That's a trespassing
3 issue, Joe.

4 MR. FERRETT: How about when he got
5 the permit?

6 MR. BIERYLA: Once again, I'd have
7 to look and see if he even got a permit. I
8 can't answer that right now.

9 MR. FERRETT: The same thing with
10 the pool. Don't they have to have a permit,
11 that there has to be a fence or anything
12 around it?

13 MR. BIERYLA: It depends on the
14 cover and it depends on if Joe gave him
15 documents or not to use the pool. He could
16 have had a temporary fence around it the
17 whole time it was going up.

18 MR. FERRETT: I thought all pools
19 were supposed to have fences around them for
20 safety.

21 MR. BIERYLA: It depends on the
22 cover. If you have a walkable cover you
23 don't really need a fence. That's the state
24 law.

25 MS. LITWINIEC-SAUERS: Those

1 photographs were all taken within the last
2 24 hours.

3 MR. SEMENZA: Let me ask you a
4 question, Steve.

5 MR. BIERYLA: He might even be using
6 the pool illegally because he didn't close
7 out his permit for Joe and he needs that.
8 But I'd have to ask Joe.

9 MR. SEMENZA: When somebody comes in
10 with a permit for a fence we know how big
11 the fence is. Correct?

12 MR. BIERYLA: Supposedly the fence
13 is marked off 50 foot, 25 foot, the height
14 of the fence.

15 MR. SEMENZA: And obviously this
16 fence here is at least 15 to 20 feet longer
17 than what it should be.

18 MR. HOOVER: Did they come for a
19 permit to put the fence in?

20 MR. PAPI: How old is the fence?

21 MS. LITWINIEC-SAUERS: I don't know,
22 sir.

23 MR. SEMENZA: It looks old. It
24 doesn't look like it's that old. I mean,
25 probably before you two, to be honest with

1 you.

2 MS. LITWINIEC-SAUERS: I can tell
3 you that by looking at the records for
4 Lackawanna the Pietras home has been
5 remortgaged, so somebody would have had to
6 come out and survey something relatively in
7 the past couple years.

8 ATTY. RINALDI: They don't survey
9 when they do a mortgage.

10 MS. LITWINIEC-SAUERS: At the top of
11 the page both of their property sizes -- and
12 I pulled that off of Lackawanna County
13 yesterday -- shows the dimensions of their
14 property. It doesn't go beyond 110 feet,
15 112 feet for Granko.

16 MR. HOOVER: There's a couple things
17 we have to find out. If they got a permit
18 for the shed, if they got a permit to put
19 the fence up.

20 MR. BIERYLA: I can't answer either
21 question right now.

22 MR. LETTIERI: Find out about the
23 permit for the pool because there's no cover
24 on this pool.

25 MS. LITWINIEC-SAUERS: There's a

1 cover on it but there's no fence. But you
2 can see that shed that technically is on my
3 property. Mr. Granko told me that he put
4 the shed up where the old shed was that he
5 took down. I think anytime you remove a
6 structure and put a fresh structure up you
7 have to get a new permit.

8 Our big concern is Mr. Granko has a
9 seven-year-old son that it's been reported
10 to me he let's drive the quad on our
11 property. If something happens to that
12 little boy and he dies that is not going to
13 rest on my shoulders.

14 Our signs are repeatedly taken down.
15 The chief can verify that. He's instructed
16 his men, women to go out there and look at
17 the property, cite people. I don't know
18 what more we can do as a partnership.

19 MR. SEMENZA: Bill, what can the
20 borough do here?

21 ATTY. RINALDI: Cite him for not
22 having a permit for his shed, if he didn't
23 get one, or his pool.

24 MR. SEMENZA: Can we as the borough
25 ask about moving the --

1 ATTY. RINALDI: That would be up to
2 her. She would have to file -- you have to
3 file an action in ejectment. Then you get a
4 survey, he'd get a survey, you have a trial,
5 a judge would determine --

6 MS. LITWINIEC-SAUERS: In order for
7 us to get a survey of our 15.4 acres of land
8 it's thousands of dollars.

9 ATTY. RINALDI: I'm just telling
10 you.

11 MS. LITWINIEC-SAUERS: He has his
12 survey.

13 ATTY. RINALDI: You have to prove
14 he's on your property.

15 MS. LITWINIEC-SAUERS: We just need
16 to prove he's beyond his.

17 ATTY. RINALDI: However you want to
18 do it, but I think you need to show where
19 your property line is. You're going to have
20 to bring it into a court, in front of a
21 judge, here's our survey, here's his
22 encroachment, here's how far he's encroached
23 on our property. I've done these, so I can
24 tell you what you're going to have to show.

25 MS. LITWINIEC-SAUERS: We have --

1 the original survey is here in Old Forge
2 Borough.

3 MR. BIERLYA: Is there something
4 from way back when?

5 MS. LITWINIEC-SAUERS: You would
6 have it in your office, sir, because when we
7 made those land developments that was all
8 surveyed. So that's the property of Old
9 Forge right now. You have them in your
10 office. It's phase five.

11 MR. PAPI: You're talking about a
12 parcel that isn't developed. Why would we
13 have that?

14 MS. LITWINIEC-SAUERS: There's maps.
15 We were going to develop it.

16 ATTY. RINALDI: Somebody's going to
17 have to go out there and show the
18 encroachment. You're not capable of writing
19 on that plan here's where the shed is. You
20 need a surveyor to do that.

21 MR. LOPATKA: Even if you surveyed
22 one line. He can have a surveyor show the
23 line where his is and you have to compare
24 them.

25 MS. LITWINIEC-SAUERS: We could

1 probably do that.

