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OLD FORGE BOROUGH COUNCIL  
OLD FORGE, PENNSYLVANIA

IN RE: REGULAR MEETING OF COUNCIL

OCTOBER 20, 2020

7:00 P.M.

EAGLE-MCCLURE HOSE COMPANY  
MILWAUKEE AVENUE  
OLD FORGE, PENNSYLVANIA

COUNCIL MEMBERS:

- ROBERT SEMENZA, PRESIDENT
- RUSSELL RINALDI
- LOUIS FEBBO
- RICK NOTARI
- JAMES HOOVER
- MICHAEL LETTIERI
- MICHELLE AVVISATO
- WILLIAM RINALDI, ESQUIRE, SOLICITOR

Mark Wozniak  
Official Court Reporter

1 MR. SEMENZA: Good evening,  
2 everyone. I'd like to start the meeting  
3 with the Pledge of Allegiance.

4 (The Pledge of Allegiance was  
5 recited.)

6 MR. SEMENZA: Welcome to the Old  
7 Forge Borough Council meeting of October 20,  
8 2020. The purpose of tonight's meeting,  
9 we'll go down the table and hear from  
10 council. There's a public sign-in sheet if  
11 anybody wants to address council. Roll  
12 call, please, Bill.

13 ATTY. RINALDI: Ms. Avvisato?

14 MS. AVVISATO: Here.

15 ATTY. RINALDI: Mr. Febbo?

16 MR. FEBBO: Present.

17 ATTY. RINALDI: Mr. Hoover?

18 MR. HOOVER: Here.

19 ATTY. RINALDI: Mr. Lettieri?

20 MR. LETTIERI: Present.

21 ATTY. RINALDI: Mr. Notari?

22 MR. NOTARI: Present.

23 ATTY. RINALDI: Mr. Rinaldi?

24 MR. RUSSELL RINALDI: Here.

25 ATTY. RINALDI: Mr. Semenza?

1 MR. SEMENZA: Here. Our borough  
2 manager, Marylynn Bartoletti, is absent  
3 tonight. We'll go to some housekeeping  
4 items.

5 The first motion is a motion to  
6 approve the minutes.

7 MR. HOOVER: I'll make that motion.

8 MR. NOTARI: Second.

9 MR. SEMENZA: Seconded by Councilman  
10 Notari. On the question? Public input?  
11 Roll call, please.

12 ATTY. RINALDI: Ms. Avvisato?

13 MS. AVVISATO: Yes.

14 ATTY. RINALDI: Mr. Febbo?

15 MR. FEBBO: Yes.

16 ATTY. RINALDI: Mr. Hoover?

17 MR. HOOVER: Yes.

18 ATTY. RINALDI: Mr. Lettieri?

19 MR. LETTIERI: Yes.

20 ATTY. RINALDI: Mr. Notari?

21 MR. NOTARI: Yes.

22 ATTY. RINALDI: Mr. Rinaldi?

23 MR. RUSSELL RINALDI: Yes.

24 ATTY. RINALDI: Mr. Semenza?

25 MR. SEMENZA: Yes. The next motion

1 is a motion to approve treasurer reports.  
2 Note this does not include sewer accounts.

3 MS. AVVISATO: I'll make that  
4 motion.

5 MR. SEMENZA: By Councilwoman  
6 Avvisato.

7 MR. NOTARI: Second.

8 MR. SEMENZA: Seconded by Councilman  
9 Notari. On the question? Public input?  
10 Roll call, please.

11 ATTY. RINALDI: Ms. Avvisato?

12 MS. AVVISATO: Yes.

13 ATTY. RINALDI: Mr. Febbo?

14 MR. FEBBO: Yes.

15 ATTY. RINALDI: Mr. Hoover?

16 MR. HOOVER: Yes.

17 ATTY. RINALDI: Mr. Lettieri?

18 MR. LETTIERI: Yes.

19 ATTY. RINALDI: Mr. Notari?

20 MR. NOTARI: Yes.

21 ATTY. RINALDI: Mr. Rinaldi?

22 MR. RUSSELL RINALDI: Yes.

23 ATTY. RINALDI: Mr. Semenza?

24 MR. SEMENZA: Yes. The next motion  
25 is a motion to approve invoices for payment.

1 Note this does not include sewer accounts.

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

3 MR. SEMENZA: By Councilman Notari.

4 MR. FEBBO: I'll second it.

5 MR. SEMENZA: Seconded by Councilman

6 Febbo. On the question? Public input?

7 Roll call, please.

8 ATTY. RINALDI: Ms. Avvisato?

9 MS. AVVISATO: Yes.

10 ATTY. RINALDI: Mr. Febbo?

11 MR. FEBBO: Yes.

12 ATTY. RINALDI: Mr. Hoover?

13 MR. HOOVER: Yes.

14 ATTY. RINALDI: Mr. Lettieri?

15 MR. LETTIERI: Yes.

16 ATTY. RINALDI: Mr. Notari?

17 MR. NOTARI: Yes.

18 ATTY. RINALDI: Mr. Rinaldi?

19 MR. RUSSELL RINALDI: Yes.

20 ATTY. RINALDI: Mr. Semenza?

21 MR. SEMENZA: Yes. The next motion

22 is a motion to approve sewer department

23 financial reports.

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

25 MR. SEMENZA: By Councilman Notari.

1 MR. RUSSELL RINALDI: I'll second  
2 it.

3 MR. SEMENZA: Seconded by Councilman  
4 Rinaldi. On the question? Public input?  
5 Roll call, please.

6 ATTY. RINALDI: Ms. Avvisato?

7 MS. AVVISATO: Yes.

8 ATTY. RINALDI: Mr. Febbo?

9 MR. FEBBO: Yes.

10 ATTY. RINALDI: Mr. Hoover?

11 MR. HOOVER: Yes.

12 ATTY. RINALDI: Mr. Lettieri?

13 MR. LETTIERI: Yes.

14 ATTY. RINALDI: Mr. Notari?

15 MR. NOTARI: Yes.

16 ATTY. RINALDI: Mr. Rinaldi?

17 MR. RUSSELL RINALDI: Yes.

18 ATTY. RINALDI: Mr. Semenza?

19 MR. SEMENZA: Yes. The next motion  
20 is a motion to approve sewer department  
21 invoices for payment.

22 MR. LETTIERI: I'll make that  
23 motion.

24 MR. SEMENZA: By Councilman  
25 Lettieri.

1 MR. NOTARI: I'll second it.

2 MR. SEMENZA: Seconded by Councilman  
3 Notari. On the question? Public input?  
4 Roll call, please.

5 ATTY. RINALDI: Ms. Avvisato?

6 MS. AVVISATO: Yes.

7 ATTY. RINALDI: Mr. Febbo?

8 MR. FEBBO: Yes.

9 ATTY. RINALDI: Mr. Hoover?

10 MR. HOOVER: Yes.

11 ATTY. RINALDI: Mr. Lettieri?

12 MR. LETTIERI: Yes.

13 ATTY. RINALDI: Mr. Notari?

14 MR. NOTARI: Yes.

15 ATTY. RINALDI: Mr. Rinaldi?

16 MR. RUSSELL RINALDI: Yes.

17 ATTY. RINALDI: Mr. Semenza?

18 MR. SEMENZA: Yes. At this time the  
19 chair is going to go to our department  
20 heads. Paul Papi, zoning/code enforcement.  
21 Everybody has Paul's report in their packet.  
22 Paul, anything to add?

