

1 OLD FORGE BOROUGH COUNCIL

2 OLD FORGE, PENNSYLVANIA

3
4
5 IN RE: REGULAR MEETING OF COUNCIL

6
7
8
9 APRIL 20, 2021

10 7:00 P.M.

11 OLD FORGE MUNICIPAL BUILDING

12 314 SOUTH MAIN STREET

13 OLD FORGE, PENNSYLVANIA

14
15
16
17
18 COUNCIL MEMBERS:

19
20 RUSSELL RINALDI

LOUIS FEBBO

21 RICK NOTARI

JAMES HOOVER

22 MICHAEL LETTIERI

MICHELLE AVVISATO

23 WILLIAM RINALDI, ESQUIRE, SOLICITOR

MARYLYNN BARTOLETTI, BOROUGH MANAGER

24
25 Mark Wozniak
Official Court Reporter

1 MR. RUSSELL RINALDI: Good evening,
2 ladies and gentlemen. I'd like to call the
3 meeting to order with the Pledge of
4 Allegiance.

5 (The Pledge of Allegiance was
6 recited.)

7 MR. RUSSELL RINALDI: Roll call,
8 please, Marylynn.

9 MS. BARTOLETTI: Councilwoman
10 Avvisato?

11 MS. AVVISATO: Here.

12 MS. BARTOLETTI: Councilman Febbo?

13 MR. FEBBO: Here.

14 MS. BARTOLETTI: Councilman Hoover?

15 MR. HOOVER: Present.

16 MS. BARTOLETTI: Councilman
17 Lettieri?

18 MR. LETTIERI: Present.

19 MS. BARTOLETTI: Councilman Notari?

20 MR. NOTARI: Present.

21 MS. BARTOLETTI: Councilman Rinaldi?

22 MR. RUSSELL RINALDI: Here.

23 MS. BARTOLETTI: Councilman Semenza
24 is absent.

25 MR. RUSSELL RINALDI: Once again,

1 ladies and gentlemen, welcome to the Old
2 Forge Borough regular meeting of April 20th.

3 First of all, let us apologize. We
4 had an executive session since about ten to
5 six. We had a couple private personnel
6 matters we had to deal with. I apologize
7 for myself and the rest of the board.

8 We have a public sign-in sheet. We
9 have a couple people, if they'd like to sign
10 in, or at the end of the meeting you can
11 address us if you didn't sign in.

12 We're going to go to some of our
13 department heads, we'll hear from our
14 borough manager, our council members, our
15 mayor, and then we'll go into public comment
16 and then go into new business.

17 With that said, we'll begin the
18 meeting with our first motion, and that's a
19 motion to approve the minutes from the last
20 meeting.

21 MS. AVVISATO: I'll make that
22 motion, Mr. Chairman.

23 MR. RUSSELL RINALDI: By
24 Councilwoman Avvisato.

25 MR. FEBBO: I'll second it.

1 MR. RUSSELL RINALDI: Second by
2 Councilman Febbo. On the question? Public
3 input? Roll call, please, Marylynn.

4 MS. BARTOLETTI: Councilwoman
5 Avvisato?

6 MS. AVVISATO: Yes.

7 MS. BARTOLETTI: Councilman Febbo?

8 MR. FEBBO: Yes.

9 MS. BARTOLETTI: Councilman Hoover?

10 MR. HOOVER: Yes.

11 MS. BARTOLETTI: Councilman
12 Lettieri?

13 MR. LETTIERI: Yes.

14 MS. BARTOLETTI: Councilman Notari?

15 MR. NOTARI: Yes.

16 MS. BARTOLETTI: Councilman Rinaldi?

17 MR. RUSSELL RINALDI: Yes. Item
18 number two is motion to approve treasurer's
19 report. Please note this does not include
20 the sewer account.

21 MR. FEBBO: I'll make that motion.

22 MR. RUSSELL RINALDI: By Councilman
23 Febbo.

24 MR. HOOVER: I'll second it.

25 MR. RUSSELL RINALDI: Seconded by

1 Councilman Hoover. On the question? Public
2 input? Roll call, please.

3 MS. BARTOLETTI: Councilwoman
4 Avvisato?

5 MS. AVVISATO: Yes.

6 MS. BARTOLETTI: Councilman Febbo?

7 MR. FEBBO: Yes.

8 MS. BARTOLETTI: Councilman Hoover?

9 MR. HOOVER: Yes.

10 MS. BARTOLETTI: Councilman
11 Lettieri?

12 MR. LETTIERI: Yes.

13 MS. BARTOLETTI: Councilman Notari?

14 MR. NOTARI: Yes.

15 MS. BARTOLETTI: Councilman Rinaldi?

16 MR. RUSSELL RINALDI: Yes. The
17 third item is motion to approve invoices for
18 payment. Once again, please note this does
19 not include the sewer account.

20 MS. AVVISATO: I'll make that
21 motion.

22 MR. RUSSELL RINALDI: By
23 Councilwoman Avvisato.

24 MR. HOOVER: I'll second it.

25 MR. RUSSELL RINALDI: Seconded by

1 Councilman Hoover. On the question? Public
2 input? Roll call, please, Marylynn.

3 MS. BARTOLETTI: Councilwoman
4 Avvisato?

5 MS. AVVISATO: Yes.

6 MS. BARTOLETTI: Councilman Febbo?

7 MR. FEBBO: Yes.

8 MS. BARTOLETTI: Councilman Hoover?

9 MR. HOOVER: Yes.

10 MS. BARTOLETTI: Councilman
11 Lettieri?

12 MR. LETTIERI: Yes.

13 MS. BARTOLETTI: Councilman Notari?

14 MR. NOTARI: Yes.

15 MS. BARTOLETTI: Councilman Rinaldi?

16 MR. RUSSELL RINALDI: Yes. Fourth
17 item is motion to approve sewer department
18 financial reports.

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

20 MR. RUSSELL RINALDI: By Councilman
21 Notari.

22 MR. LETTIERI: I'll second it.

23 MR. RUSSELL RINALDI: Seconded by
24 Councilman Lettieri. On the question?
25 Public input? Roll call, please, Marylynn.

1 MS. BARTOLETTI: Councilwoman

2 Avvisato?

3 MS. AVVISATO: Yes.

4 MS. BARTOLETTI: Councilman Febbo?

5 MR. FEBBO: Yes.

6 MS. BARTOLETTI: Councilman Hoover?

7 MR. HOOVER: Yes.

8 MS. BARTOLETTI: Councilman

9 Lettieri?

10 MR. LETTIERI: Yes.

11 MS. BARTOLETTI: Councilman Notari?

12 MR. NOTARI: Yes.

13 MS. BARTOLETTI: Councilman Rinaldi?

14 MR. RUSSELL RINALDI: Yes. Our

15 fifth item is motion to approve sewer

16 department invoices for payment.

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

18 MR. RUSSELL RINALDI: By Councilman

19 Notari.

20 MR. LETTIERI: I'll second it.

21 MR. RUSSELL RINALDI: Seconded by

22 Councilman Lettieri. On the question?

23 Public input? Roll call, please, Marylynn.

24 MS. BARTOLETTI: Councilwoman

25 Avvisato?

1 MS. AVVISATO: Yes.

2 MS. BARTOLETTI: Councilman Febbo?

3 MR. FEBBO: Yes.

4 MS. BARTOLETTI: Councilman Hoover?

5 MR. HOOVER: Yes.

6 MS. BARTOLETTI: Councilman
7 Lettieri?

8 MR. LETTIERI: Yes.

9 MS. BARTOLETTI: Councilman Notari?

10 MR. NOTARI: Yes.

11 MS. BARTOLETTI: Councilman Rinaldi?

12 MR. RUSSELL RINALDI: Yes. We're
13 going to go to our department heads.
14 Everyone has code enforcement/zoning officer
15 Paul Papi's report. Paul's not here.

