

Minutes
Throop Borough Council
Monday, March 25th, 2013
Work Session/Monthly Meeting 6:30 p.m.

The meeting opened with the Pledge of Allegiance.

“God Bless Our Troops and the Coalition”

ROLL CALL:

Members of Council:

Mark Mazak - P

Charlene Tomasovitch - P

Thomas Lukasewicz, **President - P**

Anthony Gangemi, **Vice President - P**

David Repchick - P

John Musewicz - P

Neil Furiosi - P

Solicitor - Louis A. Cimini - P

Mayor - Stanley Lukowski - P

Assistant Treasurer - Lenore Dolan - P

Secretary - Renee O'Malley - P

Chief Clerk/Treasurer - Robin Galli - P

Announcements:

*The Municipal Building will be closed on Friday, March 29th and Monday, April 1st in observance of Easter.

*Lukasewicz wished everyone a Happy Easter.

Work Session/Meeting Schedule:

* The April mid-month work session/meeting will be held Monday, Apr. 8th at 6:30 p.m.

* The April monthly work session /meeting will be held Monday, Apr. 29th at 6:30 p.m.

There were no audience comments on tonight's agenda.

5. Motion by Repchick

Seconded by Musewicz

To accept the Fund Statement, Budgeted Revenue & Expense Statement as of February 28th, 2013 as posted and/or printed on the agenda.

Fund Balances:	
General Fund Checking Account (Fidelity Bank)	\$59,987.19
General Fund Performance Money Market (Fidelity Bank)	\$763,393.42
Civic Center Account (Fidelity Bank)	\$1,192.91
General Fund Petty Cash	\$300.00
Payroll Checking Account (Fidelity Bank)	\$30,149.68
Sunny Day Fund MMKT Ck Acct (Fidelity Bank)	\$5,629,508.88
Sunny Day Fund CD's	\$83,988.99
Liquid Fuels Account (Fidelity Bank)	\$1,014.90
Fund Statement Grand Total:	\$6,569,535.97

All in favor

Motion carried

6. Motion by Tomasovitch

Seconded by Musewicz

To ratify the transfer of \$75,000.00 on March 12th, 2013 from the General Fund Money Market to the General Fund Checking at Fidelity Bank.

All in favor

Motion carried

14. Motion by Mazak

Seconded by Tomasovitch

To make a \$2000.00 donation to the Throop Booster Club to be used for the Throop Little League and Throop Girl's Softball field trip to PNC Field and requesting all receipts for expenses.

All in favor

Motion carried

15. Motion by Repchick

Seconded by Tomasovitch

To purchase diamond dirt and have it delivered for the infields at the Little League and Washington Street ball fields.

All in favor

Motion carried

Comments:

Lukasewicz talked about the certified letter he received regarding taking down a sign on his property on the corner of George and Sanderson or he will fined \$500.00/day. Asked an official request to Bob Lokuta for a 20 day extension so he can prepare his legal defense team.

Lokuta added to just submit it in writing.

Lukasewicz asked who the official request was made by.

Lokuta added he doesn't divulge the names of residents who make complaints but says there was an official complaint made.

Lukasewicz asked Attorney Cimini to research if an official complaint is made and a response is done by the zoning officer is that information public information. Wants to know who made the complaint. Also asked if Bob was ever contacted by the landfill in regards to that sign.

Lokuta: No

Lukasewicz: It is pretty sad when a government official, myself, looking out for the safety of the citizens of Throop does something on his behalf and pursues something to the fullest extent of his finances to possibly not have issues in the future with anything and the government goes after that individual for trying to protect the safety of the people of Throop. I don't understand this and probably never will. We are going to have a battle. This is America and I have freedom of speech. I don't understand anywhere in that zoning ordinance where it states, that type of sign is not permissible and I'm just waiting for political season because for any political sign that goes up a letter will be sent that they have to come down.

Lokuta: You're making some statements that aren't right. You're wrong.

Lukasewicz: That letter that you wrote, did anyone help you prepare that?