23 MR. PAPI: No, I don't.

24 MR. SEMENZA: Anybody have any  
25 questions for Paul? Paul, on your report, I

1 know sometime back we asked but Covid hit  
2 and things got crazy. Could you put a list  
3 of permits, fees and everything that we get  
4 monthly?

5 MR. PAPI: That's not on my  
6 computer.

7 MR. SEMENZA: Well, we'll have  
8 Marylynn get you set up with that just  
9 because I like to look and see who is doing  
10 what and what's going on in the borough. I  
11 don't know if any other council members feel  
12 the same way.

13 MR. PAPI: I give all my -- Ann  
14 Marie takes all my checks and cash and she  
15 fills them in someplace. Maybe I can get  
16 her to print something out.

17 MR. SEMENZA: Whatever.

18 MR. PAPI: I'll look into that.

19 CHIEF DUBERNAS: I have an Excell  
20 file. It says the date, report number -- or  
21 permit number, in his case, the person, how  
22 much it cost, and I give that to Ann Marie  
23 along with all the checks. I can just  
24 change it for him.

25 MR. SEMENZA: I actually like yours



1 a little more. See, I don't know how far we  
2 go with what goes on in the police  
3 department without crossing a line. We see  
4 incidents, we see accidents, we see this,  
5 but what kind of incidents, what kind of  
6 accidents? Do you understand what I'm  
7 saying? I actually want to sit down with  
8 you one day.

9 CHIEF DUBERNAS: I can go on a  
10 visual alert. It tells you how many  
11 assaults we have for the month. I can print  
12 that out.

13 MR. SEMENZA: I'd like to see stuff  
14 like that. I'd like to see a little more of  
15 a breakdown on that also.

16 Yeah, ask Ann Marie or, Chief, help  
17 him out. Thanks, Chief. Anybody else have  
18 anything for Paul?

19 MR. HOOVER: Paul, do we get a lot  
20 of permits for Old Forge on a daily basis or  
21 weekly?

22 MR. PAPI: Not as much as we used to  
23 ten years ago.

24 MR. HOOVER: Do they need a permit  
25 to put a roof on?

1 MR. PAPI: Yes. I get a lot of roof  
2 permits. It's \$25 for a roof.

3 MR. SEMENZA: I think we should  
4 actually sit and revisit our fees because I  
5 think our fees are very --

6 MR. LETTIERI: Generous.

7 MR. HOOVER: When was the last time  
8 the fees were updated?

9 MR. SEMENZA: Do you have any idea?  
10 Probably before you were here, Paul.

11 MR. PAPI: Yeah. Steve -- they  
12 raised the fees on, like, hearings, stuff  
13 like that. Zoning hearings and things.

14 MR. HOOVER: Well, the first of the  
15 year is coming. I think we should look at  
16 all that.

17 MR. PAPI: Simple stuff. The  
18 sidewalks are \$25, roofs are \$25. They've  
19 been that way for probably 20 years.

20 MR. NOTARI: Do we have a committee  
21 or could we form a committee that can look  
22 into that?

23 MR. PAPI: Probably should call  
24 around and see what everybody else is  
25 charging.

1 MR. SEMENZA: The reason that was on  
2 my mine mind, I talked to a gentleman the  
3 other day and he asked me what does it cost  
4 to put a shed up in Old Forge, and I said  
5 \$25 permit. He said what if I wanted to put  
6 a 20 by 20 shed up? I say I guess it's a  
7 \$25 permit. He said it cost them, wherever  
8 he lives, per the cost of how much the shed  
9 cost. A portion of it is the permit fee.  
10 It's a percentage.

11 MR. PAPI: Like, \$25 plus so much a  
12 square foot.

13 MR. SEMENZA: I don't know, but I  
14 think we should look into it. Anybody have  
15 anything else for Paul? Thanks, Paul.

16 Joe, DPW/street commissioner's  
17 report. Everybody has Joe's report in their  
18 packet. Anything to add?

19 MR. LENCESKI: No, I don't.

20 MR. HOOVER: Joe, it's good to see  
21 that fire truck backed into that firehouse.

22 MR. SEMENZA: Joe, there was a water  
23 main break on Morton Street the other day.  
24 Were you aware of that?

25 MR. LENCESKI: Yes.

1 MR. SEMENZA: Everything was good  
2 with that?

3 MR. LENCESKI: Yes.

4 MR. SEMENZA: Anybody have anything?

5 MS. AVVISATO: That's the second one  
6 on Morton Street. Right?

7 MR. PAPI: Yes.

8 MS. AVVISATO: In a month.

9 MR. PAPI: Yes. Actually it's the  
10 third one.

11 MR. SEMENZA: Anybody else have  
12 anything for Joe? Thanks, Joe.

13 Chief Dubernas. Everybody has the  
14 chief's report. Do you have anything to  
15 add, Chief?

16 CHIEF DUBERNAS: I handed out, prior  
17 to the meeting starting, the traffic study  
18 from Church and Maple, Church and Vine with  
19 the stop signs. It tells you in there about  
20 how short the distance is. In there it  
21 gives you the sight distances, the length of  
22 the roadway and everything, and that it's  
23 not feasible to have a four-way stop there  
24 because, first of all, how short it is.  
25 You're going to come out of Maple Street and

1 make another stop.

2 MR. SEMENZA: There's one at the end  
3 of Maple. Correct? Going towards Church.

4 CHIEF DUBERNAS: There's Maple and  
5 one on Vine.

6 MR. SEMENZA: Is there one on Church  
7 coming towards Maple?

8 CHIEF DUBERNAS: No, because the  
9 sight distance is so long. Then the next  
10 one is not until Hill Crest.

11 MR. SEMENZA: How about coming down  
12 towards Church, towards Oak? Is there one  
13 at the end of Vine, then?

14 CHIEF DUBERNAS: No, because that  
15 starts where the one way starts.

16 MR. SEMENZA: No, I'm saying at the  
17 corner of Vine and Church.

18 CHIEF DUBERNAS: No, because you  
19 have to turn left or right there. If you go  
20 straight you have to make a right down Maple  
21 because of the one way because of Saint  
22 Nick's Church, unless you go up that  
23 alleyway. I didn't realize they call that  
24 Church Street. If you look on the Google  
25 picture I took that, like, turns --

1 MR. SEMENZA: If you go straight and  
2 to the left, is that legal there?

3 CHIEF DUBERNAS: Yeah, because the  
4 one way doesn't start until there. It  
5 allows you to go up that alleyway behind Mr.  
6 Ferrett's house. But that alley is  
7 classified as Church Street, too, according  
8 to the map I got.

9 MR. SEMENZA: Are there any houses  
10 on that street?

11 CHIEF DUBERNAS: No, just the  
12 rectory on the corner for Saint Nicholas'.

13 MR. SEMENZA: So you're saying it's  
14 not feasible to have it there?

15 CHIEF DUBERNAS: No, because the  
16 stopping distance. You're going to pull out  
17 and then stop again.

18 MR. SEMENZA: Anybody have any  
19 questions for Chief Dubernas?

20 MR. FEBBO: The red lights, who  
21 syncs them? When was the last time it was  
22 done?

23 CHIEF DUBERNAS: Northeast Signal.  
24 We have a key to reset them.

25 MR. FEBBO: What about the time you

1           have to wait? Like down at Drake's Lane,  
2           sometimes you wait there forever and there's  
3           no traffic coming either way.