16 Second is our DEP manager's report,
17 Joe Lenceski. He's not here.

18 MS. BARTOLETTI: He said he might be
19 late.

20 MR. RUSSELL RINALDI: Also, we have
21 his report in our packet. If anyone has any
22 questions for either Paul or Joe, unless Joe
23 shows up, we can e-mail it to them.

24 Dave, right to you for the
25 engineer's report. We have your report in

1 the packet, but anything for us?

2 MR. LOPATKA: I have nothing to add.

3 MR. RUSSELL RINALDI: Okay. Any
4 council remembers have anything for Dave?

5 MS. AVVISATO: Except for the
6 borough building looks beautiful.

7 MR. RUSSELL RINALDI: Definitely
8 looking good. Thanks, Dave.

9 Chief Dubernas, police report, we
10 have it in the packet. Anything else?

11 CHIEF DUBERNAS: If I can have a
12 ten-minute executive afterwards.

13 MR. RUSSELL RINALDI: Absolutely.
14 Anybody have any questions for the chief?

15 MS. AVVISATO: I just want to bring
16 something up. Chief, I know you know about
17 the incident on East Morton Street, the
18 speeding. Is there any way that we can get
19 a stop sign?

20 CHIEF DUBERNAS: Where are you
21 looking for it?

22 MS. AVVISATO: It's so bad. When I
23 tell you a car went by there like a hundred
24 when I was walking my dog.

25 CHIEF DUBERNAS: On East Morton

1 where?

2 MS. AVVISATO: What corner is it,
3 Sue Court? When you're coming down Morton
4 Street, the hill. It's just getting so bad
5 that a lot of people are -- they want to
6 come to the meeting and I said let me see
7 what I can do first. If you can check it
8 for me I'd really appreciate it. Thanks,
9 Chief.

10 MR. RUSSELL RINALDI: Anybody else
11 have anything for the chief? Thanks, Chief.

12 Bill, solicitor's report?

13 ATTY. RINALDI: Tonight for passage
14 you have a resolution to exercise the
15 borough's option to purchase the former
16 Saint Lawrence Church located at 620 South
17 Main Street, which is lot two on the
18 subdivision plan, consisting of 1.154 acres,
19 for the sum of \$60,000 plus closing costs.
20 That's for passage tonight, if you so
21 choose.

22 Also, approve a request for
23 proposals to ask for a submission to update
24 our zoning and planning ordinances because
25 it's been quite some time. That's on the

1 list for approval.

2 Also, I need to lock in some dates
3 for a public hearing on a proposed zoning
4 ordinance change. The proposed zoning
5 ordinance would be to extend the C-2
6 district into an R-2 district which
7 encompasses three lots. One parcel is owned
8 by Bell Enterprises, parcel two is owned by
9 PPL and parcel three are PPL. All three
10 parcels are Railroad Avenue and Edith
11 Street. So you're extending the C-2 zone to
12 cover those parcels and make them C-2 as
13 well.

14 You have to have a public hearing on
15 that proposed ordinance. I think what
16 Marylynn and I are proposing is you have it
17 on May 4th, before the work session. You
18 can still hold the work session after. So
19 if you want to have it at 6:00, 6:30, 7:00
20 and hold the work session after that.

21 Then after that I will advertise the
22 proposed ordinance for two successive weeks.
23 So it can be up for passage on the new
24 meeting date, which I think you're going to
25 change to May 25th.

1 MR. RUSSELL RINALDI: That's the
2 following week after Election Day.

3 ATTY. RINALDI: The other item you
4 just want to authorize Marylynn to put out
5 to bid and how long you want to put out to
6 bid is the garbage bid. I think we usually
7 gave them 30 days in the past. So we can
8 advertise that and open the bids maybe at
9 the May 25th hearing or before, whatever's
10 good for you. We can open them and review
11 them, and then you can vote on them at a
12 special meeting on the 25th. So what we can
13 do is have a return date maybe of Friday,
14 the 21st. So we can do a return date for
15 the 24th, at 1:00, at least give us time to
16 review them, and then have council open them
17 on the 25th.

18 MR. NOTARI: Did we not vote at a
19 meeting to extend the current contract for a
20 year?

21 ATTY. RINALDI: They wouldn't do it.
22 So I want to try and get that out as well.

23 MR. RUSSELL RINALDI: Two questions.
24 The last two items you just read, do you
25 have those for the meeting so I can read

1 them off at the end? I'll read them.

2 ATTY. RINALDI: I can give them to
3 you.

4 MR. RUSSELL RINALDI: I don't have
5 them.

6 MR. HOOVER: In regard to Saint
7 Lawrence's Church, what do we pay in utility
8 bills? What does the church pay monthly in
9 utilities bills?

10 MS. BARTOLETTI: This is very vague
11 information that I received from the church,
12 but it looks like they pay \$1,000 a year in
13 general for the elevator, looks like their
14 PPL was \$6,600, the gas was \$4,400, the
15 water was about \$700, and they didn't have a
16 figure for me on the insurance or anything
17 else. That's for 2019.

18 MR. HOOVER: The \$4,400 was the gas?

19 MS. BARTOLETTI: Yes.

20 MR. FEBBO: I had a break down from
21 Sal Luzio a while back on every month. It
22 ran about \$1,000 to \$1,200 for all
23 utilities.

24 MR. RUSSELL RINALDI: A month?

25 MR. FEBBO: Yes.

1 MR. HOOVER: Okay, say \$1,200.

2 MR. RUSSELL RINALDI: It's \$12,000 a
3 year.

4 MR. HOOVER: So how are we going to
5 pay these utilities without knowing what
6 we're going to do with the building?

7 MR. FEBBO: Well, let's get in the
8 building first, get it under our belt.

9 MR. HOOVER: We're just going to
10 keep paying utilities until we decide what
11 we're going to do with the building? I
12 don't understand that.

13 MR. FEBBO: I think we kind of have
14 a pretty good idea of what we're going to do
15 with it. We have a lot of input as to what
16 we're going to do with it for the community,
17 for overall use. For anything and
18 everything. Just a matter of getting all
19 the organizations in the community together,
20 recreation and so on, social, because it's
21 not definitive use for it, it's multiple
22 uses. That's why it's called community.

23 MR. HOOVER: So we're just going to
24 eat the \$12,000 a year --

25 MR. FEBBO: No, maybe temporarily

1 until we get up and running with it. Russ,
2 correct me if I'm wrong. You rented a
3 converted church up in Mayfield someplace
4 for your baseball team?

5 MR. RUSSELL RINALDI: Yes.

6 MR. FEBBO: Cost \$240 for two hours
7 for your team, and you had to wait for a
8 team to get off the court before you got in
9 on? There was another team waiting for you
10 to get off to get on?

11 MR. RUSSELL RINALDI: Yes.

12 MR. FEBBO: So that generated about
13 \$1,000 for that facility in one day.
14 There's ways of making money. You just have
15 to be a little creative.

16 MR. RUSSELL RINALDI: There's
17 definitively ways of making money. I don't
18 want to interrupt either one of you, but I'm
19 just curious as far as let's just say --
20 Marylynn, are we budgeted right now for the
21 sale of the church and for, lets just say,
22 one potential year of us paying an average
23 of \$12,000 in bills?

24 MS. BARTOLETTI: Definitely budgeted
25 for the church, yes. It was part of our

1 2021 budget.

