

**Minutes
Throop Borough Council
Monday, July 28, 2014
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 - Wayne Williams - P

Assistant Treasurer - Lenore Dolan - P

Secretary - Renee O'Malley - P

Chief Clerk/Treasurer - Robin Galli - P

Announcements:

* An Executive Session is schedule for 6:15 p.m. this evening to discuss legal matters.

*Throop Annual Night Out will be held on Sunday, August 3rd, 2013. Parade at 6:00 p.m., line up at 5:30 p.m., fireworks at 9:00 p.m.

Work Session/Meeting Schedule:

* The Aug mid-month work session/meeting will be held Monday, Aug 11th, at 6:30 p.m.

* The Aug monthly work session /meeting will be held Monday, Aug 25th, at 6:30 p.m.

Audience comments on tonight's agenda:

Jim Barnick, 203 Adams Ct.: Questioned the motion regarding the landfill.

Lukasewicz replied that the motion is to appeal the decision of using auto fluff for daily cover. Barnick added that it is in the 1999 agreement that it is required that Keystone send the Borough a minor permit modification immediately. Also questioned if the Borough is going to receive money for this. It is tonnage. He is making money on it.

12. Motion by Repchick

Seconded by Mazak

To authorize spending up to \$10,000.00 for review of KSL Phase III application.

All in favor

Motion carried

13. Motion by Tomasovitch

Seconded by Furiosi

To accept the proposal from Bennie's Nursery for landscaping services for the Riverview townhouse properties, 412, 414, 420, 422, 424 at a cost of \$16,500.00.

On the question:

Jim Barnick, 203 Adams Ct.: asked for an explanation of this.

Lukasewicz explained the project that was just completed and explained that the residents want work done in their backyards on their property to prevent any water/mud from going on their property. Barnick questioned if that is going to be extended to everybody's properties around the Borough? Lukasewicz added that, that is his concern. He also stated that he will be voting against this because he can see putting soil in swales as a good neighbor but this where we are actually putting up walls on private citizens property is something that really that isn't our problem. The engineer stated in his letter tonight that it is fixed and that is all you have to do. This is above and beyond what I ever envisioned us doing.

Furiosi questioned the allocated \$100,000.00 to repair it and it only came to \$50,000.00.

Gangemi added that it got done for less and good for the Borough. Initial bill was \$40,000.00 and we were talking and said what if we split it half way it would then be about \$20,000.00. They got a quote for \$16,500.00 about half of the original bill and it is about \$3,000.00 a piece for 5 properties and they can take care of their own land.

Mazak: Asked a question last meeting to the residents. If we were to go forth with this were you willing to drop all potential lawsuits against the Borough and noone gave us an answer this evening. Are you prepared to give us an answer? Did you discuss it with your residents?

Dennis Pabis, Bellman St.: One question that came up is the Attorney drawing up a waiver saying that there would be no future lawsuits. The only question was what if what N&B did fails.

Mazak questioned who did the engineering on Bennie's proposal.

Pabis: No engineering done.

Mary Grega, Bellman St.: added that they were requested to get an estimate from the person that did the wall that was put in there behind Nagurney's property.

Pabis: The reason for the wall is to prevent mud slides from coming into our drainage system.

Mazak added that the potential lawsuits against the Borough, and you are asking us to vote on something that wasn't engineered.

Repchick: You have an engineer report too. And it doesn't address that. His fears, what about the people in Schoolside that have their backyards washed out.

Mazak added that its not just schoolside - gentleman in first row that during the last rain storm - his backyard was flooded out.

Inaudible

Mazak: Let's start with the lawsuit - are you willing to sign off.

Woman, Bellman St. : Stated she would.

Mary Grega: Answered that they can't answer yet because there are no specifics. Spoke of the engineering on the projects and weren't checked or done properly and spoke of the swale that was supposed to be put in that wasn't. Was supposed to drain to a pipe and it never made it. An engineer signed off on the slope that wasn't done according to the plans. We were told to get an estimate from this company so we did. We just want it fixed.

Mazak: This body tried to help the situation down there and in his heart we didn't create this situation. I can't sit here with the tax payers money and spend money and if it doesn't work you are going to come back and sue the Borough.

Mary Grega: If we were going to sue we would've back on day 1. It is a year and we have gone every route to try not to sue anybody.

Musewicz asked if the other residents at Riverview are interested in a solution also?

