

1 THROOP COUNCIL
 2 THROOP, PENNSYLVANIA
 3
 4 IN RE: REGULAR MONTHLY MEETING
 5
 6
 7 JULY 25, 2005
 8 7:30 P.M.
 9 THROOP MUNICIPAL BUILDING
 10 436 SANDERSON STREET
 11 THROOP, PENNSYLVANIA
 12
 13 COUNCIL MEMBERS:
 14
 15 DARYL MENICHETTI, PRESIDENT
 16 CINDY JOHNSON, VICE PRESIDENT
 17 JOSEPH BARONE
 18 JAMES BARNICK
 19 THOMAS LUKASEWICZ
 20 GEORGE MARUSHOCK
 21 SUSAN SHORTZ
 22 MAYOR STANLEY LUKOWSKI
 23 JOHN BRAZIL, ESQUIRE, SOLICITOR
 24
 25 Mark Wozniak

1 MAYOR LUKOWSKI: Here.
 2 MR. NOVACK: Mr. Brazil?
 3 MR. BRAZIL: Here.
 4 MR. NOVACK: Mrs. Hartshorn?
 5 MRS. HARTSHORN: Here.
 6 MR. NOVACK: Mr. Hegedus?
 7 MS. MENICHETTI: Mr. Hegedus is
 8 fighting the fire. He asked to be excused.
 9 The announcements, there will be
 10 lead testing at the civic center on Tuesday,
 11 July 26, 2005, from 6:30 p.m. until 8:30 p.m.;
 12 Saturday, July 30, 2005, from 1 p.m. until
 13 3:00.
 14 MR. MARUSHOCK: Also, can I announce
 15 under the announcements that information from
 16 the police department for the police study
 17 must be turned in to the state by August 15,
 18 2005.
 19 MS. MENICHETTI: August 15?
 20 MR. MARUSHOCK: Yes.
 21 MS. MENICHETTI: Thank you, Mr.
 22 Marushock. An executive session was held at 6
 23 p.m. this evening -- actually it was 6:30,
 24 prior to this meeting, for personnel reasons
 25 regarding Doug Walsh, the settlement with the

1 (Whereupon the Pledge of Allegiance
 2 was recited.)
 3 MS. MENICHETTI: I'd like to ask if
 4 you would remember in your prayers tonight the
 5 Grizzanti family who just lost their business
 6 down here today. It was destroyed by fire.
 7 Please remember them in your prayers, if you
 8 will. Thank you.
 9 May I have roll call, please, Mr.
 10 Novack?
 11 MR. NOVACK: Mrs. Shortz?
 12 MRS. SHORTZ: Here.
 13 MR. NOVACK: Mr. Marushock?
 14 MR. MARUSHOCK: Present.
 15 MR. NOVACK: Mr. Lukasewicz?
 16 MR. LUKASEWICZ: Present.
 17 MR. NOVACK: Mr. Barnick?
 18 MR. BARNICK: Here.
 19 MR. NOVACK: Mr. Barone?
 20 MR. BARONE: Here.
 21 MR. NOVACK: Ms. Johnson?
 22 MS. JOHNSON: Here.
 23 MR. NOVACK: Mr. Menichetti?
 24 MS. MENICHETTI: Present.
 25 MR. NOVACK: Mayor Lukowski?

1 a Midvalley School District, which is a legal
 2 matter; the appeal with the DePietro property,
 3 which was a legal matter; personnel regarding
 4 Mr. Nardozzi.
 5 MR. BRAZIL: We also discussed the
 6 potential claim by Peterbuilt, a legal
 7 matter.
 8 MS. MENICHETTI: The potential claim
 9 by Peterbuilt. There is one other motion
 10 added this evening, motion number 36, to adopt
 11 a part-time police policy as presented here
 12 this evening.
 13 Anyone else have any motions at this
 14 time before we go to audience comments and to
 15 tonight's agenda?
 16 MR. BARNICK: Yeah, just on the
 17 motion for zoning, I'd like to put Rich Burdyn
 18 back in. He's got a letter in here to
 19 everybody requesting another term. He did a
 20 good job.
 21 MR. LUKASEWICZ: What number is
 22 that?
 23 MR. BARNICK: Twenty-four.
 24 MS. MENICHETTI: I'd also like to
 25 add for some reason Mark's bill was misplaced,

1 and I would like to ask that we place a
2 motion, number 37, to pay Mr. Wozniak \$357 for
3 the minutes. The minutes were also turned in
4 but I don't know where they went. We will
5 find them by tomorrow.

6 Anyone else? All right, we're going
7 to entertain questions from the floor
8 regarding agenda items only. Please step up
9 to the podium, please address the chair, your
10 name and address for the stenographer. Who
11 would like to speak? Would you like to raise
12 your hand, please. Dominick, would you like
13 to start us off?

14 MR. ROCCO: Dominick Rocco, 110
15 Sanderson Street. Same as last month, what is
16 the reason to drop the Snell case, the lawsuit
17 against the Snells?

18 MS. MENICHETTI: To save the borough
19 money in litigation.

20 MR. ROCCO: Just like that --

21 MS. MENICHETTI: And we're going
22 to -- this has been going on for nine years
23 all ready. We're going to drag it through the
24 courts for nine more? It's ridiculous. This
25 is ridiculous.

1 a fence right through my curb and people can
2 walk across the street? Is that what you're
3 telling me?

4 MS. MENICHETTI: It's been there for
5 how long. That's been there all those years,
6 Mr. Rocco. This is nothing but spite work on
7 the part of the people involved.

8 MR. ROCCO: All the rest of the
9 shrubs are allowed to go up to the curbside?

10 MS. MENICHETTI: There are many
11 properties in this are that the fences are
12 right on the property line. What are you
13 going to do?

14 MR. ROCCO: Could I do it?

15 MS. MENICHETTI: You can't ask
16 people to rip their -- I know people that have
17 carports on borough property. I'm not asking
18 them to rip their carports down.

19 MR. ROCCO: Will you give me
20 permission to do it?

21 MS. MENICHETTI: Pardon me?

22 MR. ROCCO: Will you give me the
23 permission --

24 MS. MENICHETTI: I'm not giving you
25 permission for anything. You do what you

1 MR. ROCCO: Doesn't that sound kind
2 of funny --

3 MS. MENICHETTI: You asked me and I
4 gave you the reason.

5 MR. ROCCO: I'm trying to give you
6 what I think.

7 MS. MENICHETTI: Well, you have --

8 MR. ROCCO: Don't it seem kind of
9 funny that she ran on the same ticket as you
10 did and the majority of council?

11 MS. MENICHETTI: What does that have
12 to do with anything?

13 MR. ROCCO: What does that have to
14 do with it? It might have a lot to do with
15 it. You know?

16 MS. MENICHETTI: In my opinion, it's
17 most unfair to ask a resident to rip down
18 electric gates, piers, hedges and all kinds of
19 shrubbery that have been growing there forever
20 at their expense, to have to rip all of this
21 apart to put a sidewalk there. I mean, when
22 there is access on the other side of the
23 street to walk, to have a sidewalk to --

24 MR. ROCCO: Everybody can walk on
25 the other side. You're telling me I could put

1 want.

2 MR. ROCCO: I wanted to put a
3 privacy fence on my line and they told me I
4 couldn't because of the alley behind me, and
5 there's only two people using it, my son and
6 my daughter. That's all that uses that
7 driveway -- or alley.

8 There's another thing that's going
9 on for years, the lawsuit against Tommy
10 Lukasewicz. Why aren't you dropping that?

11 MS. MENICHETTI: I don't know. I
12 didn't initiate the lawsuit. It was initiated
13 by --

14 MR. ROCCO: Well, you didn't
15 initiate the one against her, either.

16 MS. MENICHETTI: No, I didn't. I
17 didn't initiate any of them.

18 MR. ROCCO: Why can't you drop
19 that? No. He didn't run on the same ticket
20 as you did.

21 MS. MENICHETTI: Actually we're
22 waiting for the attorney to meet with us in
23 executive session. We asked him to come this
24 evening and he wasn't able to be here. We
25 will get an answer from him.

1 MR. ROCCO: It's good for one but
2 not the other. Right? He didn't run on your
3 ticket.

4 MS. MENICHETTI: No, he ran on
5 yours.

6 MR. ROCCO: That's right -- no, I
7 backed him up.

8 MS. MENICHETTI: Are you finished,
9 Mr. Rocco? Because there's other people
10 waiting.

11 MR. ROCCO: No, there's one other
12 thing. What was the lawsuit against the
13 school?

14 MS. MENICHETTI: It was for a permit
15 they took out when they were building the
16 school.

17 MR. ROCCO: I know there is one
18 other thing. You wouldn't consider dropping
19 Tommy's case, then. Right?

20 MS. MENICHETTI: When we meet with
21 the attorney it will be put to a vote. Okay?

22 MR. BARNICK: You didn't meet with
23 their attorney.

24 MR. ROCCO: I guess with the
25 majority he don't have a chance right now.

1 do the work. We never had any problems. All
2 the solicitors in the past with the past
3 majority, they paid everything. I don't
4 believe Mr. Brazil should be slighted. He's
5 done the work and he should be paid.