Lokuta: Yes. To some degree.

Lukasewicz: So you had someone else help you do your job.

Tomasovitch: What does this have to do with a Council meeting?

Lukasewicz: It has to do with Borough business.

Tomasovitch: No this is your business with him. This is personal business.

A discussion took place regarding Attorney Cimini checking into official letters being sent and if the names could be released.

Attorney Cimini: I obviously could not represent the Borough anyone up here but if the question is a general question, if when the zoning officer receives a complaint, he has to divulge the name that's one thing, if specifically it's another.

Tomasovitch: But this is personal business with him and has nothing to do with the Council meeting.

Lokuta: I am making a request of Council

Lukasewicz: I am letting Council know there was a letter sent to me. And evidently Council would not know unless I told you because in the past if letters were ever sent by prior zoning officers we would get them in our packet. Always did.

Lokuta: That was done the first time I worked for the Borough. When I came back in November of 09 I checked and that was not being done at that time. I didn't institute it. But way back when it was the policy then it was stopped.

Repchick: What is your policy?

Lokuta: If Council chooses they want that, I would be more than happy to give you a copy of every correspondence I send. It's no big thing.

Repchick: I don't know the whole gravity of this but obviously something is going on and all I'm going to say is I have been in your situation, just do what you think is right whatever that is.

Lokuta: That's what I did.

Repchick added he feels bad for him that he is in the middle.

Lokuta: I am the ball. I treat everybody as fair as I possibly can.

Repchick agreed on that.

Lokuta: Fairness is my key. I live and die by trying to be fair. With that said, based on the statements that Tom has made tonight, as far as, we are going to have a battle, and the solicitor not being able to consult with me or advise with me, I am asking Council to get me a solicitor as per state law. State law says that council is supposed to get the Zoning officer a solicitor.

Normally I would use Mr. Cimini. Being that we are in this situation I am requesting Council to provide me with a solicitor.

Repchick agrees with him and would go for that however if Attorney Cimini is just checking to see whether the name could be divulged

Attorney Cimini: I think what Bob is referring to is that if this should go to court

Lokuta: And it has been stated that it is going too.

Repchick and Tomasovitch stated that they are for it.

Lokuta: I need somebody at this point in time who I can call and have a Solicitor.

Repchick: So we are going to put a motion on that if this goes any farther to allow the zoning officer to have his own attorney.

Lokuta: Just get me a solicitor for this case. That's all I'm asking. Normally in a situation like this, and Attorney Cimini can back me up on this, if I have questions or concerns on a letter I am formulating he helps me. Right or wrong?

Attorney Cimini: Yes

Lokuta: Because I don't have that ability right now I am requesting Council to get me a solicitor so I can have a legal opinion when I need it.

Repchick: Who will pick it since it is a borough thing?

Lokuta: Let me pick it. I think this is really unfortunate and I am really surprised that it has gone to the point it has. As I stated I live and die by trying to be as fair as I possibly can to everybody

in this town and I did extend that to you with the first courteous letter I sent to you and I received no reply back. Any other resident in the town that would've been the plan.

Lukasewicz asked Lokuta which sign on the property.

Lokuta: You know what sign.

Lukasewicz: There are actually a few signs.

Lokuta: We the people sign Tom.

Lukasewicz: I'm just asking just so I know because you didn't say in the letter.

Gavel turned over to Tony Gangemi.

16. Motion by Furiosi

Seconded by Tomasovitch

To allow the Zoning Officer to select and retain a solicitor to represent him for legal advice and to defend him if need be.

Audience comments:

Joe Tomasovitch, 650 Sanderson St.: I am going to look right at you Tom. You're saying about a person has the right to defend the people. You put a sign up - speak for yourself. I am not we the people. I am a proud resident of Throop my whole life. And that landfill is making this town what it is. You try burying that man every time. You want to put a sign on your property, put a sign that specifies it's you. Me, Tom Lukasewicz don't want marcellus shale in Throop in your town because you call it your town. Don't speak for the people because your not speaking for the people because there are a lot of people in this town that are furious over that sign. And you know what, you want to be a hero, be a hero, but don't speak for me. Don't speak for me because I am not we the people and I think it is ridiculous you have that sign down there it's an eye sore that's what it is.

