

Agenda
Throop Borough Council
Monthly Meeting
Tuesday, December 28, 2004
Followed by the 6:30 Monthly Work Session

Pledge of Allegiance.

God Bless Our Troops and the Coalition

ROLL CALL:

Members of Council:

Joseph Barone - P

Thomas Lukasewicz - P

James Barnick - P

Daryl Menichetti - P

Cindy Johnson - P

Vice President - Susan Shortz - P

President - George Marushock - P

Solicitor - John J. Brazil, Esq. - P

Mayor - Stanley Lukowski - P

Treasurer - Mary Anne Paulic - P

Borough Manager - Ken Novack - P

Announcements:

Throop Borough Officials and Employees would like to wish everyone a Happy & Healthy New Year.

Marushock announces motions that have been added to the printed agenda. A discussion takes places regarding the Assistant Secretaries desk in the hallway.

Menichetti – I think we should put a motion on that anyone seen sitting at that desk that doesn't belong there should be escorted out of the building.

Lukasewicz – I think before we get to that point we should find a place to put that desk somewhere else besides the hallway. I think it is about time we find a place.

Menichetti – Do you have any suggestions?

Lukasewicz – Maybe somebody can buddy up on one of these offices. I think we should have Kenny review this situation and see if he can make a recommendation on where we should put that desk and maybe divvy up an office somehow. We have a Police Chief and Mayor, why can't they use the same office?

Menichetti – Why can't they?

Lukasewicz – Stanley you would agree with that right? The mayor is in charge of the police, right? How about the Mayor's office down the hall? It isn't too large, but it is big enough to accommodate an office for a secretary so things aren't done in public view.

Marushock – Mr. Mayor, do you have any objections to combing your office?

Lukowski – The Chief's office is too small to share.

Lukasewicz – Ken can you look into making a recommendation possibly...

Menichetti – I was thinking when we got the DPW garage, I was thinking Robbie would take his office over there and we could put Kenny in Robbie's office and Christine could have the office where Kenny is now. That was my original plan.

Lukasewicz – The zoning office should stay there.

Menichetti – Anyone found sitting at that desk, that doesn't belong there, should be escorted out of the building and should not be allowed to return. Unless they have official business. Your making a joke out of it Mr. Rocco, it isn't a joke.

Barone – Why don't you just put a fence around it for Christ's sake. Or put a cop out there and watch it.

Mr. Marushock can I ask you a question? Why isn't Chrissy sitting up here anymore?

Marushock – We really don't need her.

Barone – I think she was doing a good job.

Marushock - I think with paying the salary and everything involved, I think Mr. Novack can cover that.

Barone – Was she getting paid extra for that?

Lukasewicz – So Ken is going to handle all the duties that Christine used to do here?

Marushock – No, No, No Ken is taking care of the motions and such like this and Ken is actually the Borough Manager. There were times in previous years that our Assistant Secretary did not attend meetings.

Lukasewicz – Well she has been sitting here all year and things have been working smooth.

Marushock – Well with our transcriptionist here now, we now have access to have these minutes quicker and all these motions will be able to go to the department heads.

Lukasewicz – So Ken will have to tell everybody tomorrow what happened here tonight because Christine isn't sitting here. If Christine wasn't sitting here in the audience as a citizen she would have to wait for Kenny to tell her everything tomorrow so Kenny is going to have to take time out and say Christine we did this, this and this at that meeting yesterday. And time that is valuable for him to be doing other things and then he has to fill her back in when could just sit here. Was is that much money? This shouldn't of never been changed, she has been here and things have been working, why would you change it?

Barone – I was just wondering because you create a job and then you get rid of her.

Lukasewicz – For him to tell her what happened in three hours is going to take him eight hours.

Marushock – I am open to suggestions.

Mrs. Hartshorn – I would take some of my time in comp. time and maybe a couple hours overtime if there was a week where I knew I had to stay and I couldn't afford to leave and if I had

TREASURER'S REPORTS:

Mary Anne Paulic, Treasurer will read the treasurer's reports and the totals of the paid and unpaid monthly bills.

2. Motion by **Lukasewicz** Seconded by **Johnson**

To accept the General Fund Statement, Borough Revenue Report, Civic Center Revenue Report, Keystone Landfill Credit Report and to accept the Items of Payment as submitted by Mary Anne Paulic, Treasurer.