6 And as far as motion number seven, I
7 agree with Ms. Menichetti that the Snell
8 lawsuit should be settled. It's costing a lot
9 of money for no reason. It should have been a
10 long, long time ago. We all talk in this
11 borough about saving money and not squandering
12 it. Here we are just continuously spending
13 legal fees for absolutely no purpose.

14 And on the last thing I have is
15 motion number 26 to rehire Mr. Nardozzi. I
16 would object to it for a couple reasons.

17 One, when Mr. Nardozzi several
18 months ago -- and it was in the Scranton Times
19 so I'm not speaking out of turn -- while being
20 a Dunmore councilman, involved himself with
21 some of the political people here in Throop
22 who made a complaint about our trailers parked
23 up at the old Boston Market, and that was
24 quickly put to rest.

25 MS. MENICHETTI: I was made to

1 Right?

2 MS. MENICHETTI: Are you finished,
3 Mr. Rocco?

4 MR. ROCCO: I think. There was
5 something else.

6 MS. MENICHETTI: Thank you. Next,
7 please? Joe? If it's on the agenda you may
8 speak now. Otherwise, you may speak at the end
9 of the meeting.

10 Anyone else, please? Mr. Bolus?
11 Please step up to the podium. Thank you.

12 MR. BOLUS: Bob Bolus, Sanderson
13 Street, Throop. One thing I would like to
14 say, it's not on the agenda but it's part. I
15 think what we need to do is to adhered to the
16 agenda, to agenda items only, and not just
17 wander off on other issues. If they're not on
18 the agenda we shouldn't be allowed to discuss
19 them until the end of the meeting.

20 On the agenda, motion number five,
21 enough is enough. Mr. Brazil is providing the
22 work, was hired by this borough to do a job.
23 I see no reason that this should be continued
24 and continued and continued not to pay the
25 gentleman for doing his work. He was hired to

1 understand that that came from a Throop
2 councilperson.

3 MR. BOLUS: That's correct, it did.
4 And Mr. Nardozzi told me that himself. And
5 acting on that Throop councilperson, he went
6 ahead and did something that wasn't even his
7 jurisdiction to do using his powers as
8 councilman. I think the job should be open to
9 other people that work within this borough.
10 We have enough people here that are qualified
11 to work in Throop. He was here once. We
12 don't need to keep going backwards again. I
13 think we need to move forward with new
14 people. Thank you.

15 MR. BARNICK: Who's the councilman?

16 MS. MENICHETTI: I don't know.
17 That's what I was told.

18 MR. BARNICK: What are you trying to
19 insinuate?

20 MS. MENICHETTI: That's where the
21 complaint came from. I don't know who it
22 was.

23 Is there anyone else who would like
24 to speak? Would you like to step to the
25 podium, please, Mr. Kalinoski.

1 MR. KALINOSKI: Robert Kalinoski,
2 street commissioner. I'd like to ask council
3 to consider tabling motion number 29 at this
4 time, which is for the extended warranty on
5 the refuse truck. I do not believe those
6 figures are correct. I'm still waiting to
7 receive new figures and they should be here
8 for next month's meeting.

9 MS. MENICHETTI: We'll just remove
10 it.

11 MR. LUKASEWICZ: There's a time
12 frame, Rob. Right? We still have time.

13 MR. KALINOSKI: We've got a year on
14 everything right now.

15 MR. LUKASEWICZ: The time frame on
16 the warranty --

17 MR. KALINOSKI: We can do that up
18 until a month, two months.

19 MS. MENICHETTI: Okay. Mr. Bolus,
20 when you mention that about Mr. Nardozzi, did
21 you not mention also that it came through a
22 Throop councilman or councilperson?

23 MR. BOLUS: Yes, it was. It was a
24 Throop councilman and the other one was
25 another individual here in the city that --

1 else who would like to speak? On the agenda,
2 please.

3 MR. BRAZIL: Is Rob still here?
4 It's on item number 27.

5 MS. MENICHETTI: You're staying,
6 aren't you, Robert? Let's have Robert
7 Kalinoski, please.

8 MR. BRAZIL: On number 27?

9 MS. MENICHETTI: No, this is for the
10 lease on the packmaster.

11 MR. MARUSHOCK: There's a grace
12 period to sign up for the extended warranty.

13 MS. MENICHETTI: Wasn't there an
14 amount on the request that he gave us,
15 \$34,000?

16 MR. MARUSHOCK: That's just for the
17 lease/purchase.

18 MS. MENICHETTI: I'm talking about
19 the lease.

20 MR. MARUSHOCK: The lease/purchase
21 only.

22 MS. MENICHETTI: Ken, is this
23 right?

24 MR. BRAZIL: He just faxed me some
25 information today and I just want to clarify

1 MS. MENICHETTI: In Throop?

2 MR. BOLUS: That contacted him.

3 MS. MENICHETTI: In this town?

4 MR. BOLUS: That's correct. It was
5 definitely a Throop councilman that had
6 contact with him.

7 MR. BARNICK: Well, who is the
8 Throop councilman?

9 MR. BOLUS: You.

10 MR. BARNICK: Oh, really? You're a
11 liar, Mr. Bolus. Don't ever try to frame me,
12 son. Ever.

13 MR. BOLUS: First of all, I'm not
14 your son and I'm not related to you. Second
15 of all, Mr. Barnick --

16 MR. BARNICK: Don't ever try to
17 frame me with your false allegations.

18 MR. BOLUS: That's what I was told.

19 MR. BARNICK: Go out --

20 MS. MENICHETTI: That's enough.
21 That's enough.

22 MR. BOLUS: You asked the question,
23 you got an answer.

24 MR. BARNICK: You lie.

25 MS. MENICHETTI: Is there anyone

1 some items with him on this. He asked me to
2 look at the lease. I just want to make sure
3 it's the same order.

4 MS. MENICHETTI: Robert, do you
5 mind, John has a question.

6 MR. BRAZIL: Rob, I have a question
7 for you. To authorize a payment on the lease
8 on the new packmaster, were those the
9 documents that you forwarded to me today?

10 MR. KALINOSKI: Correct.

11 MR. BRAZIL: Is our total cost on
12 that \$34,000?

13 MR. KALINOSKI: No, that's an annual
14 payment, and it will be five annual payments
15 for a five-year lease/purchase. I believe the
16 annual payment is 34-something.

17 MS. MENICHETTI: So how do we break
18 this down, then? This is the annual payment,
19 so how are we breaking it down?

20 MR. KALINOSKI: I'm not sure what
21 you mean break it down.

22 MS. MENICHETTI: The annual payment
23 is \$34,885.20, and I put that on to authorize
24 payment for lease on new packmaster upon
25 approval of the solicitor. Now, you're

1 telling me we're going to pay in increments?
2 What are the increments?

3 MR. KALINOSKI: It will be five
4 annual installments of 34 --

5 MS. MENICHETTI: So this was right.

6 MR. KALINOSKI: Correct, it is
7 right. But that's not the total price. I
8 think that's what John had asked, if that was
9 the total cost.

10 MS. MENICHETTI: This is just a
11 lease payment.

12 MR. LUKASEWICZ: Multiply it by
13 five.

14 MS. MENICHETTI: Well, it doesn't
15 say annual, it just says to authorize payment
16 for the lease.

17 MR. BRAZIL: I think that that's
18 fine the way it is. But the question at least
19 that I had, this was done on a piggyback?

20 MR. KALINOSKI: Yes.

21 MR. LUKASEWICZ: You want that
22 listed in the motion.

23 MR. BRAZIL: Right, just to make
24 sure. And I had something else. What you had
25 faxed to me on it was very difficult to read,

1 and one of the concerns I had on it was do we
2 need approval from DCED because it was
3 essentially borrowing.

4 Now, three things have to take place
5 for us not to have to go through the process.
6 Number one, the length of the lease has to be
7 less than the useful life of the equipment. I
8 don't know what's useful.

9 MR. LUKASEWICZ: At least ten years'
10 use. The last one we had was from 1987.

11 MR. KALINOSKI: '90. So it's 15
12 years that we have the other one.

13 MR. BRAZIL: That's fine. I wasn't
14 aware of that. The other thing -- and I'm
15 going to have to sit down and go through the
16 agreement. We can't pledge the full faith
17 credit of the borough. Okay?

18 And the other thing -- and we may
19 talk to the people who did it -- you have to
20 have a provision -- and I saw there was a
21 provision attached to it -- where you are not
22 required to appropriate this money every year
23 for the lease. If you need those three things
24 then you don't have to go through DCED. They
25 look at it as a lease and not a borrowing.

1 So, I mean, I just wanted to ask
2 those questions. I'll talk to you on them,
3 Rob, and look at the agreement because it says
4 upon approval. But those are the three items
5 that have to be looked at on it.

6 MS. MENICHETTI: Okay. Thank you,
7 Robert.

8 MR. BARONE: When's the packmaster
9 coming in?

10 MR. KALINOSKI: It's here.

11 MR. BARONE: You have it here?

12 MR. KALINOSKI: We have to pay
13 first.

14 MR. BRAZIL: Here's what I think on
15 this. Obviously if you're borrowing you have
16 to go through DCED, you have to advertise, you
17 have to get approval for it. They allow --
18 their regulations basically say you don't have
19 to do that for a lease. But the question is
20 when does a lease become a borrowing. Those
21 are the three things they look at. The lease
22 has to be less than the useful life of the
23 equipment. You can't pledge the full faith
24 and taxing power of the municipality, and
25 there has to be a provision that you are not

1 required to appropriate every year.

