

**Minutes  
Throop Borough Council  
Special Work Session  
Followed by a Special Meeting  
Thursday, October 14, 2004  
6:30 p.m.**

The meeting opened with the Pledge of Allegiance.

*"God Bless Our Troops and the Coalition"*

**ROLL CALL:**

**Members of Council:**

Joseph Barone - P

Vice President - Susan Shortz - P

Thomas Lukasewicz - P

President - George Marushock - P

Daryl Menichetti - P

Cindy Blanchard - P

James Barnick - P

Solicitor - Louis A. Cimini - P

Mayor - Stanley Lukowski - P

Treasurer - Amy Hebden - P

Assistant Secretary - Christine Hartshorn - P

**Announcements:**

An Executive Session was held at 5:45 this evening prior to the Work Session/Meeting.

Marushock: One other announcement that I would like to be entered into the permanent record is that this evening Throop Borough received information from KBA Engineering regarding Dickson City's plan to permits in regards to dyke and levy along the Lackawanna River. This information will be forwarded to Mr. Novack and to Mr. Kalinoski. Audience comments...*Few begin speaking at once.* Brazil: Mr. Chairman... Unidentified: Information on what? Brazil: That's what I was gonna bring up, Mr... Unidentified: On what? Brazil: That's what I was going to bring up. On the executive session there were 2 items of executive session that were discussed - litigation and labor relations. 1 was, on labor relations, was the DPW contract. On litigation it was filing a lawsuit against Tiffany Estates. It was the appeal of Bolus from the zoning hearing board, and it was the lawsuit filed by the Mid Valley School District. Unidentified: Yes, on this letter that you're talking about. What happened? Marushock: I just received everything this evening which, as I said, I'm gonna forward to Mr. Novack... Unidentified: Well what's in there? Marushock: I did not open it. I'm gonna

forward it because Mr. Novack and Mr. Kalinoski have been involved with this. As everyone here pretty much knows by now Dickson City attempted to move forward and do some temporary repairs out along the dyke. Unidentified: They started already. Marushock: They were stuck. Unidentified: And then they got their permit and they're going, they worked on it all week. Marushock: In the beginning it was done illegally. Unidentified: They got the permit. Marushock: They do now. They did not at the time that they had initiated the work. It was stopped. O.K. Unidentified: That's right. So they do have the permit. Marushock: What we're also going to look at, Mr. Kalinoski I know Mr. Novack is trying to get the levels because the borough is still restricted that we cannot exceed the height of the dyke as it was constructed I think in 1957. Unidentified: Right. Marushock: We by law can bring it up to that level... Unidentified: Right. Marushock: We cannot exceed that. Barnick: That's the problem - What is the level? What is the elevation, that's the problem. Johnson: Well why don't you look in to it? Barnick: Why don't you? You don't do nothin'. Johnson:... as much as you. *Few speaking at once, inaudible*. Marushock: This is what, I'm gonna forward this information. I believe they have the elevations established. Unidentified: Do you know if Dickson City has it? They know what it is? Marushock: This information, I just received it ... Unidentified: Well I'm just saying you know why are we dragging our feet? Just give them the O.K. to file for the permit. Why drag your feet? Marushock: That could be done next week, we have a work session... Unidentified: That's an extra week we're waitin'. Marushock: Mr. Kalinoski's is not here this evening. Mr. Novack *inaudible* with Mr. Kalinoski... Unidentified: Well when *inaudible* for another meeting will he have the rights to file for a permit? Marushock: If that's what's necessary, if that's the legal... Unidentified: So that's what you have to do. Dickson City had to do it. Marushock: Yes. Yes. Barone: What do you have to wait for Mr. Kalinoski for? Unidentified: Yeah? Marushock: Because he's been involved in this... Barnick: You got an engineer workin' on it... Barone: Huh? Barnick: You got an engineer workin' on it. Marushock: ... and he's aware of the situation. Barone: Well he's not here. Marushock: He's not here. Barone: Who does the work when he's not here? Unidentified: He should be here. Novack: Mr. Marushock could I say something please? Marushock: Yes. Novack: According to the DEP yeah, Dickson did get the permit as of Friday to fill in low levels and also to bring it up to the 1957 height. I questioned that - what was the '57 height? He said the borough engineer in Dickson City would be able to determine that. And that's *inaudible*. Now he's not here right now. Maybe it's in the... Unidentified: Well they have, I was talkin' to a Mr. *inaudible* yesterday and he told me that they do have it. Unidentified: All right, so... Unidentified: That's why they know how high to make it. Because they've been workin'... Lukowski: What does the DEP have to do with... Unidentified: What's that? Lukowski: What does the DEP have to do with levy's, is what... We were here in July. We were in here in July. Nobody else was representing the borough, in July with congressman Kanjorski. Unidentified: Right. Lukowski: He said, "Dickson City cannot raise their levels if we do not". Unidentified: Yeah, but they're dragging their feet. They have it. Now why don't we just go ahead and do it? Apply for the permit and do it. Lukowski: We may have to if that's the case. Unidentified: What are we waiting for? Why are we dragging our feet? Marushock: You were aware as they had the fact that Dickson City, we met with Dickson City and Throop here in Throop borough chambers. Throop hosted the meeting. Lukowski: Yeah. But this is one hosted

by... Barnick: Well make it number 18, to authorize the filing for, or the application for the permit to complete the levy to the original 1957 elevation. *Few speaking at once.* Lukowski: Oh yes, they've been working on this a long time. Unidentified: They have. Don't drag your feet. You know in January of 1996 it almost went over. So don't say it's getting colder... Barnick: And put in that motion time is of the essence. Marushock: O.K. wait. A motion to apply for permits to improve dyke levy, right? Unidentified: And work on it as soon as possible not, after you get done... Marushock: To elevate to 1957 levels. Unidentified: So that's what it's gotta be. Barnick: Well *inaudible* get the permit already. Unidentified: As soon as you get the permit you should start workin' on it. I think that should be in the motion. Lukowski: Yes, if they're gonna do it. Barnick: They are doin' it right now. I seen them down there with the dozers and stuff. They're down there workin' on it. Lukowski: That was our argument then, in July. Barnick: They are workin' on it. Unidentified: I thought they were supposed to have a meeting with Throop every time they do something. Lukowski: Yeah, there was supposed to be one. Marushock: But Mr. Mayor just to let you know they did emphasise that we cannot exceed that. Lukowski: Were you at that meeting Geddy? Were you at that meeting? Barnick: We're not talking about exceeding it. We're talking about establishing the 1957 levels. Why do you keep saying exceeding? You want to establish the 1957 elevation levels. Dickson got it there's no reason why we shouldn't have it. Same engineer. Marushock: Also Mrs. Shortz and I and the engineer attended a meeting in Wilkes-Barre and part of this, this has been in the study-design right now I think 2 years. As they explained in Wilkes-Barre I think before they would actually see physical improvements to increase the height of the dyke. That's probably about 5 years down the road. That was in February, Sue? Shortz: That was before the reports were done. That was the *inaudible*... Marushock: Right. This was before the reports... Unidentified: But they said that here. They said it here when they were here. Marushock: But what they said is see we are restricted by law, we cannot exceed those heights. Now... *Many begin commenting at once.* Barnick: Well nobody's talkin' about it. Come on. Quit going on about... Nobody's talking elevations. Jesus Christ. Menichetti: He said we needed to do a temporary fix because if we did anything permanent then they wouldn't come in with the dyke system. Marushock: Correct. It's gotta be temporary. *Few speaking at once.* Barnick: All it is is maintenance. Menichetti: May I finish please? I was at the meeting, O.K.? And also he said you cannot, in any way, shape, or form, exceed the '57, whatever it was in 1957 because if you do you will be in violation. Unidentified: Well right now that's all we're talking about - to bring it up to the 1957... Barnick: Maintenance. Maintenance. That's all it is. Menichetti: Right. Exactly. We have to call it a maintenance, we cannot call it a fix because if we do then they won't come in here and put in a permanent dyke. Unidentified: Well you gotta go get the permit... Lukowski: You know you can imagine what's gonna happen. You can imagine. If Olyphant has fixed their flood control project and now Dickson City, what is gonna happen to Throop? What? Unidentified: Nothing. We're gonna get washed away... Lukowski: You're gonna get drowned. Marushock: I agree. But just to let everybody know... Menichetti: We have every intention... Marushock: As Dickson's made their improvements. The borough did not sit idle however... Unidentified: Well you know it's going on, you know what Dickson City's is doing, let's go ahead and do it. Marushock:... we are legally restricted and we operated within our means. Now this is moving the situation forward. There's been pretty much daily communication regarding

the dyke since Dickson City started that involving myself, Mr. Novack, and Mr. Kalinoski: Unidentified: Why wasn't I involved? I am supposed to be on the committee. Marushock: It wasn't really a committee it was just... Unidentified:... to what's going to be done, right? Marushock: What was going on and we're still within our rights. Unidentified: That's right. I'm supposed to be involved. Marushock: I'm just bringing it to everyone's notice right here why I'm doing this as it's happening. Unidentified: Well I think you're, don't drag your feet. Just get going and do it. Marushock: O.K. Any other audience comments on tonight's agenda?

#### **Audience comments:**

**Ray Jarosh, 832 Pearl Street** - I'm just curious about the software that we're upgrading. What kind of software is it? Have we had that many problems in the past with it? You know I'm in the computer business, if it's not broke I don't fix it. Shortz: One of the problems is the fact that they still have Windows '98. It's no longer supported by Microsoft so you have to go up to at least a 2000. Johnson: Yeah. Shortz: Because you're not going to be able to get... Jarosh: All right so we're upgrading the operating systems. Shortz: So we're upgrading that. Johnson: Yeah. Shortz: We're also upgrading this Visual Account Mate Version 3.1. That's already up to, the current one's that are coming out now are already in the sixes so we need to update that. Jarosh: O.K. Shortz: Because that's 4 years old... Menichetti: Or they won't give us maintenance on it. Jarosh: I understand that but if you don't call for maintenance ever then that's a mute point. Now would it be cheaper to just buy the new version of the software instead of calling it an upgrade? Have we looked into that? O.K., sometimes for an upgrade price they're charging you a lot because they come on site but if you just buy the new product you can just install it yourself. Marushock: What was done was there was an analysis of our current system done, which was done by I believe it was Compu Data. Johnson: Yeah, it was. Barnick: Well sure, why not? They're the ones telling you the stuff. Marushock: They evaluated our system... Jarosh: Can I put a bid in on it? Marushock: ...and there are some things that... Jarosh: I'll analyze it and give you a price. You know if you're gonna go with whatever price the person that analyzed it gave you then I'd like to have that opportunity. Barnick: No kiddin'. Barone: There you go, you got an offer. Marushock: Well we have this before us, which is the firm that we've dealt with. Barone: Well give it with him now. Menichetti: What kind of software, are you suggesting that, you sell software, is this what you're saying? Or you just want to look into it? Jarosh: I'm just suggesting that I think we ought to check other alternatives. I don't know exactly what they're charging you to upgrade the operating system but in essence all that is is to slap a CD in there, answer about 5 questions, and it's upgraded. Menichetti: Um hum. Jarosh: And I speak from personal experience. I've had PC's since 1984 and any time I ever upgraded the operating system it was a 20-25 minute shot at the most. Marushock: Evidently there are 5 situations here that were assessed and with recommendations attached. Barnick: By them. Marushock: Yes. Menichetti: Well would you be willing to look at it, or system, and maybe you could give us a recommendation? Jarosh: At the current time I don't know when I would have to time to do it. Menichetti: Oh. Jarosh: I'm working 8 to 5 live everyone else, you know. But when would I be able to get into the building to look at it with somebody here to make sure that I'm not getting into files that I

shouldn't be... Marushock: See that's the other thing is I'm, we're trying to get this done as soon as possible, in a timely manner, to get everything current. Jarosh: All right. Did we check into any other companies that do upgrades on systems? Barone: Come tomorrow after work when our police are here. Menichetti: You're talking about a company just doing the upgrades? See this is their software that we're using. I mean we're using Visual Account Mate which is what they you know, they sell and... Jarosh: Right. They have Visual Account Mate but they don't sell and maintain windows. That's... Menichetti: Oh, windows is, yeah that... Jarosh: ... everybody has that. And I understood that was part of this upgrade. Menichetti: Basically acting on the recommendation of Mr. Novack, the borough manager, because he did have some you know concerns with it and then talked with these people. And again we have the full analysis in front of us. Jarosh: All right. What operating system are they taking you up to Ken? Hartshorn: 2000. Jarosh: Only 2000? You're not going up to XP? O.K. Hartshorn: I don't think those computers in there could handle XP. Aside from that I only had one other comment. I'd like to thank the borough DPW people. I stopped over here Tuesday morning at 7:30 to let them know I had some heavy furniture out for pick up. By the time I got to work at 8:30 and called my wife they had picked it up and it was gone. I think those guys are doin' a great job. Lukowski: They're terrific. *Many in audience agreeing.* Lukowski: They are terrific. Marushock: O.K., thank you.