Pabis: Everyone that receives damage. There are 10 of us.

Musewicz asked if you would be extending it to all 10 and not just the 6.

Lukasewicz added if you fix 6 properties to stop what's flowing down it will then go to the other properties and we will create more problems.

Inaudible.

Attorney Cimini added that Jack would have to look at this and if it is something you were going to do you would need phone quotes if that's the route Council wanted to go.

Tape Ended.

Motion by Tomasovitch

Seconded by Furiosi

To rescind the motion until Jack Scheuer, Borough Engineer reviews it.

All in favor

Motion carried

14. Motion by Tomasovitch

Seconded by Furiosi

To send the Bennie's Nursery proposal to Jack Scheuer, Borough Engineer to review.

On the question:

Mazak: stated that he won't be voting for anything unless the residents sign off against any future lawsuits against the Borough.

**5 in favor, Mazak as noted, Tomasovitch & Repchick agreed with Mazak
Gangemi against & Lukasewicz against
based on the reason that Mr. Scheuer
already gave us letter that he believes the
Borough has fulfilled its obligation and to
do anymore review would just be spending
funds that shouldn't be spent.**

A conversation took place regarding the Board of Appeals and the names submitted. Can't establish a board of appeals without the ordinance.

Lukasewicz added that the ordinance isn't prepared

Lokuta added that we have samples of other Borough's ordinances and were going to marry them together.

Spoke of a motion to accept the names for the potential Board of Appeals.

All talking at once.

Inaudible.

Tomasovitch questioned if we were letting Penn State use the baseball field in April and May because there field is under construction.

Lukasewicz said we should pass the letter on to Mr. Caria and he can schedule it like he does anyone else.

Audience Comments:

Mary Capone, 34 Emerald Dr.: Asked about the status of her last letter submitted regarding a property in Tiffany that needs to be cleaned up.

Lukasewicz added that the letter was forwarded on to the Zoning Officer and should talk to him after the meeting and he can tell you where it is at.

Capone added that there is another vehicle there now.

Lukasewicz questioned if Bob could meet with her.

Bob Lokuta said sure.

Mary Capone questioned Attorney Cimini if the covenants are still in effect and if they are what they need to do to get it disbanded. They are not being enforced at all by the developers.

Attorney Cimini said he would speak to Andy on it.

Capone stated they would like to start a homeowners association.

Frank Galli, 609 Kossuth St.: questioned status of Charles and Clark Street sewer project.

Lukasewicz replied that he would assume it is almost ready to go out to bid.

Galli stated that the last storm he got wiped out again. Debris in the yard every time there is a storm.

Lukasewicz asked if there was any damage.

Galli said some minor damage.

Lukasewicz: If there was damage should make us aware now. Something in writing. Should be going out to bid. Really close.

Galli stated that \$104,000.00 just went into the Sunny day account and questioned the cost of central air in the Civic Center gym. With the daycare over there we should have it. Could have basketball games there to generate revenue.

Lukasewicz asked Robin Galli to check with Robert to see if there were cost estimates on it.

Paulette Schank, 614 Edgar St.: Concerned with the project going on at Penn State. They are changing the lay of the land. Happened before in 1981 when we bought the house. It was all woods. They cut them down and made a soccer field and I started getting flooded. I got flooded in 1985 to the tune of \$17,500.00 and again in 1996 and intermittently in between. I have had 4 furnaces, 12 water heaters 12 washers and dryers and I paid myself to have Cainesy come in. He redid a sewer line and took out a bathroom that was down there because Penn State was tied into that line. My house was undermined. My foundation. It cost in 1998 for a system in my house over \$17,000.00. I never came to the borough or threatened a lawsuit but I am going on the record tonight saying if the lay of the land is going to cause water damage to the properties on my side of the street, I have already contacted my attorney, and there will be a lawsuit filed and it will be against the Borough and will be individually against each person because you are aware of what is going on there. I have had Rob Kalinoski at my house and he never came back. I want to know what is going to be done? Robert hasn't answered me on the front of my house. The front of my house it just keeps getting repaved and raising the road. I am the low spot on the street. It comes down right in my driveway to the right side of my property. Right side is much lower than the left. I am a resident of Edgar Street and I am appalled that this is going on in my back yard and noone notified the Edgar Street residents. I want to know what is going to be done about this before it happens.