2 So those are just things I have --
3 and I think the motion itself provides upon
4 review. So those are things I have to sit
5 down with Rob, what the useful life of the
6 equipment was.

7 MS. MENICHETTI: Does everyone
8 understand that now?

9 MR. BRAZIL: And then maybe items we
10 want to put in the contract. What the useful
11 life --

12 MR. LUKASEWICZ: It would probably
13 be helpful to have the total amount listed in
14 this motion this evening.

15 MR. BRAZIL: And the reason why I
16 don't want to do that is that may be
17 appropriating it every year, and that's one of
18 the things you can't do.

19 MS. MENICHETTI: He said he didn't
20 want to. He wanted to do this on an annual
21 basis.

22 MR. BRAZIL: To be a lease you have
23 to be committed to appropriate this every
24 year. That means, you know, requiring council
25 to actually appropriate this for five years.

1 Then it looks like a loan. And that DCED is
2 fine if you don't agree to appropriate for
3 it. You also don't pledge the full faith and
4 taxing power of the municipality. So I think
5 that's fine. I'll talk to Rob about it.

6 MS. MENICHETTI: All right, motion
7 number one, to accept the zoning report and
8 landfill inspector's reports. May I have a
9 motion, please?

10 MR. MARUSHOCK: I will make that
11 motion.

12 MS. MENICHETTI: Motion by
13 Mr. Marushock. Second?

14 MS. JOHNSON: Second.

15 MS. MENICHETTI: Second by
16 Ms. Johnson. On the question? Roll call,
17 please, Mr. Novack.

18 MR. NOVACK: Mr. Marushock?

19 MR. MARUSHOCK: For.

20 MR. NOVACK: Ms. Johnson?

21 MS. JOHNSON: For.

22 MR. NOVACK: Mrs. Shortz?

23 MRS. SHORTZ: For.

24 MR. NOVACK: Mr. Lukasewicz?

25 MR. LUKASEWICZ: For.

1 MR. NOVACK: Mr. Barnick?

2 MR. BARNICK: For.

3 MR. NOVACK: Mr. Barone?

4 MR. BARONE: For.

5 MR. NOVACK: Ms. Menichetti?

6 MS. MENICHETTI: For. All in
7 favor. Motion carried.

8 Treasurer's report. I'm sorry,
9 Robert is at the fire and he isn't here to
10 read them. Could you read them for us,
11 please, Christine?

12 MR. HARTSHORN: Robert J. Hegedus,
13 treasurer, treasurer's report. Unpaid bills,
14 July 2005: Items for payment, \$10,492.17.
15 Paid bills, July 2005, \$32,215.80. Revenue
16 report, July 2005, \$41,374.11. There is no
17 Keystone landfill credit.

18 MR. LUKASEWICZ: Madam Chairman,
19 I'll make a motion to accept the treasurer's
20 report as read or posted and to pay the
21 monthly bills against the borough.

22 MS. MENICHETTI: All right, we have
23 a motion. May I have a second, please?

24 MS. JOHNSON: I'll second it.

25 MS. MENICHETTI: Second by

1 Ms. Johnson. On the question?

2 MR. MARUSHOCK: Madam Chairman, I
3 will be against the bill from Tomark Sports.

4 MS. MENICHETTI: That isn't even on
5 there.

6 MR. MARUSHOCK: When is this going
7 to be up for payment?

8 MS. MENICHETTI: We're still
9 reviewing it.

10 MR. MARUSHOCK: It's not going to be
11 paid?

12 MS. MENICHETTI: It's not on there
13 because we're reviewing it. It's a bill for
14 \$2,288 that was not approved.

15 MR. LUKASEWICZ: How come he has a
16 copy and I don't get a copy of it?

17 MS. MENICHETTI: I don't know.

18 MR. LUKASEWICZ: Am I a councilman?

19 MR. MARUSHOCK: I'll give you a
20 copy.

21 MR. LUKASEWICZ: It happens every
22 month. Certain councilmen get items before
23 other councilmen get them. Certain councilmen
24 know what happens in the borough and other
25 councilmen don't know what happens.

1 MS. MENICHETTI: It's not on for the
2 bill so we're not discussing that bill
3 tonight. Is there anything else you have, Mr.
4 Marushock?

5 MR. MARUSHOCK: No, that's it.

6 MS. MENICHETTI: Anyone else on the
7 question?

8 MR. BARNICK: On the question, the
9 Keystone Landfill credit, is it used up or do
10 they know the balance?

11 MS. MENICHETTI: Do you have the
12 balance in the Keystone credit?

13 MRS. HARTSHORN: I believe it's all
14 used up.

15 MS. MENICHETTI: It's all used up?
16 On both of them? All right, so we have no
17 credit. Anyone else on the question?

18 MR. BARNICK: I will be voting
19 against the filming of these meetings. It's a
20 waste of money.

21 MS. MENICHETTI: There isn't any
22 bill for the filming of these meetings on
23 here. May I have roll call, please, Mr.
24 Novack.

25 MR. NOVACK: Mr. Lukasewicz?

1 MR. LUKASEWICZ: For.
 2 MR. NOVACK: Ms. Johnson?
 3 MS. JOHNSON: For.
 4 MR. NOVACK: Mrs. Shortz?
 5 MRS. SHORTZ: For.
 6 MR. NOVACK: Mr. Marushock?
 7 MR. MARUSHOCK: For.
 8 MR. NOVACK: Mr. Barnick?
 9 MR. BARNICK: For, except as noted.
 10 MR. NOVACK: Mr. Barone?
 11 MR. BARONE: For.
 12 MR. NOVACK: Ms. Menichetti?
 13 MS. MENICHETTI: For. All in
 14 favor. Motion carried.
 15 Number three, motion to pay all of
 16 the employees of the Throop Borough.
 17 MR. LUKASEWICZ: I'll make the
 18 motion.
 19 MS. JOHNSON: I'll second.
 20 MS. MENICHETTI: Motion by Mr.
 21 Lukasewicz, second by Ms. Johnson. On the
 22 question? Roll call, please, Mr. Novack.
 23 MR. NOVACK: Mr. Lukasewicz?
 24 MR. LUKASEWICZ: For.
 25 MR. NOVACK: Ms. Johnson?

1 MR. NOVACK: Mr. Marushock?
 2 MR. MARUSHOCK: For.
 3 MR. NOVACK: Mr. Lukasewicz?
 4 MR. LUKASEWICZ: For.
 5 MR. NOVACK: Mr. Barnick?
 6 MR. BARNICK: For.
 7 MR. NOVACK: Mr. Barone?
 8 MR. BARONE: For.
 9 MR. NOVACK: Ms. Menichetti?
 10 MS. MENICHETTI: For. All in
 11 favor. Motion carried.
 12 Motion number five, to authorize
 13 payment to the solicitor, John Brazil, for the
 14 months of June and July of 2005.
 15 MR. MARUSHOCK: I move to make that
 16 motion.
 17 MS. MENICHETTI: Motion by Mr.
 18 Marushock. Second, please?
 19 MS. SHORTZ: I'll second it.
 20 MS. MENICHETTI: Second by Mrs.
 21 Shortz on the question? Roll call, please.
 22 MR. NOVACK: Mr. Marushock?
 23 MR. MARUSHOCK: For.
 24 MR. NOVACK: Mrs. Shortz?
 25 MRS. SHORTZ: For.

1 MS. JOHNSON: For.
 2 MR. NOVACK: Mrs. Shortz?
 3 MRS. SHORTZ: For.
 4 MR. NOVACK: Mr. Marushock?
 5 MR. MARUSHOCK: For.
 6 MR. NOVACK: Mr. Barnick?
 7 MR. BARNICK: For.
 8 MR. NOVACK: Mr. Barone?
 9 MR. BARONE: For.
 10 MR. NOVACK: Ms. Menichetti?
 11 MS. MENICHETTI: For. All in
 12 favor. Motion carried.
 13 Motion number four, to accept the
 14 correspondence as read or posted.
 15 MS. JOHNSON: I'll make the motion.
 16 MS. MENICHETTI: Motion by
 17 Ms. Johnson. Second?
 18 MRS. SHORTZ: I'll second it.
 19 MS. MENICHETTI: Second by
 20 Mrs. Shortz. On the question? Roll call,
 21 please, Mr. Novack.
 22 MR. NOVACK: Ms. Johnson?
 23 MS. JOHNSON: For.
 24 MR. NOVACK: Mrs. Shortz?
 25 MRS. SHORTZ: For.