2 MR. RUSSELL RINALDI: Are we
3 budgeted for \$12,000 right now for --

4 MS. BARTOLETTI: We are budgeted for
5 some expenses that go with it.

6 MR. RUSSELL RINALDI: Jimmy, I
7 understand your question completely.

8 ATTY. RINALDI: The only other thing
9 I would add is if you want somebody to go
10 through that building. We have 90 days to
11 close. I mean, normally you'd inspect it.
12 I think Dave is one who could inspect it. I
13 don't think you need --

14 MS. AVVISATO: It wasn't inspected
15 yet?

16 MR. LOPATKA: We went through it
17 over a year ago.

18 MR. HOOVER: Does it need any basic
19 stuff?

20 MR. LOPATKA: It's been a while.

21 MR. FEBBO: I was there a month or
22 so ago and in the basement there's a pipe
23 leaking. Small leak. If you're going down
24 there check that out. That's the only thing
25 that I saw that needed anything.

1 ATTY. RINALDI: Once you buy it, you
2 buy it. If you want to look at it before
3 you have 90 days.

4 MS. AVVISATO: Can we table this?

5 MR. HOOVER: I think we should have
6 Dave go look at it.

7 MR. NOTARI: I don't think we can
8 table it.

9 ATTY. RINALDI: You have 90 days
10 from February 18th. So you'd have to have a
11 special meeting before --

12 MR. NOTARI: We have 19 days.

13 MR. RUSSELL RINALDI: Wouldn't we
14 get it in by May 4th for our special meeting
15 for the hearing?

16 MR. NOTARI: Yes.

17 ATTY. RINALDI: You can do that.

18 MR. RUSSELL RINALDI: Dave, can you
19 get down there and inspect it before our
20 special meeting? We're going to make a
21 motion tonight for a special meeting for May
22 4th.

23 ATTY. RINALDI: Special meeting for
24 public hearing and if you wanted to have
25 your work session.

1 MR. FEBBO: See, here again, guys,
2 this is all hindsight. We had four years to
3 get this done. We had 90 days to get this
4 done, and here we are going to vote on it
5 tonight, and now we come up with an issue
6 like we should have it inspected first. Why
7 wasn't this all brought to the table before
8 tonight?

9 MR. RUSSELL RINALDI: That's a good
10 question. I can't answer that.

11 MR. FEBBO: It's like the old
12 quarter machine. You put the quarter
13 machine out, six months later that quarter
14 falls off the table and you pick it up and
15 put it back in again. We do the same thing
16 every meeting.

17 MR. RUSSELL RINALDI: It's only 14
18 more days, Lou.

19 MS. AVVISATO: I'm only here a year.
20 I just want to make sure there's no problem.

21 MR. RUSSELL RINALDI: Do you think
22 we should have it inspected before we buy
23 it?

24 MS. AVVISATO: I do.

25 MR. FEBBO: Sure. It should have

1 been done 90 days ago. It should have been
2 done four years ago.

3 MR. HOOVER: I'm just saying, you
4 said there's a leaky pipe there. You were
5 there two weeks ago. Maybe somebody should
6 have said there's a leaky pipe there, we
7 should do something. There's probably mold
8 there, wherever it is, if it's still
9 leaking. That's the only thing that brought
10 it to my attention. That's all I have.

11 ATTY. RINALDI: Dave's got plans you
12 need to sign. We approved the subdivision
13 for the school and the sale of that property
14 for a dollar. We just need to get the plans
15 signed so we can record them. I'm assuming
16 the school district still wants it. I
17 haven't heard anything.

18 MR. NOTARI: They want it, all
19 right. I get into a weekly discussion with
20 my brother.

21 ATTY. RINALDI: That's all I have.

22 MR. RUSSELL RINALDI: I have one
23 question. Although we're going to ask Dave
24 to go down and inspect it, can we make a
25 motion tonight and have a stipulation on it

1 that if it passes inspection, or if we make
2 the motion tonight to buy the church that's
3 it, we bought it?

4 ATTY. RINALDI: No, we can add that
5 in here contingent on an inspection from
6 your engineer. You can do that. We can put
7 that contingency in there.

8 MR. RUSSELL RINALDI: Are you guys
9 okay with that or wait until the 4th?

10 MR. HOOVER: Sooner the better. You
11 can put that in the motion, yes.

12 MR. NOTARI: Just wait until the
13 4th.

14 MR. RUSSELL RINALDI: All right.

15 MR. LETTIERI: Wait.

16 MR. NOTARI: Let him do the
17 inspection.

18 MR. RUSSELL RINALDI: I'm good
19 either way. Bill, anything else?

20 ATTY. RINALDI: That's it.

21 MR. RUSSELL RINALDI: Anybody have
22 anything for Bill? Thanks, Bill.

23 Joe, we have your report, and nobody
24 had any questions because you weren't here.
25 But if anybody has any now or if you have

1 anything for us.

2 MR. LENCESKI: I apologize for being
3 late.

4 MR. RUSSELL RINALDI: Anything for
5 us?

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

7 MR. RUSSELL RINALDI: Anybody have
8 anything for Joe? Thanks, Joe.

9 Marylynn, borough manager's report.

10 MS. BARTOLETTI: I'll start with my
11 financial reports. Does anyone have any
12 questions on them? Okay. Just a reminder
13 that on the 25th, when we have our meeting
14 in May, we're going to have a hearing for
15 CDBG for future money that we'll be getting
16 from them. Just something for you to think
17 about.

18 Since we'll be moving soon out of
19 senior center back into the new borough
20 building do we want to use money that we
21 have to renovate the senior center, because
22 it's getting a little beat up, or do you
23 want to put that through as another CDBG
24 expense? Right now we're using CDBG money
25 to pay for the elevator, but we'll still

1 have our current money that we would be
2 allowed to use.

3 So we just have to figure out how
4 you want to handle it. Whether you want to
5 use possibly ASL money or if you wanted to
6 use CDBG.

7 MR. FEBBO: Do we have a
8 guesstimated cost on that?

9 MS. BARTOLETTI: No.

10 MR. NOTARI: My opinion, I would say
11 CDBG.

12 MR. RUSSELL RINALDI: I would say
13 that as well.

14 MS. BARTOLETTI: It is one of the
15 possible uses, and it is going to definitely
16 need some renovation.

17 MR. RUSSELL RINALDI: Bill, are we
18 going to have to put that on the agenda
19 tonight for that?

20 MS. BARTOLETTI: No, we have time on
21 it.

22 MR. RUSSELL RINALDI: No, for the
23 hearing on the CDBG.

24 ATTY. RINALDI: I have it on the
25 list.

1 MS. BARTOLETTI: That's all I have,
2 if anybody has any questions for me.

3 MR. RUSSELL RINALDI: Anybody have
4 anything for Marylynn?

5 MR. HOOVER: That one change order
6 for the elevator, is that going to the
7 county?

8 MS. BARTOLETTI: County. There's
9 two. They both, again, are using CDBG
10 funds. They go to the county, but I want
11 you to be aware of it because it is borough.

12 MR. RUSSELL RINALDI: Anyone else
13 have anything for Marylynn? Thanks, Mare.

14 I'll go down the table. Mayor, do
15 you have anything?

16 MAYOR LEGG: Mr. Chairman, thank
17 you. The only thing I have is I hope
18 everybody got a chance to look at the
19 incident analysis that came from comm
20 center. It shows you the incidents and the
21 number of them. It goes to show you what
22 our police do during the course of a month.
23 It was very informative. That's all I have.
24 Thank you.

25 MR. RUSSELL RINALDI: That was a

1 great report. I was going to say something
2 about that as well. And not only that, you
3 guys, Chief, there's a lot you guys are
4 doing. Good job by all of you. Councilman
5 Febbo?