**Dominick Rocco, 110 Sanderson Street** - This letter you want to read. Marushock: Correct. Rocco: Was there any investigation done there? You want to read it out. You don't know if it's the truth or not. Marushock: Basically following past procedure as other letters were read here without us even having *inaudible*... Rocco: It should be investigated right? What if it's all hearsay. Maybe she wants to cause trouble. I don't know the girl I'm just saying... Marushock: I'm not saying she's causing trouble... Rocco:... Mr. Brazil as a lawyer could say, "Go ahead and read it". Marushock: I'm just reading the letter as... Lukowski: That's wrong. *Many begin speaking at once, inaudible.* Barnick: That's wrong, definitely. Rocco: ... it's true, why don't you investigate it and bring it up at the monthly meeting. Barone: I want those 2 girls *inaudible* before that letters read or I'm gonna sue somebody. Unidentified: Shhhhh. Barone: Don't you tell me to shut up. *Many talking, yelling at once, inaudible.* Shortz: I didn't tell you to shut up. Mr. Rocco is speaking, you shouldn't be screaming. Rocco: Hey I got the floor. Shortz: Let him speak and then you'll have your turn. *Gavel heard.* Barone: Am I talking to you? Rocco: Why don't you investigate it and bring it up at the monthly meeting? *Inaudible* make sure it's true. *Inaudible* something that maybe might not be true. Barone: It's not Rock. Rocco: I don't know. Joe, I'm not sticking up for you and I'm not sticking up for her but I don't think it's right to read. Marushock: Following past procedure... Barone: They're sticking up for her. Marushock: Following past procedure there has been other letters being read without us even know, having... Barnick: Just like me Rock. They said I was yelling and screaming one meeting and *inaudible* the guy said no, no way. *Laughter.* Marushock: The letter will be read to the record just as it was done in the past ... Rocco: Who was it addressed to, the letter? Marushock: Pardon? Rocco: Who was the letter addressed to? Barone: It's not, it's not that the *inaudible* it should be read, the letter. It's up to that man right there. If he says it shouldn't be read either then it shouldn't be. And I'm gonna hold him responsible if it's read - plus you 3 - you, her and her. Marushock: There were other

letters read... Barone: I'm just tellin' you. Marushock: ... that we had no knowledge of that were... Barone: I'm gonna tell you right now. Anymore a letter that comes in it has to be read in an executive session... Unidentified: That's right. Barone: ... you read it out in public. I don't care what it is. Rocco: That's not right. Barnick: That's right. Marushock: What about all the other ones? Barone: That's it. I don't care what it is. I don't care if it's a murder case. It's gonna be read out in public. Barnick: Since he recommended that I guess you could do... *Many speaking at once, inaudible*. Barone: ... my lawyer... You're getting away with too much crap. It's about time there's a change. Barnick: That's why I wanted his recommendation on the record. Barone: Right. Marushock: Mr. Rocco. Rocco: Are you innocent before you're guilty? Before... Marushock: I'm not determining innocent or guilt. I'm just reading... *Many speaking*. That is it as past practice with other letters. Barone: Right. Past practice. Rocco: But still that's, you know that's slander. That's all it is is slander. Marushock: No it's not. Barone: That's all it is and I got the lawyer after them. He's coming... Rocco: I mean I don't know what the letter says... Marushock: How could you say its slander? You don't even know the contents of the letter. Why are you making that statement? Rocco: I don't. *Few speaking, inaudible*. Rocco: I don't. That's why it shouldn't be read. Barnick: You just assume. Marushock: I'm not determining innocence or guilt I'm just reading the letter for its content. I'm not... Barone: Then what? Then what? Marushock: Mr. Rocco anything further? Rocco: No. Marushock: Continuing audience comments on tonight's agenda. Barone: They were all true. They were all true.

**Barbara Scaramuccia** - My name is Barbara Scaramuccia... Marushock: O.K.  
Scaramuccia: ... and it might ring a bell with some people. Marushock: Yes. Scaramuccia: My first question is, I would like to know why, oh no - let me go back; Someone had commented that every letter that comes to the council gets read. I have to object to that. My letter was never read. Barnick: Thank you. Scaramuccia: Never read. I'd like to know why my issue has never been addressed anywhere. I'd also like to know Mr. Marushock why I sat for 3 weeks like an idiot waiting to be called back from you. I'd like to know why Mr. Novack never told council that I came to see him. Marushock: My conversation with you was... Scaramuccia: ... that you spoke to the borough solicitor who said, "Talk to Mr. Novack". Barnick: What's going on here? Marushock: Correct. Scaramuccia: And I said that I did. And you said, "Oh, you did". This man assured me after I met with him that he would let everybody know that I was there because he said that he can't make any decisions, he can't solve any problems... Barnick: I was never made aware of it. Marushock: Just, one minute on it, just, please... Barnick: I was never made aware of this. *Gavel heard*. Marushock: O.K., before we discuss this any further... Scaramuccia: No, no, no, no, no... Marushock: Now wait. I'm gonna... *Many begin speaking at once*... Barnick: Let her finish. Marushock: This is a *inaudible* incident at the Civic Center with a child... Barnick: Oh, he gave his recommendation... That's a taxpayer. Let her finish. Marushock: Atty. Brazil... Scaramuccia: Excuse me. Excuse me. Barnick: She's got the floor. Menichetti: Does she live in Throop? Is she a taxpayer? Brazil: O.K. Wait a second... Scaramuccia: I pay good money for my kid to go to that Civic Center. Barnick: How 'bout that. Scaramuccia: I have every right to sit here and speak. *Gavel heard*. Marushock: One minute. Menichetti: Excuse me but we were told by a representative from the state... Marushock: Correct. Scaramuccia: Yes you were. Menichetti: ... that all

information on the children over there is held in highest confidence. Barnick: Not if it's her own son. Scaramuccia: And I have my letter with no names in it but my own son's name. Barnick: Not if it's her own son. She could do what she wants. Menichetti: You could name your own son... Scaramuccia: Yeah. Menichetti: ... but if you name any other child over... Scaramuccia: I'm not naming the other names. Marushock: We were told not to address that in public because... Barnick: She wants to. Barone: Why not? Scaramuccia: Well you never addressed it with me anywhere so I was forced to come here. Marushock:... it involves a child with the day care. Barnick: Yo. She wants to. She's the parent. She has the right. She's the taxpayer in the United States. It's the freedom of speech. *Gavel heard.* Marushock: Atty. Brazil... *Many speaking at once.* Barone: ... you protect the girl again across the street. Scaramuccia:... my letter, it doesn't name any other child, it names my child. Brazil: Let me comment that restriction again is really toward council not to discuss names. I personally think that if this individual wants to discuss her child and council does not get involved in discussing her child I think she has the right. I mean if you want to start discussing conduct of certain kids over there I think you need to do that in executive session but if, I mean I'd advise against it but... Scaramuccia: No, I've had enough. This occurred on August 13. This is now October 14. I have no names in this except my own sons' name. I have copies of a police report that I blocked out other names on. I have copies of the incident report that Melissa Casey wrote up. I blocked out other names on it. I understand confidentiality but I want this addressed. This is ridiculous. Barnick: When did you meet with Mr. Novack? Scaramuccia: Oh probably 4-5 weeks ago. *Inaudible* Mr. Marushock for 3 weeks. Johnson: We all have the letter in our packets. You have the letter Jim, it was in our packets. Novack: You all have that letter that... *Many begin speaking...* Johnson: Yes we do. Barnick: The letter. But what was the result from your meeting? We didn't get nothing about that. The result from your meeting. Novack: Her and I talked, well I... Barnick: What was the summary or your report? *Many continue speaking.* Scaramuccia: Mr. Novack said, " I'm glad you were able to vent to me". Barnick: What was your summary on this? Wow? Scaramuccia: Mr. Novack I didn't come in to vent I came in to make a verbal complaint. Johnson: You know Jim *inaudible* let him speak to, you know. Marushock: Wait. O.K... Novack: What am I supposed to do tell you everybody that walks in here and talks to me? Scaramuccia: When you assured me that you would, yes. Barnick: When it's something like that. It's a complaint against the borough that could probably turn into a litigation. Novack: She wasn't complaining against the borough, you had your copies of that. She was not complaining, she was talking to me about the... Barnick: So why wasn't something done Mr. Marushock? Why wasn't it held in executive session? *Many speaking.* Marushock: Mr. Novack is still working on it. It's not... Scaramuccia: Working on what? Marushock: On the situation. Barnick: What's he working on? Scaramuccia: The situation is this; I repeated to him everything I wrote in my letter that you all supposedly read. What's there to work on? I want an answer. I want to know why my kid got thrown out of there by Melissa Casey... Barone: And he's still out. Scaramuccia:... and I want the truth. And it's not because he's a danger to other children. Barnick: Still out too. Scaramuccia: My kid was beat that day. He was kicked, he was punched, he was slapped, he was called everything under the sun - racial slurs... Barone: That's right. Scaramuccia:... vulgarities, everything. That's a consistent thing that goes on over there. Barnick: What the hell is going on over there? Scaramuccia: Don't talk to me about supervision over there. Those 2 women were probably were sittin' there playing