1 MR. NOVACK: Mr. Lukasewicz?
 2 MR. LUKASEWICZ: For.
 3 MR. NOVACK: Mr. Barnick?
 4 MR. BARNICK: Against, as previously
 5 stated.
 6 MR. NOVACK: Mr. Barone?
 7 MR. BARONE: Against.
 8 MR. NOVACK: Ms. Johnson?
 9 MS. JOHNSON: For.
 10 MR. NOVACK: Ms. Menichetti?
 11 MS. MENICHETTI: For. Motion
 12 carried.
 13 Motion number six, to appoint
 14 Christine Reilly to the part-time 32-hour
 15 position since Chris Granza does not want that
 16 position due to his full time job. Motion,
 17 please?
 18 MR. MARUSHOCK: I'll make that as a
 19 motion.
 20 MS. MENICHETTI: Motion by Mr.
 21 Marushock. Second?
 22 MR. LUKASEWICZ: I'll make it
 23 second.
 24 MS. MENICHETTI: Second by Mr.
 25 Lukasewicz. On the question?

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1 MR. LUKASEWICZ: Yeah, on the
2 question, I believe the chief recommended
3 her.
4 MS. MENICHETTI: To my
5 understanding, yes.
6 MAYOR LUKOWSKI: She's been on the
7 force for many, many years.
8 MR. LUKASEWICZ: She's been there a
9 long time.
10 MS. MENICHETTI: Anyone else on the
11 question? Roll call, please, Mr. Novack.
12 MR. NOVACK: Mr. Marushock?
13 MR. MARUSHOCK: For.
14 MR. NOVACK: Mr. Lukasewicz?
15 MR. LUKASEWICZ: For.
16 MR. NOVACK: Mrs. Shortz?
17 MRS. SHORTZ: For.
18 MR. NOVACK: Mr. Barnick?
19 MR. BARNICK: For.
20 MR. NOVACK: Mr. Barone?
21 MR. BARONE: For.
22 MR. NOVACK: Ms. Johnson?
23 MS. JOHNSON: For.
24 MR. NOVACK: Ms. Menichetti?
25 MS. MENICHETTI: For. All in

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1 favor. Motion carried.
2 Motion number seven, to settle the
3 lawsuit between the borough of Throop and John
4 and Agnes Snell. May I have a motion?
5 MS. JOHNSON: I'll make the motion.
6 MS. MENICHETTI: Motion by
7 Ms. Johnson. Second?
8 MRS. SHORTZ: I'll second it.
9 MS. MENICHETTI: Second by
10 Mrs. Shortz. On the question?
11 MR. BARNICK: Yeah, on the question,
12 this -- I'm going to object to this, and the
13 reason being that this was a zoning decision
14 made by the zoning commission. This borough
15 intervened in this lawsuit to overrule their
16 decision. I don't feel it's right. Mr. Rocco
17 brought up a good point where, hey, get rid of
18 this one, might as well give Mr. Lukasewicz --
19 MS. MENICHETTI: This is a
20 settlement. This is not overriding anyone's
21 decision. It's a settlement.
22 MR. BARNICK: You overrode the
23 zoning board's decision. They appealed the
24 decision of the zoning board. So pretty much
25 anybody else can do the same thing. And it's

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1 not right, your political ties there.
2 Everybody knows it. And it's all politics.
3 MS. MENICHETTI: Anyone else on the
4 question? Roll call, please.
5 MR. NOVACK: Mr. Marushock?
6 MR. MARUSHOCK: For.
7 MR. NOVACK: Mr. Lukasewicz?
8 MR. LUKASEWICZ: Against.
9 MR. NOVACK: Mrs. Shortz?
10 MRS. SHORTZ: For.
11 MR. NOVACK: Mr. Barnick?
12 MR. BARNICK: Against.
13 MR. NOVACK: Mr. Barone?
14 MR. BARONE: Against.
15 MR. NOVACK: Ms. Johnson?
16 MS. JOHNSON: Against.
17 MR. NOVACK: Ms. Menichetti?
18 MS. MENICHETTI: For. Four in
19 favor. Motion carried.
20 Motion number eight, to ratify the
21 hiring of Kim Rybnick as a monitor at the
22 civic center at a rate of \$7.66 an hour. I
23 would just like to say there is a letter of
24 recommendation on how wonderful this girl is,
25 that she was so highly recommended.

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1 MR. LUKASEWICZ: It said that she
2 has been working and doing the work.
3 MS. MENICHETTI: Well, I talked to
4 the girl personally and they said she's really
5 doing a wonderful job, that we're actually
6 very lucky to get her.
7 MR. MARUSHOCK: I'll make that
8 motion.
9 MRS. SHORTZ: I'll second.
10 MS. MENICHETTI: Motion by Mr.
11 Marushock. Second, please?
12 MR. LUKASEWICZ: I believe Sue did.
13 MS. MENICHETTI: I'm sorry, Susan.
14 Did you? I'm sorry. On the question,
15 please? Roll call, Mr. Novack.
16 MR. BARONE: Who seconded it?
17 MS. MENICHETTI: Susan did. Roll
18 call.
19 MR. NOVACK: Mr. Marushock?
20 MR. MARUSHOCK: For.
21 MR. NOVACK: Mrs. Shortz?
22 MRS. SHORTZ: For.
23 MR. NOVACK: Mr. Lukasewicz?
24 MR. LUKASEWICZ: For.
25 MR. NOVACK: Mr. Barnick?

1 MR. BARNICK: For.
 2 MR. NOVACK: Mr. Barone?
 3 MR. BARONE: For.
 4 MR. NOVACK: Ms. Johnson?
 5 MS. JOHNSON: For.
 6 MR. NOVACK: Ms. Menichetti?
 7 MS. MENICHETTI: For. All in
 8 favor. Motion carried.
 9 MR. LUKASEWICZ: Madam Chairman, to
 10 say one thing on this, I would hope that in
 11 the future before any person starts to work
 12 for this borough that a vote of all council is
 13 done ahead of time. This girl has been
 14 working at the civic center for, I believe,
 15 something like five or six weeks, maybe seven
 16 weeks, and it was never ratified by council.
 17 It's just jeopardizing the borough by having
 18 someone work there and never being hired.
 19 MS. MENICHETTI: Well, we tried to
 20 ratify it at the last meeting but you voted
 21 against it.
 22 MR. LUKASEWICZ: Of course I did. I
 23 understand the circumstances of where someone
 24 believes they can just hire somebody without
 25 doing it at a meeting, but that's not the

1 see these people. You don't know who they
 2 are. You only hire somebody because they're
 3 from Throop.
 4 MR. LUKASEWICZ: Hiring is the job
 5 of borough council. Mr. Novack does not
 6 have --
 7 MS. MENICHETTI: And we're doing
 8 that right now.
 9 MR. LUKASEWICZ: Mr. Novack does not
 10 have the right, nor do you, to hire somebody
 11 without board --
 12 MS. MENICHETTI: We're doing that
 13 right now, aren't we?
 14 MR. LUKASEWICZ: Six weeks after the
 15 fact in a proper --
 16 MS. MENICHETTI: We have ratified
 17 motions -- in the four years I have sat here
 18 we've ratified motions.
 19 MAYOR LUKOWSKI: Common sense
 20 dictates that you don't work until you're
 21 hired.
 22 MR. LUKASEWICZ: That's right.
 23 MAYOR LUKOWSKI: Suppose she was
 24 injured?
 25 MR. BARNICK: Mr. Brazil, what's the

1 proper procedure. When you do that the
 2 liability of the borough has been
 3 jeopardized. I just hope that in the future
 4 it will be done properly.
 5 MS. MENICHETTI: Mr. Lukasewicz, we
 6 also have a liability with the children over
 7 there, and if we're short staffed and there's
 8 no one to watch all of those youngsters that
 9 we are responsible for -- we have our first
 10 responsibility to them and not to our egos
 11 over here. And to somebody -- this was an
 12 emergency situation where we needed an
 13 employee right then and there.
 14 MR. LUKASEWICZ: You had somebody
 15 that was not hired by the borough of Throop
 16 taking care of children.
 17 MS. MENICHETTI: Then next time
 18 we'll just put a closed sign on the building.
 19 MR. LUKASEWICZ: You said it best.
 20 You hired someone to take care of children
 21 without ratifying it at a meeting. You can't
 22 do that. You can't do it.
 23 MS. MENICHETTI: She was recommended
 24 by the borough manager and two assistant
 25 directors. Furthermore, they did -- you never

1 requirement of the borough code for the hiring
 2 and firing and everything else? Take official
 3 action, right, by council?
 4 MR. BRAZIL: Generally council has
 5 to approve those items.
 6 MR. BARNICK: Thank you. That
 7 settles it right there.
 8 MS. MENICHETTI: Well, we had a tie
 9 vote, the mayor was not here, so we couldn't
 10 do it.
 11 All right, roll call, please, Mr.
 12 Novack. Mr. Novack, roll call, please, on
 13 motion number eight -- motion number nine, to
 14 accept the 2004 audit as prepared by Rainey
 15 and Rainey, certified public accountants.
 16 Would you make that?
 17 MR. MARUSHOCK: I'll make that.
 18 MS. MENICHETTI: Mr. Marushock has
 19 put the motion on the floor. Second, please?
 20 MRS. SHORTZ: I'll second.
 21 MS. MENICHETTI: Second by Mrs.
 22 Shortz. On the question? Roll call, please.
 23 MR. NOVACK: Mr. Marushock?
 24 MR. MARUSHOCK: For.
 25 MR. NOVACK: Mrs. Shortz?

