

**Motions  
Throop Borough Council  
Monthly Meeting  
Monday, January 31, 2005  
7:00 p.m.**

**Pledge of Allegiance.**

*“God Bless Our Troops and the Coalition”*

**Roll Call:**

**Members of Council:**

Joseph Barone - P

Susan Shortz - P

**President** - Thomas Lukasewicz - P

George Marushock - P

Daryl Menichetti - P

**Vice President** - Cindy Johnson

James Barnick - P

**Solicitor** - John J. Brazil - P

**Mayor** - Stanley Lukowski - P

**Treasurer** - Aloysius “Wishy” Pietruszkiewicz - P

**Borough Manager** - Ken Novack - P

**Assistant Secretary** - Christine Hartshorn - P

**Mayor’s Presentation of 2004 Best Decorated Homes**

The Giordano Family

The Moore Family

Mayor – When I drove by your house it is so well decorated. It is a really great great job and we want to commend you on it. So here is a plaque to put on your wall and keep up the good work. Your home is very beautiful. So was the Giordano Family. While I have a moment, I would like to introduce you to our new Secretary, Aloysius Pietruszkiewicz, oh I mean Treasurer sorry.

Lukasewicz- Before we go to audience comments, I would like to announce that there was an Executive session was held January 20, 2005 and it was for legal comments. We will now begin with audience comments.

Barnick- Excuse me Mr. President before we move forward. Can I please make a motion? We were waiting for a recommendation from the Civic Center Director for the maintenance guys, they said they had a great inspection last time when we raised the hours. I didn't see anything in the packets. I want to put the motion on to raise to 25 hours until May 1<sup>st</sup>. That should cover it. Because they said they had an outstanding inspection.

Lukasewicz- Does any other Council member have a motion that they would like to put on?

Johnson- I do. I would like to vacate the seat of Presidency. I would like to make the motion for Daryl Menichetti as President.

Lukasewicz- We will make that motion #1.

Johnson- I would also like to make a motion to change the signatures and that is it.

### **Audience Comments on Tonight's Agenda**

Mary Zenkus- I would like to know if Attorney Brazil spoke to D.E.P and question them on the material that was a result from their testing?

Atty. Brazil- Yes I did. I had talked to him in terms to that filter he said the only problem they had concerning a Maid Rite factory and they said it was an odor problem. He said that when that was first built they weren't required to have the equipment to deal with odor, but since complaints have been made now they have to install something to deal with the odor problem and that is what their forcing them to do now. He indicated to me he would send whatever information he has on that, the complaint and recommendation to the Borough.

Zenkus- Did he say anything about this "coat" material which comes from something that burns, such as coal. I would to know where that coat material is coming from.

Brazil- Again, I had a number of conversations with him and the one was concerning a complaint on the upper part of the town and that the only information that he had regarding a complaint was Maid Rite and that was an odor. I did talk to him also about your concern and your problem. He indicated to me that they felt that their initial testing was proper but then he said they got a call from Steiback's office and they wanted to do it again. He said he tried to contact you and has tried to make arrangements for retesting and you were supposed to get back to him and you didn't. I am just conveying what he said, OK.

Zenkus- I do not feel there is necessary that there be more testing. I have had testing done and it came up 60% ash 20% quartz which is coat material. I have had my house tested for mold and I have no mold. I have no problems, except for what is in the air which every else. So my house has been tested they got my results if someone else want their house tested, that is up to them. I can't say. I do not feel it is necessary to do my home and point me out when it is something coming from the outside which they say is coat material.

Brazil- He did not indicate to me that they were going to test inside your home. I mean the feeling I had...

Zenkus- You read the letter.

Brazil- I had the feeling that they were going to test in the area again.

Zenkus- Yes, I would like to know what is in the area.

Lukasewicz- John, could you check again and see if they want to do the testing on the outside.

Menichetti- Are you now living in your home?

Zenkus- Half and half. The air bothers me all over. So I can't say I am living in my home or not living home because I have this problem inside and outside.

Dominic Rocco- Motion #9 authorizing the drilling at the Chorba property. This was already brought up for a motion several months.

Lukasewicz- I believe it is just there to reassure that it was authorized and to just do it by motion again.

Rocco- KBA didn't do anything. I don't think they deserve to get paid.

Brazil- I had talked to KBA on Friday because I received a call from Spott's office and he had asked me to call them to see if they could get the information digitally or electronically. So I called them up. I didn't talk to Dennis he was out of town but I did talk to his secretary and I did indicate to her the Council had asked me to get this information and to expedite it and if we could do it digitally. That is the way we would prefer. She indicated to me that information would be available Monday or Tuesday of this week. I have not heard anything yet on it.