6 MR. FEBBO: I'm good.

7 MR. NOTARI: I'm good.

8 MR. LETTIERI: I'm good.

9 MR. HOOVER: I'm good.

10 MS. AVVISATO: I'm good.

11 MR. RUSSELL RINALDI: Before we go
12 into new business we'll go to public
13 comment. Chief Dubernas said that Daniel
14 and Chris are going to speak together?
15 Daniel, we'll let you go first.

16 MS. WENZLER: Daniel Wenzler. So
17 I'm here -- I actually called last week
18 regarding Stocki's property, and I
19 understand that this has obviously been an
20 issue that's been ongoing and, you know,
21 constantly hear our hands our tied, that's
22 all we can do. You know, we're at the point
23 we called a realtor just because it's almost
24 unbearable to live there anymore. I mean,
25 it's an egregious -- at this point to say

1 that there's nothing we can do or a
2 decision's supposed to be made or -- I've
3 been hearing that for three years now, a
4 decision is supposed to be made.

5 It's expanded more. There's tires
6 over the bank now going over to Saint John's
7 Creek, there's tarps, there's -- you know,
8 now there's trailers stacked up so we can't
9 see him renting or scraping at the end of
10 the property, although we can because you
11 can see the buckets dumping, and you smell
12 it, you know, tonight before I came here.
13 It's horrible.

14 It's to the point where it's -- to
15 hear there's nothing we can do, that's B.S.
16 That is absolute B.S. at this point and a
17 slap in the face to anybody that's a
18 taxpayer. I don't care if you live there or
19 not, you should be affected by it.

20 You know, he's not supposed to make
21 a mountain out of a mole hill. It's a
22 mountain. It's beyond at this point. He
23 has expanded back to the property next door,
24 and 8:45 at night I have a
25 two-and-a-half-year-old screaming, crying

1 because he's working back there. I call the
2 cops, I call the non-emergency number, they
3 go. You hear the fire extinguishers going
4 off because he's at the end of the property.
5 He's closer to us than he is the end of the
6 road. So by the time they get to him don't
7 worry, the fire's out. He's suppose to have
8 fires that, you know, if he's doing burns it
9 will be controlled burns where people are
10 supposed to come. It's ridiculous at this
11 point.

12 And I don't want to hear that, you
13 know, a decision's being made. It's a slap
14 in the face. I mean, for us to have to pick
15 up and move -- when it rains the smell is
16 horrible. You know, they say call 911 one
17 day, we think there's a leak. It's not a
18 leak, it's the smell behind us. And
19 everybody's looking at each other going
20 that's the smell? On, my gosh. We thought
21 there was a leak. No, they're isn't.

22 It's at the point where, you know,
23 why should we have to deal with it? To hear
24 a decision's being made -- I understand
25 Covid, but I'm sorry, he continues and he

1 still continues, and it's bigger now than it
2 was a year ago.

3 So, you know, non-rental, he's not
4 renting out equipment. He's not. It's a
5 joke at this point. It's a joke, and money
6 talks, people walk. That's what's
7 happening, and it's B.S. at this point. So
8 now we have to move but he'll stay there.

9 MR. FEBBO: I agree with you. I
10 agree with you.

11 MR. RUSSELL RINALDI: I don't think
12 there's anyone sitting at this table who
13 doesn't agree with you.

14 MS. WENZLER: But at what point,
15 though -- to hear a decision -- I don't
16 understand. If I'm doing something illegal
17 at my house, me and my daughter doing it
18 illegally, what happens?

19 MS. AVVISATO: You're going to go to
20 jail.

21 MS. WENZLER: And he's been
22 illegally doing this. This is a junkyard.
23 I watch it from my bedroom window, I watch
24 it dumping. The smell is horrible. The
25 exhaust, the diesel. I was sitting outside

1 with a cup of tea before I came here and the
2 wind hit me the right way. I said take the
3 little guy in the house. It smells
4 horrible. I can't even sit out in the back
5 yard with my son. It's a joke at this
6 point. We have a realtor coming this week.

7 That's where we're at, because to
8 hear something's going to be done -- there
9 was a stop order put on a truck on the other
10 property two years ago. He was supposed to
11 be done by September 17th or something.
12 Still working. He's not cleaning that
13 property. It's gotten bigger.

14 So at what point do the things that
15 were put into place -- he's not supposed to
16 be working on Sundays, not supposed to be
17 working after or not supposed to be working
18 before a certain time. Like, 6:00 in the
19 morning, for example. Before it's even
20 sunlight out he's out here working.

21 At what point are we a nuisance?
22 Should we have to call every single time?
23 It's ridiculous. At what point is
24 enforcement going to be made? There are
25 things that were put into place, and they're

1 not being followed because nobody's
2 enforcing it.

3 MR. RUSSELL RINALDI: Well, we are
4 enforcing it, and I'm going to defer to
5 Bill --

6 MS. WENZLER: 8:45 the other night
7 he's out there beep, beep, beep and you hear
8 the junk going in and my
9 two-and-a-half-year-old is crying. Should I
10 have to call every single time, there he is
11 again, there he is again?

12 MR. FEBBO: You're right. That's a
13 violation. I agree with you a hundred
14 percent. Sitting here listening to you gets
15 me aggravated. The chief has a film. We
16 had a drone fly over. If you want to see a
17 mess, two years ago was bad. It's worse
18 now. And I hate when somebody tells me
19 there's nothing you can do about it. I hate
20 that. There's nothing more we can do bout
21 it. We're doing everything we can. I can't
22 stand it anymore.

23 MS. WENZLER: My fourteen year old
24 came in the other day, mom, I was on
25 Snapchat. You can go in and you can zoom

1 in. Look at what it looks like out there.
2 That's embarrassing we have to live by that.

3 MR. FEBBO: It helps by looking at
4 the drone pictures over Chris' house. If he
5 turns his pool around the other way he's
6 three lengths away from his house.

7 MS. WENZLER: Wasn't it in place
8 that he's not to have anything that doesn't
9 start up and drive off the property? So the
10 tractor-trailers that are now stacked -- one
11 is kind of coming over the bank, actually.
12 I wish it would just fall. I really do,
13 because then maybe we can call it something
14 else at this point. The back end of the
15 trailer is hanging over. They're stacked
16 two high so we can't see him dumping, but
17 you can still see him.

18 MR. RUSSELL RINALDI: Out of
19 curiosity, if it was to fall where would it
20 land?

21 MS. WENZLER: Right into Saint
22 John's Creek. It's the back end is kind of
23 sagging, and then there's two huge tires
24 just thrown over the bank. Maybe they're
25 renting them out. Tarps are there. It's

1 just becoming -- it's disgusting, it's
2 embarrassing.

3 MR. FEBBO: Afterwards take a look
4 at it. Get a bird's-eye view of what goes
5 on over there.

6 MR. RUSSELL RINALDI: I've seen it.
7 I'm not disagreeing with you at all. All
8 I'm saying is we're in court with him. I
9 don't know what else we can do to make the
10 judge move it any faster.

11 MR. GOETZ: I'll help you with that
12 in five minutes.

13 MR. FEBBO: Here's the way I feel
14 about it. Somebody shoots somebody, they
15 kill them. Murder. So he goes to jail and
16 they put him out on bail. All right? Now
17 he's out there shooting other people but
18 they're saying wait, we already got him on
19 charges. We already charged him for murder,
20 so we're not going to charge him anymore.

21 That's the same thing here. This
22 guy has been cited but he's still expanding,
23 getting worse.

24 MR. HOOVER: I've said from day one
25 since I'm sitting here, because I live on

1 Bubernak Boulevard, right in line with
2 Chris, on the other street. We should be up
3 there ticketing this guy every single day.
4 And I've been preaching that every single
5 day and I kept getting told I don't want to
6 hear it. It's before the judge. I'm tired
7 of it. We should be up there ticketing him
8 every day, giving him -- but we can't keep
9 sending the cops -- I don't know why we
10 can't keep sending the cops up there every
11 day to ticket this guy. It's ridiculous.