2 MR. FERRETT: What happens from a
3 hypothetical standpoint of view, just
4 looking at that picture, if that pool is
5 right on the borderline because he moved it
6 back 15 feet, ten feet, whatever to try and
7 get a setback? What happens then? Is the
8 judge going to say the pool has to go?

9 ATTY. RINALDI: That would be a
10 zoning issue. You're talking about two
11 different things. Are you talking about a
12 zoning violation where you're violating a
13 setback or are you talking about that he's
14 on her property?

15 MR. FERRETT: I'm talking about
16 this, that when I look at that picture that
17 pool is almost right on the boundary line,
18 and because the setback is 20 feet back,
19 because of this going this far, that's a
20 violation. Is this a violation right in
21 here? That's what I want to know.

22 ATTY. RINALDI: That's a trespass.
23 If the pool is on her property it's a
24 trespass.

25 MR. FERRETT: I'm not saying that.

1 I'm saying if the pool is over here, how did
2 he get a permit to put a pool that close to
3 the fence? Somebody's negligent someplace.

4 ATTY. RINALDI: When he gets a
5 permit he comes in with his plan and shows
6 where he's going to put the pool. We don't
7 send a surveyor out there to figure that out
8 every time somebody comes in for a permit.
9 They're responsible for not putting it on
10 somebody else's property. If they do
11 they've got a problem. If he violates our
12 setbacks he's got a problem. That's a
13 zoning violation.

14 MR. HOOVER: If his property line is
15 at the end of the pool it shouldn't be any
16 violation of the setback.

17 MR. SEMENZA: Then where does it go
18 from there? What happens then? He has an
19 in-ground pool that doesn't meet the
20 setback. What does he do?

21 MR. BIERLYA: Then I cite him and he
22 has the ability to appeal to the zoning
23 hearing board.

24 ATTY. RINALDI: Then he can appeal
25 from there to the commonwealth court.

1 MR. SEMENZA: What are they going to
2 say? I don't understand. You broke an
3 ordinance, you didn't abide by the rules. I
4 don't know.

5 MR. FERRETT: What I can't
6 understand, if you come in for a permit and
7 you say I'm going to put a pool in, I'm
8 going to be ten feet beyond that thing, you
9 mean to tell me you don't go out there and
10 look and see that it's ten feet away? Or
11 you just let the person do what they want?
12 To me it don't make sense.

13 MR. RUSSELL RINALDI: No, he said
14 that would be BIU.

15 MR. SEMENZA: When I did the
16 addition on my house I had to get my whole
17 property surveyed. I had to move my
18 addition a foot, 18 inches or whatever. I
19 had to go to for a variance.

20 MR. PAPI: I don't remember that.

21 MR. SEMENZA: I had to get my
22 property surveyed for the setback to know
23 where it was.

24 ATTY. RINALDI: Most people that put
25 up fences won't do it without getting a pin.

1 They're liable.

2 MS. BARTOLETTI: I think we're
3 forgetting that this fence is on the back of
4 their property near woods. There's a good
5 chance all that was done with never coming
6 to Steve to get anything.

7 MR. SEMENZA: You're probably right.
8 I get that, but when you put an in-ground
9 pool in you come in for a permit. Did he
10 get a permit for an in-ground pool?

11 MR. BIERYLA: He did.

12 MR. SEMENZA: But how do you just go
13 and put a pool in and say I'm going to put
14 it here and not know where your property is?

15 MR. BIERYLA: He has a survey of the
16 property.

17 MS. LITWINIEC-SAUERS: He did have
18 his property surveyed. He told me that.

19 MR. SEMENZA: Does that mean that he
20 put the pool in within --

21 MR. BIERYLA: It's seven.

22 MR. PAPI: Pools are side setbacks.

23 MS. LITWINIEC-SAUERS: What if our
24 pins have been removed? That has happened
25 before.

1 ATTY. RINALDI: You need to take
2 your map and contact the surveyor. He will
3 put the pins in back there to show you where
4 your property line is. That's what they do.

5 MS. LITWINIEC-SAUERS: Can I get a
6 copy of our survey from you?

7 MR. BIERYLA: I'll look for it.

8 MR. LOPATKA: Your surveyor should
9 have a copy of your survey or it should have
10 been recorded.

11 MR. PAPI: The phases came through
12 but the part that's undeveloped never came
13 through.

14 MR. LOPATKA: They probably at the
15 time would have had the whole boundary done
16 one shot.

17 MS. LITWINIEC-SAUERS: We did.

18 MR. SEMENZA: Would their surveyor
19 have that?

20 MR. LOPATKA: Absolutely. If that
21 is recorded it's at the recorder of deeds.

22 MR. SEMENZA: They probably
23 resurveyed it when the development started.
24 Correct?

25 MR. LOPATKA: It would have had to

1 have been resurveyed.

2 MR. HOOVER: Steve has to find out
3 if we have the permit to do whatever was
4 done with the shed, the fence and the pool.
5 She's got to find out if she has the pins
6 that were surveyed. We both have some
7 homework to do.

8 MS. LITWINIEC-SAUERS: We do know
9 there was one pin that was actually placed
10 in a tree, and the tree was cut down in
11 order to put that fence up. That's one
12 thing we know for sure. The tree was where
13 it was marked where we were going to be
14 putting our electric lines in for the next
15 phase. That was a very important pin that's
16 now gone, and that's a criminal offense, to
17 remove a marker.

18 MR. FERRETT: How long do we have
19 our agreement with the third-party
20 inspections? Does that come up every year?
21 I forgot where we left off on that.