cards and 20 other kids were hanging out. You don't go over there obviously and see what those kids and the staff are doing. And I got a staff person that walked out of the room left the kids in there and my kid got involved in something. And my kid was the one sitting on the floor, oh no sorry, he kicked somebody in retaliation for being hit by him. Staff came back in, my kid is just standing there, and staff starts restraining him. Your staff does not know how to restrain people. You don't twist their arms behind their backs and pull their legs and knock them on the floor. This is an 11-year-old kid. Barnick: That was, that's the staff or the police officer? Scaramuccia: The staff did it. And she's telling me, "Oh no, staff would never have left them unsupervised". Barnick: What are we doing here? Johnson: You have the letter Jim. Don't act stupid. Barnick: I'm hearing it right from the person. Scaramuccia: I have knowledge that that staff admitted he left those kids unsupervised. My kid went there for 4 years. I've seen many times - that place is unsupervised. They're in the dark watching movies, the staff is laying around. Give me a break. Menichetti: Exactly right. You're right. That's exactly... that's why we're trying to change it. *Many speaking at once.* Scaramuccia: Excuse me. Well O.K. but my son is the one that's been victimized. My son finally reacts because staff won't help him and this one turns around and says, "Opps, he's outta here". Because he swung his arms... Menichetti: Um, no, ma'am... Scaramuccia: When he's sitting on the floor getting knocked down a the staff I'd be swinging my arms too. Menichetti: Ma'am, I really wasn't there. I don't know what happened. Scaramuccia: No you don't and she wasn't either. Menichetti: I only know, I only know, I read, I read you know the report, the letter you sent because I didn't see anything else. And I read the police report because it was enclosed with the letter that you sent to all of us. Scaramuccia: Yeah and do you know why that was... Menichetti: I did not see the incident report over at the Civic Center... Scaramuccia: I could show you the incident report right now... Menichetti: I have seen nothing over there. I don't know what happened. Scaramuccia: It doesn't even match the police report. Menichetti: But I know on the police report what was reported on there. Scaramuccia: Yeah lies. Lies. Melissa Casey is nothing but a liar. Menichetti: But those were not Melissa Casey's words. Scaramuccia: Yes they were. Excuse me. If you read the last paragraph on that police report... Barnick: ... that part I remember reading. Menichetti: The police report were not, she wasn't even there. Scaramuccia: Excuse me. Menichetti: The police report was, were other staff members. Scaramuccia: No it was Melissa Casey and at the very end it says, I went back in the follow up, don't shake you head at me because I got it right here. Menichetti: Well I read it too Ma'am. *Inaudible.* Scaramuccia: You didn't read it. It says she met with me and my son's councilor and we agreed... Menichetti: Was this the only incident your son ever had? Scaramuccia: He had 1 incident since she's working there. Menichetti: No I mean ... Scaramuccia: No, no. We can't go prior to that because that's what she told me. She goes, "Mrs. Scaramuccia, I can't address anything prior to my being here". So guess what? It's all null and void and void. If she wasn't there it didn't happen. And you know what, her little incident report, she has the other kids name written on there and scribbled out and my son's name put in. That looks doctored to me so that's an unconfirmed report. This is bull. If this wasn't so pathetic it would be laughable. Menichetti: Excuse me, what report are you talking about? Scaramuccia: I am talking about the incident report... Menichetti: Because I didn't see the incident report. Scaramuccia: Well you know you guys, I hate to tell you also, I spoke with Mr. Gatto too. And you know what you're wrong when you're saying that Mr. Barone is not her boss because he is. Because he told me right out, "The

council members are the bosses". Because she also made that accusation against Michelle Mazzucca about breaking confidentiality - never happened. I'm the one that spoke to Mr. Barone and thank God I spoke to him because nobody else has paid any attention to me. You've all... Why are you waiving your hand at me? You are the rudest women I've ever met in my life. Barnick: She just waived her hand. Could you imagine that? Could you imagine that? *Many commenting, yelling at once, inaudible. Gavel heard.* Barnick: What a... how rude and ignorant could you be? She doesn't care about anything but herself. Menichetti: I don't know because I didn't see the incident report. I was not privileged to an incident report. Scaramuccia: You are privileged to it. *Inaudible.* Barnick: Wow, really sad. Menichetti: Can I please? Scaramuccia: You're all gonna see it. *Passes out report to council.* You can have it, have copies. First of all there's the incident report. Secondly here it is, the lie. Melissa Casey said she met with me. I never met with that girl. I had nothing to do with getting my kid out of there. She makes up lies about people. She lies to people. How long are you going to let this go on? Barnick: That's the third. Scaramuccia: She's lying about Mr. Barone, she lied about Michelle Mazzucca, she lied about my son, she's lying about me. It's right in that report that she was going to give George a week off to cool down. Oh, whoopee. How about the kids that hit my kid? Won't they need a week to cool off? Why are they still sittin' over there? Marushock: As far as I know on this, the best I could update you right now, there are other parents involved who want this looked in to also. And if it moves any further... Barnick: When, when did we find out about this? Barone: Yeah? Marushock: I'm just relaying this now because it's all coming out. Johnson: It was in all of your packets. Barnick: No, no, no. When did we find out that other parents want this...? Marushock: We've discussed this very generally because evidently... Barone: If this lady didn't come down tonight you'd never would have discussed it. Who are you kidding? *Many speaking.* Menichetti: It says here he threw a chair or something. Scaramuccia: He didn't throw a chair. He stood up and it fell down and he picked it up. It's bull! Brazil: Daryl. Daryl. I know but don't discuss the report here. Menichetti: It's the police report. Brazil: Yeah. I'd, I'd stay away from it. For everybody. For all *inaudible.* Menichetti: All right. All right. I won't say anything else. Barone: *Inaudible* a grievance list over there. Menichetti: That's why I didn't *inaudible*... Scaramuccia: The police report is public record. It's only my sons name on it and I give permission, everybody talk about him. Marushock: I know there are other children involved... Barone: That why she's here? She's here because *inaudible* and you people didn't have an executive meeting about it. That's why she's here. Marushock: Other parents... Scaramuccia: Oh, blame it on my son? *Many continue speaking at once.* Marushock: ...harassment also. So now that this is *inaudible*... Scaramuccia: Excuse me get what addressed? Something about my son? Marushock: Yes. Scaramuccia: Oh like what? Marushock: And just, what I'm gonna say is everything was basically sitting idle depending if anything moves forward from where we were. Barnick: What? Marushock: Now I am assuming, and I can't act just what I was told... Johnson: Who were the monitors? Marushock:... is that if the issue moves forward... Johnson: Who were the monitors? Marushock: Everybody thought it was done and over with. Scaramuccia: Yeah you all did, didn't you? Marushock: Yes. Scaramuccia: But guess what? I didn't go away by ignoring me. Marushock: But, but, now this is opening the door for the parents... Scaramuccia: For what parents? Marushock: ... of other children involved. I can't... Lukasewicz: If she moves forward they're gonna retaliate on her? *Many begin to comment.* Barnick: That's exactly what he's saying. Lukasewicz: So if

she forgets about it's just fine. Barnick: Yeah. Lukasewicz: That's what you're saying. Barnick: I said it's the Gestapo here. Marushock: I'm not saying that. Lukasewicz: That's exactly what you said. Marushock: The understanding of the other parents... Scaramuccia: That is what he said. He said if I *inaudible* find out they're gonna retaliate. Marushock: No. Scaramuccia: That's bull shit because those kids, my son didn't do anything to anybody. Marushock: No. Call Mike Kulick. Call Mike Kulick. Ask him who, my son asked if he could play cards. He was told, "No f-ing way". And then he said, oh no first he was told he didn't say, "please". My son said, "Please could I play cards?" He was told, "No f-ing way". And when George walked away he was tripped, punched in the back, and some other kid threw or punched him in the stomach. And Mike put those 2 kids in time out. Big deal. And Melissa's making it like that was George making a big incident. The kid wanted to play cards. Later on that afternoon they're up in the gym and Mike is the staff that left them unsupervised. He took a kid to the bathroom. While they were gone 2 boys said, "George, we're gonna break your toys". And George said, "Please don't do that" and went over to address that. When he went over this kid swung at him my son kicked them back. What was he gonna do? Because there was nobody else to protect them. And this is consistent over there. Consistent behavior. These kids constantly pick on my son and Melissa Casey herself said, "The staff has told her George gets picked on all the time". Well my kid gets picked on so he gets thrown out and the rotten bullies get to stay. Why is that? Marushock: To the best of my knowledge this was an isolated incident. Why is it an isolated, an isolated incident and what all these parents are *inaudible*. Bull. Marushock: It is not common practice. It is not a daily occurrence at that facility. Scaramuccia: What's not a daily occurrence - bullying... Marushock: Yes. Scaramuccia:... vulgar language, racial slurs? Scaramuccia: Yes it is. Marushock: That is what I was told. Scaramuccia: What you're told is by a Goddamn liar. She lied on that police report, she lied to Mike Gatto at the Department of Public Welfare, she lied to me, she lied her your staff, she's lying to you people and you don't even see it. What is wrong with you guys? This is laughable. This is a biggest joke I have ever been a part of in my life. The biggest joke. To make a formal complaint and you're blown off. Marushock: It's not that... Scaramuccia: And now I have to *inaudible*. You can't speak because there's other kids involved. Barnick: Why didn't you ever hold an executive on this? Marushock: It was addressed. It was addressed. Johnson: The 7 of us had the papers. All 7 of us *inaudible* responsible. You could have called an executive on it too Jim. Barnick: It takes 3 of us. He's the president. *Many shouting, arguing at once. Inaudible.* Barnick: Read your book. Read your book. Johnson: You read your book. Barnick: Read your book because you have no idea what's going on. *Many continuing to speak, argue at once.* Marushock: ...because of the confidentiality of a child... Johnson: ...do you pay your taxes? Barnick: Oh yeah, yeah. Johnson: Yeah? Barnick: All of them, all of them, all of them. Scaramuccia...no you don't. Barnick: Yeah. Marushock:... without bringing this into full-blown light. Scaramuccia: Oh, I'm sorry... Johnson: You're just as responsible. Scaramuccia: ...you and Melissa and me and Mr. Novack will address this? We addressed it in bits and pieces. The 4 of us never got together. Marushock: No we have not. Scaramuccia: I went to see him, I called you... Marushock: Right. Scaramuccia: ... I won't speak to her because she's a liar. Marushock: You did tell me that. You told me you want no part of Melissa, that you refused to speak to her. I asked... Scaramuccia: If you call that discussing it I don't call that discussing it and I don't believe people here would think that's discussion. Bits and pieces,

phone calls... Marushock: ... between yourself and Mr. Novack he can act as the intermediary between your comments and Melissa's and try to resolve this situation.

Scaramuccia: No, there's no resolution. I don't want my son over there as long as she's there. You could forget that. There is no way I want him over there and, which is really sad because he loved it. In 4 years he loved that place. I liked it. I liked the staff. I liked every single person that worked there. I didn't even know who that girl was. She's up there hanging hand prints on the wall. That's their director? She doesn't even know what the hell she's doing for God's sake. Unidentified: Excuse me Miss, did you say 4 years that your son had problems there? Scaramuccia: I said 4 years... Unidentified: No, 4 years that he was there that he was picked on, you said that. Now you're saying it was oh great for 4 years. Was it great or was it bad? Menichetti: Melissa's only there a few months.

Scaramuccia: What are you talking about? I said my son went there for 4 years. I didn't say picked on every single day. Unidentified: You said picked on. Scaramuccia: And he is picked on... *Inaudible*. Unidentified: ... I'm sticking up for you. Scaramuccia: Sorry, it's hard to tell. You've got people up here so aloof, brushing their hair and waiving at me.

Menichetti: Oh excuse me. Scaramuccia: You're very rude. You're very rude. You're a councilperson? *Inaudible* some manners. Menichetti: *Laughter. Gavel heard.* Marushock: Let's stay with the issue at hand. Mrs. Scaramuccia... Shortz: And you're not?