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1 MRS. SHORTZ: For.
 2 MR. NOVACK: Mr. Lukasewicz?
 3 MR. LUKASEWICZ: For.
 4 MR. NOVACK: Mr. Barnick?
 5 MR. BARNICK: Against.
 6 MR. NOVACK: Mr. Barone?
 7 MR. BARONE: Against.
 8 MR. NOVACK: Ms. Johnson?
 9 MS. JOHNSON: For.
 10 MR. NOVACK: Ms. Menichetti?
 11 MS. MENICHETTI: For.
 12 Motion number ten, to send a
 13 donation to Saint John's Church in the amount
 14 of \$100 in preparation for its 100th
 15 anniversary.
 16 MR. MARUSHOCK: I'll make that
 17 motion.
 18 MS. MENICHETTI: I spoke with the
 19 solicitor today and he informs me that we
 20 cannot do this.
 21 MR. BRAZIL: Generally there's
 22 nothing in the borough code that allows for a
 23 donation to a religious institution. If they
 24 have a civic group there or somebody that can
 25 use this, I mean, I think that would be okay.

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1 But I think when you're donating money to
 2 churches you create a problem. So I don't
 3 know if this church has a --
 4 MR. LUKASEWICZ: Can we donate it to
 5 the centennial committee? They're the group
 6 doing the job on behalf of the church.
 7 MR. BRAZIL: That's fine.
 8 MR. LUKASEWICZ: Can we reword it to
 9 do that?
 10 MR. BRAZIL: If you have a civic
 11 group or something there.
 12 MRS. SHORTZ: The only thing is does
 13 the centennial committee -- are the checks
 14 written to Saint John's for them or --
 15 MR. MARUSHOCK: I believe so. It's
 16 Saint John's centennial committee. This would
 17 be for a full page ad in the magazine.
 18 MR. BRAZIL: I'd much rather see the
 19 check go to Saint John's centennial committee.
 20 MR. LUKASEWICZ: On behalf of the
 21 citizens of Throop.
 22 MR. BRAZIL: Then I would have no
 23 problem with this.
 24 MR. MARUSHOCK: We can change the
 25 wording to send a donation to Saint John's

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1 centennial committee.
 2 MR. BRAZIL: Right.
 3 MS. MENICHETTI: I'm trying to find
 4 it here. It doesn't tell you who to endorse
 5 the checks to. It doesn't really say.
 6 MR. LUKASEWICZ: We send it that way
 7 and they cash it that way --
 8 MS. MENICHETTI: Excuse me, it is
 9 signed Saint John's centennial committee so we
 10 won't put donation to Saint John's Church.
 11 Saint John's centennial committee? And the
 12 amount was \$100. The motion was placed on the
 13 floor by Mr. Marushock, it was seconded by Ms.
 14 Johnson. On the question? Roll call, please,
 15 Mr. Novack.
 16 MR. NOVACK: Mr. Marushock?
 17 MR. MARUSHOCK: For.
 18 MR. NOVACK: Ms. Johnson?
 19 MS. JOHNSON: For.
 20 MR. NOVACK: Mrs. Shortz?
 21 MRS. SHORTZ: For.
 22 MR. NOVACK: Mr. Lukasewicz?
 23 MR. LUKASEWICZ: For.
 24 MR. NOVACK: Mr. Barnick?
 25 MR. BARNICK: For.

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1 MR. NOVACK: Mr. Barone?
 2 MR. BARONE: For.
 3 MR. NOVACK: Ms. Menichetti?
 4 MS. MENICHETTI: For. All in
 5 favor. Motion carried.
 6 Motion number 11, to authorize
 7 payment to Building Inspection Underwriters,
 8 Incorporated, in the amount of \$1,944.46 for
 9 permits issued during the month of June,
 10 2005. Motion, please?
 11 MR. LUKASEWICZ: I'll make that
 12 motion, Madam Chairman.
 13 MS. MENICHETTI: Motion by
 14 Mr. Lukasewicz. Second?
 15 MR. MARUSHOCK: I'll second it.
 16 MS. MENICHETTI: Second by Mr.
 17 Marushock. On the question?
 18 MR. BARONE: On the question, this
 19 company got the money for permits. What did
 20 Throop get?
 21 MS. MENICHETTI: I don't have the
 22 breakdown here with me, Mr. Barone. I'm sure
 23 the borough manager can provide that to you
 24 tomorrow.
 25 MR. BARONE: They keep about 90

1 percent, this guy, Throop gets about ten?
 2 MS. MENICHETTI: Well, it's in
 3 accordance with the agreement that we signed
 4 with him.
 5 MR. BRAZIL: I think Throop gets an
 6 administrative fee for them. I'm not sure
 7 what it is.
 8 MR. LUKASEWICZ: A certain amount.
 9 I believe it's \$15 for the permit.
 10 MS. MENICHETTI: Anyone else on the
 11 question? Roll call, please, Mr. Novack.
 12 MR. NOVACK: Mr. Lukasewicz?
 13 MR. LUKASEWICZ: For.
 14 MR. NOVACK: Mr. Marushock?
 15 MR. MARUSHOCK: For.
 16 MR. NOVACK: Mrs. Shortz?
 17 MRS. SHORTZ: For.
 18 MR. NOVACK: Mr. Barnick?
 19 MR. BARNICK: For.
 20 MR. NOVACK: Mr. Barone?
 21 MR. BARONE: Against.
 22 MR. NOVACK: Ms. Johnson?
 23 MS. JOHNSON: For.
 24 MR. NOVACK: Ms. Menichetti?
 25 MS. MENICHETTI: For. Six in

1 favor. Motion carried.
 2 ~~Motion number 12, to donate \$200 for~~
 3 ~~the Rocco Valvano memorial tank to tank walk.~~
 4 Also to prepare the necessary paperwork to
 5 close the road with PennDOT and have portable
 6 lavatories available along the route in Throop
 7 for their use.
 8 MR. LUKASEWICZ: I'll make the
 9 motion, Madam Chairman.
 10 MS. MENICHETTI: Motion by
 11 Mr. Lukasewicz. Second?
 12 MRS. SHORTZ: I'll second it.
 13 MS. MENICHETTI: Second by
 14 Mrs. Shortz. On the question? We did do this
 15 last -- I believe it was last year. And I did
 16 check with Mr. Brazil and this is legal
 17 because the money goes to the veterans
 18 organizations -- or the Gino Merle Veterans
 19 Center. Anyone else on the question? Roll
 20 call, please, Mr. Novack.
 21 MR. NOVACK: Mr. Lukasewicz?
 22 MR. LUKASEWICZ: For.
 23 MR. NOVACK: Mrs. Shortz?
 24 MRS. SHORTZ: For.
 25 MR. NOVACK: Mr. Marushock?

1 MR. MARUSHOCK: For.
 2 MR. NOVACK: Mr. Barnick?
 3 MR. BARNICK: For.
 4 MR. NOVACK: Mr. Barone?
 5 MR. BARONE: For.
 6 MR. NOVACK: Ms. Johnson?
 7 MS. JOHNSON: For.
 8 MR. NOVACK: Ms. Menichetti?
 9 MS. MENICHETTI: For. All in
 10 favor. Motion carried.
 11 MR. LUKASEWICZ: Madam Chairman, I'd
 12 like to make motion number 13 to accept
 13 ordinance number seven of 2005, an ordinance
 14 authorizing the purchase of real estate.
 15 Specifically, the Chorba parcel, which was
 16 advertised and posted as outlined by the
 17 borough code.
 18 MR. BARNICK: I'll second it.
 19 MS. MENICHETTI: Would you like to
 20 put the price in there, too?
 21 MR. LUKASEWICZ: I believe it was
 22 160.
 23 MS. MENICHETTI: \$160,000?
 24 MR. LUKASEWICZ: Yes. And I believe
 25 that's for approximately almost eight acres of

1 land.
 2 MS. MENICHETTI: All right, the
 3 motion has been placed on the floor by Mr.
 4 Lukasewicz, seconded by Mr. Barnick. On the
 5 question?
 6 MR. LUKASEWICZ: Yeah, on the
 7 question, I believe this to be a very suitable
 8 site for the DPW complex. We've been
 9 wrangling with this issue for as long as I can
 10 remember, and there's been three or four
 11 different sites. And, of course, there's pros
 12 and cons on every site of. And I might not
 13 agree with certain council on their best
 14 wish. I only do it because of being in the
 15 business of construction as long as I have and
 16 knowing somewhat about the borough and the
 17 location of this property. And I believe at
 18 this time this is probably the best suitable
 19 location available to the borough of Throop.
 20 I also believe if we don't move on
 21 this piece of property in the near future we
 22 jeopardize someone else coming in and
 23 purchasing it out from underneath us, and then
 24 we're even deeper in a quagmire than we've
 25 been in the past. So I would only ask that

1 when the vote is taken that everyone vote with
2 an open mind. And, you know, however you vote
3 I understand, but just please have an open
4 mind when you vote.