22 MR. SEMENZA: They're at will, Joe.

23 MS. BARTOLETTI: We usually renew
24 that at reorganization. We didn't
25 reorganize this year. Next year.

1 MR. SEMENZA: Did we renew them at
2 the last reorganization?

3 MS. BARTOLETTI: Probably.

4 MR. BIERYLA: Yeah, you did.

5 ATTY. RINALDI: They gave us the
6 different fee structures.

7 MR. FERRETT: Why isn't it possible
8 that we can't look if there are anybody else
9 out there that does this kind of thing so we
10 pick out the best we can?

11 MR. SEMENZA: We can. We'll talk
12 about that a little later.

13 MS. LITWINIEC-SAUERS: The property
14 that is next to Ms. Pietras, it actually has
15 a traffic way, roadway, that should that
16 next part of the parcel be developed you
17 have to have a way in and a way out. So
18 that was going to be the way out. The way
19 in would have been off of Milwaukee Avenue.
20 So we know that that distance is 40 foot for
21 that roadway.

22 It seems to me that from Apache to
23 that 40 foot roadway there should be
24 something that Old Forge Borough has because
25 it's part of your roadway now. The roads

1 were all dedicated.

2 MR. SEMENZA: That's a borough
3 roadway going through there?

4 ATTY. RINALDI: Is it a paved road?

5 MR. SEMENZA: No.

6 ATTY. RINALDI: We don't accept them
7 unless they're paved.

8 MS. LITWINIEC-SAUERS: It's not
9 developed. However, you took over the water
10 basin and that's not paved.

11 ATTY. RINALDI: The water detention
12 pond? We needed to. That was different.
13 We only need the detention pond for the
14 water. We don't take the roads unless
15 they're paved.

16 MS. LITWINIEC-SAUERS: I will give
17 you some time to think about it. If you'll
18 let me know what I need to do on my end I'd
19 be happy to comply on behalf of all the
20 partners. But it seems to me that we're
21 spending a lot of money just to prove that
22 this is our land and somebody else did
23 something on it. If we're going to go
24 through all that trouble there should be
25 some fines, and not just \$25.

1 ATTY. RINALDI: You can ask for
2 that. That would be part of your ejectment
3 case.

4 MR. RUSSELL RINALDI: Whatever you
5 spend in your search -- I mean, you're
6 certain that this is your land?

7 MS. LITWINIEC-SAUERS: Yes, sir.

8 MR. RUSSELL RINALDI: And I'm not
9 saying it's not. I don't know.

10 MS. LITWINIEC-SAUERS: To be honest
11 with you, what I would prefer to happen
12 first is Old Forge Borough just ask them to
13 please move it.

14 ATTY. RINALDI: We really can't.

15 MS. LITWINIEC-SAUERS: Just say a
16 complaint has been made. Before everybody
17 spends all this money fighting something
18 could you voluntarily do this on your own.

19 ATTY. RINALDI: We don't have any
20 basis to know he's encroaching. We don't
21 have a survey of your property.

22 MS. LITWINIEC-SAUERS: So you're
23 saying no.

24 MR. LETTIERI: Just because if we
25 tell him to move and he's right -- what

1 attorney Rinaldi is saying is if we go there
2 and say you're on her property, can you
3 move, and then we find out later, he gets a
4 survey, that it's on his property, then
5 who --

6 ATTY. RINALDI: It's not our
7 property to say get off. It's your property
8 to say get off.

9 MR. RUSSELL RINALDI: If you do go
10 through all this trouble, time, finances,
11 you are certain that's your property, you
12 can attach that to your case and you can
13 recoup all that back from the people that
14 you're going to take to court, if it goes
15 that far.

16 MS. LITWINIEC-SAUERS: I'd be happy
17 to leave this meeting tonight and go to
18 Mr. Granko's house and Ms. Pietras' house
19 and have a conversation with them. However,
20 Mr. Granko's already kicked me off his
21 property. So I would like to request that I
22 be escorted.

23 ATTY. RINALDI: I don't think we can
24 do that. Actually get an attorney, find out
25 where that shed is. The attorney might say

1 listen, we got a survey here, it's on your
2 property, let's say you remove it. You run
3 the risk of them coming after you, or filing
4 an ejectment action to have them remove it
5 and ask for costs. But we can't send
6 somebody.

7 MR. BIERYLA: Can her attorney send
8 a right to know to the surveyor of Granko's
9 for the survey?

10 ATTY. RINALDI: There is no right to
11 know. You still need somebody to put the
12 pins in where that line is. You can't just
13 say I think his shed is here or it's here.
14 You need a surveyor to come in and say
15 here's where the shed is and here's where
16 the pins are for your property.

17 MS. LITWINIEC-SAUERS: I'm saying
18 Old Forge Borough has that.

19 ATTY. RINALDI: Old Forge Borough
20 doesn't do that.

21 MR. LOPATKA: They only have a copy
22 of the map.

23 ATTY. RINALDI: We don't send
24 somebody out there to say here's where the
25 shed is on your property. We don't send a

1 surveyor out there. You have to show he's
2 on your property.

3 MR. LOPATKA: The borough is just
4 approving the land development itself. They
5 have nothing to do with your boundary. It's
6 not the borough's responsibility to go out
7 and verify that all the pins are in place.
8 That's your surveyor's responsibility.

9 MR. HOOVER: I kind of agree with
10 what Joe said. The guy came here for a
11 permit, we send BIU to go down. He put that
12 pool right on the property line rather than
13 going to the setback because his pool would
14 have been smaller.

15 MR. BIERYLA: That's not proven
16 either. If I go in there, there's
17 definitely got to be a plan where he's going
18 to set the pool, show his setback.