Lukasewicz: Can I reply to you?

Tomasovitch: Yea you can say whatever you want.

Tomasovitch: You keep saying it's your town. You keep saying it's your town Tom. You said it again tonight and you said you don't say it. You say it's your town all the time and it's not your town. It's our town.

Lukasewicz: I work for this town, it's everyone's town, it is our town.

Tomasovitch: I said my peace.

Lukasewicz: I have a question for you Joe. If that sign just said Tom Lukasewicz you wouldn't have a problem with it.

Tomasovitch: Speak for yourself exactly speak for yourself. Who are you to put people's words on that sign? Who are you to speak for the people? Who are you to speak for the people?

Lukasewicz: Let me ask you a question

Tomasovitch: Who are you to speak for the people? The President of Council. Big deal. You're one person up there.

Lukasewicz: I would gladly put my name on it. I don't have a problem with that Joe. Let me ask you a question. Would you put a sign up on your property

Tomasovitch: You know what I am going to tell you something right now. I'm going to cut you off. I got a sign in progress right now and it is going to be something like yours and it's going to be we the people and it's going to be in our town and it's going to be you're going to be part of the sign I am going to tell you right now.

Lukasewicz: And I hope that one gets a letter too.

Tomasovitch: Don't worry I am going to get a permit. Because that's another thing you made a statement here a couple meetings in the past. You made a statement in here when you were told you need a permit. You said no I didn't get a permit and I don't plan on getting a permit and it was in the newspaper. But all the residents in Throop if they want a sign they need to get a permit.

Lukasewicz: Joe, you cannot get a permit for a political sign in Throop Joe.

Tomasovitch: I'm not saying a political sign

Lukasewicz: That's what that is.

Tomasovitch: How is that a political sign? That's not a political sign. That's not a political sign. That piece of garbage you got on your property ain't a political sign.

Lukasewicz: So how are you going to get a permit for a sign that you want to put up against me? How?

Tomasovitch: I didn't say I was putting up a sign against you. I never said that. Don't put words in my mouth. I said I am putting a sign up like yours. I never said I am putting a sign so don't put words in my mouth Tom.

Charlene Tomasovitch: Alright. End of story. I am saying end of story.

Tomasovitch: You've met your match.

Charlene Tomasovitch: End of story.

Tomasovitch: And you can get a copy of the tape.

Rich Lombardo, 605 Dunmore St.: Obviously I missed the beginning of this and how it started. What was (inaudible). If the procedure says you need a permit for the sign why not just get the permit? You are not above the law.

Lukasewicz: I am not above the law.

Lombardo: Then why not just get the permit?

Lukasewicz: There are no permits for political signs. There are no permits for any political signs or signs like that in the borough of Throop.

Lombardo: There is a guy on Cypress Street selling his house and he was told to take the sign down and now it is back up. What happened there?

Lukasewicz: Signs for homes are permitted. Certain signs. For sale signs are permitted.

Lombardo: Signs during political season are allowed

Lukasewicz: No there is nothing in the zoning for political signs.

Barnick: It is. I amended it (two talking at once)

Lukasewicz: It is not in there. That's what I am trying to say.

Barnick: Then somebody dropped the ball. Political signs were allowed for up to 45 days before the election and 2 days after.

Lukasewicz: There is nothing in there.

Lukasewicz: If I could get a permit, I would get a permit.

Lombardo: Well that's not what was said in the paper, You said you would not get a permit.

Lukasewicz: Because I cannot get a permit.

Lombardo: In the absence of being at the meeting here, when I read the paper I thought what makes you above the law.

Lukasewicz: I am not above the law, I cannot get a permit.

Lombardo: Well in the paper,

Lukasewicz: I would go in there tomorrow morning and get and pay for a permit if I could get a permit for that sign.