Scaramuccia: No I'm not. Menichetti: You're not rude? Shortz: You're screaming... Scaramuccia: Yes I'm screaming. Shortz: ... you're yelling, you're making accusations, you're calling people liars, I don't think that's behaving ... Scaramuccia: I'm sorry I'm not the first person that's ever called her a liar. Shortz: Well this is still not the way it's supposed to be. Scaramuccia: Does it sound kinda familiar? I mean, doesn't that ring a bell to you or make a red flag go up that several people are calling this person a liar? Shortz: O.K., you've made your point. Scaramuccia: She is a liar. She never met with me. She's telling the police she met with me. She called Mr. Gatto and said, "Michelle Mazzucca broke confidentiality". Michelle Mazzucca never did that. Shortz: Oh yes... Scaramuccia: No she didn't. Michelle never spoke to Mr. Barone. Never mentioned my son's name to... Shortz: I didn't say to Mr. Barone. Scaramuccia: You just said it. Shortz: I said... Scaramuccia: Yes you did. Shortz: I said, "Confidentiality was broken".

Marushock: Yes. Scaramuccia: No it was not. Marushock: Yes it was. I will verify that. I will testify... Scaramuccia: Really? Well then why would Mr. Gatto... Barone: You *inaudible* weren't even there. Scaramuccia: Excuse me, well then why does Mr. Gatto say there was no confidentiality broken? Marushock: Because I found out from an individual who is not even over there... Barnick: Oh yeah? Marushock: ... about the case prior to any information, some of the information that you gave me later on. And that's what I'm saying, this is just opening everything now... Barnick: The Throop gossip you found out from, huh? Marushock: ... that probably isn't, no because I kept it to myself because I did not want to be part of this so-called confidentiality being broken involving a child care, a child at a day care center. And this is information that was relayed to me, comments that were made to me by a total individual who has no affiliation with that facility. None. How did he get that information? I know because he told me his source of the information.

This, this is now a major nightmare, major nightmare. Scaramuccia: You know why it's a nightmare? Because Melissa Casey lied on that police report. My son and I were going on our merry way. She called and first of all she said I had, he had a week to cool off. That happened on a Friday. She called me Monday morning - oh I met with all my staff and we

agreed he can't come back. First of all she never met with all her staff - that's besides the point. Secondly... Barnick: Since when does the staff make that decision? Scaramuccia: Secondly, oh I just lost my train of thought... Menichetti: How would you know if she met with the staff? Scaramuccia: Because she told me, "I met with my staff"... Menichetti: But how do you know she didn't? Scaramuccia: Because I know she didn't. Staff that don't want my son back... Menichetti: How do you know she didn't? Scaramuccia: Because when I was at the mall I met with Maria Pesavento... Menichetti: Oh and she would tell you the truth. *Laughter.* Barnick: Yeah she would. Scaramuccia: Excuse me. Oh my God this is a councilperson? Barnick: Yeah. Scaramuccia: This is a councilperson. Barnick: Yeah. This is what we gotta get rid of. Scaramuccia: You're very... *Many speaking at once, inaudible.* Menichetti: I have, I have seen these people lie, bold face liars. Barnick: Yeah, you do it right here. Scaramuccia: Yeah Melissa Casey's one of them and you're not seeing it. Barone: 'Cause they hired her. Scaramuccia: You know Maria, if she hated my son so much why did she come up to him and start hugging him in the mall. How come Mike Kulick, who hates my son so much, is waiving to him out the door when I... Menichetti: Who said anything against your son? Scaramuccia: They don't want him there obviously they don't like him. Well they're all waiving hello, they're saying how is he, they're hugging him. Oh yeah that's, that's a bunch of people that don't want him around. Marushock: Evidently there's been incidents over the years and I just don't want... *Many begin to react.* Barnick: Awe, come on. Come on. Scaramuccia: Over the years? Big deal. No I'm sorry you can't address that. I'm allowed to speak about but I know everything about my son over the years. I'm talking about when Melissa Casey was there because she told me on the phone, "I can't talk about things from the past". So we can't talk about things from the past. Marushock: All Right. We're gonna talk about when Melissa was there. Marushock: O.K. Scaramuccia: And the incident that happened that day, inconclusive to me because her little report doesn't even match what she said to the police, doesn't match what anybody else is saying, and is scribbled out and my son's name's put in. So that's a doctored document. Menichetti: What would you like us to do miss? Johnson: Yes. Scaramuccia: I would like an apology from that girl. Menichetti: An apology for? Scaramuccia: For um making my son sound like he's the bully, he's a horrible devil in disguise. This is a kid, if you ever met my child, he's not the perfect angel by any means. But this is a kid that came in, yes for 4 year, and got bullied and picked on but he kept going back 'cause he liked it. He'd go to those dances you people had over there - loved it. It breaks my heart to have to sit there and watch people walking away from him, blowing him off. He's trying to make friends. Unidentified: Who was the director 4 years ago over there? Menichetti: You said he's been bullied and picked on for 4 years? Unidentified: Who was the director 4 years ago over there? Scaramuccia: Off and on. I'm not saying it's a daily thing. Menichetti: I mean there have been a lot of directors over there in 4 years. *Many speaking at once, inaudible.* Scaramuccia: You people think there's all this marvelous stuff going on over there. The supervision over there is lacking. Menichetti: Well we're trying to change that, believe me. Scaramuccia: All right. Well you better get a new director because you're loosing... Lukowski: Mr. Marushock is this kid bared for life? Barnick: Apparently. Apparently. Unidentified: Yeah. Scaramuccia: As long as she's there he's bared. Lukowski: Oh boy. Unidentified: ... who made the decision? Barnick: She did. Lukowski: Come on. What is this? *Many begin speaking at once.* Unidentified: That's a decision for council. Scaramuccia: Excuse me, you know what, you

keep painting a picture of my son as being horrible. How 'bout... You keep painting a picture of my son being the bad guy. Oh you said *inaudible*. Yes he has but so have the other kids that are over there punching and kicking and *inaudible*. Menichetti: You can't usurp somebody *inaudible* authority. Then what the hell do you need them for?

Marushock: So you are, *inaudible*, you want an apology? Is that you're stand right now?

Scaramuccia: I want a public apology from that girl. Marushock: And that's from Melissa?

*Few speaking, inaudible.* Scaramuccia: She's not gonna... Johnson: No I just, I'm just, I don't, I mean no disrespect by any means. Scaramuccia: The police report says my kid attacked her. He never attacked her for God sakes. Marushock: You also said you don't want your child back at that facility? Scaramuccia: Not while she's there no, which is really a shame. Johnson: How many staff member were there that were holding your child? You said there was quite a few of them that were... Menichetti: Well here's their names. Scaramuccia: No I didn't. Johnson: Yeah she did. She said there were a couple staff members. Scaramuccia: I said there was 1 staff person. 1 staff person trying to restrain him while he's standing there doing nothing. But you know what he had to cover his butt because he left the room and left them unsupervised. Johnson: No that, I think then what I heard you say was that when your child is there like the staff members don't pay attention to your child, their not watching them. You said there was movies on... Scaramuccia: There were times yeah. They watch the movies it's pitch dark. You open that door and you can't see a thing. Menichetti: Well that has been changed. Scaramuccia: They're laying around watching movies having a great time. Somebody's playing cards with the kids - don't bother me right now I'm in the middle of a card game. He's trying to tell them something was going on. Johnson: Look, if you don't mind at, can you write their names down and just give me the slip at your convenience of what people those, are doing that? Scaramuccia: I won't do that. My issue wasn't with the staff... Unidentified: She's not gonna do that because it's the staff of these guys.

Marushock: O.K., let her... Scaramuccia: I like the staff. Barnick: No I don't think so Eric. Unidentified: I do. Scaramuccia: I don't think so. *Few beginning to speak at once, inaudible.* Scaramuccia: ...Mike is the one that tried to restrain George. He said he felt bad that he let that happen... Unidentified: you don't intimidate me Mr. Barnick, believe me. Barnick: You don't intimidate me either. *Gavel heard.* Barnick: You don't bother me.

Marushock: Can I please... quiet... *Gavel.* Marushock: Mrs. Scaramuccia has the floor. Can we please listen to her comments and get this addressed please? Scaramuccia: I'm finished I guess. I have no complaint with the staff. The staff have been fine. Marushock: The best that I could tell you right now Mrs. Scaramuccia is that I will relay this information to Melissa that you are requesting a public apology and also that you did make a statement that you don't want your son back at the at facility as long as she is there. Scaramuccia: Um hum. Marushock: I don't know where it will go from there. I will just relay it. Scaramuccia: I'm curious though about this other non, stuff you're bring up now. Saying that because if I bring something up other families are gonna do something? What? Marushock: No. Scaramuccia: What are they gonna retaliate against what? My son didn't do anything to anybody. That's bull. Marushock: No it's, there's other people involved that basically were aware of this, I guess other children were questioned and the parents... Menichetti: Geddy... Scaramuccia: So of course George is lying and the other kids are telling the truth. Menichetti: Tell him to shut up already please. Scaramuccia: IS that what it's gonna come down to? 'Cause 1 of those kids, I'm, 2 reasons and I won't bring

up why 'cause you'll know exactly who the kids are, but I have a good idea as to why 2 of them are still there and were not thrown out. But I can't say why because it would be obvious then who they are. So we're gonna question these kids and whatever they say is gonna be the truth and what George's story was is gonna be a lie. Menichetti: Are you suggesting is that we just dismiss all of the children? Is that what you're suggesting? Scaramuccia: No I wanna know what's going on. If this is gonna involve me and my son I wanna know what's going on. Menichetti: What do you mean? You wanna know... Scaramuccia: Well Mr. Marushock is sayin, "Oh, all of a sudden those other parents... Menichetti: I don't know what Mr., I don't know what he is referring to O.K.? I have no idea. Marushock: Because people thought this was a mute issue. It was done and over with and they just wanted to let it go at, just rest, just to an end. Scaramuccia: So Barbara came to the meeting and now these parents are gonna say, "Oh well O.K. George looked at my kid cross-eyed so yeah he better be outta there". What are they gonna do? We're outta there already. Marushock: No, no. All I was told was that... Scaramuccia: We're outta there. What are they gonna do. Marushock: All I was told was that if it, if it pursued further other people would consider options, their options... Menichetti: Excuse me, have there been any other reports of any incidents like this, since then? Has anyone heard of anything? Because I don't know of any. Marushock: The only one that I was aware of, like I said I believe it to be an isolated incident, 1 incident tot he best of my knowledge. Scaramuccia: Ha Ha, so there you are. You're saying it's 1 incident and she turns around and throws him out. Marushock: O.K. Scaramuccia: And what did he do to get thrown out though? I don't understand what he did except sit on the floor after getting knocked down by the staff, after having a lousy day all day because upstairs or downstairs he had been beat up by those other kids, you know picked on and teased. They bring him up to the gym to cool off, you know. It says he threw a chair. My son says he did not throw the chair. He said, "Ma, I was told to sit ..." Oh because they were watching a movie and 1 kid is saying little curse words and stuff into my kids, wasn't heard so George just pushed him away. He didn't shove him he just pushed him away from me. Nabbed. Mike pulls over sits him in a chair. He said, "Mike was right in my face screaming at me and spitting all over me". He said, "I couldn't stand it Ma I jumped up and the chair fell over". He said, "I picked it up". That got all twisted into George threw a chair. Then he's upstairs, they come upstairs with the kids figuring everything's fine and dandy, Mike takes a kid out to the bathroom and an incident occurs. And then of course we have to come in and do something about it because now they see a kid on the floor. You gotta cover your butt now Mike because you left. Now know it sounds like I'm screaming about Mike and I'm not really because I like Mike. And I guess he did what he felt he had to do at the time although I don't know why he would restrain a kid that's just standing there doing nothing but hey. And why on earth she called the police is beyond me. That is another beauty. That kid was not out of control and she needed to call the police. He was not attacking anybody. But if you read the police report and you read her incident you'll see there's different stories. On her incident report she says, "They were playing". They weren't playing. She said, "Mike was trying to break them up". That's not happening either. She wasn't in the room. She didn't know. She told me herself she was in the other room. She came in and saw this happening so how could she make this report? I don't know. I guess I'm finished. Marushock: All right. I will relay that information requesting the apology and that your child won't be back. Is that it now? Scaramuccia:

Yes. Well I guess that's it although I can't really say I'd like an apology to Michelle Mazzucca also because this women dragged her into it, in with the state and is trying to ruin her reputation. Menichetti: No, that's not true. Scaramuccia: Yes it is true. Menichetti: No it's not. Scaramuccia: Yes it is true. Menichetti: Excuse me. I talked to Mr. Gatto myself so it is not true. Barnick: Oh she talked to him. She talked to him. Scaramuccia: Oh my God. I spoke to Mr. Gatto... Menichetti: Your right I did talk to him and I know him personally. Barnick: She's the one that set it up. Set it up. Lukasewicz: Why did you? Daryl we have a director and we have a borough manager that can talk to Mr. Gatto. Why did you have to talk to him? Scaramuccia: I spoke to Mr. Gatto also... Barnick: But she decided she's gotta do it, the Gestapo. Menichetti: I happen to know this man personally. Scaramuccia: Oh that's... Barnick: Oh so that makes it all better. That explains everything that's going on over there. Menichetti: No, I called him... Lukasewicz: Yeah about borough business. Menichetti: No, I asked him what the procedure was with children. Lukasewicz: It should be done through the borough manager... Barnick: And the director. Menichetti: I asked him what the procedure was and that was all he told me. Lukasewicz: You yelled at Joe for going over there, you're doing the same thing. Barone: Yeah. Menichetti: He doesn't know who I was talking about. Barnick: Actually worse. Barone: Worse is right. Scaramuccia: I spoke to Mr. Gatto also... Menichetti: Hey I could call anybody I want too. Barnick: Wow. It's good for you but not for me. How do you like that. *Many speaking. Gavel heard.* Menichetti:... right to research. Marushock: O.K. Barnick: Joe was researching. Scaramuccia: Excuse me. I spoke to Mr. Gatto also. I called him initially to say... *Inaudible. Many speaking, aruging.* Barone: Wait, she' trying to say something. *Gavel heard.* Scaramuccia: I spoke to Mr. Gatto too. Marushock: O.K. Scaramuccia: But Mr., and then I spoke to *inaudible* and I said to him *inaudible*. He told me that Mr. Barone would have had every right to *inaudible* because you guys are the bosses. So he said, "There was no confidentially broken as far as her maybe speaking to Mr. Barone. He said, " It's a moot issue. It's over. It's done". Lukasewicz: Your politics and my politics are different. Scaramuccia: So I don't know what story he told you but that's what he told me. Barone: Well I know one thing about your kid. Every time he saw me he come up to me and shook my hand, gave me a high 5 and smiled. Lukasewicz: That's right. That's about it. That's about it. Scaramuccia: He's a friendly kid. Barone: Wish they were all like that. So what's gonna happen with this letter. What are you gonna do with it? I can't... *Many begin speaking again.* Marushock: That's, that's... Let me finish audience comments O.K.? Barnick: She pretty much, she pretty much summarized the letter so she *inaudible*, I mean... Marushock: O.K., continuing with audience comments, tonight's agenda the next row please...

Eric Hartshorn - I just, what's the percentage of the DPW's rate that you're giving them? Like 3%, 4%. You're crying about the landfill inspectors and you're giving an awful lot of money, sixty-five and seventy cents and hour. Isn't 3% the cost of living? Marushock: I don't have it broke down in percentage. Unidentified: They do a damn good job... Hartshorn: I didn't say they... *Few begin speaking.* Hartshorn: I never said they didn't... Unidentified: They deserve every penny. Hartshorn: Rocco, I'm not talkin' to you. Unidentified: Then what are you complaining about? Hartshorn: I'm not complaining. I asked a simple question. *Gavel heard.* Marushock: O.K. please. The question was raised.

I don't have the answers totaled in percent. Hartshorn: All of a sudden you flip-flop. I asked a question. I'm not, it's nothing bad against them. I'm just asking a question. Unidentified: Talk about flip-flop. *Many begin shouting, speaking at once, inaudible.* Unidentified: Mr. Chairman. *Gavel heard.* Marushock: Mr. Rocco please. Rocco: Yeah and don't you forget it either. Marushock: Mr. Rocco, Mr. Hartshorn has the floor. Please let him continue. Hartshorn: *Inaudible* at this last election Mr. Rocco? Marushock: Eric did you, do you have anything else? Hartshorn: No that's it. That's all I have. Marushock: Continuing...

**1. Motion by Johnson**

**Seconded by Shortz**

To accept the correspondence as read or posted.

Marushock: On the question. Barnick: Yeah on the question; Does this include that other letter about Mr. Barone? Marushock: It's in our packets... Barnick: As correspondence? Marushock: ... then yes we are accepting it. Barnick: I'm not accepting that. It's a one-sided thing. Marushock: O.K. Barnick: And Mr. Brazil I'd like you to just put your opinion on the record that, whether you recommend to read it to this council, to have him read it in public. I'd like it on the record please. Menichetti: What's any different then what we just went through? *Laughter.* Barnick: Well I just want it entered into the motion and on the record as a legal opinion. Marushock: Anyone else on the question? Anyone else? Barone: If mine gets read in I want this one read in. Marushock: Anyone else on the question?

4 in favor - Shortz, Johnson, Menichetti, Marushock

3 against - Barone, Lukasevicz, Barnick

Motion carried

**2. Motion by Shortz**

**Seconded by Johnson**

To accept the minutes from the September 17, 2004 Council Meeting.

All in favor

Motion carried

**3. Motion by Johnson**

**Seconded by Shortz**

To pay Cathy Egan \$122.21 for transcription services for the 9/17/04 Council Meeting.

Marushock: On the question. Barnick: Just on the question; I will be voting against this. I don't think it's right. Johnson: You'll accept the minutes but you won't pay her? Barnick: Exactly. Meaning the minutes are true - that's what I'm accepting. But I'm voting against having a transcriptionist for these meetings. Not when you have an assistant secretary sittin' here and a borough manager. It's a waste of money and it's nothing against the person. Thank you. Shortz: Well we had, we had an administrator and a secretary and we weren't getting minutes then. Marushock: Correct. Shortz: They didn't have time to do them. Barnick: We never had a problem getting minutes. *Few begin speaking at once, inaudible.* Barnick: You had a couple meetings that were extended because you wanted to run till midnight. What the heck? 80 page

minutes... Shortz: I don't want them to run to midnight. Marushock: There was a reason *inaudible* for the change. Marushock: That's all I have to say. Barone: How long, how long was the secretary we had, how long was she behind with the minutes? Marushock: Months. Shortz: 4 months behind. Barone: 4 months? Shortz: 4 months behind continually. Barone: All right. She's, I still didn't get them from April. Shortz: That's 1.. Barone: Oh that's 1. That's 1. Shortz: Not all of them over... Barone: No she wasn't behind that much for all of them. Shortz: Oh yes she was. Barone: You're just mad at Elaine because she didn't do what you wanted. Shortz: We had 4, 4 minutes that were not presented in a row. Barone: Come on, get on, let's continue. Menichetti: Elaine didn't do the minutes. Marushock: Anyone else on the question?

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

**4. Motion by Menichetti** **Seconded by Marushock**

To pay Building Inspection Underwriters of PA, Inc. in the amount of \$3,841.58 for permits issued for September 2004.

Marushock: On the question. Johnson: Yeah I wanna know if the permits for the Underwriters of Pennsylvania should match what Robbie has in there. Marushock: They are. The reports should be in the back. Johnson: And they should match exactly? Marushock: Yes. Johnson: O.K. Marushock: There's a full report as to what was brought in... Johnson: All right. Marushock: ..total money collected and this is what is due... Johnson: O.K. Marushock: ... to PA. Barnick: Are you saying matched to the zoning report? Marushock: They're matched for this, this amount right here. Johnson: For the permits that are issued in... Barnick: Because not all things are inspected. There's certain things that are eliminated so... Marushock: There's a breakdown on the fees that were collected and the total money that is due. Johnson: Do you need a permit for a sidewalk when you install one Jim, do you know? Barnick: No. Johnson: No? Unidentified: For what Cindy? Johnson: When you poured the sidewalk you didn't need a permit? Barnick: No. Johnson: No? Unidentified: No. Barnick: You outta check into things like that. Johnson: Well I'm asking you. You know it all Mr. contractor. Barnick: Do you need a permit for a roof? Johnson: Do you? Hey you're the contractor. You're the one on top of the roof. Barnick: I don't know. Tell me. Tell me. Barnick: Do you need a permit for a roof? Menichetti: ... a certain percentage of it. Johnson: You're a contractor right?. Barnick: You can't take it. You can't handle it could ya? Johnson: You're a contractor right? Menichetti:... a certain percentage of it you need a permit.

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

**5. Motion by Johnson** **Seconded by Shortz**

To ratify the hiring of Sheavon Thomas as a Daycare Monitor at a rate of \$7.65 an hour.

Marushock: On the question. Barone: Yeah on the question; She's probably a nice girl, I don't even know her but how could you put her to work and then hire her the next, the same night.



stuff like that somebody gets hurt. Marushock: Right. 1 check. Johnson: Wasn't that *inaudible*. Menichetti: No. No it's 2 different motions. Johnson: All right.

All in favor

Motion carried

Barnick: Excuse me Mr. Chairman, could you explain this? Menichetti: It's usually about \$18,000.00 a year. We get the receipt... Barnick: Yeah I know. That's what I'm trying to get at. Menichetti: ... and it goes into a special fund. Barnick: And then we distribute it. Menichetti: No. We don't do anything with it. Barnick: I thought *inaudible*... *Few speaking at once*. Menichetti: They're in charge of it. Marushock: *Inaudible* to the borough and the borough transferred into the Throop Volunteer Fireman's Relief Association. That's it. Barnick: O.K. Marushock: Not to the individual departments Jim. Hebden: It comes in and right on the letter it indicates that. Marushock: Correct. Hebden: If you need a copy of it...

**8. Motion by Johnson**

**Seconded by Shortz**

To allocate \$12,500.00 to each of the three fire departments, Throop Hose Co. #1, Throop Hose CO. #2, and Throop Hose Co. #3. This represents the balance of the annual allotments.

All in favor

Motion carried

**9. Motion by Johnson**

**Seconded by Barone**

To allocate \$200.00 to Maurice Menichetti, Fire Marshal, and to allocate \$100.00 each to Ed Bocan and Jerry Barone, Assistant Fire Marshals. This represents the balance of the annual allotments.