19 ATTY. RINALDI: I'm going to gamble
20 and say Pietras' pool is within the setback.

21 MR. SEMENZA: Pietras' has probably
22 been there 40 years, that pool.

23 MS. LITWINIEC-SAUERS: My issue is
24 the fence and the trespassing of Granko with
25 his quad.

1 ATTY. RINALDI: You're going to have
2 to literally put up no trespassing signs.

3 MS. LITWINIEC-SAUERS: We have, sir,
4 and they've been taken down.

5 ATTY. RINALDI: He can only do
6 something if he catches them. He has to see
7 it.

8 MS. LITWINIEC-SAUERS: The fact that
9 there's a pathway leading from his quad to
10 his house and to our land isn't sufficient?

11 ATTY. RINALDI: No. We can't
12 prosecute him based on that. He's got to
13 catch him in the act, or if you want to put
14 up a camera.

15 CHIEF DUBERNAS: Put up a trail
16 camera.

17 ATTY. RINALDI: You need to have a
18 live witness say I saw this person go from A
19 to B across your property.

20 MR. SEMENZA: I don't see a problem
21 with having our police say you can't
22 trespass on the property.

23 ATTY. RINALDI: Are the signs up
24 now?

25 MS. LITWINIEC-SAUERS: They were

1 taken down two days ago.

2 MR. SEMENZA: Is that a problem?

3 ATTY. RINALDI: The chief can go and
4 say we're getting complaints that somebody's
5 trespassing on the property. If you see
6 anybody please let me know.

7 CHIEF DUBERNAS: I'll go see him.

8 ATTY. RINALDI: You can throw a
9 fence on the road, too.

10 CHIEF DUBERNAS: They cut trees down
11 and they recut the trees to gain access.
12 She's saying she has witnesses of people
13 cutting up the trees but they don't want to
14 come forward.

15 ATTY. RINALDI: Then put a camera up
16 there.

17 CHIEF DUBERNAS: I'll go talk to
18 him.

19 MR. SEMENZA: Do we have a set of
20 fines for where you don't get a permit?

21 MR. LETTIERI: If we do have to
22 issue a citation what is it?

23 MR. BIERLYA: It all depends on
24 underneath the ordinances under penalty.
25 Every one has a little bit different

1 penalty. Every one has a little bit as far
2 as, like, ten days or 15 or 30 days.

3 MR. SEMENZA: There is a penalty.

4 MR. BIERLYA: Most of the ordinances
5 have a penalty at the very end of the
6 ordinance if you don't comply. But prior to
7 that penalty you have to give them the time
8 limit that's within whatever ordinance it
9 is. Like I said, it could be ten days, it
10 could be --

11 ATTY. RINALDI: If it's zoning you
12 have to give them 30 days. If it's a no
13 permit you can cite them right there.

14 MR. SEMENZA: Put a shed up with no
15 permit.

16 ATTY. RINALDI: That's just
17 violating the owner. They can appeal it
18 down there. There's a fine with it, I'm
19 sure. But if it's a zoning violation, then
20 it's a letter, take an appeal.

21 MR. FERRETT: What about where I
22 live? Suppose I move my property line and
23 take that alleyway? The borough doesn't own
24 alleyways no more. I'm going to move my
25 property line all the way across the street.

1 MR. SEMENZA: Take my fence down and
2 move it 15 feet into Dave Febbo's yard.

3 MR. FERRETT: The borough has
4 nothing to do with that. The borough can't
5 come after me that I took another 15 feet.
6 The borough don't own the alley. You don't
7 own the alleyway.

8 MR. SEMENZA: Who owns it?

9 MR. FERRETT: Nobody owns it.

10 MR. SEMENZA: Somebody has to own
11 it.

12 MR. FERRETT: Both property owners
13 on both sides. But my neighbor don't say
14 nothing so I'm going to take all of it.
15 Who's going to complain about it?

16 ATTY. RINALDI: Your neighbor could.

17 MR. FERRETT: I can't understand how
18 anybody can go to work and put a fence up
19 and nobody says nothing. I don't
20 understand.

21 MS. BARTOLETTI: They don't have a
22 permit, Joe. They could have done this on a
23 Saturday afternoon when there's no one
24 around, and it's in the back. These things
25 happen. If Steve doesn't find out --

1 MR. FERRETT: Whenever you buy a
2 piece of property you got to come in with
3 plans and everything that show you where
4 your property lines are, whatever it is, and
5 neighbors and everybody else --

6 MS. BARTOLETTI: We're talking about
7 a pool that Bobby said could have been put
8 in 40 years ago, and then the fence is
9 behind that. They may have put this fence
10 in with no one knowing. People do that.

11 ATTY. RINALDI: Very few people
12 survey their property when they buy it.

13 MR. BIERYLA: When they did the
14 dollar store with the doughnut shop -- Mr.
15 Topolanski had his property surveyed in the
16 '70s. When they did the dollar store -- now
17 you're off your satellite. He actually
18 gained three and a half feet of property for
19 50 feet. He gained that much more.

20 MR. SEMENZA: They're not going to
21 pick up 20 feet, though.

22 MR. FERRETT: One little point that
23 bothers me so much -- and maybe I'm wrong.
24 I was always under the impression sitting at
25 this table we're supposed to be helping the

1 people on the other side of the table. I
2 don't understand with a situation like this
3 why do we always say it's not our problem,
4 that we can't do nothing for the people.
5 Suppose a party can't afford a lawyer, can't
6 afford a surveyor, can't afford anything.
7 How are we supposed to offer them any
8 assistance? Are we supposed to say this is
9 not our problem, let's forget about it?

10 MS. BARTOLETTI: I think we have to
11 get the information between Steve and BIU.
12 Before we say anything we have to have our
13 facts.