12 MS. WENZLER: He's not supposed to
13 work past a certain time, and it's five
14 minutes after, then it's 30 minutes after,
15 then 8:45 at night --

16 MS. AVVISATO: It's just going to
17 keep going.

18 MS. WENZLER: He's doing that
19 because he can.

20 MR. HOOVER: Nobody's stopping him.

21 MR. FEBBO: Now he moved over to the
22 Gilchrist property.

23 MS. WENZLER: He put more trailers
24 so we can't see him now dumping more stuff.

25 MR. GOETZ: My solution might

1 include the chief, though, and that's the
2 problem.

3 MR. NOTARI: I'd like to answer your
4 question about do you need to call every
5 time. You do. You need to call our office
6 every time so we have it on file. You need
7 to call the judge every time so you have it
8 on file. I realize that doesn't help you
9 immediately, but I think when we present a
10 case, when our solicitor presents a case in
11 court or we have to go to the magistrate and
12 we have documentation that 85 times you
13 called in two weeks or whatever it is that
14 helps us.

15 But does it help us enforce it? I
16 don't know who's supposed to enforce it.
17 It's the judge's order. The judge gave
18 orders two years ago. Who's supposed to
19 enforce those orders?

20 MR. GOETZ: Three years.

21 MS. WENZLER: It's actually going to
22 be going on four in September. September
23 17th it was supposed to be shut down.

24 MR. GOETZ: July 21, 2018, here's
25 the order, is when it started. He had six

1 months from that date to clear it up.

2 MR. NOTARI: The court should be
3 enforcing those orders.

4 MR. GOETZ: I would agree with that
5 to a point.

6 MR. RUSSELL RINALDI: To echo off of
7 Councilman Notari, he is correct. That
8 right now is one of the best things you can
9 do. Like I said, we're all in agreement
10 with you. Here's the reason why, and Rick
11 explained it very well. It's going to be
12 documented on how many times a call came in,
13 it's going to be documented what the call
14 was about. We will have to send the police
15 up there, it's going to be documented with
16 them. We'll have to send the code
17 enforcement/zoning officer up there.

18 MS. WENZLER: The thing is, you can
19 document all you want, but the reason why
20 people don't want to call is because
21 nothing's done. That's what it comes down
22 to.

23 MR. GOETZ: The police have been
24 called dozens of times by me over the last
25 two years.

1 MR. RUSSELL RINALDI: All the
2 information goes to the judge. Correct,
3 Bill?

4 ATTY. RINALDI: No, but I can tell
5 you --

6 MR. RUSSELL RINALDI: It's not going
7 to the judge?

8 ATTY. RINALDI: No. We're waiting
9 on the judge --

10 MR. GOETZ: We're sitting back and
11 waiting.

12 MR. RUSSELL RINALDI: Anything
13 documented would -- any new documentation
14 would go to the judge?

15 ATTY. RINALDI: No.

16 MR. RUSSELL RINALDI: It should.

17 ATTY. RINALDI: Found out two weeks
18 ago, because I was down at a planning
19 meeting, he was starting to move dirt on
20 that lot next door. So since then DEP has
21 been contacted. They're going to send
22 somebody up. Lackawanna County Conservation
23 District has been contacted because he's not
24 supposed to do any of that without getting
25 permits from us and from them. Two letters

1 were sent to the owner of the property,
2 Mr. Gilchrist, who's letting him use it,
3 saying you're in violation of our
4 subdivision ordinance and you're in
5 violation of our zoning ordinance.

6 Now, they weren't official from the
7 zoning ordinance. It was, like, be aware,
8 your property is zoned this and that it
9 can't be used for this or you'll be subject
10 to a notice of violation under the zoning.
11 Be aware that you don't have any permits to
12 do any land moving, moving any earth or
13 digging or grubbing or grading up there
14 under our subdivision ordinance. So those
15 two letters went out. I haven't gotten a
16 response yet, but council is aware of it,
17 and also PennDOT is involved, too.

18 So every lever of government we're
19 pulling but for the case that's pending. I
20 can't force any other levers at this time.
21 DEP has a judgment on all of his property
22 for \$60,000. Everything he owns is lienied
23 by DEP. So we're trying to see if we can
24 get DEP to enforce that. That's all.
25 That's the latest news I have.

1 MR. RUSSELL RINALDI: Anything else?

2 MS. WENZLER: No. I mean, at this
3 point you can only go and tattle to mom and
4 dad so many times. Nothing gets done. It's
5 really at the point you can fine him all you
6 want. He's just going to keep doing it.

7 MR. NOTARI: The current fine is
8 over a half-million dollars.

9 MS. WENZLER: And has it stopped
10 him?

11 MR. NOTARI: Nope.

12 MS. WENZLER: Even the letters that
13 were just sent two weeks ago, I called again
14 the other day --

15 ATTY. RINALDI: Well, the violation
16 would be against the property owner.
17 Mr. Stocki doesn't own the property. The
18 violations went to the property.

19 MS. WENZLER: But he's renting out
20 equipment.

21 MR. FEBBO: Ninety percent doesn't
22 run.

23 MR. RUSSELL RINALDI: If she's
24 finished.

25 MS. WENZLER: Yes.

1 MR. GOETZ: First thing I do is
2 apologize to the fellow residents because I
3 may be a little bit long because we're going
4 to ask some questions, then we're going to
5 do a little review just like kindergarten.

6 The first question I have is if I
7 was coming to town and I wanted to open any
8 business, from a pizza shop to a hair
9 stylist or whatever, do I need a permit to
10 open and operate that business in a location
11 on a property in this borough? Can anyone
12 answer that for me?

13 MR. HOOVER: Yes.

14 MR. GOETZ: Yes, I do? Does the
15 business of Trion Equipment, Scrap
16 Enterprises, do any of those businesses have
17 a permit to operate a business in this
18 borough of Old Forge? Can anyone answer
19 that?

20 MR. FEBBO: I can't. I don't know.

21 MR. GOETZ: I'll help you out. The
22 owner of the business, on December 13 of
23 2019, under oath, before a judge, under
24 cross examination from solicitor Rinaldi,
25 admitted that he does not have a permit to

1 operate a business in the borough of Old
2 Forge. I believe today is April 20 of 2021.
3 Correct? So can anybody tell me has the
4 owner of any of those businesses been cited
5 for not having a permit to operate a
6 business in the borough of Old Forge?

7 ATTY. RINALDI: In the contempt he
8 is.

9 MR. GOETZ: I don't want to hear
10 about contempt petitions. I want to know if
11 he's ever been cited since December 13 of
12 2019 for operating a business in the borough
13 of Old Forge without a permit?

14 ATTY. RINALDI: Other than the
15 original complaint, no.

16 MR. GOETZ: Why not?

17 ATTY. RINALDI: He was already
18 cited.

19 MR. GOETZ: No, no, no, no, no. Why
20 not? On the day in court, to a judge and to
21 you, he admitted he did not have a permit to
22 operate a business. Why was he not cited by
23 a zoning code officer in this town?

24 ATTY. RINALDI: Because he was cited
25 for violating the zoning ordinance. That's

1 what --

2 MR. GOETZ: I'm going to refer to
3 something.

4 ATTY. RINALDI: Failure to comply
5 with the zoning ordinance.

6 MR. GOETZ: Right, but he's still
7 operating a business today without a permit
8 to do so.

9 ATTY. RINALDI: I know that. Did
10 you read the contempt petition, what it
11 says?

12 MR. GOETZ: I have it right here. I
13 have the order.

14 ATTY. RINALDI: No, did you read the
15 contempt petition?

16 MR. GOETZ: I'm not interested in
17 that. That has nothing to do with what I'm
18 talking about. You keep talking about a dog
19 while I'm talking about a cat. You've been
20 doing it for three years. I'm done with
21 that.