All in favor

Motion carried

**10. Motion by Menichetti**

**Seconded by Shortz**

To adopt Throop Borough Ordinance #9 of 2004, an ordinance prohibiting parking on the western side of Franko Street from Dunmore St. to Steinecke St.

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

Motion carried

Lukasewicz: For the record the parking has been similar to that for many, many years. Barnick: Couple decades at least. Lukasewicz: So it's not like we're changing anything. We're not really changing anything. Marushock: Just doing it by ordinance. Barnick: What are you just getting signs up right? Lukasewicz: Yes. Barnick: Or is there signs? Shortz: Well there are signs but they need... Lukasewicz: I just want to make for the record it be know that we're not really changing anything.

**11. Motion by Johnson**

**Seconded by Shortz**

To authorize Atty. Brazil to take immediate legal action against Tiffany Estates in telling the developer to complete the infrastructure work.

Marushock: On the question. Lukasewicz: Yeah on the question; Atty. Brazil there is no other recourse at this time? Brazil: There, I mean one of the things council can consider is refusing to give them any more building permits O.K.? One of the other courses is to require them post an additional bond O.K.? There certainly could be a course of action to file a action with the magistrate or file an action against them either to compel them or to get the cost of doing it and have the borough do it. Lukasewicz: So then it's your opinion this is our best avenue at this time? Brazil: I, I think it is yeah. Barone: Was a letter, was a letter sent to them prior to this? Brazil: I did not send them a letter but the documents I had there were a number of prior letters sent to them. Barone: O.K. They were, they knew about it right? Brazil: Correct.

All in favor

Motion carried

**12. Motion by Shortz**

**Seconded by Johnson**

To authorize Atty. Brazil to send a letter to Tiffany Estates stating that the borough has not accepted the streets, sewers and infrastructure due to failure to fulfill the agreement.

Marushock: On the question. Egan: I just have a question. I just wanted you to read that back again please. To authorize Atty. Brazil to send a letter to Tiffany Estates stating that the borough has not accepted the streets, sewers and infrastructure due to failure to fulfill the agreement. Egan: Thank you. Lukasewicz: I have a question. Does that mean when the snow comes we're not gonna plow it? Marushock: I don't think that, we were gonna put that in there because we have done it prior to the roads *inaudible*... Lukasewicz: Well, well I'm saying that's a technicality if we're not accepting it then why are we plowing something that's a private development? Marushock: We've done that since it's been in place. Brazil: There, part of the records I received that there was a resolution a number of years ago where council as a curtesy for the residents they would plow the roads. I mean clearly council can say we don't want to do that anymore. I just thought this letter was important so that there's no dispute down the road that this ordinance was not adopted. Because if you look in your ordinance book you got an ordinance in there, O.K.? And I thought it would be prudent to sent them a letter saying this, we have not in fact taken these roads although we're doing this as a curtesy we haven't taken them. Marushock: Anyone else on the question. Barone: You know maybe this is stupid, I wanted to ask. Getting back to these streets - we haven't taken these streets over but we're plowing them. Now what's gonna happen say one of our plows hits the curb and rips up a curb. Are they gonna sue the borough? Barnick: Well the understanding I had when this was all arranged where we plowed and picked up garbage was that their was a letter set, between Robbie and them they set it up where that they would waive any type of, if I remember right. As long as we would plow the roads and pick up the garbage because

them people down there pay taxes in the town so there's no reason why we should deny them a service even though probably the developer should be required. I don't know how it works with that but... Menichetti: It's only 2 streets. Marushock: Anyone else on the question? Menichetti: I know it's a private development but still like he said they're taxpayers too. Lukasewicz: I'm not saying that we shouldn't plow them. I'm just, I'm making sure that they're going to be plowed is what my concern was. Barnick: Yeah I wanna insure that. Lukasewicz: That's what my concern was - that they're going to be plowed. Johnson: Yeah. Um hum. Menichetti: Absolutely. Barnick: I mean it took over 10 years or so to accept Martarano's streets up there. Lukasewicz: I don't wanna see anything to hinder the residents... Menichetti: Oh I don't either. Barnick: Right. Johnson: Yeah.

All in favor

Motion carried

**13. Motion by Johnson**

**Seconded by Menichetti**

To authorize Atty. Brazil to check into the civil suit regarding the Snell property.

Marushock: On the question. Lukasewicz: On the question; Atty. Brazil what exactly is this because I'm not up on this. What lawsuit is this? Brazil: I, apparently there was a, the Snell's had filed I think it's a zoning issue. They filed something through the zoning or the zoning had filed a enforcement notice against. I'm not really sure. I haven't seen it. I think that's why they're making the motion so me to go to the courthouse, pull up the files, see where it stands. Johnson: ... the sidewalks and everything. Lukasewicz: Is this about the sidewalks or the walls and all that stuff? Johnson: All of that yeah. We just want to know what's going on with it. Brazil: Right. Right. Yeah.

All in favor

Motion carried

**14. Motion by Johnson**

**Seconded by Menichetti**

To accept the DPW contract. The wages attached are .65 cents per hour the first year, .65 cents per hour the second year, .70 cents per hour the third year. The 4<sup>th</sup> year of the contract the wages are to remain open. To include \$100.00 for work boots and also with the condition that the health insurance stays the same as current with the possibility for renegotiation when the police have theirs.

Marushock: Next is the motion to accept the DPW contract... Johnson: I'll make the motion. Marushock: The wages attached are .65 cents per hour the first year, .65 cents per hour the second year, .70 cents per hour the third year. The 4<sup>th</sup> year of the contract the wages are to remain open. The one addition to the current contract is the additional, I'm sorry, to include \$100.00 for work boots and also with the condition that the health insurance... Unidentified: Stays the same. Marushock: To remain open and renegotiating. Brazil: Negotiate *inaudible*. Lukasewicz: Stays the same as current... Johnson: Correct. Lukasewicz: ... with the possibility for renegotiation when the DP, when the police has their... Johnson: Yes, but right now the same... Menichetti: Now when you say first year

you mean '04, '05, '06, and '07? Marushock: Yeah 'cause actually we're in, there's an expired contract now... Brazil: They're expired this year yeah so... Marushock: ..that expired March 24. Brazil: Right. So the first year would be 2004. Menichetti: O.K. Marushock: So these wages would be retroactive to... Brazil: Correct. Menichetti: January. Brazil: They'll be retroactive. Marushock:... expiration date.

Marushock: On the question. Barone: Yeah on the question; Everybody's bragging about how good our DPW is. They're terrific no matter what they do and you guys are holding back their *inaudible*. Menichetti: We're not holding back anything. Barone: You want to pay them to make a co-pay. That what you're, that what the problem is? Marushock: We're looking to address the health care coverage. Barone: You still want them to have a co-pay? Johnson: It's gonna stay the same Joe, is what we're gonna do here. Shortz: It'll stay the same until they renegotiate. Barone: Well then that's not what I'm hearing from her. Are you *inaudible* the co-pay at? Marushock: Probably. It needs to be negotiated... Barone: Why? There's only 7 guys. What are you picking on these 7 for? Marushock: Because of the cost of the... Barone: *Inaudible*. How much you spending for, all these land, you're worried about 7 guys that break their humps for ya. 3 of them got bad backs. Marushock: Not only the DPW Mr. Barone. It would be for every borough employee. Barone: Oh yeah, yeah. Marushock: We're trying to be fair to everyone. And this is to try and control cost as the citizens in the town are *inaudible*. We're just trying to make everybody fair.

6 in favor - Shortz, Lukasewicz, Johnson, Menichetti, Barnick, Marushock  
1 against - Barone\* Motion carried

\*Barone: I'm against that until they, keep that co-pay away from these guys. *Many begin commenting at once*. Menichetti: We're not putting a co-pay on. Barone: That's what you're voting at. Barnick: Joe. Barone: That's the only stumbling block holding that, that contract up. Menichetti: No. Barnick: Joe. *Many continue speaking at once, inaudible*. Menichetti: You wanna to hold it up? Shortz: No, he doesn't want them to get their money. Unidentified: ... for the 4 years. Is that what he said? Menichetti: He doesn't understand. He just doesn't understand. Marushock: Continuing with the roll call.

**15. Motion by Menichetti \* TO TABLE\* Seconded by Johnson**

To allow training and upgrade of the borough computer system from CompuData. The amount of the upgrade program is \$3,350.00, plus the cost of training.

Marushock: Motion please? Johnson: I'll make the motion. Marushock: Motion by Miss Johnson. Second? Menichetti: Geddy could we just table this for now. I'd like to put a motion on to table this until we could look into this just a little bit further. Marushock: O.K. Motion by Ms. Menichetti to table motion #15. Johnson: I'll second it. Hartshorn: So I need to cancel this women coming on Monday? Unidentified: You're gonna have to. Hartshorn: O.K. Marushock: O.K....

All in favor Motion tabled

16. Motion by Menichetti

Seconded by Shortz

To accept Melissa Casey's letter to Mr. Novack. To have it read and accepted into the permanent record book.

Marushock: On the question. Barone: Yes on the question; Like I said before if this is read I want her letter read in there. And if it's not I'm getting my lawyer after you. You said that mine could be read. I'm not worried about my letter. I know I'm right, I didn't do anything wrong. But here's a letter here she puttin' on me, there it is, you could get all of this information in 2 minutes that I was talkin' to her? Barnick: Just on the question; This is all politics directed by Miss Daryl Menichetti. Barone: You better believe it. And she even mentioned that after, that's politicking... *Many begin speaking, arguing. Inaudible.* Barone: I want what I want... Barnick: It's all 1 sided. It's all 1 sided. That's all it is. Menichetti: I'm sorry... I wasn't at the Civic Center. I had nothing to do with it. Barone: I'm warning you. I'm... Marushock: Anyone else on the question? Barone: ... I'm not taking this no more. That girl is not gonna slander my name. Barnick: They're settin' you up Joe is what they're doing. Barone: And getting away with it. Unidentified: Table it until you investigate. Menichetti: No. Barnick: There was no investigation. There was nothing. They're taking 1 side, that's it. *Gavel heard.* Marushock: Mr. Rocco it's between the council at this time. Barnick: It's all politics. Barone: ... I don't care. I'm warning you ahead of time. You better get a hold of Jennifer Gongliewski and Ann Marie Stoffey. Bring them in here right now. Marushock: Roll call please on motion... Barnick: You're best bet Joe is file harassment charge tomorrow. Barone: I am.