14 MR. SEMENZA: I'm going to go to Mr.
15 Granko personally and ask Mr. Granko if that
16 shed is on his property or not. If he tells
17 me it's not on his property I'm going to ask
18 him to move it. That's what we're going to
19 do for you. I'm not going to force him, I'm
20 going to ask him. Like our solicitor said,
21 we don't know if it is or isn't, but like
22 Joe said, we're here to help the residents
23 of the borough.

24 If we can't help you -- but I'm
25 going to ask him as a representative of the

1 borough if that shed is indeed on your
2 property. If it's not, if he says it's on
3 his property, then you're going to have to
4 take it into your own hands and go forward
5 with a lawsuit or something. But if he
6 admits to me it's on your property I'm going
7 to ask him if he can move it. If he says
8 no, then it's still going to have to go -- I
9 can't force him to do something but I'll ask
10 him.

11 MR. HOOVER: We can check if they
12 got a permit to do either.

13 MS. LITWINIEC-SAUERS: As I read the
14 borough ordinance, if a person's got a
15 permit for a shed it has to be on their
16 property.

17 ATTY. RINALDI: Absolutely.

18 MR. BIERYLA: If he got a permit.

19 MS. LITWINIEC-SAUERS: Thank you all
20 for your time. I appreciate it.

21 MR. SEMENZA: We'll go back to
22 Steve. Anybody have any other questions for
23 Steve? We'll go to Chief Dubernas.

24 CHIEF DUBERNAS: The only thing,
25 that car that was on Williams Street with

1 the handicap sign, the car is gone. So that
2 whole space is all opened up now. I haven't
3 had any more issues or complaints there. We
4 removed that car. No issues up the road
5 either.

6 MR. SEMENZA: Anybody have any
7 questions for Chief Dubernas?

8 MR. FERRETT: Good job, Chief.

9 MR. BIERYLA: One thing. I had a
10 complaint about Pride Mobility going out of
11 Pride, down Wood Street. I guess that sign
12 that says no trucks, they have asked if they
13 can put it closer to the turn rather than
14 around the turn. As soon as they came down
15 their driveway to make that left-hand turn.

16 MR. SEMENZA: Once they're committed
17 it's too late. You want to move it up?

18 MR. BIERYLA: The person had asked,
19 Mr. Krenitsky.

20 MR. SEMENZA: Is that on Pride's
21 property?

22 MR. LOPATKA: Yes.

23 MR. SEMENZA: Can we ask Pride to
24 move it further up?

25 MR. BIERYLA: I don't know if we

1 wanted to keep that sign or add a sign.

2 MR. SEMENZA: Add a sign.

3 CHIEF DUBERNAS: When you come down
4 the driveway have a sign that says all
5 trucks must turn right.

6 MR. BIERYLA: That was their
7 presentation to planning, nobody would turn
8 left.

9 MR. LOPATKA: They agreed to put the
10 sign there.

11 MR. SEMENZA: Since we're on you I
12 do have another question for both of you.
13 We had another truck go down. You took care
14 of it?

15 CHIEF DUBERNAS: I took care of it.
16 He went past three signs.

17 MR. SEMENZA: Did you talk to the
18 guy?

19 CHIEF DUBERNAS: I wasn't working
20 that day.

21 MR. RUSSELL RINALDI: He pulled out
22 but I think they caught him.

23 MR. PAPI: Pride called me and said
24 they want to shut down Wood Street when they
25 attach to the sewer. There's too much dirt

1 going out, coming in to have the street
2 open. I told him to call Jason, let him
3 know, and call the comm center.

4 MR. SEMENZA: That's fine with me.

5 MR. RUSSELL RINALDI: Do we have the
6 correct signage on all those streets?

7 CHIEF DUBERNAS: Yes. As soon as
8 you turn off of Main Street there's signs up
9 no trucks. They're on Allicia, East Mary.
10 They're right there at the intersection.

11 MR. PAPI: Taroli.

12 CHIEF DUBERNAS: Then at Henderson
13 is do not enter, East Mary is no trucks,
14 Allicia is no trucks, and East Grace is do
15 not enter. They would use Miles Street or
16 go to Moosic Road and come in First.

17 MR. SEMENZA: Does anybody have any
18 questions for Chief Dubernas? Thanks,
19 Chief. Dave?

20 MR. LOPATKA: I don't have anything
21 for the agenda.

22 MR. SEMENZA: Anybody have any
23 questions for Dave? Bill, solicitor's
24 report? Anything for the agenda?

25 ATTY. RINALDI: Stocki's got another

1 hearing January 22, 9:30, Judge Munley.

2 Pagnotti closed, so Marylynn has the
3 deed. The title policy's on its way.

4 The ambulance building, I still did
5 not get the deed. I talked to the lawyer
6 last week. It's supposed to be coming.

7 Saint Lawrence, the attorney for the
8 diocese spoke with me today, and they're
9 having a meeting with the bishop and Ed
10 Carlin to discuss what they want to do.

11 So I don't have anything for the
12 agenda other than updates on those.

13 MR. SEMENZA: Ambulance building,
14 Bill?

15 ATTY. RINALDI: Waiting on that
16 deed.

17 MR. SEMENZA: Do we know, like --

18 ATTY. RINALDI: We're waiting on the
19 deed and people are waiting for their money.
20 So everybody's waiting on the county.

21 MR. SEMENZA: Well, I mean --

22 ATTY. RINALDI: I don't know what
23 the holdup is.

24 MR. LOPATKA: Did they record it?

25 ATTY. RINALDI: No, it's supposedly

1 being prepared to be recorded. There's
2 going to an objection filed because they
3 didn't calculate it right. Now I think they
4 resolved the objection and now it's going to
5 get recorded.