22 "On the 31st day of July, 2018,
23 after hearing testimony on plaintiff's
24 complaint and petition for injunctive
25 relief, and by agreement of the parties it

1 is hereby ordered as follows." Ordered as
2 follows, in capital letters.

3 "Defendant" -- Walter Stocki, for
4 those that don't know -- "shall immediately
5 cease any and all activity on the property
6 which is the subject matter of this appeal
7 in violation of the Old Forge Borough zoning
8 ordinance, including the operation of a
9 junkyard business" -- which means the judge
10 deemed it a junkyard -- "and activities
11 related or ancillary thereto with the
12 exception of activities to carry out
13 compliance with this order. Nothing in this
14 order shall preclude defendant from using
15 the property in compliance with the Old
16 Forge Borough zoning ordinance."

17 So if he's okay to use the property
18 for anything in compliance with the Old
19 Forge Borough zoning ordinance he would have
20 to have a permit to operate a legitimate
21 business. Am I right?

22 MR. FEBBO: Yes.

23 MR. GOETZ: Again, I'll go back to
24 my first question. Has he ever been cited
25 for not having a permit for a legitimate

1 business? A legitimate business. The
2 junkyard's not even legitimate. So that's a
3 moot point.

4 MR. NOTARI: No. That's the answer
5 you want? I'll give it to you. No.

6 MR. GOETZ: Why? Where are we with
7 this?

8 MR. NOTARI: Great question. I
9 don't have an answer to that question.

10 MR. GOETZ: So as he continues to --
11 as it says here, "he shall immediately cease
12 any and all activity, and he should remove
13 any non-operating equipment."

14 So for three years, almost, come
15 July he's been breaking this order every day
16 of the week by hauling in equipment that
17 doesn't run. That's non-operational. How
18 many times has he been cited for that
19 violation? Whether he's in court for that
20 or not, how many times has he been cited for
21 that since then? Does anybody know? I know
22 the zoning officer's not here.

23 MR. NOTARI: I don't know for sure,
24 but I would guess zero.

25 MR. GOETZ: You're a hundred percent

1 accurate. So I go back to my original
2 question. If I came to town and I wanted to
3 open up a hair salon and I did it without a
4 permit, how long would I be allowed to
5 operate that business without a permit
6 before I would be given a shut down, cease
7 and desist or something?

8 MR. FEBBO: Probably 30 days.

9 ATTY. RINALDI: What kind of permit
10 are you talking about? An occupancy permit
11 for a building?

12 MR. GOETZ: Yes.

13 ATTY. RINALDI: He doesn't have a
14 building.

15 MR. GOETZ: The first question I
16 asked is do you have to have a permit to run
17 a business in this town.

18 ATTY. RINALDI: It depends on what
19 your business is. He came to planning,
20 asked planning if he could sell and lease
21 equipment. Planning approved it. He hasn't
22 done work to screen and everything, so that
23 part of the permit was an issue.

24 MR. GOETZ: The question, Bill, is
25 does he have a permit?

1 ATTY. RINALDI: We don't have
2 permits for businesses, we have permits for
3 structures and compliance with zoning
4 ordinances. You go see the zoning officer,
5 I want to open this kind of business, am I
6 in conformance. He can say yes and give you
7 a letter of conformance. That's the only
8 permit you get from our zoning officer other
9 than occupancy.

10 MR. GOETZ: Does he have that?

11 ATTY. RINALDI: No, because he
12 started to operate it in violation of that
13 ordinance and we cited him.

14 MR. GOETZ: Again, he started in
15 violation and he's been going ever since.

16 ATTY. RINALDI: He came to
17 planning --

18 MR. GOETZ: Basically what you're
19 saying to me is when you come to Old Forge
20 you can do anything you want.

21 ATTY. RINALDI: He came first in
22 front of planning and zoning.

23 MR. GOETZ: No, he didn't.

24 ATTY. RINALDI: I have the
25 transcript from zoning.

1 MR. GOETZ: I'm on the zoning board.
2 I was there. He was in business before he
3 came to zoning.

4 ATTY. RINALDI: Didn't you guys tell
5 me he could sell equipment and rent --

6 MR. GOETZ: Let me tell you about
7 that. That's a mistake. We don't have the
8 authority to do that. We are a quasi court.
9 That was a complete circus. You weren't
10 even here and you should have been.

11 ATTY. RINALDI: No, you have a
12 zoning solicitor. I can't be a solicitor
13 for the zoning hearing board.

14 MR. GOETZ: No, no, the second time
15 around it was done correctly when he was
16 cited. You came there as the prosecutor for
17 the borough. The first time you never came
18 and that case was botched from the start.
19 That thing --

20 ATTY. RINALDI: I don't get involved
21 with the zoning hearing board unless the
22 borough or the zoning solicitor asks me to
23 come.

24 MR. GOETZ: That's right, and that's
25 my point. No, you have to come on behalf of

1 the borough. When the borough files a
2 suit -- files a citation against somebody
3 and it has to be "prosecuted" and it has to
4 be shown, you did that the second time.

5 ATTY. RINALDI: I go to magistrate
6 hearings, but when a zoning officer notifies
7 somebody's in violation they can only appeal
8 to you guys and be presented. That's what
9 that process was all about.

10 MR. GOETZ: But you had to present
11 the borough's side, and the first time that
12 didn't happen.

13 ATTY. RINALDI: The zoning officer
14 presented it. He said he's in this zone,
15 he's not allowed to do it. The zoning
16 hearing board makes a determination of what
17 the ordinance says. That was done.

18 MR. GOETZ: Right, sales and
19 service, which, again --

20 ATTY. RINALDI: That was your
21 decision.

22 MR. GOETZ: He doesn't have anything
23 giving him the okay to do sales and
24 services.

25 ATTY. RINALDI: We found out he was

1 operating a junkyard and Steve Bieryla took
2 action and cited him. He did appeal it, the
3 fine kicked in, he appealed the fine portion
4 of it to the court, so that's why we had to
5 file a complaint. And I wrote that order.
6 I know what it says. I know what he can't
7 do. He violated and we filed a contempt as
8 soon as the time ran on the order.

9 MR. GOETZ: Right, three years ago.

10 ATTY. RINALDI: No, we filed it when
11 the order ran out. He had six months and
12 then an additional three. We filed it right
13 after that. Now, did it take three years of
14 hearings? Well, that was the judge's
15 schedule. Don't blame me for that. I file
16 it and I go by the court's schedule.

17 MR. GOETZ: Well, there was no
18 urgency on anybody's part to get it done. I
19 can tell you that.

20 ATTY. RINALDI: For the first one I
21 got an injunction hearing within a week and
22 we got that order two weeks later.

23 MR. GOETZ: Right, three years ago.

24 MR. NOTARI: Chris, I disagree with
25 that. I think there's members of this

1 board, if not our entire board, that were
2 urgent with this matter, but we don't know
3 what authority we have over a Lackawanna
4 County judge.

5 MR. GOETZ: I'm not asking anybody
6 to have authority.

7 MR. NOTARI: No, you are. In a way
8 you are asking us that because you -- excuse
9 me. I have the floor right now. You're
10 telling us up here that we're not doing
11 anything. I don't know what you want us to
12 do. Under the powers we have we've done all
13 we can do.

14 ATTY. RINALDI: I can at least send
15 an e-mail, and cc defense counsel, saying
16 your Honor, the neighbors are upset. When
17 can we expect a decision.