4                   MR. SEMENZA: This has come up  
5           before numerous times.

6                   CHIEF DUBERNAS: If you look at the  
7           center of the stop light, there's a camera  
8           there. That camera's a safety thing, so it  
9           recognizes a car there, especially at night.  
10          If you ever pull up to a red light at night  
11          and there's no other traffic coming it  
12          automatically turns green. That's what the  
13          gentleman told us from Northeast Signal.  
14          That's at CVS, too. If they don't pull up  
15          to that line at CVS that camera doesn't know  
16          there is a car waiting for the traffic  
17          light.

18                   MR. SEMENZA: At that light, what he  
19          told us is if you pull too far up it's going  
20          to shoot over your car.

21                   MR. PAPI: You have to stop at the  
22          stop line.

23                   MR. SEMENZA: They came to a meeting  
24          one night. They said if you go too far it's  
25          shooting over the car. It doesn't recognize

1           it.

2                   MR. FEBBO: I have people asking  
3           about it all the time.

4                   MR. SEMENZA: Anything else?  
5           Anything for Chief Dubernas?

6                   CHIEF DUBERNAS: The only other  
7           thing was our discussion I had with Officer  
8           Brown. I wasn't sure if we had an answer.

9                   MR. SEMENZA: We're going to meet  
10          after the meeting for a personnel issue.

11                   Dave, engineer's report. Everyone  
12          has Dave's report. Dave, do you have  
13          anything to add?

14                   MR. LOPATKA: I do not.

15                   MR. SEMENZA: Dave, the borough  
16          building, are you go to be overseeing that  
17          project?

18                   MR. LOPATKA: Yes. I talked to  
19          Marylynn and I actually talk to the  
20          construction supervisor every day.

21                   MR. SEMENZA: Good. I spoke with  
22          her the other day. We need somebody to make  
23          sure everything's going right there.

24                   MR. LOPATKA: I talk to him every  
25          day.



1 MR. SEMENZA: The last big project  
2 we had in the borough was Marion Street  
3 Park, and that didn't go so well at the end  
4 of the day. Anything to talk about with the  
5 borough building?

6 MR. LOPATKA: No. I mean, just some  
7 of the things that they found we would have  
8 no idea initially. They found a conduit  
9 that goes into the building. It looks like  
10 it was the old communications line. I don't  
11 think it's active, but we need to verify  
12 that. Just the typical stuff when you open  
13 a building up for a remodel job. There's  
14 always little things that come up.

15 MR. FEBBO: We used to have a gas  
16 tank back there. The gas pump is still  
17 there. Is that gas tank still in the  
18 ground?

19 MR. LOPATKA: I have no idea.

20 MR. SEMENZA: I want to say that was  
21 taken out years ago.

22 MR. LOPATKA: Typically you have to  
23 take them out once you shut it down.

24 MR. FEBBO: I don't remember them  
25 taking it out. Just check that out back

1           there, because there is a brass fitting in  
2           the parking lot, if you look at it. It's a  
3           cap for a filler.

4                   MR. SEMENZA: Anybody have any  
5           questions for Dave? Dave, just keep us  
6           informed on what goes on.

7                   MR. LOPATKA: I will. Actually, we  
8           didn't start meeting yet, but we'll start  
9           doing bi-weekly meetings there to make sure  
10          everybody's on the same page.

11                   MR. SEMENZA: Where do we stand with  
12          the front?

13                   MR. LOPATKA: Well, I have Brominski  
14          working on putting together the paperwork  
15          for a variance. So once that goes in we  
16          should have an idea pretty quick. Typically  
17          the architect does it, and typically they'll  
18          give you an idea of whether or not they'll  
19          give you relief on it.

20                   MR. SEMENZA: How big of a hiccup is  
21          it going to be if we don't get relief on it?

22                   MR. LOPATKA: Time wise? I don't  
23          think it would be anything time wise. You  
24          may end up having to put a ramp up, which,  
25          again, the whole reason we're putting the

1 elevator in is because we didn't want a ramp  
2 out there. But they're saying it has to be  
3 there, and I think it has do with any  
4 municipal-type structures. You have to have  
5 access to all the doors.

6 ATTY. RINALDI: Can you measure from  
7 the sidewalk on Main Street to the facade,  
8 see if you can just do a long sidewalk with  
9 the grade as a ramp? I don't know if you  
10 have the distance there. You might be able  
11 to just put a nice sidewalk with a grade all  
12 the way up.

13 MR. SEMENZA: You'll have to have 40  
14 feet. You'll never get it.

15 MR. LOPATKA: Plus, you can only go  
16 30 feet before you have to put a landing  
17 area. So by the time you put a landing area  
18 in you probably wouldn't have it. But I can  
19 take a measurement.

20 MR. SEMENZA: I don't know if I'd  
21 like a straight shot like that, Bill.

22 ATTY. RINALDI: I was trying to save  
23 the S turn. You have the steps, then the S  
24 ramp.

25 MR. HOOVER: You're going to have to

1 have a ramp and then a landing.

2 MR. LOPATKA: Even if it's straight,  
3 you can only go 30, max, before you have to  
4 have a landing.

5 MR. SEMENZA: How big does the  
6 landing have to be?

7 MR. LOPATKA: I'm not sure exactly,  
8 but typically you have to have something.  
9 It's probably five or six feet of flat area  
10 before you go up again. But hopefully we'll  
11 have an answer.

12 MR. NOTARI: Do we need to have  
13 access to both doors?

14 MR. LOPATKA: Probably both doors,  
15 yes.

16 MR. SEMENZA: If they don't give us  
17 the variance we have to have access.

18 MR. NOTARI: How come we didn't know  
19 this before?

20 MR. LOPATKA: The state, I guess  
21 when we were almost done with the process,  
22 went from 2016 to 2018 building code, for  
23 whatever reason, and as part of that I guess  
24 they kicked in some part of the ordinance  
25 that requires -- I guess it has to do with

1 accessibility. And it wasn't as stringent  
2 in the 2016 one that they used to go by. So  
3 we were actually through the process pretty  
4 much with the plans before they adopted it.  
5 That's where that came from.

6 MR. NOTARI: How about the police  
7 department? Is there going to be ground  
8 access there?

9 MR. LOPATKA: There is ground access  
10 into the street. That's at grade.

11 MR. NOTARI: We better make sure of  
12 everything.

13 MR. LOPATKA: That was a question,  
14 too.

15 MR. NOTARI: I just don't  
16 understand. We're providing handicap access  
17 to the building.

18 MR. LOPATKA: Much better than it  
19 was.

20 MR. NOTARI: A hundred percent  
21 better than it was.

22 MR. PAPI: Joe told me that it's  
23 because we're a government building.  
24 Government buildings have to be ADA right to  
25 the letter of the law.

1 MR. HOOVER: That's to allow  
2 pedestrian traffic in the front to wall up a  
3 ramp and get into the building rather than  
4 walking around the building. You may get  
5 somebody that wants to park across the  
6 street that wants to go in the front door  
7 and can't go up the steps.