Unpaid bills: Items for Payment	\$141,032.71
Paid bills:	\$89,010.89
Revenue Report	\$81,013.30
Keystone Landfill Credit	\$6,672.76

On the question-

Barnick – are there any expenses in there for the jackhammer? Did we get that solved yet?

Marushock - No we did not, I know Mr. Kalinoski has some prices. He is also looking at an air compressor which the air compressor would be more feasible for Borough purposes. I know an estimate he did receive was on a used one...It has been looked into Mr. Barnick

All in Favor – Motion carried

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

To pay all the employees of Throop Borough.

All in Favor – Motion carried

4. Motion by **Lukasewicz** Seconded by **Johnson**

To accept the correspondence as read or posted.

Mr. Marushock reads a letter written by Daryl Menichetti addressed to Council.

To Throop Borough Council, Mayor, Citizens of Throop
From Daryl A. Menichetti
Date: 12/22/04

The most disturbing event occurred at the Throop Civic Center a week or so ago that I feel was not adequately addressed by this board. It was reported that Joe Barone approached the District Attorney's of Lackawanna County and requested an investigation into alleged wire tapping at the Civic Center which is a criminal offense. Two County Detectives at the direction of the D.A. and at the request of one individual Joe Barone appeared at the Civic Center and asked to speak with Melissa Casey, Director regarding the audio equipment used at the center, which by the way was installed in the past at the request of Council. They appeared without search warrant or written appointment and asked to see our equipment. Of course no crime had been committed except the accusations them self. My question is why our tax dollars was spent for these two detectives to investigate allegations by Joe Barone and our Chief of Police, Neil Furiosi had already looked into the situation and knew there was no problem. I would like an explanation from our belerious D.A. as why they refused to look into possible altering of Borough minutes when a request came from this governing body and no nearly one individual trying to harass and intimidate a young women employee. I am requesting a public apology first by Joe Barone to Melissa Casey for accusing her of criminal activity and also for statements at the October 14th meeting "maybe she will go out with me?" Even ingest this offensive statement coming from a man who is sitting on this Council regarding a young, married, pregnant employee at a public meeting. Secondly, I would like an explanation from the D.A. as to why these two county employees and not approved by the Chief of Police or Borough Manager for diverging on a unsuspecting young woman employee. As of course I will not hold my breath because it would take class and integrity to do so. How sad and pathetic of this situation. I would like this to be read for the record at the next public meeting. Signed Daryl A. Menichetti

On the question –

Lukasewicz – I will be voting for all other correspondence but the correspondence that you just read at this meeting this evening. It only follows a set of circumstances that's has happened in the past several months since August and there is a lot of slangerous statements that are being made.

Barnick – I will have to agree Mr. Lukasewicz totally. I will be voting for all other correspondence except for this one. But thank you.

Menichetti – I was not aware that Mr. Barone was the one that sent the detectives from the D.A.'s office until I saw it in the newspaper. So this memo was generated through me reading that article in the newspaper because I was not aware how this actually came about. I really did not know and I have no in at the D.A.'s office like you do Mr. Barone that you just can go down there and get two detectives, not one and come diverge on a young unexpecting woman and you accuse her of criminal wrongdoing. And on the record Neil Furiosi had already looked into it and your comment at the last meeting of October 14th and I got that right from the minutes.

Barone – I don't wanna here anything more about it.

All in Favor*

***Lukasewicz, Barnick, Barone: Voting for all correspondence but the correspondence read at this 12/28/04 meeting.**

5. Motion by Shortz Seconded by Lukasewicz

To adopt Throop Borough Ordinances # 1 through 4 of 2005. The ordinances are as follows: re-enacting a realty transfer tax, occupational tax, wage tax, and re-enacting a tax on assessed valuation.

A) Ordinance # 1, An Ordinance reducing the tax rate of assessed valuation of the Borough of Throop for year 2005 for general purposes from four (4) mills on each dollar of assessed valuation to zero (0) mills.

On the question –

Barnick – The only reason why I didn't go through with this tax deduction is because one or two persons in the Borough who are acting making out the most in the tax benefit. I just can't see that they aren't going to pay taxes on that hazardous waste site. But if it will benefit the rest of the people...