Lukasewicz- This motion to pay KBA I believe would be the final payment for each one of the problems that they were involved in or at least it appeared that way when I read over the six or seven invoices.

Bob Bolus- I think it would be best that we adhere to rules that what is on the agenda we speak about first and then anything else would be at the end of the meeting with new business. When we have a long meeting, it moves along much faster. On the use of the podium, is that back in effect now where people have to go to the podium to speak as we have been doing in the past?

Lukasewicz- In my opinion, I feel that it should be handled the way it is being handled tonight. I don't feel there is no need for someone to get up and go to the podium. If it is handled properly it can be done from right there. It saves on time.

Bolus- On motion #19 to purchase a CD. I know there are higher rates out there right now than 3.5% especially on a 3 year loan. Has anyone looked into other banks such as PNC Bank out there. I believe Mr. Novack has given us this information.

Novack- I contacted five banks and that was the best rate I got. I will say that PNC Bank was not one of those 5 banks. I had them marked down. One was PennStar, Community National.

Bolus- We know in 3 years that the rates are going to go up considerably. This has a penalty.

Novack- Well the last 2 CD's that I think I did they are called a one time bump up and the rates should go up with no penalties.

Bolus- I think we need to look at how we are going to do business with the banks. There are a lot of good deals out there right now. I mean 3 years is a long wait. I mean it might be something you look into more deeper before you actually lock into this bank at this rate give them a couple days to negotiate a better rate. And I would be glad to help you out in anyway. On motion #21 to purchase real estate, what real estate? There is nothing in here.

Lukasewicz- I believe that is to purchase the Chorba property but I don't know.

Bolus- So can we clarify that before we vote on it.

Lukasewicz- I am sure when the motion is read, when someone makes the motions, that they will

specify which property it was.

Brazil- The Ordinance itself would have the agreement attached to it and that would be for the Chorba property.

Bolus- But there is no amount in here or anything else. So we are clear.

Brazil- That is just a summary of it. The Ordinance is here and there was an agreement of sale that was attached to it and the consideration is \$160,000 it is approximately 6 acres.

**1. Motion by Johnson**

**Seconded by Shortz**

To vacate the seat of Presidency.

**5 in favor - Shortz, Marushock, Menichetti, Johnson, Lukasewicz.**

**2 against - Barone, Barnick**

**Motion carried**

On the question-

Barone- Don't you want this Borough to move forward?

Johnson- In my opinion Joe, I believe it is the right thing to do.

Barnick- At least in these 2 weeks we did move forward compared to the last 13 months. I mean nothing has happened in the last 13 months. I play around and keep changing presidents, it is not right. I represent the people just as the other six are so I expect to be able to make my comments the way I want to. The president is supposed to be a neutral position on comments from people.

Lukasewicz- I just hope you allow everyone to speak freely and all consideration is given to Council and I am sure you will do that. I wish you well and I hope you continue to move forward on the projects.

**2. Motion by Lukasewicz**

**Seconded by Johnson**

To change the signatures on the borough accounts.

On the question-

Shortz- What about motion #20 to change the signatures, should we delete that.

Brazil- I believe that was already adopted at the meeting. I just forward up a Resolution. You don't have to vote on that.

**All in favor**

**Motion carried**

3. **Motion by Johnson** **Seconded by Shortz**

To appoint Daryl Menichetti as Borough Council President.

**5 in favor - Shortz, Marushock, Menichetti, Johnson, Lukasewicz**

**2 against - Barone, Barnick**

**Motion carried**

4. **Motion by Lukasewicz** **Seconded by Marushock**

To accept the zoning report and landfill inspector's reports.

**All in favor**

**Motion carried**

**TREASURER'S REPORTS:**

**Aloysius "Wishy" Pietruszkiewicz, Treasurer will read the treasurer's reports and the totals of the paid and unpaid monthly bills and to pay the monthly bills against the Borough.**

5. **Motion by Barone** **Seconded by Lukasewicz**

To accept the treasurer's reports as read or posted and to pay the monthly bills against the borough.

Unpaid bills January 2005: "Items for Payment"	<b>\$56,556.79</b>
Paid bills (January 2005):	<b>\$9,521.45</b>
Revenue Report - January 2005	
Keystone Landfill Credit - Jan. 2005	<b>\$(11,186.53)</b>

On the question-

Barone- For the first week he has been here, I think he is doing an excellent job.

**6. All in favor Motion by Marushock Motion carried  
Seconded by Shortz**

To pay all the employees of Throop Borough.