4 in favor - Shortz, Johnson, Menichetti, Marushock

3 against - Barone, Lukasewicz, Barnick

Motion carried

Barone: No opinion Mr. Brazil? Brazil: I thought I already gave it. Barone: Well give me another one. I want it a little longer so I can hear it. Barnick: He just wants it entered on the record into the minutes. Brazil: Oh I under... and I think it was already done and I'll even elaborate. There was a complaint made by an employee of the borough against one of the councilpersons. Barone: Go ahead. Brazil: That employee forwarded that letter to council as a whole and the borough manager. The question that was presented to me is - Is it illegal for council to read that letter O.K.? And I'm not picking any sides but I don't see any illegality on reading a letter concerning a councilperson. Barnick: O.K. Mr. Brazil I want you to elaborate a little bit. I didn't ask whether it was illegal. I want you to know whether it is ethical and followed the 6 reasons for executive sessions under the Sunshine Law. Now elaborate please. Johnson: Oh God. Barnick: Please. Brazil: I'm not, I'm not... Barnick: There are 6 reasons for executive sessions and personnel is one please... Johnson: How 'bout if you spout them out Jim for us? Why don't you spout them out? Barnick: Oh you don't like that do ya? *Many speaking at once, inaudible.* Menichetti: I call the question. Johnson: Yeah really, call the question. Menichetti: Oh we voted already. Barnick: I'd like an elaboration. Hey he's got an opinion I want the opinion on there. Brazil: Daryl if I can - there are 6 exceptions to the executive session and 1 of those is personnel but personnel does not apply to councilpersons, it doesn't apply to

hiring an engineer, it applies to employees, all right? And an executive session is something that council can choose to do. Marushock: At this time... Barnick: But there's nothing illegal. Is it ethical? Marushock: O.K. at this time I will read the letter... Johnson: According to your ethics Jim? Is it according to your ethics? Barnick: Under the ethics act in the, in admissible code. Brazil: Is it legal for council to read... Barnick: No I didn't say legal I said ethical. Johnson: Under your policy of ethical or... Barnick: She can't stand when I... I got all the knowledge. She can't stand it. *Gavel heard.* Barnick: She can't stand it. Johnson: There's nothing like talking to an idiot Jim. *Gavel heard again.* Barnick: You're the biggest... *inaudible.* Johnson: You know. Are ya? Barnick: 1,2,3,4. Spend, spend, spend money. Johnson: Yeah, 1,2,3. Marushock: At this time I will read... Please. Barnick: Blow this town away. Barone: *Inaudible* this letter. And I don't care if she sues me. This is not Melissa talking that's her. Barnick: Exactly. Barone: That's Daryl. She's talking... *Gavel heard. Many speaking, arguing. Inaudible.* Barone: That girl didn't even know me to come up with all those judgements on me, opinions on me. And you were standing behind her back. Menichetti: I wasn't over the Civic Center-you were. Oh, I... you were. I wasn't over there - you were. Barone: And I also have another thing. I got a witness when you were standing behind her back you were coaching her. The witness heard it all. It's comin' out... Marushock: O.K. Menichetti: You were. *Gavel heard.* Barnick: Joe, Joe she's tryin' to hide from everything... Menichetti: I don't have to hide from anything... Marushock: I will now... *Many continuing to speak, argue.* Barone: ... cover up for Melissa. Barnick: Your finished Jim. Marushock: Mr. Barone... Barone: Go ahead read the letter. I don't care. *Gavel heard.* Marushock: Council at this time I will now read the letter into the permanent record.

The letter's addressed to Ken Novack and Council from Melissa Casey, Director of Throop Civic Center. Date: October 12, 2004. The letter states... Barone: Excuse me one minute, I don't mean to interrupt you Mr., Mr. President.... Marushock:...that on October 12, 2004... Barone: ...how come she's not here tonight? *Inaudible.* Marushock: ...at approximately 4:30 p.m... Barnick: She wasn't here last week either. *Gavel heard.* Marushock: ... shut your fat mouth! *Many react.* Barnick: What? Oh... Barone: I'll talk if I want. My lawyer's comin' after you buddy! *Many continue to argue, react. Inaudible.* Marushock: I will again... *Inaudible.* Marushock: I'll sit here all night. Barone: No you won't. I don't care if you read the letter or not now. My lawyer's got it. Unidentified: All right. The lawyers got it now let Geddy... *Few speaking, inaudible.* Barone: See that Barbara, what you gotta deal with? Cream of the crop. Unidentified: Oh yeah. *Inaudible.* Menichetti: Geddy... Geddy... Barone: 4,000 people in this town... Marushock: Whenever you're ready tell me, I'll read it. Barone: Go ahead, read it. Marushock: The letter states... Barone: Why don't you table it until we get more information? Marushock: ... on October 12, 2004 at approximately 4:30 p.m. Mr. Barone entered the Throop Civic Center. Mr. Barone went into the senior center for 2 minutes and then proceed to talk to Kim O'Connor in the hallway. They were whispering for about 5 minutes and then they both looked at me and laughed while Kim stated, "I will keep that on the down-low for next meeting". I'm really not sure... Barnick: It's talkin', it's talkin', this is ridiculous. Marushock: ... what that ment... Menichetti: Quiet. Barnick: Wow. Don't tell me quiet. Menichetti: Shut up. Barnick: Jerk. Marushock: ... but I was offended that Mr. Barone had come into the building and tried to embarrass me in front of my staff. I assumed Mr.

Barone had left the building so I went back to the office to speak to Diane... *Few speaking at once, inaudible.* Menichetti: Shhhh. Mr. Chairman can you start over again because I can't hear... Barnick: Please. *Few heard saying, "No".* Barnick: We'll have Daryl direct you to start over. Marushock: All right. I will start over again. Hopefully... Barnick: Daryl directed him to start over, how 'bout that? There's your direction. Marushock: Hopefully we could continue uninterrupted. If not I will continue to start over 'till it's read... Barnick: Keep startin' over... Marushock: On October 12, 2004 at approximately 4:30 p.m. Mr. Barone entered the Throop Civic Center. Mr. Barone went into the senior center for 2 minutes and then proceed to talk to Kim O'Connor in the hallway. They were whispering for about 5 minutes and then they both looked at me and laughed while Kim stated, "I will keep that on the down-low for next meeting". I'm really not sure... Barnick: So she's eavesdropping on conversations? Wow. Johnson: Did you quit takin' your medication Jim? Barnick: Wow. Wow. Johnson: Can't you concentrate? He's talkin'... Barone: Mr. Brazil eavesdropping conversations on the, on the speaker isn't that against the law? Unidentified: She wasn't... Menichetti: You were standing in the hallway she said. Barone: No... Menichetti: Melissa... *Inaudible.* Barone: Why don't you stop this and have Jennifer Gongliewski come over here and Ann Marie Stoffey. Barnick: He can't talk. He can only recommend, that's all he does. Barone: Huh? Barnick: He only recommends. Barone: Or do you just do what they tell you? Barnick: That's it. Barone: That's it. Barnick: He said it at the last meeting. I work for *inaudible.* Barone: Go ahead, I'm sorry George. Go ahead. Shut up will you? I'm not even talkin' to you. Marushock: *Inaudible* I got time here Joe. Barone: You should be seen and not heard. Shortz: That's right. Barone: Mrs. Gould. Shortz: That's right you should... Marushock: Continuing... I'm really not sure what that ment but I was offended that Mr. Barone had came into the building and tried to embarrass me in front of my staff. Barnick: Where's the embarrassment? Marushock: I assumed Mr. Barone had left the building so I went back in to the office to speak with Diane before I left for the day. About 15 minutes later I went to leave and on my way out I noticed that Mr. Barone was in the game room talking to Jennifer Gongliewski and Ann Marie Stoffey. Barnick: She likes you Joe. Marushock: As I... Barnick: She likes you. Barone: Yes she does. Maybe she'll go out with me, huh? Johnson: Oh that's disgusting Joe. That was just perfect. Barone: Shut up. *Many begin shouting, inaudible.* Menichetti: Sexual harassment! Sexual harassment! Johnson: Maybe she'll go out with you? You should be the first one. And you better quit with your hands. Barone: I know what harassment is. Menichetti: Sexual harassment. Shortz: Make sure that's on there. Johnson: That's right. Right there you sealed your... Barone: Yeah, yeah, yeah. Go ahead. Go ahead. Barnick: Oh Jesus. Johnson: Will she go out with me? Barnick: You, you should, you should, you have room to talk. Johnson: Will she go out with me. Shortz: This is *inaudible.* Johnson: Will she go out with me. Shortz: And you're gonna get caught. Barnick: Hey go ahead. Be my guest. Menichetti: Keep going Mr. Marushock. *Laughter.* Johnson: Will she go out with me. Barone: I'll blame him and I'll *inaudible.* Marushock: Whenever you're ready let me know. Continuing with the letter. As I passed by the game room I noticed that Mr. Barone, Jennifer, and Ann Marie all stopped and looked at me. I then stopped in the hallway and asked Jen, "Is there a problem in here? Because you should be watching the children". Barnick: You people really hate them 2 employees. Marushock: I then looked at Mr. Barone and said, "Mr. Barone is there something that I can help you with? The

employees are to be watching the children". Mr. Barone then started raising his voice saying, "Are you accusing me?. Tell me right now in front of these people that you are accusing me". I said, " Mr. Barone I don't understand what you think I'm accusing you of but is there something that I can help you with? If not please leave". Barnick: Tellin' him to leave the Civic Center? Barone: Yeah. Barnick: Leave the Civic Center. He's a senior citizen, leave the Civic Center. Directing a councilperson - how 'bout that? Menichetti: Continue Mr. Marushock please. I'd like to get home...*Many begin speaking.* Barnick: We don't like you - get out. That's what they did. Apparently that what happened. Marushock: Let me start from the beginning. *Gavel heard. Many begin reacting.* Barnick: Because I'm gonna keep going too. Marushock: Let me start from the beginning hopefully uninterrupted that this will be read as the way other letters were read in the past, uninterrupted. Barnick: Well if you read a little faster maybe we could get through this. Hartshorn: If you'd shut up you could get through it. Barnick: You don't like that Eric? Too bad. Too bad. One of these days you might get a chance to sit up here but I doubt it. I doubt it. *Many begin speaking at once again, inaudible.* Barnick: You don't think so. Hartshorn: No I don't think so. Lukowski: Holly Cow. Barnick: And I'm really worried. Hartshorn: You should be. Barnick: Oh yeah. Hartshorn: You should be. Marushock: You impress me so much. Marushock: Whenever... This letter, this letter, before tonight is over this letter will be read... Barnick: What a waste. Marushock:... into the permanent record uninterrupted. Hartshorn: So are you. Marushock: I've got all night. I'm *inaudible*... Barnick: You could read it Joe. Barone: If she wants it read. Barnick: You could read it Joe. Marushock: Whenever you're ready just let me know. Unidentified: We're ready. Menichetti: We're still, Mr. Chairman we're still on the motion so you know you still have a few more motions... Marushock: Continuing with the letter starting from the beginning; On October 12, 2004 at approximately 4:30 p.m. Mr. Barone entered the Throop Civic Center. Mr. Barone went into the senior center for 2 minutes and then proceed to talk to Kim O'Connor in the hallway. They were whispering for about 5 minutes and then they both looked at me and laughed while Kim stated, "I will keep that on the down-low for next meeting". I'm really not sure what that ment but I was offended that Mr. Barone had come into the building and tried to embarrass me in front of my staff. I assumed Mr. Barone had left the building so I went back to the office to speak to Diane before I left for the day. About 15 minutes later I went to leave and on my way out I noticed that Mr. Barone was in the game room talking to Jennifer Gongliewski and Ann Marie Stoffey. As I passed by the game room I noticed that Mr. Barone, Jennifer, and Ann Marie all stopped and looked at me. I then stopped in the hallway and asked Jen, "Is there a problem in here? Because you should be watching the children". I then looked at Mr. Barone and said, "Mr. Barone, is there something that I can help you with? The employees are to be watching the children". Mr. Barone then started raising his voice saying, "Are you accusing me? Tell me right now in front of these people that you are accusing me". I said, " Mr. Barone, I don't understand what you think I'm accusing you of but is there something that I can help you with? If not please leave". He replied in a loud voice, " I can talk to whoever I want and if you want me to leave then you need to get force". I replied, "Fine". I then immediately went into the office and tried to call the Throop police to escort him out. No one was available at the police department so I then proceeded to call Ken Novack. As I was on the phone with Ken Mr. Barone looked at me and left the building. I was extremely upset that Mr. Barone once again has tried to