Menichetti – It isn't a whole lot of money but for some people you are making a difference between paying your light bill that month or phone bill. I think anything we can give our residents is beneficial.

All in Favor – Motion carried

Motion by Shortz Seconded by Lukasewicz

B) Ordinance # 2, Re-enacting the wage tax ordinance, originally enacted in 1947 and re-enacted every year thereafter, imposing a tax of one (1) percent on wages, commissions, etc. earned by the residents of the Borough of Throop, and also, on income earned in the Borough of Throop by non-residents of the Borough of Throop, with one half (1/2) of said tax to be distributed to the Mid Valley School District by the tax collecting agent designated by the Borough of Throop.

All in Favor – Motion carried

Motion by Shortz Seconded by Lukasewicz

C) Ordinance # 3, Re-enacting the occupational tax of ten dollars (\$10.00) on persons gainfully employed in the Borough of Throop and amend the name of the tax to: Emergency and Municipal Service Tax

4 in favor – Lukasewicz, Menichetti, Shortz, Marushock
3 against – Barone, Barnick, Johnson
Motion carried

Motion by Shortz

Seconded by Lukasewicz

D) Ordinance # 4, Re-enacting the realty transfer tax, originally enacted in 1968 and every year thereafter, imposing a tax of one-half (1/2) of one (1%) percent.

All in Favor – Motion carried

6. Motion by Menichetti

Seconded by Lukasewicz

To accept the Conditional Use Application submitted by Carmen and Joseph DiPietro for a proposed Multi Family Dwelling at 913 Dunmore Street and to submit the Application to the Throop Borough Planning Agency, prior to a Public Hearing, for its review and recommendation in accordance with Section 702.1 of the Throop Borough Zoning Ordinance.

On the question –

Lukasewicz – This last one we had regarding Buratti, why didn't we public hearing before it even went to the planning commission?

Attorney Brazil explains the steps that need to take place when going to the planning commission...

All in Favor – Motion carried

Motion by Johnson

Seconded by Menichetti

Motion Failed
To enact effective January 1, 2005 a Borough Insurance Buyout Agreement with any interested Borough employees at 30% of the individual's Insurance package, but not to exceed \$3,000. Also, for the Solicitor to draw up an Agreement between the Employee & and Borough.

On the question –

Barnick – How many do we have that want this?

Ken – One for sure, possibly a second one.

Johnson – I think it comes to about \$15,000 in savings for the Borough that we could use for something else.

Marushock – I was not advised of this motion even being here this evening. We have not had a solid investigation on this and we don't have all the facts yet as before.

Lukasewicz – I know some school districts and other businesses do this and there has been a lot of turn of events. A lot of bigger companies aren't benefiting.

Menichetti – Well with the costs of health insurances going up, I would think that this would be very cost effective.

Marushock – I would like to look into this more in depth.

12. Motion by **Lukasewicz** Seconded by **Barnick**

To authorize Mary Street to be Throop Borough's 2005 C.D.B.G project.

All in Favor – Motion carried

13. Motion by **Lukasewicz** Seconded by **Menichetti**

To do a sidewalk project for 2005 which will include sidewalks, curbs, and clean-outs, with the area to be from Vaughn Street on South Valley Ave. to Dunmore Street and to do as much of Dunmore Street as financially possible with the application submitted for the grant to be sent out before 1/28/05.

All in Favor – Motion carried

14. Motion by **Menichetti** Seconded by **Johnson**

To adjust landfill hours of coverage back to 56 hours per week or as the hours that were covered in the past with an effective date of 1/1/05.

On the question- Barone- is that satisfied with you guys? Because you guys are going to be the ones that are going to be up there.

Yontos- We have no choice, I would like to get 60 a week.

Cabets- It is fine.

6 in favor – Barone, Lukasewicz, Menichetti, Johnson, Shortz, Marushock

1 against - Barnick

Motion carried

15. Motion by **Lukasewicz** Seconded by **Shortz**

To allocate the newly enacted "Emergency Municipal Tax" to the Capital Improvement Fund for Borough roads.