On the question-

Barnick- I know when Mr. Brazil was hired it was supposed to be \$35,000 or whatever it was at that time. After reviewing the last few months of hours I see it is coming out to like \$120 an hour. I was just wondering how this got changed to \$120 an hour?

Brazil- Just so I can if you don't mind, there are a lot of telephone conversations going back and forth that you do not see a lot of that in there. I just try to put the things in there that took a lot of time. If you want a detail in everything I will. OK, I will detail everything for you.

Marushock- Just for the record, I am on the phone with Attorney Brazil almost daily.

Menichetti- and so am I.

Barnick- Just so we can keep track.

**All in favor Motion carried  
7. Motion by Marushock Seconded by Shortz**

To accept the correspondence as read or posted.

**All in favor Motion carried**

On the question-

Barnick- Mr. Brazil did you receive any correspondence from that other Attorney, from Dolan and them?

Brazil- Yes he did send me some correspondence but I think I already to Council to.

Barnick- I just want to make sure I have all copies because I have a letter here dated from the 26<sup>th</sup>. I just want to say that the employees that are involved in this suit I am really sorry to see them go.

Menichetti- Why would you have that letter from the 26<sup>th</sup> and the rest of us don't?

Barnick- She dropped it off...

Menichetti- Who is she?

Shortz- Well I didn't get a copy.

Brazil- I got a couple of letters late Friday and maybe it is in with them, OK. I don't think I sent that one. I thought you were talking about the one from Sean McDonough.

Barnick- Just from what the article said in the newspaper about them not showing up for meetings.

Shortz- I went to far more than you think. I am talking about the meetings prior to my coming on Council.

Menichetti- I want to get back to this correspondence that was not send to the Borough. That correspondence was sent to you Mr. Barnick and was not sent to the Borough because I do not have a copy of it. And I am sitting on this Council and if I did not receive it, it is not correspondence.

Brazil- That letter Mr. Barnick I did receive but I did not pass it along yet, I said it was in dictation.

Menichetti- Are you making an accusation against Mr. Brazil that he is holding correspondence? I mean you are brining up this correspondence and making an argument of it and we don't even have them. You are the one that brought this up Mr. Barnick. That was my opinion of why they are fired and I am certainly entitled to my opinion.

Barnick- And so am I.

Menichetti: I will be voting for all correspondence that was sent to this borough and accepted by this borough.

**8. Motion by Johnson**

**Seconded by Lukasewicz**

To authorize Frederick C. Spott & Associates to take over all unfinished and outstanding projects in the Borough.

**4 in favor - Barone, Lukasewicz, Johnson, Barnick**

**3 against - Shortz, Marushock, Menichetti**

**Motion carried**

Lukasewicz- I would just like to say for the record, Cindy thank you for voting for Spott and Associates. I feel that the engineer here was not doing the work to move the Borough forward, a lot of the permitting, etc.

Menichetti- you say a lot of the permitting...

Lukasewicz- The permit for Sulphur Creek expired on January 5<sup>th</sup> and KBA had preliminary prebid scheduled for the 13<sup>th</sup> of January without a permit.

Menichetti- Mr. Marushock is meeting with them on a weekly basis. It was my understanding the permit was submitted and for some reason it wasn't completed totally and it was sent back.

Marushock- I believe the permit was lacking some information and it was sent back. The way it was explained to me was that we couldn't go after an emergency permit such as Dickson City because at that time it had expired and there should be a record of that in the minutes from all the meetings that we had here in Council Chambers.

Lukasewicz- The point I wanted to make was that if we try and all work together and try to provide the information to Spott and Associates and as Councilmen, call them on a daily basis

if needed to check on the status of projects. We will see progress if we work together.

Menichetti- Well I would hope so that they work together with all of us.

Lukasewicz- I have always worked with them and I will work with whomever I have to work with and I think the agenda that needs to be in place for this year is that we put aside our differences and we don't bite off our noses, I think we can really see a kind of prosperous year for the Borough of Throop.

Menichetti- Well we aren't going to see a prosperous year if we frivolous lawsuits.

Shortz- There obviously have been some issues with KBA and I am in agreement with that, however Spott & Associates and they were the previous engineers and we are now in litigation over problems with the sewer project in lower Throop. There are ongoing problems with Tiffany Estates and those are a couple of major issues and from my understanding engineers sign off on all projects and I would hope in the future that the projects will be watched over carefully by the engineer, no matter who is... They are supposed to be there to help us.