6 MR. SEMENZA: When are we going to
7 know this by?

8 ATTY. RINALDI: The next couple
9 weeks.

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

12 Marylynn, borough manager's report.
13 Anything for the agenda?

14 MS. BARTOLETTI: For the agenda
15 we're going to have to pass a resolution for
16 PEMA and FEMA because I'm doing some
17 documents to try to get reimbursed money
18 that we had put out during the storm. So
19 the next step we are at is they'll need the
20 designation of an agent. So that will be on
21 the agenda. That's pretty much all I have
22 tonight.

23 MR. SEMENZA: Anybody have any
24 questions for Marylynn?

25 MR. FERRETT: When do we get a

1 raise?

2 MS. BARTOLETTI: Don't forget the
3 meeting is next week.

4 MR. SEMENZA: Anybody else have any
5 questions for Marylynn? I have a question.
6 We're ready to go with this project. Right?

7 MS. BARTOLETTI: We're finalizing
8 the plans. I spoke to the architect --

9 MR. LOPATKA: There's quite a bit of
10 work that has to be done on the plans to
11 finalize them. The concepts are done. Then
12 they have to be engineered.

13 MR. SEMENZA: So if we say let's do
14 it what's our time frame to start?

15 MR. LOPATKA: Probably a good month
16 or two.

17 MS. BARTOLETTI: We've changed the
18 plans several times because of the fact of
19 hopefully acquiring that other building now
20 and not putting the police in the basement.
21 Then you guys all have a different version
22 of the plans.

23 MR. LOPATKA: That part of it is
24 just a concept. Once you finalize the
25 footprint, then it has to be engineered.

1 All the mechanicals and everything have to
2 be engineered.

3 MR. SEMENZA: Anybody else have any
4 questions fro Marylynn? Thanks, Marylynn.
5 Public comment. Joan Wilk?

6 MS. WILK: I was in an accident
7 December 2nd. I don't like the way it was
8 handled by the police department. I'm going
9 to show this to your solicitor and then I'll
10 continue. That wasn't deliberate, according
11 to the police department.

12 ATTY. RINALDI: Well, I don't know
13 if it was deliberate or not but it's an
14 accident. That's for sure.

15 MS. WILK: They put in the report
16 moderate. There's over \$14,000 worth of
17 damage to my Audi. She was arrested. Her
18 the PT test was 085 percent, which was
19 only -- she was over a little bit. Now,
20 somebody -- they never took her to the
21 hospital to do a blood test on her. They
22 found cocaine in her purse. No testing.
23 She gets herself a good lawyer she's going
24 to walk on that DUI.

25 ATTY. RINALDI: I don't know about

1 that. I'll talk to the DA's office.

2 MS. WILK: They should have taken
3 her up for blood work. They didn't take her
4 up for blood work. I think it was wrong.

5 I drove my car home with a busted
6 radiator. The air conditioner, whole mess,
7 which was only less than a half a block
8 away. I was never told to leave the car
9 there. Otherwise, they would be able to
10 cite her for what she did. But being I
11 drove the car away it's considered that it
12 was drivable. It was not drivable.

13 ATTY. RINALDI: Well, did you drive
14 the car away before the police got there?

15 MS. WILK: No.

16 ATTY. RINALDI: So they came, wrote
17 up the accident, then --

18 MS. WILK: They didn't want to see
19 the video. They didn't want to know
20 nothing. The only thing was they saw she
21 was inebriated and they asked to look in her
22 purse and she showed them her purse. That
23 was the only reason why she was cited.

24 Now, that video shows she went over
25 the hump, threw it in reverse and

1 accelerated at a high rate of speed.

2 Moderate? Well, the place I took it to, the
3 collision place, showed them the record,
4 moderate, they couldn't believe that that
5 was done. There's over \$14,000 worth of
6 damage on that car. They didn't total it --
7 I wish they would -- because I had less than
8 25,000 miles on it and it was in good
9 condition. I still don't have the car back.

10 It was handled not properly. Did I
11 know the rules and regulations of the motor
12 vehicle during an accident, don't move your
13 car? Why would I call -- and this is what I
14 told the police officer. Why would I call a
15 tow truck for less than a half a block away
16 across Ray's driveway, Ray's parking lot, go
17 right up to my house? I didn't know that.

18 ATTY. RINALDI: Did you want it
19 towed or --

20 MS. WILK: No. It wasn't drivable.
21 They're claiming it was drivable.

22 ATTY. RINALDI: You have the right
23 to read the vehicle code. Was that on the
24 road or the parking lot?

25 MS. WILK: She saw who she was

1 looking for in the gym. The windows are all
2 covered in the gym.

3 ATTY. RINALDI: You should be
4 covered. You got the license plate.

5 CHIEF DUBERNAS: We had the person.
6 We arrested the lady.

7 MS. WILK: You didn't arrest her for
8 my accident.

9 CHIEF DUBERNAS: She was charged
10 with a DUI.

11 MS. WILK: You didn't arrest her for
12 harmfully driving and hitting somebody. You
13 need to check your police department. I
14 think it's a bunch of bullshit.

15 CHIEF DUBERNAS: Can I say
16 something? I'm sick of her bashing my
17 officers. I'm not going to get into it, but
18 the morning of that accident it was Officer
19 Rodriguez. He called the district
20 attorney's office and got the charges
21 approved. Once there's a felony charge
22 involved we have to get it approved.

23 She was charged with general
24 impairment of DUI, which under that is a
25 combination of drugs. She had cocaine on

1 her. She was charged with felony possession
2 of cocaine, drug paraphernalia. It was an
3 accident. She didn't do it intentionally.
4 The lady doesn't even know who she is. But
5 she's running around town bashing,
6 slandering me and the entire police
7 department because her accident wasn't
8 handled the proper way.