6 in fayer – Barone, Lukasewicz, Menichetti, Barnick, Shortz, Marushock

1 against - Johnson

Motion carried

16. Motion by Johnson

Seconded by Shortz

To file a complaint with the Throop Police, Lackawanna County D.A.'s office and Pennsylvania State Police regarding theft of property on 12/28/04 during a council work session. The tape is to remain locked in the Borough Police Department's office.

On the question-

Lukasewicz- I believe the whole situation that occurred in the hallway up to this point I believe has been mishandled from the gecko. If something did happen in that hallway there are proper channels of things to be done with the Police Department that should of not handled in

such an improper fashion with people reviewing tapes and this one and that one. No one should have been allowed to do anything at from this point. I think that been (inaudible) from the gecko and I will be voting against it.

Johnson- I would like to add to the motion for Mr. Novack to keep the tape in his position locked in his office.

Barnick- This is my information and I am sure you people would feel the same if it was your information that was left out there. Whether it was a mistake or not, no confidential information should be left out, whatsoever. There is no reason whatsoever to have it out there. That is why I have a mailbox locked inside the office. It could have been put right in there. People are in and out of here continuously. I am sorry. Filing a complaint, this is ridiculous.

Marushock- I believe if we pass this over to the appropriate offices, and we don't get involved in the investigation we will go on their recommendation. Mrs. Shortz there was something added here, that the tape be placed in the Borough Manager's office are you in agreement with that.

Shortz- I really do not care where it is placed, but it needs to be kept out of reach.

Tape changes here...

Lukasewicz- That is police property right now. I think what is happening here is council is hindering the proper investigation and the proper legal process as its described. What do we do?

Menichetti- Is that when those 2 detectives went over to the Civic Center?

Barnick- Anybody is allowed to make a complaint.

Brazil- You may just want to add to that it must be kept secure OK,

Marushock- Well then it should be locked in the Borough's Police Department office.

Are we in agreement with that?

Barone- You now what I gotta admit I think you screwed up on this motion. What was so wrong? You said theft of Borough property, what was stolen. That is the first thing I want to know. You said theft of Borough property.

Menichetti- Mr. Barnick said theft of confidential information, he was the one said it.

Marushock- It is the property of the Borough of Throop, it is not for public knowledge.

It is personal property.

Barone- I don't know what happened out there. We should let Throop Police do their job.

Barnick- No one should be leaving confidential information out there.

Shortz- I would like to find out what happened and that is why... That is what I would like to find out; who is responsible for it being taken, case closed.

4 in favor – Menichetti, Johnson, Shortz, Marushock

3 against - Barone, Lukasewicz, Barnick

Motion carried

17. Motion by Shortz

Seconded by Lukasewicz

That any Borough information be left on the Borough Secretaries desk or any public area while unattended.

On the question-

Lukasewicz- There should be nothing left on that desk at the end of the day or whenever she leaves that desk because there are so many people that could walk through.

Barnick – Any Borough information should be left out.

Shortz- Well then no Borough information should be left unattended.

Barnick- Desk or in that area, in public view period.

Menichetti – Does this mean when she is working and when she goes to the copier, she has to put everything back.

Barnick- Yes she should.

Menichetti- Well Mr. Barnick you better get her an office then. Why don't you just put a gate around the desk? Nobody should be even going there, they should know better.

Cathy Egan- I just have a question on where I should put the packets that I bring in for Christine? Starting now where should I place them because if for some reason she was not there, I would just place them on her desk

Lukasewicz- They should go to the Borough Manager's office. You should mark on it confidential and hand it to the Borough Manager.

Menichetti- I will be voting against this because it just isn't practical to expect her to be cleaning off her desk every time she goes over to the copy machine and every time she goes into the powder room or if she goes in the back to get a fax off the machine. It just is not practical I am sorry.

3 in favor - Barone, Lukasewicz, Barnick

4 against - Menichetti, Johnson, Shortz (for the same reason Ms. Menichetti gave)

Marushock

Motion failed

Marushock- I think what we need to do here is to address this situation in the best proper way and that we should also look at having an office so these items are out of public view.

Lukasewicz- So tomorrow it is my confidential information that is going to be left out on that desk for anyone to view because you guys said it was OK.

Barnick- And it will be OK.

Menichetti- It is not OK. Can I say something please. There has been many times when I would walk into the Borough Building and there would be no one in the Borough Manager's office and I would just walk right into that office with everything on the desk, same scenario. Except it is a different person. I mean I agree it should not be left out at night, but during the day it just isn't practical.