Menichetti- We hired KBA in good faith and by their reputation from all the other Borough's. We hired them because we had so many problems with all the other projects in the Borough and we thought maybe it was time for some new blood and you know try. I wasn't happy with some of the things either, especially the paving. I was really upset that we didn't get the paving done. Very upset. Everything I spoke with them on the phone, they always indicated to me that they more moving forward with all the projects so I never had any other reason to believe that they were not.

**9. Motion by Johnson**

**Seconded by Lukasewicz**

To authorize core drilling at the Chorba property.

**All in favor**

**Motion carried**

**10. Motion by Johnson**

**Seconded by Lukasewicz**

To authorize Frederick C. Spott & Associates to take aerial photographs and mapping of the Chorba property.

**All in favor**

**Motion carried**

**11. Motion by Lukasewicz**

**Seconded by Shortz**

To authorize Frederick C. Spott & Associates to do the design work for the Mary Street CBDB project for 2005.

**All in favor**

**Motion carried**

12. Motion by Lukasewicz  
To authorize Frederick C. Spott & Associates to oversee the Sulphur Creek project.  
All in favor  
Seconded by Barnick  
Motion carried
13. Motion by Marushock  
To authorize payment to Greg Budzinski in the amount of \$25.00 per hour for snow plowing the Borough streets (2-3/4 hours).  
All in favor  
Seconded by Lukasewicz  
Motion carried
14. Motion by Marushock  
To authorize CompuData to train the Assistant Secretary, Borough Manager & Treasurer due to the Software upgrades (cost = \$850.00).  
All in favor  
Seconded by Shortz  
Motion carried
15. Motion by Marushock  
To have the Borough books for 2004 audited and to authorize the Borough Manager to obtain quotes for this audit.  
All in favor  
Seconded by Shortz  
Motion carried
16. Motion by Marushock  
To authorize Ken Novack to have the phone system changed at the Civic Center.  
All in favor  
Seconded by Shortz  
Motion carried
17. Motion by Marushock  
To authorize payment to KBA Engineering in the amount of \$3,053.75 after the borough has received all of their records.  
All in favor  
Seconded by Shortz  
Motion carried
18. Motion by Marushock  
Seconded by Shortz

To replenish the Borough Petty Cash in the amount of \$121.11.

All in favor

Motion carried

19. Motion by Marushock

Seconded by Lukasewicz

To purchase a Sunny Day CD in the amount of \$60,366.63 from First National Community Bank for 3 years at 3.50% interest at the recommendation of borough Manager Ken Novack.

All in favor

Motion carried

20. Motion by Marushock

Seconded by Johnson

To adopt Ordinance No. 6 of 2005, an Ordinance of the Borough of Throop enacting the Borough Emergency and Municipal Services Tax Ordinance at a rate of \$10.00.

6 in favor - Barone, Shortz, Lukasewicz, Marushock, Johnson, Menichetti  
1 against - Barnick

Motion carried

21. Motion by Lukasewicz

Seconded by Barnick

To adopt Ordinance No. 7 of 2005, an Ordinance authorizing the purchase of Real Estate, which is the Chorba property, for \$160,000.00 (with a \$10,000.00 deposit and the balance on a 60 day....) \*\*\*Reference motion #22 to table this motion\*\*\*

22. Motion by Johnson

Seconded by Marushock

To table motion #21.

4 in favor - Shortz, Marushock, Johnson, Menichetti\*  
3 against - Barone, Lukasewicz\*, Barnick

Motion carried

\*Lukasewicz: I'm gonna vote against only for the fact that I was ready to vote on this purchase of this property today. With my knowledge of construction and everything else that I've done in the last 20 years I see that as the best feasible site. And I don't see no reason to prolong it but I do understand your concerns but I will be voting against it because I wanted it to move

forward. \*Menichetti: I'll be voting for but I have to agree with Tom. I would like to see this move forward and I am going to do everything in my power to see that it does.

23. Motion by Marushock Seconded by Shortz

To adopt Resolution No. 2 of 2005 of the Borough of Throop providing an administrative fee of \$15.00 to receive and review all building permits.

All in favor Motion carried

24. Motion by Lukasewicz Seconded by Marushock

To authorize payment to Melissa Casey in the amount of \$79.13 for cell phone usage for the months of November, December & January.

All in favor Motion carried

25. Motion by Barnick Seconded by Barone

To continue with an additional 5 hours (per man, per week) for the maintenance men at the Civic Center until May 1, 2005.

5 in favor - Barone, Lukasewicz, Johnson, Barnick, Menichetti  
2 against - Shortz, Marushock Motion carried

**This copy submitted is for payment purposes ONLY**  
**These minutes are NOT complete!!**  
**Christine Hartshorn**  
**Assistant Secretary**  
**11-14-05**