5 MS. MENICHETTI: Anyone else on the
6 question?

7 MRS. SHORTZ: I have a problem with
8 this property. Purchase of property is
9 \$60,000 more than what we actually had in the
10 loan that we took for purchasing property.
11 It's going to be a minimum of \$35,000 to
12 prepare this site for this building, so we're
13 investing almost \$200,000 before we even
14 start. I don't think this is appropriate. I
15 don't think the ground is stable. There's
16 been a history of subsidence there in the past
17 and I just don't feel it's appropriate.

18 MR. LUKASEWICZ: You believe there's
19 a history of subsidence at this site?

20 MS. SHORTZ: It was brought up at
21 several meetings by Mrs. Goreschak that there
22 have been --

23 MR. LUKASEWICZ: We spent \$5,400 for
24 a very technical overview of that property. I
25 believe if you read that correspondence, there

1 was nothing in there saying the stability of
2 the site was in question. So that's you
3 believe in your own mind but not in the mind
4 of someone we spent \$5,400 on to research.

5 MRS. SHORTZ: We also spent several
6 thousand dollars to research the Rinaldi
7 property, and there was not an issue as far as
8 support of the building because there was rock
9 up there. The rock would not interfere with
10 the building. That was just as good a site as
11 the Chorba site and it would cost us
12 considerably less.

13 MR. BARNICK: On the question with
14 the property, this is the best site out of the
15 three that's been argued about. Subsidence?
16 Yellow Freight's been up there for years. I
17 think it was Associated somebody before.
18 Never heard nothing about any subsidence.
19 That's a new one. Easy access from the
20 highways, Casey, 81. It's more of a
21 commercial area. You have so many acres can
22 be a buffer zone between the houses compared
23 to over here at Rinaldi. The people do not
24 want it. They will fight it all the way down
25 that whole road back there. This is the best

1 site and I think it's the purchase we should
2 make.

3 MRS. SHORTZ: At the last meeting
4 Mr. Lukasewicz said he spoke to every person
5 on that street. I spoke to three over the
6 weekend and they said it was never discussed
7 with them at all and they had no problem with
8 it being back there. So I don't know where
9 that was coming from.

10 MR. BARNICK: Must be different
11 people.

12 MR. LUKASEWICZ: Must be different
13 people.

14 MRS. SHORTZ: Three people that live
15 on that street. They said that the only thing
16 that was brought up when you were campaigning
17 was asking for support and about the booster
18 club. It was never brought up about the DPW
19 in a discussion. I'm telling you.

20 MR. LUKASEWICZ: I asked every
21 person living on that street if they wanted a
22 DPW complex built in their back yards, and the
23 citizens on that street were adamant that they
24 did not want a DPW complex behind their
25 homes. They said the mountain that is there

1 now is actually a wind break and it helps them
2 in the area -- if you build a DPW complex
3 there that noise is going to travel and the
4 fumes go this way.

5 MRS. SHORTZ: They've been there
6 forever.

7 MR. LUKASEWICZ: The noise and the
8 fumes go this way. They don't want it there.

9 MRS. SHORTZ: Well, the three that I
10 spoke to said they had no problem.

11 MR. MARUSHOCK: One of the things
12 brought out in our Thursday night work session
13 by the borough engineer is that the estimated
14 costs, additional site prep underneath the
15 building to stabilize the site is estimated to
16 cost \$35,000.

17 MR. LUKASEWICZ: Wherever you build
18 a building you have site prep. If you
19 purchase the property from Mr. Rinaldi, his
20 proposal was to have the site ready to be
21 built on. That doesn't mean he's going to do
22 the stabilization underneath the building.
23 He's going to level it to grade for you.
24 Anyplace you build a building in northeastern
25 Pennsylvania you have to have site

1 stabilization. If you go up here by the mall
2 where they put these little buildings in every
3 now and then every place is dug out and
4 rebuilt, compacted and stabilized. That's
5 standard building practice. It's going to be
6 everywhere. So to argue that point is moot.

7 MR. BARNICK: Not only that, you're
8 going to have rock over here, you're going to
9 hit rock so bad, just like it only has a half
10 basement over there. Over here at the civic
11 center they hit rock, and if they had to go
12 ripping this rock it's going to cost them
13 thousands, thousands more.

14 MR. BARONE: Susan, you said it will
15 cost a lot more for Chorba's land than it will
16 for Rinaldi's. Is that what you said, it's
17 going to cost more for the Chorba than it will
18 for the Rinaldi land?

19 MRS. SHORTZ: Yes.

20 MR. BARONE: Chorba wants \$160,000.
21 What was Rinaldi asking for half the acreage
22 were getting?

23 MRS. SHORTZ: \$100,000, and he's
24 giving \$25,000 back.

25 MR. BARONE: How about the \$30,000

1 say that you're going to pay him 80,000 --

2 MRS. SHORTZ: The last time we
3 attempted to put the 48 acres on --

4 MS. MENICHETTI: All right, the
5 question has been called. May I have roll
6 call, Mr. Novack.

7 MR. NOVACK: Mr. Lukasewicz?

8 MR. LUKASEWICZ: For.

9 MR. NOVACK: Mr. Barnick?

10 MR. BARNICK: For.

11 MR. NOVACK: Mrs. Shortz?

12 MRS. SHORTZ: Against.

13 MR. NOVACK: Mr. Marushock?

14 MR. MARUSHOCK: Against.

15 MR. NOVACK: Mr. Barone?

16 MR. BARONE: For.

17 MR. NOVACK: Ms. Johnson?

18 MS. JOHNSON: Against.

19 MR. NOVACK: Ms. Menichetti?

20 MS. MENICHETTI: Against. Four
21 against. Motion failed.

22 **Motion number 14, to donate \$200 to**
23 **the humane society.**

24 MR. LUKASEWICZ: I'll make that
25 motion, Madam Chairman.

1 that you want to pay him to move that rock?
2 You got to compact everything. That's on
3 Rinaldi land.

4 MR. LUKASEWICZ: I believe it was
5 \$180,000.

6 MR. BARONE: It was \$180,000 --

7 MR. LUKASEWICZ: So he's going to
8 remove -- you're going to pay 180.

9 MRS. SHORTZ: And it's going to be
10 ready to build.

11 MR. LUKASEWICZ: Three acres of
12 land. Up here you're paying 160 and you have
13 eight acres of land. I don't understand. You
14 have five acres of land you're getting for --

15 MRS. SHORTZ: All I know is this
16 argument's gone back and forth for six years.
17 How many years --

18 MR. BARONE: You keep changing the
19 price of everything.

20 MRS. SHORTZ: No, I don't keep
21 changing the price.

22 MR. BARONE: Yes, you do.

23 MRS. SHORTZ: No, I don't. The
24 price is there.

25 MR. BARONE: You keep forgetting to

1 MR. MARUSHOCK: I'll second it.

2 MS. MENICHETTI: Motion by
3 Mr. Lukasewicz, seconded by Mr. Marushock. On
4 the question? Roll call, please.

5 MR. NOVACK: Mr. Lukasewicz?

6 MR. LUKASEWICZ: For.

7 MR. NOVACK: Mr. Marushock?

8 MR. MARUSHOCK: For.

9 MR. NOVACK: Mrs. Shortz?

10 MRS. SHORTZ: For.

11 MR. NOVACK: Mr. Barnick?

12 MR. BARNICK: For.

13 MR. NOVACK: Mr. Barone?

14 MR. BARONE: For.

15 MR. NOVACK: Ms. Johnson?

16 MS. JOHNSON: For.

17 MR. NOVACK: Ms. Menichetti?

18 MS. MENICHETTI: For. All in

19 favor. Motion carried.

20 **Motion number 15, to authorize**
21 **payment to Frederick C. Spott and Associates,**
22 **Incorporated, in the amount of \$5,597.50 for**
23 **services rendered in the month of June, 2005.**
24 **Motion, please?**

25 MR. BARONE: I'll make it.

1 MS. MENICHETTI: Was that you, Joe?
 2 MR. BARONE: Yes.
 3 MS. MENICHETTI: Motion by
 4 Mr. Barone. Second?
 5 MR. LUKASEWICZ: I'll second it.
 6 MS. MENICHETTI: Second by
 7 Mr. Lukasewicz. On the question? No one on
 8 the question? Roll call, please.
 9 MR. NOVACK: Mr. Barone?
 10 MR. BARONE: For.
 11 MR. NOVACK: Mr. Lukasewicz?
 12 MR. LUKASEWICZ: For.
 13 MR. NOVACK: Mrs. Shortz?
 14 MRS. SHORTZ: For.
 15 MR. NOVACK: Mr. Marushock?
 16 MR. MARUSHOCK: For.
 17 MR. NOVACK: Mr. Barnick?
 18 MR. BARNICK: For.
 19 MR. NOVACK: Ms. Johnson?
 20 MS. JOHNSON: For.
 21 MR. NOVACK: Ms. Menichetti?
 22 MS. MENICHETTI: For. All in
 23 favor. Motion carried.
 24 Motion number 16, to authorize
 25 Computata to upgrade the software from version

1 MR. NOVACK: Mr. Marushock?
 2 MR. MARUSHOCK: For.
 3 MR. NOVACK: Ms. Johnson?
 4 MS. JOHNSON: For.
 5 MR. NOVACK: Mrs. Shortz?
 6 MRS. SHORTZ: For.
 7 MR. NOVACK: Mr. Lukasewicz?
 8 MR. LUKASEWICZ: Against.
 9 MR. NOVACK: Mr. Barnick?
 10 MR. BARNICK: Against.
 11 MR. NOVACK: Mr. Barone?
 12 MR. BARONE: Against.
 13 MR. NOVACK: Ms. Menichetti?
 14 MS. MENICHETTI: For. Four in
 15 favor. Motion carried.
 16 Motion number 17, to purchase the
 17 sunny day fund CD from Pennstar Bank for 12
 18 months at a rate 3.68 percent. This was
 19 discussed at the work session. It's
 20 considered to be the best rate at this time.
 21 Ten percent of the landfill check -- what is
 22 the amount, Mr. Novack?
 23 MR. NOVACK: It's \$65,957.
 24 MS. MENICHETTI: Even?
 25 MR. NOVACK: No, I think 67 cents.