18 MR. GOETZ: I called the judge
19 myself.

20 MR. NOTARI: I'm glad you did.
21 We've been asking the neighbors to do that
22 for over a year, to call the judge.

23 MR. FEBBO: Did you speak to the
24 judge?

25 MR. GOETZ: No. Let's go back to

1 Rick's question. First of all, I'm not
2 asking the borough to ask the judge other
3 than to maybe write a letter, as I did
4 before. The borough doesn't have control
5 over Judge Munley, and I'm aware of that.

6 But what I'm telling you is that
7 this guy is making a mockery of the town, of
8 the council, of the whole zoning situation.
9 You can't tell me that there's nothing that
10 this borough can do. You can cite him, you
11 can make his life miserable. But no one
12 goes up there to pull trucks over, nobody
13 goes up there to see if he's unloading stuff
14 that doesn't run because you can cite him
15 for that. You can make his life miserable.
16 He's up there spreading his wings right now
17 with what's happening.

18 MR. NOTARI: I don't disagree with
19 you, but we can't station a cop there 24/7.

20 MR. GOETZ: It's not the cop's job,
21 it's the zoning officer.

22 MR. NOTARI: We can't put the zoning
23 officer there 24/7.

24 MR. GOETZ: But you can put him
25 there a couple hours a week, and that's not

1 happening. Stop me when I'm lying.

2 MR. NOTARI: You're not lying, but
3 we're going to put a zoning officer there at
4 what hour, what is he going to do during
5 those hours that the zoning officer is
6 there? He's not going to do anything.

7 MR. GOETZ: He doesn't need to be
8 there, Rick, he needs to drive by.

9 ATTY. RINALDI: State police have
10 gone there, they've cited him. Go down and
11 ask the magistrate how many tickets are
12 down --

13 MR. GOETZ: Everybody and their
14 brother cited the guy. I understand all
15 that. At some point the taxpaying, law
16 abiding citizen has to have somebody or
17 something on their side. This is
18 incredible. I mean, it's a mockery.

19 MR. NOTARI: Do you really think I'm
20 not on your side?

21 MR. GOETZ: I'm not saying you're
22 not on my side.

23 MR. NOTARI: I just don't know what
24 to do at this point, to be honest with you.
25 I don't know what to do.

1 MR. GOETZ: Don't anybody take this
2 personally. You're the elected official.
3 You need to figure it out.

4 MR. NOTARI: We're trying to.

5 MR. GOETZ: We can't come and save
6 us.

7 MR. NOTARI: You can ask solicitor
8 Rinaldi how many conversations we've had
9 about this. How many arguments we've had
10 about this.

11 MR. GOETZ: This is the number one
12 problem in this town. It's not because I
13 live there. The whole place is a disaster.
14 So we're going to wait until it's a federal
15 disaster zone and we'll all have to move
16 out. He's right now spreading his wings.

17 Now, I'm not sure I completely
18 understand what Bill said before about
19 what's going on with Gilchrist, but he
20 should already be cited for what's going on
21 over there. Not that you're in violation.
22 He's been down that road before. The
23 Gilchrist thing already worked itself out.
24 Why is he not cited today? Today?

25 MS. WENZLER: You can see from the

1 road the path he's cleared. You can see the
2 grade that -- I see him doing it when I
3 drive by.

4 ATTY. RINALDI: At the time I sent
5 out the letters there was no equipment
6 there. I drove by tonight I see the
7 equipment.

8 MR. GOETZ: The equipment up front,
9 if it runs and operates it's allowed there.

10 ATTY. RINALDI: The letter went out,
11 and I'm waiting to see what the conservation
12 district does because that is their --

13 MR. GOETZ: Well, that's a big
14 violation.

15 ATTY. RINALDI: So they got a letter
16 and I sent them a picture, the whole nine
17 yards. So they know what's going on. I
18 also was on the phone with DEP again.
19 They're going to send -- their supervisor's
20 going to send somebody up there. Problem is
21 he got in a fight with the last two guys,
22 threw them off the property.

23 MR. GOETZ: Accused them of being
24 drunk. I was there.

25 ATTY. RINALDI: And they have a

1 judgment, a lien on his property.

2 MR. GOETZ: It all leads to what?

3 The guy keeps violating.

4 ATTY. RINALDI: I'm trying to push
5 anybody to do more than --

6 MR. GOETZ: What I'm going to say to
7 you is the equipment up front,
8 unfortunately, if it runs, if it's
9 operational, it's allowed there. Up on
10 Keyser Avenue, on the Gilchrist piece.

11 ATTY. RINALDI: He's got 200, 300
12 feet.

13 MR. GOETZ: Three hundred-fifty,
14 from Oak Street to --

15 ATTY. RINALDI: He hasn't come to
16 planning for anything on that.

17 MR. GOETZ: So he's in violation of
18 that. But from Oak Street to the Taylor
19 line, from edge of the road, C-3, it's 350
20 feet deep for the whole distance. He can
21 park operational equipment there and sell
22 it.

23 ATTY. RINALDI: Now, it's the
24 landowner. That's why we notify the
25 landowner.

1 MR. GOETZ: I'm with you a hundred
2 percent. I know that. I did not see --

3 ATTY. RINALDI: As of the 16th the
4 landowner was still not Mr. Stocki.

5 MR. GOETZ: Right. I didn't see the
6 video or the pictures, and I'm not going to
7 sit here and say that I know for sure that
8 there's equipment in the back across the
9 property line. Maybe someone can answer
10 that.

11 MR. FEBBO: Yeah, absolutely.

12 MR. GOETZ: That is zoned C-3 office
13 commercial. Okay? There's nothing here.
14 It says business, services, corporate
15 headquarters, computer center. There's
16 nothing even remotely close to that. So
17 there's the first violation. Whether the
18 equipment runs or it doesn't he's in
19 violation. So if there's one piece of
20 equipment across that line in the back it's
21 a citation to the property owner, which I
22 agree with Bill. I know that. It's not to
23 the tenant or whoever's taken over the land.
24 But that's my point.

25 MR. FEBBO: Twice in the last two

1 weeks I got a Fire Stick put in my mailbox.
2 One was last Saturday, one was today.

3 MR. GOETZ: One other thing before I
4 close here, is that I wasn't able to print
5 this out, but I took a picture of my
6 computer screen if somebody wants to see it.
7 Monday, March 29th I sent an e-mail to the
8 permit engineer in the PennDOT office. "Hi,
9 Ali. Just a heads up. This photo is on
10 Keyser Avenue, Old Forge. There was dirt
11 coming out of the driveway at the Diamond
12 Club. Dirt all over the road.

13 Also, would it possible to tell me
14 if there's a highway occupancy permit for
15 the driveway?"

16 Her response came on the same day, I
17 believe, or the next day -- same day. "Not
18 permitted. I have the specialist looking up
19 the owner so we can send a letter with
20 citation for removal of access."

21 I know, Rick, you asked once before
22 about PennDOT and so on and so forth, so you
23 guys can't control PennDOT, and you're right
24 about that. But this is how the situation
25 would work. If a business person comes into

1 town and applies for a permit or a letter of
2 whatever you get when you want to start a
3 junkyard, the zoning officer says -- you
4 know, if I was coming to open up a pizza
5 place and he says did you get your stuff
6 from the state for your food, for your fire
7 suppression system, so forth, and your HOP
8 and you don't have all those you don't get a
9 permit.

10 So in this case here we are. No
11 HOP, but still okay to operate a business.
12 So do you see where I'm going here full
13 circle with all this?

14 MR. RUSSELL RINALDI: There's no HOP
15 registered to him for that property or --

16 MR. GOETZ: For that driveway at
17 all, according to the PennDOT manager.

18 ATTY. RINALDI: I have all the
19 permits. There's two permits pulled on
20 this, one for when Gilchrist did the Diamond
21 Club, which is the entrance that's there
22 now, which is still open. He didn't
23 complete it -- Gilchrist, now.