9 MS. WILK: No, it wasn't.

10 CHIEF DUBERNAS: Yes, it was because
11 the person was taken into custody for DUI.
12 An accident report was done and charges were
13 filed against that person as per what the DA
14 approved. Simple.

15 MS. WILK: Why didn't you take her
16 to the hospital and get her blood work done?

17 CHIEF DUBERNAS: The district
18 attorney said don't charge her with the
19 combination of narcotics and alcohol. It
20 happens all the time because, guess what?
21 She goes there, she'll probably waive and
22 plead to something. She has nothing, has an
23 ARD or something. She's the victim, she'll
24 get all of her stuff through her insurance
25 and anything else she has to be compensated.

1 We don't make that decision, the district
2 attorney does.

3 But I'm sick of her bashing me and
4 my entire police department over the way her
5 accident was handled. It was handled like
6 everybody else's accidents.

7 MR. SEMENZA: So this is the
8 district attorney's call?

9 CHIEF DUBERNAS: Yes. We have to
10 get all of our charges approved.

11 MR. RUSSELL RINALDI: So what do you
12 think wasn't handled correctly, Joan?

13 MS. WILK: Well, first of all they
14 said call your insurance company and put it
15 on your insurance. Why would I put it on my
16 insurance when it was her fault?

17 CHIEF DUBERNAS: I'll explain why.
18 Whenever there's an accident, we always
19 explain to the person all the information
20 you give us you provide your insurance
21 company. Notify them, advise them you were
22 in an accident, here's the other party's
23 information. You need to let them know that
24 hey, listen, I was in an accident but Mr.
25 Semenza's the other party. If I don't

1 notify them and Mr. Semenza calls his
2 insurance company and says yeah, I was in an
3 accident with Mrs. Wilk, and then
4 Mrs. Wilk's insurance calls and says why
5 didn't you notify us. That's the same spiel
6 we give everybody, just notify them and say
7 somebody's going to contact you. In her
8 case, hey, I was struck by this other party.
9 Here's all their information, and within 15
10 days you'll be able to get a copy of the
11 police report. We notify every single
12 person notify your insurance company because
13 she might not notify her insurance company
14 and say nobody ever said I was in an
15 accident.

16 When we give you a copy of the
17 police report the officer's name is on it,
18 badge number, everything. In this case she
19 has a criminal complaint where charges could
20 be added.

21 MR. RUSSELL RINALDI: I would call
22 my insurance company no matter who tells me
23 to.

24 MS. WILK: I got a call from her
25 insurance company saying you should put it

1 on your insurance. I'm not putting it on my
2 insurance because it's not my fault.

3 ATTY. RINALDI: So that's an
4 insurance matter.

5 MR. RUSSELL RINALDI: Just so I
6 understand, you're not happy with the way it
7 was handled.

8 MS. WILK: No, I'm not.

9 MR. RUSSELL RINALDI: Because they
10 asked you to call your insurance company?

11 MS. WILK: I'm not happy, as he told
12 me, it's my fault because I drove the car.
13 I said what do you mean it's my fault?
14 Well, if you called the wrecker, then it
15 would go in to PennDOT. What do I know
16 about the laws of automobile accidents.

17 MR. SEMENZA: I don't understand
18 that.

19 CHIEF DUBERNAS: I'm not sure what
20 she's trying to explain. All accidents are
21 reported to PennDOT. We send them to
22 PennDOT. Every one. She has a PennDOT
23 accident.

24 MS. WILK: You told me in the office
25 when I came here for the police report, you

1 said well, actually it was your fault
2 because you drove the car.

3 CHIEF DUBERNAS: If you said your
4 car is drivable --

5 MS. WILK: I didn't say it was
6 drivable. I was trying to drive it home.
7 Come on. You don't care because you don't
8 gave a shit anyway. Same way cops are
9 called over her place. They look at what
10 the neighbors say, walk away and don't even
11 do anything about it.

12 MR. SEMENZA: Where is that?

13 MS. WILK: You have frequent fliers
14 over there.

15 MR. SEMENZA: At this time I'm going
16 to go down the table. Mayor, do you have
17 anything?

18 MAYOR LEGG: I'd just like to say to
19 Marylynn I think you did a fantastic job on
20 that budget. I don't think you people
21 realize the time, energy and effort that
22 goes into it.

23 MS. BARTOLETTI: Thank you.

24 MAYOR LEGG: Paul, you and your
25 crew, and I know Steve helped you, I think

1 you did a great job on the Christmas
2 decorations. Especially out here. I'm in
3 Scranton four days a week and it's terrible.
4 You guys did a really good job.

5 Mr. Chairman, I'm having a lot of
6 calls, people stopping me about the
7 landfill. I don't know if there's anything
8 we can do. I'm getting bombarded. Is there
9 anything we can do? I know Keystone --
10 we're up there four days a weeks. Before
11 they go they spray foam and stuff. I don't
12 know if that a benefit. Is there anything
13 we can do?

14 MR. SEMENZA: We're not the
15 landfill. I did speak with -- and I know
16 Marylynn did -- actually I called John
17 Ambrose. I called the borough building for
18 his number and he was in the borough
19 building when I called, so they just put him
20 right on the phone and he explained it to
21 me. Marylynn, do you know the reason why?

22 MS. BARTOLETTI: Basically how it
23 was explained was that the ground was so
24 saturated that the procedures that they
25 usually use in order to keep the smell under

1 control, they're not able to do that right
2 now because of the saturation of the ground.
3 If you'd like I can probably write some sort
4 of a statement --

5 MR. SEMENZA: Can we ask them to
6 come to the next meeting, Marylynn?

7 MS. BARTOLETTI: We can do that.

8 MR. SEMENZA: The season was so wet
9 and they couldn't keep up with it or
10 something. If he can come to the meeting
11 next week it would be great so he can give
12 an explanation. Everybody can hear it from
13 his mouth.