1 5.0 to 6.5 at a cost of \$507.67. May I have a
 2 motion, please?
 3 MR. MARUSHOCK: I'll make that
 4 motion.
 5 MS. MENICHETTI: Motion by Mr.
 6 Marushock. May I have a second, please?
 7 MS. JOHNSON: I'll second.
 8 MS. MENICHETTI: Second by Ms.
 9 Johnson. On the question?
 10 MR. BARNICK: On the question, what
 11 is all this upgrade? I mean, I read part of
 12 the letter that's in the packet, but I can't
 13 understand why we need so much all the
 14 sudden.
 15 MS. MENICHETTI: If you have a
 16 computer you get upgrades -- everyday pop-ups
 17 that say time to upgrade, and many times you
 18 do it through the internet. However, this is
 19 specialized software which can't be done that
 20 way. It has to be done by the company. So we
 21 have to get our upgrades from them. This is
 22 from Computata. Anyone else on the question?
 23 Anyone else need an explanation any more than
 24 that? May I have roll call, please, Mr.
 25 Novack.

1 It changed.
 2 MR. MARUSHOCK: I'll make that as a
 3 motion.
 4 MS. MENICHETTI: Would you please
 5 place the correct amount there. Motion by Mr.
 6 Marushock. Second, please?
 7 MS. JOHNSON: I'll second it.
 8 MS. MENICHETTI: Second by
 9 Ms. Johnson. On the question.
 10 MR. BARNICK: On the question, how
 11 many banks do we have accounts with, different
 12 institutions?
 13 MR. MARUSHOCK: This was the highest
 14 rate. There were comparisons given out at the
 15 work session which is in our pack.
 16 MR. BARNICK: I understand that.
 17 How many do we have?
 18 MS. MENICHETTI: As far as I know we
 19 have Pennstar and First National Community and
 20 Community National. We have three. Anyone
 21 else on the question? Roll call, please.
 22 MR. NOVACK: Mr. Marushock?
 23 MR. MARUSHOCK: For.
 24 MR. NOVACK: Ms. Johnson?
 25 MS. JOHNSON: For.

1 MR. NOVACK: Mrs. Shortz?
 2 MRS. SHORTZ: For.
 3 MR. NOVACK: Mr. Lukasewicz?
 4 MR. LUKASEWICZ: For.
 5 MR. NOVACK: Mr. Barnick?
 6 MR. BARNICK: For.
 7 MR. NOVACK: Mr. Barone?
 8 MR. BARONE: For.
 9 MR. NOVACK: Ms. Menichetti?
 10 MS. MENICHETTI: For. All in
 11 favor. Motion carried.
 12 Motion number 18, to read and accept
 13 the resignation of Melissa Casey as civic
 14 center director.
 15 MR. MARUSHOCK: So move.
 16 MS. MENICHETTI: Motion by Mr.
 17 Marushock. Second?
 18 MRS. SHORTZ: I'll second.
 19 MS. MENICHETTI: Second by
 20 Mrs. Shortz. Would you read it, please?
 21 Mr. Marushock will now read the resignation
 22 letter.
 23 MR. MARUSHOCK: It's dated July 16,
 24 2005, to Throop Borough, attention Ken Novack,
 25 436 Sanderson Street, Throop, Pa., 18502.

1 As such, it is with sadness that I
 2 must advise you of my resignation effective
 3 August 3, 2005. Upon receipt of this letter,
 4 please notify Throop Borough's council and the
 5 residents of Throop of my resignation.
 6 Sincerely, Melissa Casey."
 7 MR. LUKASEWICZ: On the question,
 8 Madam Chairman, I will be accepting her
 9 resignation, but I will be not accepting her
 10 resignation as stated in the letter for the
 11 reasons that she stated.
 12 MS. MENICHETTI: So you're
 13 accepting --
 14 MS. LUKASEWICZ: I'm accepting the
 15 resignation, but the reasoning that she is
 16 using for her resignation is unfounded.
 17 MR. BARNICK: On the question, I
 18 will be accepting her resignation also. And
 19 the allegations made in here are totally
 20 untrue and the people know who instigated
 21 this. It all begins right here with the
 22 majority. This has been an ongoing thing with
 23 them.
 24 MS. MENICHETTI: This is the second
 25 director.

1 Certified male number 70042510000692303954,
 2 regarding civic center director position.
 3 "Dear Mr. Novack, as you know, I was
 4 hired to work as the civic center director in
 5 August 2004. Shortly after I began working in
 6 this position I was subject to mistreatment,
 7 humiliation and/or embarrassment by councilmen
 8 Mr. Barone and Mr. Barnick (I understand that
 9 their actions were supported at some meetings
 10 by councilman Mr. Lukasewicz). I've alerted
 11 you and/or council to these problems on many
 12 occasions.
 13 While I was pregnant I was
 14 experiencing physical ailments that required
 15 medical treatment due to the stress and
 16 anxiety I was subjected to on almost a daily
 17 basis.
 18 Since leaving the civic center for
 19 my maternity leave I noted a gradual
 20 improvement in my health. As my leave is
 21 coming to an end I note a decline in my health
 22 and as such realize that I am unable to return
 23 to my job as the civic center director, as it
 24 would be detrimental to my health and
 25 well-being.

1 MR. BARNICK: Can I finish
 2 speaking?
 3 MS. MENICHETTI: It's the second
 4 director.
 5 MR. BARNICK: Apparently when you
 6 hire somebody to do the job in a management
 7 position they don't like to be questioned
 8 about, like, what were the expenditures, what
 9 revenues did we get. That's harassment. Now,
 10 that's part of our job.
 11 But I will say one thing, here's
 12 where this is totally unfounded. One time in
 13 one year I met her. I said hi, I'm Jim
 14 Barnick. I'm one of the councilmen. That's
 15 it. Walked out of the civic center. Never
 16 spoke to her in a year. In a year. I will
 17 swear on a stack of bibles. One year didn't
 18 say one word to her except for meeting her
 19 over there. This is influenced right there by
 20 Daryl Menichetti. She's a professional actor
 21 at her job.
 22 MS. MENICHETTI: Yeah, uh-huh, and
 23 you are the saint of truth.
 24 MR. BARNICK: Right. I do what's
 25 good for Throop.

1 MS. MENICHETTI: Mrs. Shortz,
 2 please, you have the floor.
 3 MRS. SHORTZ: I would just like to
 4 alter one of the things that Mr. Barnick said,
 5 that he never spoke with her or harassed her.
 6 She sat there at a public meeting where she
 7 was accused by Mr. Barnick of illegal
 8 wiretapping which the chief of police was
 9 present at the meeting and said it was not
 10 illegal wiretapping.
 11 MR. BARNICK: Was I speaking to
 12 her?
 13 MRS. SHORTZ: I -- yes, you were to
 14 her.
 15 MR. BARNICK: No, I was not.
 16 MRS. SHORTZ: Yes, you were to her.
 17 MR. BARNICK: The cycle of evil over
 18 there in the corner.
 19 MRS. SHORTZ: I'm speaking, Mr.
 20 Barnick. I let you speak. Please be quiet.
 21 He accused her of illegal wiretapping. The
 22 chief of police was present in the meeting,
 23 and you can look at the minutes if you want
 24 the verification of this. And he said it was
 25 not illegal tapping, that that is a monitoring

1 device that's in place for a purpose, to be
 2 able to observe what's going on.
 3 After -- in the meeting it was
 4 stated by the chief of police it wasn't an
 5 issue, and Mr. Barone then went to the DA's
 6 office and had two investigators come up and
 7 look into the issue. They weren't even
 8 satisfied with what our chief of police said.
 9 After the two investigators
 10 investigated they found that there was no
 11 wrongdoing. There was never a public apology
 12 made by Mr. Barnick or Mr. Barone for the
 13 accusation. That is only one, and I could
 14 list other incidents. So he is not what he
 15 proclaims himself to be either.
 16 MR. LUKASEWICZ: Madam Chairman, can
 17 I ask one question -- and I don't know if
 18 anyone will answer me or not -- but I'm
 19 sitting here this evening and I'm seeing this
 20 letter. Does anyone on council know if this
 21 letter has been forwarded to -- I believe it's
 22 ECOC, like the other ones were forwarded? At
 23 this time does any council know of any
 24 intentions of that or further lawsuit or
 25 whatever?