Lukasewicz added that the work being done is not in Throop Borough. Dunmore Borough not Throop Borough so they didn't need any permits from Throop to do this work. Any earth moving that would have to be done would have to go to Lackawanna County Conservation District to get approvals. Attorney Cimini can you check to see if the proper approvals were in place with the Conservation District. If they weren't in place why not. Questioned Bob Lokuta if we received anything from the county? Bob Lokuta -no.

Mazak added that he believes we got plans from Penn State.

Charlene added that Robert may have plans.

Lukasewicz added to have Attorney Cimini see if we received plans. If they are doing something that is going to impact the residents of Throop we will do what we can. I won't let them flood you.

Schank: The grass alley - Just us not being able to use the grass alley and allowing Penn State threatening us on our side of the street that we can't drive out our backyard that we would be arrested. Repchick added that it is his understanding that it isn't ours.

Schank: There is a grass alley behind my house before the right of way. It is ours.

Lukasewicz: Case history for an alley that if it isn't open within a certain amount of time - the landowners on each side of it now become owners up to the midpoint.

Schank: We petitioned Mark when he was on Council last time to take over that alley. I just don't want water.

Lukasewicz added that the Borough has no rights to it anymore because they never opened it. An alley has to be opened or ordained by the Borough Code.

Barnick: Why can't you just open it?

Joe Gerrity, Edgar St.: Does Penn State know they are entitled to half of it? Isn't there a variance that you can't go so close to a property? We have had flooding for a long time and by cutting down the trees there is no roots to absorb the water.

Schank: What are you going to do to the front of my house too? Robbie put a white pipe in last time they paved to funnel the water out but it is going in. The whole front yard is settled.

All talking at once about catch basin.

Lukasewicz said we can see if it warrants a project.

15. Motion by Furiosi

Seconded by Repchick

To have the borough Engineer investigate and give a recommendation to the drainage problems associated with the neighbors on the 600 block of Edgar St and other adjacent areas and see if we could put a storm drainage system in there.

Audience comments:

Jim Barnick, 203 Adams Ct.: That's an unopened road. Automatically half of it will not be deeded to Penn State.

All talking at once.

Barnick: The Borough still owns it.

Lukasewicz added that there is a new law that you have 21 years to open it up and if you don't it gets split between the properties.

Barnick: It is a Borough road. It's on the map. No matter what. Anyone on the sides will have to petition the courts to have it put on their deed.

Attorney Cimini: After so many years you need permission from 51% of the abutting neighbors. Inaudible.

Barnick added to hold it, open the road and put a drainage system in there.

Joe Gerrity, Edgar St.: There are plans. I talked to Robert but I can't get here when he is. Can we get plans available.

Lukasewicz asked Robin Galli to see if she can get the plans (Penn State Project) to the abutting neighbors.

Gangemi added that their engineer may be able to send you a PDF set.

Tomasovitch questioned if she went to Dunmore Borough.

Schank added that she pays taxes here not in Dunmore. Questioned if anyone ever gave it a thought that it could be important to the abutting property owners to Penn State that we would like to hear what was going on back there because I am sure you knew. Did you know?

Council answered no.

Joe Gerrity: Then you are not on top as being a council member because you should know what is going on in the Borough.

Repchick replied if they tell us.

Joe Gerrity: In the future if something is going on with a certain group of individuals could you just get some notice to the members? Questioned if tree branches are hanging on their property can they cut them.

Attorney Cimini: No.

All in favor

Motion carried

Tomasovitch asked Attorney Cimini if our Council can go to Dunmore Council to find out.

Attorney Cimini replied that a Right to Know can be filled out to see all their permits.

Bob Lokuta added that he will get in touch with the Dunmore Borough Zoning Officer.

Audience Comments:

Jim Barnick, 203 Adams Ct.: Question Motion #6 and asked if the properties would be liened.
Lukasewicz added yes. It was said.

Mazak requested that Council have a special meeting and get a 5 year plan together. Can project over the next 5 years.

Mazak questioned if it is the Borough's goal to put new sidewalks throughout the whole Borough.
Repchick added he thought just the main roads.
Lukasewicz added if they are a safety concern it would be a priority.

Lukasewicz asked Mazak to get in touch with the rest of council and come up with a date for a special meeting.

The meeting was adjourned.

Minutes by Renee O'Malley
Borough Secretary