Lukasewicz- But that isn't what you voted on. What you voted on is that anyone's information can be out there at anytime. That's how you voted on it.

Marushock- What we need to do... The reason why we voted on this the way we did is because whenever she gets up from that desk you can't expect her to be shoving the stuff into drawers.

Shortz- It isn't always going to be out to begin with.

Marushock - It would be very repetitious work.

Shortz - She would be spending more time putting things away.

Lukasewicz- Well if there is any confidential information being handled it should be done in the other office.

Barnick- Who is going to tell me to go along with that, it isn't like she is in prison.

Shortz- Well lets just say whenever she is just doing general work, she is doing something for the newspaper she has to walk down the hall. So then she has to keep putting everything away and then pulling everything back out.

Lukasewicz- I don't think any personal information should be out at that desk at anytime. I think anything with my social security # on it or Jimmy's should not be out on that desk where anybody can walk away with our social security #'s.

Marushock- Well I can say that there has been times when I have come up to sign checks and then Christine will sit at her desk to stuff the envelopes, she may be easily distracted with the ladies room or a phone call or someone else telling her some emergency and the stuff sits there until she gets back.

Hartshorn- Mr. President can I say something please. Thank you. I understand that no one wants their confidential information out anywhere. That is kind of making me feel like I not capable of keeping this information from being withheld #1 and #2 I do the payroll every week out there. There is nowhere else to do the payroll. The payroll is set up on my computer so if you want to put the computer somewhere else put it in an office. That is where I do 90% of my work.

Marushock- To be quite frankly if you want to see something you can come right around that corner and Mrs. Hartshorn is working on that computer she is concentrating on screening that computer you can stand over her shoulder and look at the computer screen and notice what she is doing.

Lukasewicz- Well it shouldn't be there then.

Marushock- I agree.

Barnick- Well it was never there before, who put it there. Except this year.

Lukasewicz- I never considered that thought Ged. That screen is there and if anyone is up there can just walk by and see my personal information.

Menichetti- And if someone is walking in the office and walks behind you and wants to talk to the Borough Manager it is the same thing. It is the same thing.

Lukasewicz- No one will do that if they are conducting Borough business.

Mayor Lukowski- Put her in a room already. What is this? All of this for nothing.

Barone- Well we are talking about she has to put this away and that away, that is a ton of paperwork that she has to put away every time she gets up. I think she knows better for what not to keep out. And if she doesn't you can jump on her...

18. Motion by Menichetti

Seconded by Johnson

To make the Borough Secretary's desk off-limits to anyone but the Borough Secretary. If any is found sitting there they will be asked to leave the Borough building.

On the question-

Menichetti- This desk is to be made off limits to everybody but Christine. That's it. And if anybody is found sitting there they are going to be asked to leave the Borough building.

5 in favor – Barone, Menichetti, Johnson, Shortz, Marushock

2 against - Lukasewicz, Barnick

Motion carried

Johnson- You know what Mr. Barnick you don't want anyone looking at your information but they can sit at Christine's desk. I mean what is with that?

Barnick- There should not be any confidential information.

Audience Comments

Dominic Rocco, Sanderson St.- On #6 is this going to be a rental property or is it going to be like a townhouse that Mr. Rossi is going to do or what?

Marushock- I guess it is going to be rental, I mean it is multi-family.

Shortz- I believe it is going to be townhouses.

Barone- You know there are some restrictions.

Marushock- I believe it is going to be 2 ½ stories...

Rocco- And something else. The top priority should be to get levy drainage. What is going on and why aren't you putting pressure on these people?

Marushock- Mr. Rocco we have been working on this and now we are having monthly meetings and everybody here on Council can attend for discussion. I believe the permit is what...

Rocco- Dickson City got their permit in less than a week. This is going on 3 weeks. I do not believe they are following up on this. Dickson got their easement of 5 feet in one day for free. Marushock- We are doing what we can do as quick as possible. Believe me. We cannot rush the channels because it is not considered an emergency so we have to follow the proper steps... Rocco- You do not think it is an emergency?

Marushock- It is not considered an emergency because of what the state mandates. Dickson did it in an emergency situation I believe and we cannot do that. We are not sitting idle on this.