8 MR. NOTARI: It's for ADA  
9 accessibility, not for a pedestrian. A  
10 pedestrian can walk up steps.

11 MR. LOPATKA: It's accessibility.  
12 Then the other argument is if somebody does  
13 come there and parks on the side they still  
14 have to go all the way around the building  
15 to get to the front of the building. So if  
16 they're going to park on the side, why not  
17 park in the back and go up the elevator.

18 MR. RUSSELL RINALDI: And what  
19 happens if one day in the future somebody  
20 buys the property across the street and says  
21 no one can park in there anymore?

22 MR. LOPATKA: We're not even looking  
23 at across the street. We can't take that  
24 into consideration for parking anyway.

25 MR. RUSSELL RINALDI: But a lot of

1 people park in that parking lot.

2 MR. LOPATKA: That's the whole idea  
3 of what we're doing in the back. We're  
4 expanding the parking lot so there's more  
5 parking back there so they can access the  
6 elevator.

7 MR. SEMENZA: Anything else for  
8 Dave?

9 MR. HOOVER: The 300 block of Oak,  
10 Dave, what's going on there? It says Class  
11 Three Engineering is to contact the Old  
12 Forge Borough regarding renovations.

13 MR. LOPATKA: I haven't seen  
14 anything.

15 MR. NOTARI: Is that the LLVSA  
16 building?

17 MR. PAPI: A \$7,000 permit, that  
18 was.

19 MR. LOPATKA: I did check, too. I  
20 did call the county with regard to the ramp,  
21 and we could revise that elevator cost and  
22 you can use money from the CDBG stuff.

23 MR. FEBBO: Eliminate the elevator?

24 MR. LOPATKA: If you kept the  
25 elevator you can add that ramp onto that.

1 It's accessibility.

2 MR. SEMENZA: Before I forget, the  
3 next meeting I would like Geoscience to come  
4 to our work session. Our work session,  
5 we'll have to make a motion -- the chair is  
6 going to entertain a motion right now to  
7 move our November work session November 3rd  
8 to November 10th.

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

11 MR. SEMENZA: By Councilman Rinaldi.

12 MR. NOTARI: I'll second.

13 MR. SEMENZA: Seconded by Councilman  
14 Notari. On the question? Public input?  
15 Roll call, please.

16 ATTY. RINALDI: Ms. Avvisato?

17 MS. AVVISATO: Yes.

18 ATTY. RINALDI: Mr. Febbo?

19 MR. FEBBO: Yes.

20 ATTY. RINALDI: Mr. Hoover?

21 MR. HOOVER: Yes.

22 ATTY. RINALDI: Mr. Lettieri?

23 MR. LETTIERI: Yes.

24 ATTY. RINALDI: Mr. Notari?

25 MR. NOTARI: Yes.



1 ATTY. RINALDI: Mr. Rinaldi?

2 MR. RUSSELL RINALDI: Yes.

3 ATTY. RINALDI: Mr. Semenza?

4 MR. SEMENZA: Yes. So our November  
5 work session will be November 10th at 7 p.m.  
6 at Eagle-McClure Hose Company. But at our  
7 November 10th work session I'd like  
8 Geoscience to come. Let the record show I'm  
9 going to tell Marylynn to have them come. I  
10 don't believe they are fulfilling their  
11 obligation for what we want them to do for  
12 the borough.

13 MR. HOOVER: I agree.

14 MR. SEMENZA: Dave, do you ever see  
15 them out on calls or anything or on pave  
16 cut?

17 MR. LOPATKA: I haven't at all.

18 MR. LENCESKI: Once in a while.

19 MR. SEMENZA: The water company?

20 MR. LENCESKI: Yes.

21 MR. SEMENZA: It seems every check  
22 that I sign is water company. I don't think  
23 they're getting called by the contractors  
24 too often. Maybe the water company.  
25 Anything else? I don't know if I want to

1           move the regular meeting to the 24th, two  
2           days before Thanksgiving.

3                     The chair will entertain a motion to  
4           move our November 10th work session to 6:30.  
5           How is that?

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

7                     MR. SEMENZA: By Councilman Notari.

8                     MR. HOOVER: I'll second it.

9                     MR. SEMENZA: Seconded by Councilman  
10          Hoover. On the question? Public input?  
11          Roll call, please.

12                    ATTY. RINALDI: Ms. Avvisato?

13                    MS. AVVISATO: Yes.

14                    ATTY. RINALDI: Mr. Febbo?

15                    MR. FEBBO: Yes.

16                    ATTY. RINALDI: Mr. Hoover?

17                    MR. HOOVER: Yes.

18                    ATTY. RINALDI: Mr. Lettieri?

19                    MR. LETTIERI: Yes.

20                    ATTY. RINALDI: Mr. Notari?

21                    MR. NOTARI: Yes.

22                    ATTY. RINALDI: Mr. Rinaldi?

23                    MR. RUSSELL RINALDI: Yes.

24                    ATTY. RINALDI: Mr. Semenza?

25                    MR. SEMENZA: Yes. So our November

1 10th work session is now at 6:30. Anything  
2 else, Dave?

3 MR. FEBBO: Dave, how about bringing  
4 us up to date on Levan.

5 MR. LOPATKA: I'm waiting on a  
6 contractor to give me the price back.  
7 Hopefully I'll have something.

8 MR. FEBBO: Who are we waiting for?

9 MR. LOPATKA: I called Mellow to  
10 come and look at it with me.

11 MR. FEBBO: Can you follow up with  
12 that again. What about the one on Taroli  
13 Street, that drain? Orzlek.

14 MR. LOPATKA: Well, we talked about  
15 it. I'm not sure how you want me to proceed  
16 with it. We talked about, I thought --

17 MR. FEBBO: Didn't we say something  
18 about a catch basis --

19 MS. AVVISATO: Somebody was supposed  
20 to get in touch with LLVSA.

21 MR. LENCESKI: I talked to Matt  
22 Brown to get a price.

23 MR. FEBBO: Are you working on that?

24 MR. LOPATKA: If that's a  
25 combination system --

1 MR. LENCESKI: Yes. I spoke with  
2 LLVSA.

3 MR. HOOVER: They say if it's the  
4 only way you can do it, you have to do it  
5 that way.

6 MR. LENCESKI: Those are our lines.  
7 The only time we have to contact them is  
8 when we enter the main line.

9 MR. SEMENZA: Our line is going to  
10 enter the main line.

11 MR. LENCESKI: It's already a  
12 combination system, so it's okay if we do  
13 it.

14 MR. FEBBO: So that means we have to  
15 get a bid on somebody to do it?

16 MR. LENCESKI: We can do whatever we  
17 want as long as we're not putting it into  
18 the main line.

19 MR. SEMENZA: If we put a storm  
20 drain into our system, you're saying it's  
21 legal? No. You can't divert storm water  
22 into a system.

23 MR. LENCESKI: Because we already  
24 have it there. That's what he told me.

25 MR. SEMENZA: I think you're wrong.

1 MR. FEBBO: Who told you that?

2 ATTY. RINALDI: Frank Pero. He said  
3 the only time we have to come to them for  
4 anything is when we're going to an  
5 interceptor. Our lines are our lines. If  
6 we're putting something into -- tapping  
7 right into their main line.