Lombardo: Why is that?

Lukasewicz: Because there is nothing in the zoning ordinance for that type of sign.

Lombardo: What makes that kind of sign unique?

Lukasewicz: It is freedom of speech. And it is not addressed in the zoning ordinance at all. Bob if you could tell me where I could get a permit, I will get a permit for that sign.

Lokuta: You can apply for a permit

Lukasewicz: And you're going to deny it.

Lokuta: I am going to deny it.

Lukasewicz: So basically there are no signs of that nature

Lokuta: That sign

Lukasewicz: In the zoning ordinance there is no classification for freedom of speech signs.

Lokuta: That sign, well it is a question mark if that is actually freedom of speech. Number 2 as my letter indicates that sign does not conform with the zoning ordinance. It spells it out.

Repchick: Is there a size

Lokuta: Size has nothing to do with this. That sign does not conform to the ordinance at all.

Mazak: I don't think this is the appropriate form for this discussion.

Lokuta: It's not. It's totally out of line.

All speaking at once. (Inaudible)

Barnick: I remember passing this ordinance because of all the political signs being left in the Borough. You had so many days you could put up the political signs and you had 2 days after election day they had to be down. Stuff was being left over at the Civic Center and all over town. There was an amendment made that should have been added. Bob asked me if I remember and I told him the signs had to be down at a certain time.

As far as the sign anybody can put up a sign and they don't get permits. The Marcellus thing is over. It's past. It's gone. The dump is taking it. It's over. That's all I have to say on that.

Charlene added he is 100% right.

Barnick: Mainly it applied to commercial buildings. Things like that. I'm sure you paid for your sign on top of you building originally. Junior's all the different bars had to pay for their signs. But political signs you don't pay.

Lukasewicz and Barnick spoke of signs that wanted to be taken down on Lenore Dolan's property in the past.

Barnick stated that it is a dead issue. DEP approved it. We couldn't stop it. We tried. Also added that there will be a lot of paperwork with the parking issue by Junior's.

Bernie Lukasewicz, George St: I was born here 50 years ago and I do call this my town when I

am speaking of it. A lot of people wanted signs like that in their yards.

Trudy Delawder, Memorial Dr.: I just want to say thanks Tom for trying.

Discussion took place regarding Attorney Cimini getting proposals and also the possibility that it won't go that far.

Mazak added that next meeting Bob should come back with some proposals.

On the question:

Lukasewicz: The last thing I want to do is cause this borough to spend one penny. The last thing I want to do is spend a penny because if this goes anywhere I will have to spend money. Just so you know I don't have it to waste. And when we were fighting this I had 4 signs made, t-shirts made, I tried everything I could do. I spent \$1850.00. I know Jimmy you said it is over and partly I agree with you. Don't forget that something did come out of this. They are watching that landfill a lot closer. They are watching the leachate and what is going in there. If nobody voices our opinions then things will fall again. A lot of the smells are gone since this. Things have gotten better. I am not against Mr. DeNaples. He runs a business and Throop Borough is a business. If I am elected to be an official on Council I am just trying to make sure that our business interest which is that landfill which if it goes under we don't have a penny to work with. Things that are going on up there - if you question it, it can be looked at. You have to look out for the long run.

**All in favor except Lukasewicz
abstained**

Motion carried

Official Comments:

Lukasewicz added that there is a new permit for the landfill, requesting to use tarps as daily ground cover now.

Audience Comments:

Michelle, Community Relations Coordinator, reviewed the upcoming county events.

Dave Kar, George St.: Brought up to Bob Lokuta that one of his neighbor's that complained about another neighbor and that neighbor who received the complaint went over and verbally confronted his neighbor and asked how they found out.

Lokuta added that they did not find out from him.

Kar: added he has nothing against him. When that person got the letter, that person was informed by someone and that person went over and confronted my neighbor about the issue. I apologize if it was not you.

The meeting was adjourned.

Meeting minutes by Renee O'Malley
Borough Secretary