humiliate me in front of my staff and *inaudible* whom I am trying to gain respect from in the town and children that are witnesses to him screaming at me. Jennifer Gongliewski and Ann Marie Stoffey were on the clock getting paid to watch the children that are paying us for after school care. This is one of the many problems here that parents pay for their child to attend... I'm sorry, let me rewrite, restate that sentence... Barnick: Why don't you *inaudible*... Marushock: This is one of the many programs here that parents pay for their child to attend and expect in return that the employees are watching their children. Mr. Barone has taken them away from their job duties. Mr. Barone was informed before not to socialize with the employees when they are on the clock. Mr. Barone is one of my superiors and I don't mind talking to him as a human being although I believe I should be treated with the same respect. I spoke to Diane, assistant director, since she heard Mr. Barone yelling. She said, "I can't believe he comes in here yelling like that, especially at you". She also told me that Mr. Barone has been coming in here several nights during the week talking to the employees. Mr. Barone should not have, should not be having conversations with any of the employees. If he wants to say, "Hello" then that is fine but taking the employees aside and talking and taking them away from their job... Lukowski: *Laughter*... Barnick: Unbelievable. That, this is, I can't believe that. This is a joke... Lukowski: God Almighty. Johnson: They should be watching the children though. Barnick: Oh God. Unidentified: Unbelievable. Barone: All right Mr. Marushock continue. Marushock: I'm not, I'm gonna do that one paragraph over. Unidentified: Start it over. Marushock: O.K. Just the paragraph. Barnick: Start it all over. I spoke to Diane, assistant director, since she heard Mr. Barone yelling. She said, "I can't believe he comes in here yelling like that, especially at you". She also told me that Mr. Barone has been coming in here several nights during the week talking to the employees. Mr. Barone should not be having conversations with any of the employees. If he wants to say, "Hello" then that is fine but taking the employees aside and talking is taking them away from their job duties and taking them away from the children. These employees are working at the time. If he wants to socialize with them he has every opportunity to do it on the outside and not while they are employed supervising children. Before I left for the day I went into the game room and talked to Jennifer Gongliewski and Ann Marie Stoffey. I said, "You both know that politics is not allowed in this building and I am extremely disappointed that you both spent 15 minutes talking to Mr. Barone when both of you should have been watching the 20 children that were in the game room. If you have a visitor you are to keep it under a 2-minute conversation but never if it interferes while watching... I'm sorry... but never if it interferes with watching children. If you need to talk to Mr. Barone do it on your own time not while you are punched in".

I would like to develop a new policy for the Throop Civic Center as follows: It's titled - Chain of Command - It goes as such - If an employee or anyone, parent, council member, child, etc. of the Civic Center has a concern regarding the Civic Center they are to report to the director of the Civic Center. Once discussed with the director and if the employee and I cannot come to a conclusion that resolves the problem then I will report to Ken Novack, the borough manager, to intervene. At that time, if Ken Novack cannot help to resolve the problem, then it would be reported to all council members.

Barnick: Who said if he had a problem? *Many begin speaking at once, inaudible.*  
Unidentified: Joe, don't do anything wrong... Barnick: You can't speak. With them it's the

Gestapo. You can't speak, you can't do nothing. Barnick: ... and the only thing I said to Kim, what's her name - O'Connor - is I asked her how her husband was doing... *inaudible*. Unidentified: ... said she has a problem because everybody's talking instead of doing their job buddy... *Gavel heard*. Barnick: Just as far as your, Mr. Marushock, just as far as your correspondence and stuff like that since you read that other one, Amy I seen a lot in there from Mr. Kokinda is it - and stuff like that. So where are we at on that? Hebden: To me? Menichetti: Were you not at the last meeting? We hired another treasurer. Lukasewicz: When's she taking over? Barnick: Yeah, that's what I'm talking, I remember you said that your letter was for October 8<sup>th</sup>, that's why I'm... I'm wondering why you're sittin' here. It just hit me now. I'm trying to figure out what's going on. Lukasewicz: If she decided to stay on we have to ratify... Unidentified: I'm sorry... Barnick: You have to approve that by motion you can't just... Menichetti: May I say something please? Lukasewicz: Go ahead. Menichetti: I spoke with Mary Ann Paulic and she will not take any remuneration for her training. She said that you know Amy can get paid for the month and she would just train on her own time without getting paid. Amy is not always available to train her. It's hard... Hebden: On Saturday we did train for ... Menichetti: Yeah, for a couple of hours but she needs more than that. *Few speaking at once, inaudible*. Rocco: ... a motion to hire Mary Ann. Barnick: Yeah, yeah there was. Marushock: Mr. Rocco... Menichetti: So Mary Ann said she will not take anything and Amy can get paid for it, the money. Barnick: But the fact is the letter was accepted for October 8<sup>th</sup> I believe it was, right? Marushock: At the meeting... Barnick: You have to agree, you have to change that and re-do it. Marushock: At the meeting Amy agreed to stay on. Menichetti: I don't even think we've gotten the bonding yet. Hebden: you did ask, Geddy did ask at the meeting to stay on. Unidentified: At what meeting? Hebden: When I ... Marushock: Mr. Novack did the bond... Barnick: Last week. Marushock: O.K. Amy, before I continue on these are you willing to stay on board until we have the bond in place and/or at least the end of the month? Hebden: Yeah. I told Mary Ann I would train until the end of the month as long as... Marushock: We cannot bring someone on board officially until the bond is in place, correct? Menichetti: Well she's gonna train. Marushock: Right. Menichetti: She'll be in training. Hebden: Yeah. I told her I'd ... Menichetti: She won't be doing anything. She'll just be in training. Marushock: And if we need to we can put a motion on for this evening to ratify Miss Hebden begin on board until the end of October. Hebden: That's fine. Marushock: O.K. O.K., continuing with the one motion, motion #17...

**17. Motion by Barnick**

**Seconded by Lukasewicz**

To direct Robert Kalinoski and/or KBA engineering to apply for the permit along the Lackawanna River immediately to conduct the maintenance of the levee system to the elevation of 1957.

Marushock: Would someone like to make the motion? Barnick: Yeah, I'd like to make the motion but to direct Robert Kalinoski and/or KBA engineering to apply for the permit immediately to conduct the maintenance of the levee system to the elevation of 1957.

All in favor

Motion carried

Marushock: With this one new motion I will go to audience comments before we do vote on it. The new motion (#18)...

**18. Motion by Barnick**

**Seconded by Johnson**

To ratify Amy Hebden staying on board as Borough Treasurer until the end of October 2004.

Marushock: In regards to audience comments on that motion I'll start with the first row.  
Barnick: I'll make that motion. Johnson: I'll second it. Anyone from council on the question?

All in favor

Motion carried

Marushock: Anyone else have, from council, have anything at this time? Barone: Yeah, I wanna make a motion here to pass the DPW contract. I wanna make a motion to pass that contract even with the insurance and with everything. Those guys deserve it and you're just *inaudible* because I know what you're trying to do. And the only complaint they have is about the co-pay. You're gonna do that to them then next year you're gonna do it to the police. That's what you're planning. I make the motion that you sign this contract now and get it over with. They deserve it. *Many begin speaking.* Barnick: It is. It is. It is Joe. Menichetti: Joe... *Inaudible.* Unidentified: It's done. Barone: Oh it is? Unidentified: All except the insurance. Barone: I want... *inaudible.* Barnick: Done. It's done. It's done except the insurance. Johnson: We did it. Yeah we did. Barone: You said they're still negotiating it. Unidentified: No. No. Johnson: No we just passed... Menichetti: It's the same. Johnson: We left it the same Joe. Menichetti: It's the same Joe. Johnson: The same. Barone: Then what are we negotiating for? You said we have to negotiate. Barnick: They're gonna keep the current insurance until they hold some negotiations over the insurance at a later date. Marushock: Correct... Barnick: That's all. Johnson: Yeah I mean I, I voted to keep it the same Joe. Menichetti: And Joe as far as co-pay goes the ones, people that are on the Access Care 2 do have a co-pay. When they go to the doctors they pay \$15-\$20, whatever it is, that's they're co-pay. What you're talking about is employee contributions. That's different. Barone: They shouldn't even have to... Menichetti: Well that's a different thing.

Marushock: Anyone else have some, does council have anything? Mr. Mayor do you have anything to add? Lukowski: We're gonna have our annual blood drive October 28<sup>th</sup> at the Civic Center. For the last, well many of them, we've gotten over 100 clients each collection and oh well over 1,000 since we've started over at the Civic Center. And that's a big help especially this time of the year with blood drives when you can get over 100 pints of the life-giving fluid. So anybody here wanna donate I'll sign you up. Marushock: O.K. Unidentified: You don't want no blood from here. *Laughter.* Lukowski: Too much spread already I see. Marushock: At this time we will open the meeting to audience comments/new business. Barone: One more thing Mr. Marushock before we go. What are you gonna do with this ladies letter? Do you want, does she want it read? Scaramuccia: I

don't think it's worth it. If anybody wants to see it I have a copies of it. What's the point? Everybody here read it already, they've already dismissed it. Why read it again? We're going to waste everybody's time... Barone: I can't tell you to do it... Scaramuccia: ... you've got all the snickering going on behind the scenes. I can't really believe the way you people behave. Marushock: O.K., audience comments new business...

**Dominick Rocco** - I was wondering did you buy the pumps? I missed that last meeting. Marushock: Pardon? Rocco: The pumps that they wanted to buy, you were supposed to put out for bid. Were they bought? Lukasewicz: They were bought. Marushock: Yes. Rocco: What about the sump pump? Has anybody look into getting that sump pump for that storm drain next, the last one there that they have to pump out every time it gets high? Marushock: We bought 3 fairly large pumps, we bought a couple submersible pumps. Actually one of the larger pumps went to each of the 3 fire departments. We bought 1 the day of the incident and we also bought some submersible pumps. We are definitely better prepared at this time than we were. Rocco: No, I'm talkin' about the sump pump for the storm drain that's at the last house on Bellman Street. Because every time that river comes up the storm drain backs out and they gotta go down there and pump it back into the river. I suggested to get a sump pump. This way it will stop it from getting up so high... Barnick: I think he was meeting over the engineer about that one. Rocco: What's that? Barnick: I thought he was supposed to meet over the engineer on that. Rocco: Yeah. I was just wondering if he did anything about it. Barnick: Well he's not in. I guess he's out this week or whatever. Shortz: Robbie. Rocco: Robbie is out yeah. That was brought up last month. Shortz: I know it *inaudible* even Robbie said he didn't think that was feasible but I don't know... Rocco: But they're doing it over on the Dickson City side. Shortz: I don't know. I remember him saying it at the meeting, something about... Rocco: Well I didn't hear him say that. Shortz: Well he did at one meeting but I don't know where it went from there. He's looking at it... Rocco: I know Dickson City's getting one, right Kenny? Novack: They're supposed to be getting one. Rocco: They're gonna get one for the other side 'cause they had the same problem. Instead of waiting till it gets up and everybody gets flooded out down there it kicks off and throws it right back into the river, right *inaudible*. I suggest we look into it and buy... Marushock: All right. Continuing with the audience comments new business... Motion to adjourn? *Inaudible*...

Motion to adjourn the meeting - 9:05 p.m.  
Minutes by Cathy Egan