8 MR. SEMENZA: This is the reason,  
9 because we're increasing the flow that's  
10 going into LLVSA while we're adding storm  
11 water into the sewer system, regardless if  
12 it's a combination system or not. What  
13 they're trying to do is the state is  
14 actually mandating us to cut back on --  
15 they're getting money to separate systems.  
16 Therefore, it's actually legal to divert  
17 storm water into -- am I right when I'm  
18 saying this?

19 ATTY. RINALDI: I think we have some  
20 lines that are strictly storm water that  
21 were put in.

22 MR. LOPATKA: There are.

23 MR. SEMENZA: You should check back  
24 into that.

25 MR. FEBBO: Is that water right now

1 originally already running into their  
2 system?

3 MR. SEMENZA: Yes, but you can't  
4 divert more storm water into --

5 MR. FEBBO: It's the same water.

6 MR. LOPATKA: Eventually it goes  
7 down into the same inlet. Other  
8 municipalities like Dunmore and Scranton,  
9 they will allow you to tie in to that  
10 system, but typically --

11 MR. SEMENZA: I worked there for 14  
12 years. I know this was a fight with  
13 neighboring towns for years. You can't  
14 divert storm water into the system. I know  
15 that for a fact. They're trying to cut back  
16 on the amount of intake they're taking into  
17 the plant.

18 MR. FEBBO: If the water's running  
19 down here on top of the ground to this catch  
20 basin, it's causing problem with this guy  
21 here, what we're looking to do is put a  
22 catch basin in front of his house to take  
23 that same water underground to the same --

24 MR. SEMENZA: I understand what  
25 you're saying, but that water can be

1 moving -- I'm just saying you can't divert  
2 storm water. We had an issue over on  
3 Stewart Street when they wanted to put a  
4 storm drain in coming off Corcoran Street.  
5 Couldn't divert water into the system. It  
6 was illegal.

7 MR. FEBBO: But that water was going  
8 into the property --

9 MR. SEMENZA: I understand where it  
10 was going. I'm just saying we couldn't put  
11 a storm drain there because you're diverting  
12 water.

13 ATTY. RINALDI: Look at Burger King.  
14 We went through all that to separate up  
15 there at Burger King.

16 MR. FEBBO: So if Frank is saying  
17 they're giving us permission to do that --

18 MR. SEMENZA: I think he made a  
19 mistake.

20 MR. LENCESKI: I was taken by it,  
21 too. He said no, they're your lines. Do  
22 whatever you want.

23 MR. SEMENZA: It's always been a big  
24 fight for so many years.

25 MR. LENCESKI: He told me no, do

1                   what you want, basically. I was surprised.  
2                   I'll call him tomorrow.

3                   MR. SEMENZA: They were actually  
4                   going to give us money for that project when  
5                   we wanted to separate that part of Grace  
6                   Street. They would have given us money but  
7                   I don't know what happened there.

8                   But that's their big gripe, is don't  
9                   put water into the system so we can cut back  
10                  on the gallons.

11                  MR. LENCESKI: Besides that one was  
12                  the one over on Hoover I told him about.

13                  MR. SEMENZA: Unless things changed,  
14                  but I can't see how that could happen. Find  
15                  out. Anything else?

16                  MR. FEBBO: Where are you on Hoover  
17                  Street?

18                  MR. LENCESKI: Waiting on Earthworks  
19                  to give me a price.

20                  MR. LOPATKA: That's the same  
21                  situation. It's across the street from the  
22                  inlet. The same thing.

23                  MR. FEBBO: So we're waiting for  
24                  what?

25                  MR. LOPATKA: Well, I think we were



1 waiting for LLVSA to give us the go ahead.

2 MR. LENCESKI: They gave us the  
3 green light to do what we wanted to do. Now  
4 I'm just waiting for Earthworks to give me a  
5 price.

6 MR. FEBBO: So are we okay if he  
7 checks with Frankie Pero and Frankie gives  
8 us the okay?

9 MR. HOOVER: Get it in writing.

10 ATTY. RINALDI: We've been doing a  
11 lot of separating, so I don't think you want  
12 to send storm water into a sewer that we  
13 already --

14 MR. FEBBO: If that's not the case,  
15 then we need to go in a different direction.  
16 Otherwise, they're going to be on our book  
17 here forever again. So let's get it  
18 resolved.

19 MR. SEMENZA: I know all of Avoca,  
20 they separated all of Avoca.

21 MR. FEBBO: Let us know. We've got  
22 three things we've been talking about and we  
23 didn't finish and we're waiting. What are  
24 we waiting for? Let's get it done.

25 MR. SEMENZA: I want to go back to

1 Mr. Levan's issue here. Who paved that  
2 road? Why is the borough going to pay for  
3 this and not Pennsy Supply?

4 MR. LOPATKA: I don't know. I mean,  
5 all they did was mill the road and repave  
6 it.

7 MR. SEMENZA: You never had issues  
8 before that. Right?

9 MR. LEVAN: No. When they milled it  
10 they had extra blacktop, which they poured  
11 two extra layers of blacktop on the opposite  
12 side of my street, and when they put that  
13 blacktop down they didn't come to pave for  
14 several days. Then they came and paved  
15 right over everything. Now the water just  
16 all pitches into my yard.

17 MR. SEMENZA: I think we should call  
18 Pennsy. I mean, the borough didn't pave  
19 that street. Pennsy paved it. It was our  
20 project, but, you know --

21 MR. LOPATKA: All right.

22 MR. LEVAN: The berms in front of my  
23 house, up the street they're this high. But  
24 then I got my neighbor's driveway there.  
25 Most of it goes into my yard.

1                   When they paved it the berm and my  
2                   front sidewalk to enter my home -- poor Joe  
3                   Ferrett almost broke his neck when he came  
4                   to my house because the berm was so high. I  
5                   went to the paving company, asked them you  
6                   got to lower this. The guy goes yeah, yeah,  
7                   okay. They never lowered it. They never  
8                   came down with the little roller and rolled  
9                   it down. If you show up at my front door  
10                  watch your step because you're going to  
11                  break your neck over that hump.

12                 MR. LOPATKA: I'll call them  
13                 tomorrow.

14                 MR. SEMENZA: Anything else for  
15                 Dave? Thanks, Dave. Bill?

16                 ATTY. RINALDI: So I submitted that  
17                 proceeding to DCD today. They take two  
18                 weeks for approval. They have to let it sit  
19                 in their office. Otherwise, that's it.  
20                 There was one typo on my -- it should have  
21                 been October 8th, not October 1st. I picked  
22                 the wrong Thursday. Otherwise, that's it.

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

25                 MR. NOTARI: In our packets from

1 Marylynn there was a correspondence from  
2 Wolff Law.

3 ATTY. RINALDI: We were already  
4 served with that. That's another tax  
5 assessment appeal.

6 MR. NOTARI: Elmhurst Supply? Who  
7 are they?

8 ATTY. RINALDI: The address should  
9 be on there.

10 MR. NOTARI: I looked through it and  
11 I didn't see anything that referenced Old  
12 Forge.

13 ATTY. RINALDI: We had already  
14 received that.

15 MR. NOTARI: I didn't see anything  
16 that referenced Old Forge except that it was  
17 sent to us.

18 ATTY. RINALDI: This is proof of  
19 service. It's not their actual complaint.  
20 This was a proof of service to show that  
21 they served the commissioners. That was  
22 already received and we already entered our  
23 appearance.