Ray Jarosh- I would just like to thank Council for allocating money for the Christmas party over at the Civic Center. My younger daughter went and she said she had a great time. So I just wanted to thank you.

Eric Hartshorn- On motion #5, why can't some of that \$52.00 be allocated to the emergency services fund to help the Fire Departments. I mean \$25,000 is a lot to give but we are suffering something terrible down there it is hard to run. I mean just something that you can put on the side maybe of that just \$10.00 or something.

Marushock- I believe Mr. Hartshorn we really try and be fair with the Fire Departments and the previous Council before me through the years we have tried working with you people with your annual allocations and we have done other appropriations of Borough funds other times in addition to that, and I believe this is something we need to do now.

Hartshorn- Well why does it say here Emergency & Service tax?

Marushock- That is what it is called, instead of the Occupational Privilege Tax, I believe it is worded to..

Hartshorn- I just thought you would want to help out the Fire Departments with this. It is tough to run on \$25,000.

William Tarby- I am the new Commissioner of the Throop Fire Police. I would like to ask Council... Just say if Dickson City, Olyphant wants the Fire Police to go into their Borough for assistance on a non-emergency basis what they have to do is submit a letter to myself or the Mayor and then the Mayor has to turn around, approve it, get back to me so I can get my men out to attend the function that they are asking for help. What I would like to ask Council is to draft an Ordinance so once something comes in, lets say Dickson City, Olyphant or Jefferson Township has a parade we don't have to keep running to the Mayor and say Mayor can we go here, Mayor can we go there. I mean he is probably-getting so sick and tired of looking at me, because I am always over his house or on the phone. If we could set up some kind of Ordinance to say that if anybody is requested in our Fire Police to assist them in a non-emergency status that we will be able to go and assist. I know a couple times we had people and it was too late. I mean it was a couple days before and they said we have a problem and we need help. The Mayor was on vacation and by the time I tried getting the next one that was in line, I had to call them back and say we cannot come because we can't get the permission to go because of the insurance we have you people's permission to do it. And what I would like to do is try and come up with some type of Ordinance saying that if we get called in a non-emergency situation, that we would be able to go. I am not saying to bypass the Mayor we still would inform him, but he doesn't have to get right back to me that day to say yes do it.

Marushock- I have no objections to that Mr. Tarby. I would ask Attorney Brazil to look into that. I believe the reason for that letter to be necessary and unfortunately in the world we live in the legality and the insurance coverage and everything that we are paying an astronomical amount for insurance, I do not know if we can legally sidestep that procedure that is now in place. But if Attorney Brazil can look into that please and advise Council.

Mayor- Well here is another problem; they do not have any radios.

Tarby- Well that is another item I have.

Marushock- While we are on this subject here, Mr. Commadario who was our Director for many years, has passed away just over the past week. I think at this point we should have a moment of silence in his memory please.

A moment of silence was observed...

Marushock- Mr. Mayor you brought up the subject of the radios, just for the record here I know there was some other equipment that was still out and about. It is going to be a tough time now to get in contact with the family but I believe Mr. Commadario has the equipment that I believe the Borough should receive back in our possession. Again if we can be as patient as possible because of what the family is going through at this time. And then maybe we can make contact with the family and see what we can do and do an inventory on that.

Barone- Does he even have any of that stuff?

Tarby- He has it. The last time I spoke with him he stated that it was his equipment and he was not going to give it back because it was his. But then I found out a couple weeks after that is when I found out it was the Borough's. The radios that he does have are basically garbage because I brought one down to Mol and they said you can just throw it in the garbage it cannot be used.

Marushock- We will definitely look into that.

Tarby- Another item I have while I am on the floor Mr. President I would like to ask. I know it is coming up to the end of the year and we have \$500 that was assessed to us and due to the fact it is getting close, and I just found out in the last month, can we hold off and put that over to the next year? Or do we have to use it now until the end of the week?

Lukasewicz- Well did you get the allocation sent to you already?

Tarby- No we did not.

Lukasewicz- Kenny they should of gotten it. It should have been cut and send out. Kenny will look into it.

Motion to adjourn - By: Shortz 2nd by: Johnson

The above is a true and correct copy
done to the best of my ability.

Christine Hartshorn