24 The second one is when he subdivided
25 the rear property to sell the front portion

1 of the property and leave the part in the
2 rear. He put in a second HOP to run the
3 driveway down along the right side of the
4 property where the telephone -- it's not
5 even there. That's open.

6 Already in discussions with PennDOT
7 over both those issues before I even see
8 what he's doing on the new lot.

9 MR. GOETZ: What I'm reading to you
10 is the permit manager in charge of permits
11 said there's no permit for the Diamond Club
12 driveway.

13 ATTY. RINALDI: I have it. You're
14 right, it's not issued because they've both
15 been extended to do the work. But that is
16 not the borough's issue, believe it or not.
17 It's a PennDOT issue.

18 MR. GOETZ: You're right, but it's a
19 borough issue, as I just explained to Rick.
20 When I come to open a business the borough
21 is supposed to say do you have X, Y and Z of
22 all your other permits because it's supposed
23 to be an intergovernmental cooperation
24 agreement that you meet -- you have a pizza
25 place, fire suppression system, you have all

1 your safety stuff, do you have handicap
2 parking, do you have handicap restrooms, do
3 you have this, do you have a permit for
4 whatever else, for other stuff you need from
5 other agencies.

6 Then the last thing you get is a
7 permit to occupy the building because you
8 met everything else. He's operating a
9 business, other permits are not in place.

10 ATTY. RINALDI: I can also tell you
11 both of those permit applications were
12 pulled by the owner before Stocki was there.
13 So it's really on the owner that has an
14 issue.

15 MR. GOETZ: I'm with you, Bill, but
16 at the end of the day --

17 ATTY. RINALDI: I agree with you,
18 but what the borough does here is when
19 somebody comes in to subdivide property or
20 to sell we are only allowed to make sure
21 they file the HOP application with PennDOT.
22 We cannot hold up a subdivision waiting for
23 them to get that approval. There's court
24 cases on it. Boroughs used to try to do it
25 all the time. It's illegal. It all got

1 appealed up.

2 So our engineer always makes sure
3 that there's an HOP application filed when
4 any subdivision that comes into the borough
5 before we approve any subdivision plan, and
6 then it's up to PennDOT to close out that
7 permit in accordance with that application.

8 MR. GOETZ: And if they don't they
9 just get to operate without one.

10 ATTY. RINALDI: Well, that's -- we
11 don't police PennDOT.

12 MR. GOETZ: Again, but you police
13 them getting the permits that they should
14 be.

15 ATTY. RINALDI: Well, our job was
16 done when we approved the subdivision.

17 MR. NOTARI: Well, PennDOT should
18 also probably notify the borough that that
19 application has not been approved for a
20 permit.

21 MR. GOETZ: I would be willing to
22 bet that it hasn't.

23 ATTY. RINALDI: Well, I know it's
24 not done.

25 MR. NOTARI: When was that property

1 subdivided? How long ago?

2 MR. GOETZ: It's a while ago. It
3 was subdivided for the sale of the Diamond
4 Club property.

5 MR. NOTARI: Probably '15 at least.

6 MR. FEBBO: Do you think that Stocki
7 cares whether or not there's an HOP?

8 ATTY. RINALDI: '06, '09.

9 MR. GOETZ: Obviously I know that my
10 friends, here, are here for the same kind of
11 reason that I am because we have, like,
12 privileged statute at the meeting, we're
13 here so much. But I'll just close with
14 this, I know that the zoning officer job is
15 going to be vacated or is currently vacated
16 and there's going to be a process to fill
17 it. I'll just say this in two phases. One
18 as a citizen and one as somebody that sits
19 on the zoning board. What do you think the
20 most important position in the borough is?

21 MR. NOTARI: Right now, zoning
22 officer.

23 MR. GOETZ: With all due respect to
24 the chief and Marylynn, who do fantastic
25 jobs, in any town the zoning officer is the

1 front line of defense of keeping your
2 borough very well respected and wanting
3 people to come and live.

4 MR. NOTARI: That's all well and
5 good, Chris, but people need to follow the
6 enforcement as well, and that hasn't
7 happened in this case. So we could have
8 whoever, king of England, be the code
9 enforcement officer --

10 MR. GOETZ: Even before you were on
11 council, Rick, I think that this zoning was
12 lax from the start. This thing could have
13 been headed off early. That's water under
14 the bridge now.

15 What I'm trying to say is please,
16 when you select the next zoning officer keep
17 in mind that they need to be somebody who is
18 intelligent, who is able to read all these
19 laws and ordinances and understand them and
20 grasp them, and at the end of the day, I'll
21 be honest with you, they don't need to know
22 a lick about construction. They need to
23 know about the law, how to read the law and
24 how to apply the law because they are the
25 front line of defense to keep this town

1 shining bright. I'll end with that. Thank
2 you.

3 MR. HOOVER: I have a question.
4 Obviously, the last two weeks, two and half
5 weeks that other Gilchrist property has been
6 like it is. Right?

7 ATTY. RINALDI: I found out about it
8 when I was down here.

9 MR. HOOVER: Can we go cite him on
10 that land?

11 MR. FEBBO: Last Saturday he moved
12 the trucks from the front of the --

13 MR. GOETZ: You can't cite him for
14 the front pieces.

15 MR. FEBBO: No, he moved the trucks
16 out of there.

17 MR. GOETZ: Even on the Gilchrist
18 property up near Keyser you can't cite him
19 unless they don't run.

20 ATTY. RINALDI: I'm talking about
21 the position that he's in violation because
22 he didn't even come down and say what their
23 plan was. I don't care what he's doing. We
24 don't know until he comes down. Nobody's
25 heard from anybody who owns this property,

1 what your plans are, why you're doing this,
2 why you're doing that. I notified the other
3 agencies.

4 MR. GOETZ: I'm agreeing with Bill
5 on that point. Bill is saying that even
6 though I'm saying he's allowed to park them
7 up there even if they run, he's saying that
8 he's in violation because he never came
9 before the planning commission for that
10 piece of property as to what he was going to
11 do, which goes back to what I was saying
12 initially from 2013 in the middle of the
13 night when he moved from the Popple property
14 down there to here. He just showed up and
15 then nothing happened.

16 I'll go back to what we talked about
17 earlier. If there's even one piece of
18 equipment -- Jimmy, you asked the
19 question -- on the C-3 property, which would
20 be 350 feet back, so 351 feet back and all
21 the way to Saint John's Creek, if there's
22 even one piece of equipment over there,
23 whether it runs or not, he's in violation.

24 MR. HOOVER: We know there is.

25 MR. GOETZ: I'm not going to see the

1 video until later.

2 MR. FEBBO: He has probably 12, 15
3 pieces there. I don't know if it was dump
4 trucks there or not. There was one dozer
5 that's partially torn apart. The remainder
6 look like they're operable.

7 MR. GOETZ: I know you all would
8 agree with me. You have to get ahead of
9 this one because there's a lot of acres
10 there, folks. There's a lot of acres there.
11 That's all I'm saying.

12 MR. HOOVER: I think we should go up
13 and cite him if we have a zoning guy.

14 MR. GOETZ: I hope that, however
15 long it takes, it's not going to be four or
16 five weeks of lawlessness on the zoning side
17 of things here because it can get out of
18 control here fast.

19 MR. FEBBO: Well, Bill is on top of
20 that with the permits and so on and
21 conservation and waterways. Tomorrow you
22 expect that?

23 ATTY. RINALDI: I'm hoping he calls
24 and says I'm coming down here to see what's
25 going on. I said call me.