24 MR. NOTARI: So it's concerning a  
25 property somewhere in Old Forge?

1 ATTY. RINALDI: Yes.

2 MR. SEMENZA: Anybody else for Bill?

3 MR. HOOVER: Where do we stand with  
4 Mr. Munley?

5 ATTY. RINALDI: Stocki's brief goes  
6 in, I believe, tomorrow. Ours is in. Ours  
7 went in on the 8th, Thursday. Findings of  
8 fact and conclusions and the brief all went  
9 in. I just summarized what the ask was  
10 without giving the whole argument in my  
11 report.

12 MR. SEMENZA: Anybody else?

13 MR. FEBBO: Where are we at with  
14 Ronnie Coles with that parking situation?

15 ATTY. RINALDI: I want to take Paul  
16 up there and get it resolved. They didn't  
17 really go out there for other reasons  
18 lately.

19 MR. FEBBO: What about this  
20 ordinance on fireworks? What are we doing  
21 with that?

22 ATTY. RINALDI: That's up to you  
23 guys. I suggested one that I saw. It's  
24 whatever anybody wants to do. I just left  
25 it there. If nobody wants to mess with our

1 fireworks and go by the state ordinance  
2 that's fine.

3 MR. FEBBO: That's the way it has  
4 been?

5 ATTY. RINALDI: Yes. I gave you  
6 some samples with other people putting in --  
7 I think probably right after the 4th of  
8 July, I think. I was trying to knock some  
9 stuff off here, see if anybody wanted to do  
10 anything.

11 MR. FEBBO: Another thing is  
12 telephone conference. That's been on there  
13 for four years.

14 ATTY. RINALDI: It's whatever you  
15 guys want to do with that one as well.

16 MR. FEBBO: We should clean some of  
17 those things up on there. Vote on it, bring  
18 it up, even the borough fees, because  
19 they've been on there forever. What do we  
20 have to do there, get our committees to work  
21 on that?

22 ATTY. RINALDI: Yeah. Some of them  
23 I drafted, resolutions for consideration.  
24 They can be modified. The borough fees is  
25 when Councilman Notari asked where all our

1 fees were. So that was a whole packet  
2 listing each specific reference in the  
3 ordinance. Where there's a fee quoted it  
4 says fees determined time to time by borough  
5 council. That's why that's there.

6 Fred Street is because it's a  
7 project we have money for that was discussed  
8 a few times but never bid out.

9 MR. FEBBO: They have been on there.  
10 I guess we didn't do anything to get them  
11 off here.

12 ATTY. RINALDI: It's not that you  
13 have to do something. The floodplain  
14 ordinance we did. I can take that off. So  
15 it's just things from past reports that I  
16 just carry forward in case somebody asks a  
17 question.

18 MR. SEMENZA: Anything else?

19 MR. FEBBO: No.

20 MR. SEMENZA: Anybody else have  
21 anything for Bill? Thanks, Bill.

22 At this time the chair is going to  
23 go into public comment. Chris?

24 MR. GOETZ: One comment. Maybe a  
25 little education. It's a federal mandate

1           that you have to separate the sewers and the  
2           sanitary, the storm sewers. So I think what  
3           you have there is you're making -- not an  
4           adjustment, but you're making an  
5           improvement. So it would probably call out  
6           that you have to separate at that point.  
7           I'm not sure. But it runs into MS4 and  
8           every other thing. So that's a federal  
9           mandate. I wouldn't be talking to Frankie  
10          Pero, I'd be talking to the conservation  
11          district because that's who's going to fine  
12          you.

13                    The real reason I'm here is I got  
14                    kind of an update from Bill, here, on the  
15                    case, but I'd like to know where we stand.  
16                    The last time I attended a hearing the judge  
17                    said you had 30 days to turn in your closing  
18                    arguments. That was 90 days ago or more.

19                    I just -- I can't fathom how we're  
20                    here this long. The guy was given six  
21                    months, it's over two years. We're still  
22                    sitting here.

23                    MR. NOTARI: It will be three years  
24                    in November.

25                    MR. GOETZ: And he's been there



1 illegally since 2013, which is seven years  
2 ago. So what you just said about what  
3 you're giving him and the ask, what is going  
4 on? I really hope there's not some kind of  
5 a deal on the table that I don't know about  
6 or the residents don't know about.

7 MR. FEBBO: Or we don't know about.

8 MR. NOTARI: There's no deal that I  
9 know about.

10 MR. GOETZ: Because I'm hearing  
11 things about fences. Fences aren't going to  
12 stop the noise or stop the smell.

13 ATTY. RINALDI: I just summarized  
14 what he needs to do to come in compliance  
15 with the ordinance.

16 MR. FEBBO: Could you read that to  
17 us?

18 ATTY. RINALDI: "We find the  
19 defendant in contempt of the July 31st and  
20 May 9th court orders and impose a fine upon  
21 the defendant for each day said contempt  
22 shall continue or incarcerate the defendant.

23 Two, assess attorney's fees and  
24 costs for these proceedings.

25 Three, order forfeiture of the

1           \$20,000 bond posted in this matter with the  
2           borough of Old Forge to cover fines and  
3           costs.

4                     Four, remove all non-operational  
5           equipment, vehicles and machinery from the  
6           property.

7                     Five, bring the use and activities  
8           of the property in compliance with the Old  
9           Forge Borough zoning ordinance as follows:  
10          Complying with 350-36G, screen planting  
11          requirements.

12                    Comply with 350-40C, fence  
13          provisions applicable to non-residential  
14          zoning districts.

15                    C, complying with 350-46, permit  
16          requirements for the work above.

17                    D, complying with 350-47,  
18          certificate from the zoning officer upon  
19          completion of the work.

20                    And such other further relief as the  
21          Court deems just.

22                    MR. GOETZ: So all that's going to  
23          go in. What's the time frame for, like, his  
24          answer?

25                    ATTY. RINALDI: His answer is due

1 tomorrow. They have so many days from our  
2 day.

3 MR. GOETZ: So when is the judge  
4 going to make a decision?

5 ATTY. RINALDI: That's going to be  
6 the judge's call. He probably going to ask  
7 us to come in and argue our briefs and then  
8 he's going to make a decision. That's his  
9 schedule. I don't have his schedule.

10 MR. GOETZ: Has the borough or  
11 anybody on council sent a letter to the  
12 judge asking for expeditious stuff? I mean,  
13 this is ridiculous. I mean, every day over  
14 there. Now the price of scrap is up, so now  
15 every day there's smoke billowing. I can  
16 actually hear the torches with my ears from  
17 my yard, cutting. The smell is  
18 unbelievable.

19 ATTY. RINALDI: Well, when I get his  
20 answer we can ask the judge to expeditiously  
21 put us on his calendar. That's the way the  
22 courts work. I mean, I'm waiting for a  
23 decision on Michael Koslosky now for four  
24 years from a federal court judge.

25 MR. GOETZ: The laws are for the

1 criminals. They're not for the people who  
2 pay their taxes or do things the right way.  
3 That's for sure. This is ridiculous.

4 Now, I'm going to ask this question  
5 again. I mean, I know the answer. But has  
6 Trion or SEI been cited for not being in  
7 compliance at all?