14 MAYOR LEGG: One other thing. I'm
15 in this borough building every day and I
16 meet with the chief. He's absolutely right.
17 He does a great job. We have a couple
18 part-timers, full-timers. They do a good
19 job. Some people you just can't please. I
20 don't know if anybody looked at that video,
21 but how could you tell -- she showed me the
22 video. She said this girl did this
23 deliberately. How could you tell she did it
24 deliberately? I don't think this girl knows
25 her.

1 CHIEF DUBERNAS: She told me she
2 doesn't.

3 MAYO LEGG: I'm glad you said what
4 you said, Chief. I just wanted you to know
5 that him -- and we're together every day, go
6 over problems, situations. I think our
7 police, especially our chief, does a great
8 job. I really do. If they didn't I would
9 say as such.

10 MR. SEMENZA: Anything else?

11 MAYOR LEGG: No.

12 MR. SEMENZA: Councilman Lettieri?

13 MR. LETTIERI: Steve, do you have a
14 timeline when we can get this information
15 for these people? I know them and I know
16 they'll be calling me trying to get this
17 thing resolved as soon as they can. If you
18 can get that information tomorrow.

19 MR. BIERYLA: I'll pull out the
20 permit tomorrow because there's a diagram
21 showing where that pool is and it shows a
22 ten foot setback. I'm almost positive of
23 that for Jamie's pool. If he has a survey,
24 and if Mr. Semenza would like me to
25 accompany him to go over and talk to Jamie I

1 would gladly do it.

2 MR. LETTIERI: The shed's a big
3 concern.

4 MR. BIERYLA: As far as that pool,
5 that would go through Joe. If he's
6 occupying that pool without an occupancy
7 permit and the fence needs to be around,
8 then he's illegal and then Joe takes action
9 on that.

10 MR. LETTIERI: So we can find that
11 out as well as the permits.

12 MR. BIERYLA: I'll get in contact
13 with Joe tomorrow.

14 MR. SEMENZA: Councilman Ferrett?

15 MR. FERRETT: I got one little thing
16 to say but I'm not going to elaborate on it
17 because it doesn't pay. What always
18 happens, you get shot down every time you
19 come up with something.

20 But I am going to say one thing,
21 that my time is very short because I'm not
22 going to be seeking re-election or nothing
23 like this. The 18 years that I'm here I
24 kept on hearing all the time people talk
25 about recreation for the kids, talk about

1 community centers. I haven't seen anybody
2 come up with any kind of idea as just what
3 we should do and how we should do things.
4 And as I do some very serious thinking, I
5 keep telling myself you know what? We just
6 don't have our priorities set the way we
7 want it set. What we want to do, how we
8 want to do it and where we want to go.

9 And I realize that without any
10 question that we're tied up with this, we're
11 tied up with that, tied up with that. Why
12 is it that we can't be tied up with some
13 kind of community center? Something for the
14 kids. Some kind of recreation center.

15 MR. SEMENZA: You must not have
16 listened to me for the past seven years.

17 MR. FERRETT: Bob, I want to see
18 some kind of commitment and I'm ready to put
19 my name on --

20 MR. SEMENZA: I can't get anybody to
21 commit with me, Joe.

22 MR. FERRETT: Well, how can anybody
23 say they don't want nothing for the kids in
24 this town? I don't understand. You got a
25 kid, Russell got a kid --

1 MR. SEMENZA: We have that beautiful
2 property over by the school. We can put a
3 nice community center there. But we do
4 other things.

5 MR. FERRETT: Listen, if I put a
6 motion on the floor is everybody going to
7 back me up? Let's talk about it first
8 before we go any further, see what everybody
9 thinks. Maybe other people have different
10 ideas. Maybe somebody thinks otherwise.
11 Like I says, we're doing the building, we're
12 doing the downtown, we got a police station
13 we got to work. I realize there's a lot of
14 things that we want to do, but sometimes you
15 got to set your priorities the way you want
16 to do things.

17 I think the kids in this town really
18 deserve something, because all the time that
19 I sat here let's build a community center,
20 let's put recreation in. Nothing's being
21 done. I don't see nothing on paper, I don't
22 see nothing in the making, and I'm going to
23 get out of here --

24 MR. SEMENZA: People don't
25 realize -- I know it cost a lot of money to

1 build a structure like that and cost a lot
2 of money to sustain it, but you don't
3 realize if you build the right thing the
4 money -- the revenue you can bring into the
5 borough by that thing.

6 MR. FERRETT: I also think the
7 business people in this place will certainly
8 offer help for the kids. I'm only speaking
9 about myself. I'm convinced that could be
10 done. It's just the idea that we have to
11 have the nerve to put ourselves in a
12 position that we're ready to put our names
13 right on the seal that this is what we
14 should do. Maybe it will take us three
15 years, maybe four years. But at least we
16 should have some kind of a plan, something
17 ready to move forward to continue that the
18 time is going to come okay, we're ready to
19 move. Maybe by that time grants will be
20 available and we might be able to get some
21 help. But the combination of everything, at
22 least we can say we have a plan on the
23 table. Don't people say we don't want to do
24 nothing. I feel kind of bad. That's all I
25 have.

1 MR. SEMENZA: Councilman Hoover?

2 MR. HOOVER: I'm good.

3 MR. RUSSELL RINALDI: I'm good.

4 MR. SEMENZA: I'm good, too, I
5 believe. At this time the chair is going to
6 entertain a motion to adjourn.

7 MR. FERRETT: I'll make the motion.

8 MR. SEMENZA: 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 63 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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