8 ATTY. RINALDI: They're all included  
9 in there. No new citations have gone out  
10 besides these citations because that's what  
11 we're in front of the judge for now.

12 MR. GOETZ: But he can still be  
13 cited every day. All you need to do is pick  
14 up a newspaper and see what Dickson City  
15 did, and in three days the guy came in  
16 compliance because he got cited every time  
17 there was a violation. So every day that  
18 that guy's down the street, here, working  
19 he's in violation and every day he can be  
20 cited. We can agree to disagree on that,  
21 but I'll take that one to the bank every  
22 day.

23 MR. SEMENZA: Can he be cited every  
24 day, Bill?

25 ATTY. RINALDI: Nobody's going to

1           make a decision until this case is decided.  
2           It's pending litigation. This one has a  
3           fine that goes along with it. We're asking  
4           for the same relief as if we went down every  
5           day. It's the same fine, and this is the  
6           same fine that's --

7                   MR. HOOVER: I think Chris has a  
8           point. If somebody's doing something wrong  
9           you should cite him every day.

10                   MR. GOETZ: Every day it's another  
11           case.

12                   MR. HOOVER: The chief called the  
13           other day. He sent a text to everybody  
14           about another machine going in there. I see  
15           that every day.

16                   MR. GOETZ: Yesterday there was a  
17           giant machine on a low boy out there.

18                   ATTY. RINALDI: If you want to send  
19           Paul up there every day to go and inspect  
20           the property and send him down to the  
21           magistrate you can.

22                   MR. GOETZ: He doesn't even have to  
23           inspect the property. You can cite him  
24           every day for even being open. If he was in  
25           compliance with the zoning ordinances he's

1 still illegal for even being open for  
2 business. If he was selling equipment  
3 legally, he's still in violation because he  
4 doesn't have an occupancy permit, which he  
5 stated on the stand, under oath, in front of  
6 the judge on December 13th. On December  
7 14th he should have got a citation every day  
8 until today and he didn't get one. Not one.

9 ATTY. RINALDI: We can do it. It's  
10 not going to advance the ball any further.  
11 If that's what you want I'll tell Paul to go  
12 down and file a citation.

13 MR. SEMENZA: Is it a waste of our  
14 time?

15 ATTY. RINALDI: We're already in  
16 court. He has the ability to appeal that  
17 magistrate's decision and just keeping  
18 going, another case and another case and  
19 another case. How many cases do you want to  
20 have?

21 MR. GOETZ: Well, whatever we're  
22 doing now isn't working. I can tell you  
23 that.

24 MR. SEMENZA: It's really not what  
25 we're doing, it's the judge.

1 MR. GOETZ: For the years and years  
2 it's ridiculous. And I understand what  
3 you're saying, Bob, but there's no letter  
4 from the borough going to the judge asking  
5 for it to be expedited. I mean, this guy's  
6 flying around to Colorado, comes back, Covid  
7 saved him again. In the meantime, the  
8 citizens are breathing in God only knows  
9 what, listening to noise every single day of  
10 the week. It's sad to say, but if any of  
11 you lived there or any of your relatives  
12 lived there I think this thing would be  
13 settled a lot faster. That's my opinion.

14 ATTY. RINALDI: Well, I can tell you  
15 that every hearing has been expedited  
16 because the judge expedites it. This isn't  
17 the only case the judge has. You want to  
18 complain to the judge, go right ahead, but  
19 I'm not going to. It's going to help our  
20 case.

21 MR. GOETZ: I think if there was a  
22 little bit of pressure put on him from the  
23 borough because it's an urgent -- this is an  
24 environmental disaster in this town.

25 ATTY. RINALDI: Well, DEP is on it

1 and they're not doing anything.

2 MR. GOETZ: They're another joke.  
3 They wrote fines and he paid not a dime.  
4 Not a dime.

5 ATTY. RINALDI: I can't control  
6 that.

7 MAYOR LEGG: Is he being fined every  
8 day?

9 MR. NOTARI: Five hundred dollars a  
10 day.

11 ATTY. RINALDI: He's appealing the  
12 fines, which are \$500 a day.

13 MR. NOTARI: He's going to owe us a  
14 half a million dollars.

15 MR. GOETZ: Good luck. He owes the  
16 feds 563.

17 MR. NOTARI: It's going to be  
18 \$560,000 November 17th.

19 ATTY. RINALDI: I submitted it with  
20 my brief.

21 MR. SEMENZA: AJ?

22 MR. LEVAN: Just to clarify, by the  
23 next meeting will we have a price on this  
24 job that is going to be done? I've been  
25 asking since July.



1 MR. SEMENZA: I can only say --  
2 we're going to go to Pennsy and see.

3 MR. LOPATKA: I'll call them  
4 tomorrow and get them out there.

5 MR. LEVAN: The last meeting he was  
6 waiting for a price and a month later he's  
7 still waiting for another price.

8 MR. SEMENZA: As far as I'm  
9 concerned this is Pennsy's issue, that they  
10 caused the issue, and I'm going to say that  
11 they're the ones at fault and they have to  
12 fix it.

13 MR. NOTARI: They caused the issue  
14 on Hoover Street, too, if that's what we're  
15 going to say. I don't believe Anastassi's  
16 had this problem before the street was  
17 paved, that there was a pool in front of  
18 their sidewalk. Let them check both areas.

19 MR. SEMENZA: The only issue there  
20 is the pooling there. His is caused by  
21 moving water coming across the road. The  
22 pooling, beforehand if the road had any  
23 cracks or anything it's going to subside  
24 into these cracks and dissipate that way.  
25 New pavement it's not going to dissipate as

1 fast.

2 MR. NOTARI: However, to me this is  
3 the same problem that was on Smith Street,  
4 across from Belanzini's, when that was  
5 paved. It should go toward the drain.

6 MR. SEMENZA: But the paving  
7 company, like they said, they're just  
8 overlay. They're not shooting --

9 MR. HOOVER: Are they supposed to  
10 shoot grades?

11 MR. LOPATKA: No, they're supposed  
12 to mill an inch and a half.

13 MR. HOOVER: Take an inch and a half  
14 off and put an inch and a half on. They  
15 don't change the profile of the road. Take  
16 an inch and a half off, put an inch and a  
17 half on. Maybe we should have Geoscience as  
18 our inspection -- maybe not them. Maybe we  
19 should have somebody shoot the grades  
20 before.

21 MR. LOPATKA: We can shoot the  
22 grades before.

23 MR. HOOVER: It always ends up, when  
24 you pave a road, I never had water in front  
25 of my house, now I do.

1 MR. SEMENZA: Going back to  
2 basically putting a storm water management  
3 thing in.

4 MR. LEVAN: When these guys came to  
5 the house they said 25 feet from the  
6 centerline of the street over, to left and  
7 to the right, is borough property. Right or  
8 wrong?

9 ATTY. RINALDI: That's the  
10 right-of-way.

11 MR. HOOVER: Sometimes that may  
12 bring you past the curb. The road may only  
13 be 18 feet wide.

14 MR. LOPATKA: And the borough's not  
15 responsible for sidewalks, typically.

16 MR. FEBBO: It's a borough road, but  
17 the borough hired this company to pave our  
18 roads in the right way. It's not  
19 acceptable.

20 MR. LEVAN: You're supposed to mill  
21 an inch and a half. They milled an inch and  
22 a half, but they put whatever the first  
23 layer of macadam is.

24 MR. HOOVER: They probably put a  
25 leveling course on it.

1 MR. LEVAN: They put it on that side  
2 of the street halfway up the street, and  
3 then they paved their inch and a half on top  
4 of that. I have the video on my phone to  
5 show you the amount of water pouring into my  
6 yard.

7 MR. HOOVER: We have the two  
8 streets, then we have two streets that  
9 Pennsy did, then we have the one street that  
10 T&C did. Taroli Street. We should go back  
11 to all three of them and say look, all the  
12 sudden we have a water problem here.  
13 Supposedly they didn't have it before.  
14 Right?

15 MR. SEMENZA: Yeah.

16 MR. HOOVER: We should make sure  
17 these people shoot grades before. They're  
18 not there to reconstruct the road.  
19 Sometimes they put a leveling course on it.  
20 That's probably what happened here.

21 MR. GOETZ: That would have to be  
22 called out on the contract. You have to  
23 have full time inspection while a job's  
24 going on to avoid all these problems.

25 MR. LEVAN: The foreman told me

1           they're only responsible from curb to curb  
2           and nothing else.

3                   MR. SEMENZA: Anything else? Jeff?

4                   UNKNOWN SPEAKER: I have a property  
5           I just bought in January on Franklin. I  
6           have a culvert that runs the whole length of  
7           my front yard. I was wondering if there was  
8           a way I could get -- I want to build access  
9           to the yard with a truck and there's no way  
10          I can go down into that.

11                  MR. SEMENZA: I spoke to Mr.  
12          Lenceski about that. In Austin Heights, the  
13          paved swales, he wants to put a pipe in,  
14          cover it so he can access his property. I  
15          told Joe to have him come to the meeting  
16          tonight to address council with it. Is that  
17          borough property? Is that in the  
18          right-of-way?

19                  MR. PAPI: It's in the right-of-way  
20          but it's not --

21                  MR. SEMENZA: So it's in our  
22          right-of-way. I know we had some issues  
23          with them swales sometime back, didn't we?

24                  MR. PAPI: A guy fell in one and he  
25          sued the borough.

1 MR. SEMENZA: Didn't we have  
2 something with one blocked or water on his  
3 property?

4 MR. PAPI: One blocked and rotted  
5 away and they had to replace it themselves.

6 MR. SEMENZA: Is everybody familiar  
7 with what I'm talking about on council?  
8 Does anybody have any issue with him  
9 putting -- Bill, would there be an issue  
10 with him putting a pipe and filling on top  
11 of it to access his property?

12 ATTY. RINALDI: If it's in our  
13 right-of-way our engineer's got to clear it  
14 so it doesn't screw up the way the water  
15 flows.

16 MR. LOPATKA: You have to make sure  
17 the pipe is big enough.

18 MR. FEBBO: He's responsible for the  
19 installation and maintenance of it.

20 MR. SEMENZA: Right. Dave, go up  
21 there and take care of what you have to take  
22 care of.

23 MR. MURPHY: Frank Murphy. I live  
24 down on Connell Street. I received noticed  
25 from the bank that holds my mortgage that

1           they want me to be forced to buy flood  
2           insurance. I really don't know where to  
3           turn, like where I can get some information  
4           on this. When Agnes came the water never  
5           got up that high. On Popil's coal property,  
6           FEMA was going to put the trailers in there.

7                        So I'm just curious to where I can  
8           find some information.

9                        MS. AVVISATO: They did change the  
10          flood map recently.

11                      MR. MURPHY: It says I have a one  
12          percent chance in a hundred years.

13                      MS. AVVISATO: Is that your mortgage  
14          company making you get that?

15                      MR. MURPHY: The bank, yes.

16                      MR. LOPATKA: Depends on what zone  
17          you're in on the flood map as to whether or  
18          not you need flood insurance.

19                      MR. LENCESKI: You have to call  
20          FEMA.

21                      MS. AVVISATO: If you're a B you  
22          don't need it. If you call FEMA they can  
23          tell you exactly what border line you're on  
24          there. I don't think you would need that.

25                      MR. NOTARI: Why don't you try

1 calling county planning, because I know  
2 they've been working with the floodplain  
3 people in this change for about a year.  
4 They might be able to give you a direct  
5 number to FEMA.

6 MR. MURPHY: It says AE.

7 MR. LOPATKA: AE is a hundred year  
8 floodplain.

9 MR. SEMENZA: At this time the chair  
10 is going to go down the table. Mayor?

11 MAYOR LEGG: No, I'm fine.

12 MR. FEBBO: I'm good.

13 MR. NOTARI: All good.

14 MR. LETTIERI: I'm good.

15 MS. AVVISATO: I'm good.

16 MR. HOOVER: Where do we stand with  
17 Coles? Lou brought up Coles. Did he ever  
18 move the tires?

19 ATTY. RINALDI: I already said I  
20 have to go down there with Paul.

21 MR. HOOVER: There's also that  
22 building on Oak Street. I hear from Gunner  
23 Revello every day there's a jeep in front of  
24 his house with three flat tires, no  
25 inspection sticker on it. It's parked in



1 front of his house.

2 CHIEF DUBERNAS: There's a Dodge  
3 Durango there.

4 MR. HOOVER: It's been there  
5 forever.

6 CHIEF DUBERNAS: I'll go home that  
7 way.

8 MR. HOOVER: That guy remove those  
9 tires at Albion and Oak?

10 MR. PAPI: They're all gone.

11 MR. HOOVER: How about that wood  
12 shed?

13 MR. PAPI: He covered it all with a  
14 tarp.

15 MR. HOOVER: And he is living in  
16 that mobile home there.

17 MR. PAPI: I went in there and you  
18 can't even walk. It's stored right to the  
19 door.

20 MR. SEMENZA: Is that a fire hazard?

21 MR. PAPI: He has tools, equipment,  
22 everything but the kitchen sink is in there.  
23 I checked the refrigerator, it was a little  
24 moldy. There was nothing in it. He said he  
25 has a light going to it, power going to it

1           because a little light goes on a timer. He  
2           wants people to think that he's in there  
3           because they're robbing stuff off the place.  
4           Parts and lawnmowers and steel. I believed  
5           him by walking into the trailer.

6                       MR. SEMENZA: Does he have a  
7           physical address somewhere? Let's find out.

8                       MR. HOOVER: He has water going to  
9           it. There's lights on every night. The  
10          neighbors see him going in and out of that  
11          place every day. I don't know if he stays  
12          there at night.

13                      MR. PAPI: Like I said, I'll stop by  
14          unexpected and see if I can get in there  
15          again. But I did an inspection --

16                      MR. HOOVER: I don't think you  
17          should go there at night by yourself.  
18          That's all.

19                      MR. SEMENZA: Councilman Rinaldi?

20                      MR. RUSSELL RINALDI: No items.

21                      MR. SEMENZA: I have nothing myself.  
22          At this time the chair is going to entertain  
23          a motion to adjourn. I'm going to have a  
24          brief executive session after the meeting.

25                      MR. RUSSELL RINALDI: I'll make that

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motion.

MR. NOTARI: Second.

MR. SEMENZA: All in favor?

(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 59 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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