1 MS. MENICHETTI: I have no idea.
 2 MR. LUKASEWICZ: At this time nobody
 3 has any idea. That's all I have.
 4 MS. MENICHETTI: Anyone else on the
 5 question?
 6 MR. BARONE: Susan Shortz, that day
 7 she sat right over there by the -- she said it
 8 herself that you had two people taped -- do
 9 you want me to get the two people to verify
 10 it? She also said that -- Mr. Novack heard
 11 her -- that they were being taped.
 12 MRS. SHORTZ: But it was not illegal
 13 wiretapping as a monitor.
 14 MR. BARONE: She wasn't there with
 15 them.
 16 MS. MENICHETTI: That's a big
 17 difference, being monitored and being taped.
 18 MR. BARONE: You can't listen on a
 19 monitor.
 20 MRS. SHORTZ: Yes, you can.
 21 (Outburst.)
 22 MR. LUKASEWICZ: Can I call the
 23 question so it doesn't get out of hand, here,
 24 Madam Chairman?
 25 MRS. SHORTZ: The district attorney

1 verified that there was nothing illegal.
 2 MR. BARONE: Bring up it, we'll find
 3 out.
 4 MS. MENICHETTI: May I have roll
 5 call, Mr. Novack.
 6 MR. NOVACK: Mr. Marushock?
 7 MR. MARUSHOCK: For with regrets
 8 because I think she did a great job.
 9 MR. NOVACK: Mrs. Shortz?
 10 MRS. SHORTZ: For.
 11 MR. NOVACK: Mr. Lukasewicz?
 12 MR. LUKASEWICZ: For to accept her
 13 resignation, and I'm not happy with her
 14 resignation letter. But also I would like to
 15 thank her for the time spent here at Throop
 16 Borough. She did a fine job over there.
 17 MR. NOVACK: Mr. Barnick?
 18 MR. BARNICK: For. Like you said,
 19 for the resignation but not for the contents
 20 of the resignation letter itself. It's a last
 21 ditch desperation attempt by the majority.
 22 MS. MENICHETTI: Next, please.
 23 MR. NOVACK: Mr. Barone?
 24 MR. BARONE: For, same reason.
 25 MR. NOVACK: Ms. Johnson?

1 MS. JOHNSON: For.
 2 MR. NOVACK: Ms. Menichetti?
 3 MS. MENICHETTI: For. And I'd like
 4 to say also that you can make all the
 5 accusations you want, but Melissa Casey gave
 6 us this on her own. And I think she did a
 7 very good job for the short time she was
 8 there. She did try. Unfortunately, she
 9 became pregnant and she couldn't continue on.
 10 MR. BARNICK: Unfortunately? I
 11 don't think that was unfortunate.
 12 MS. MENICHETTI: Well, she couldn't
 13 take your harassment being pregnant.
 14 MR. LUKASEWICZ: Madam Chairman, can
 15 we get a letter out, an official letter out to
 16 her commending her for her service?
 17 MS. MENICHETTI: This is the second
 18 letter of resignation we have received from
 19 directors over there. She's not the first.
 20 MS. LUKASEWICZ: Madam Chairman,
 21 when the letter goes out commending her on her
 22 good job can I receive a copy of it, please?
 23 MS. MENICHETTI: Sure. Motion
 24 number 19, to advertise for a new civic center
 25 director using the same ad as the last time we

1 advertised, using the same criteria.
 2 MR. MARUSHOCK: I'll make that
 3 motion.
 4 MRS. SHORTZ: I'll second it.
 5 MS. MENICHETTI: Motion by Mr.
 6 Marushock, seconded by Mrs. Shortz. On the
 7 question?
 8 MR. BARNICK: Yeah, on the question,
 9 I don't know what the criteria was on the last
 10 one. I mean, we should have had a copy in the
 11 packet.
 12 MRS. SHORTZ: You did.
 13 MS. MENICHETTI: Stating the
 14 qualifications that are necessary to run the
 15 day care program.
 16 MR. BARNICK: We're going on
 17 something.
 18 MR. LUKASEWICZ: Just get the ad and
 19 have it in everyone's slot so we can review
 20 it.
 21 MS. MENICHETTI: I asked them to
 22 have it. You have a copy of it. Can you read
 23 it?
 24 MRS. HARTSHORN: "Civic center
 25 recreation director. Full time position

1 available at the Throop Borough Civic Center.
 2 Minimum bachelor's degree and must have the
 3 necessary credentials to supervise day care
 4 center. Duties include, but not limited to,
 5 complete supervision of all civic center
 6 employees, all programs. Must have ability to
 7 develop, organize, and implement recreation
 8 programs. All eligible applicants must meet
 9 criteria if once selected. The certain
 10 criteria is a background check from the state
 11 police and social services. Must adhere to
 12 drug and alcohol testing. Competitive salary,
 13 benefit package. Resume and references
 14 required. Applications will be accepted at
 15 the Throop Borough Building."
 16 MS. MENICHETTI: Thank you,
 17 Christine. Mr. Rocco, please. We're having a
 18 meeting.
 19 MR. BARNICK: What's the starting
 20 salary?
 21 MR. LUKASEWICZ: What did we start
 22 her at, do you remember?
 23 MS. MENICHETTI: Twenty-six or 27-5.
 24 MR. LUKASEWICZ: This would be
 25 similar?

1 MS. MENICHETTI: Yes.
 2 MR. LUKASEWICZ: Who did the
 3 interviewing, Daryl?
 4 MS. MENICHETTI: I did last year.
 5 Anybody can interview if you want to.
 6 MR. LUKASEWICZ: The interviewing,
 7 Mr. Novack --
 8 MS. MENICHETTI: Now we have a
 9 borough manager.
 10 MR. LUKASEWICZ: He'll do it or
 11 he'll advise council if council wants to sit
 12 in on any of it.
 13 MS. MENICHETTI: Ken, you will be
 14 able to interview for the new position?
 15 MR. LUKASEWICZ: It's a very
 16 important position. I'd like to be able to
 17 sit in on it.
 18 MR. BARONE: I want to ask one
 19 question to council and I'd appreciate an
 20 answer. You're going to accept the
 21 applications. If somebody from Throop is
 22 qualified are they going to get the job or are
 23 we going outside the town again? I know I
 24 want the person from Throop if there's one.
 25 MAYOR LUKOWSKI: And there's a

1 legend in Throop that's qualified. A legend.
2 His father was, too. He's dead now. He's in
3 the hall of fame.

4 MS. MENICHETTI: Who is that?

5 MAYOR LUKOWSKI: Mr. Shylock.

6 MS. MENICHETTI: Does he have a
7 bachelor's degree?

8 MAYOR LUKOWSKI: He has a master's
9 degree.

10 MS. MENICHETTI: In early
11 childhood?

12 MAYOR LUKOWSKI: Everything.

13 MS. MENICHETTI: He can certainly
14 apply for the job. I'd be welcome to have
15 him.

16 MAYOR LUKOWSKI: He applied for the
17 job.

18 MR. BARONE: They gave it to her.

19 MS. MENICHETTI: Well, there must
20 have been a reason. Either he didn't have the
21 qualifications that were necessary for the
22 state.

23 MR. BARONE: He's got them all
24 outnumbered. All I asked was are you going to
25 hire somebody from Throop if they're

1 the resignation of Billy Washenko, civic
2 center worker.

3 MR. MARUSHOCK: I'd make that
4 motion.

5 MS. MENICHETTI: Motion by Mr.
6 Marushock. Second?

7 MR. BARNICK: I'll second it.

8 MS. MENICHETTI: Second by
9 Mr. Barnick. On the question? Well, he's
10 going to read it first.

11 MR. MARUSHOCK: Letter dated July
12 16, 2005, "to all Throop council members. I,
13 William Washenko, am handing in my resignation
14 as of July 16, 2005, as a staff worker at
15 Throop Civic Center due to my full time job.

16 I would like to thank the following
17 council members that helped to improve the
18 center during my 18 months of employment
19 there. They are as follows: Jim Barnick, Joe
20 Barone, Tom Lukasewicz, and George Marushock.
21 I will not forget the ones that treated me as
22 a friend, not only as an employee. Thanks
23 again. William Washenko."

24 MS. MENICHETTI: Thank you. Anyone
25 on the question? Roll call, please.

1 qualified.

2 MS. MENICHETTI: May I have a vote?
3 Roll call, please. Joe called the motion.
4 The question has been called.

5 MR. BARONE: You don't want to give
6 an answer to these people --

7 MS. MENICHETTI: Mr. Lukasewicz
8 called the question. Mr. Novack, may I have
9 roll call, please.

10 MR. NOVACK: Mr. Marushock?

11 MR. MARUSHOCK: For.

12 MR. NOVACK: Mrs. Shortz?

13 MRS. SHORTZ: For.

14 MR. NOVACK: Mr. Lukasewicz?

15 MR. LUKASEWICZ: For.

16 MR. NOVACK: Mr. Barnick?

17 MR. BARNICK: For.

18 MR. NOVACK: Mr. Barone?

19 MR. BARONE: For.

20 MR. NOVACK: Ms. Johnson?

21 MS. JOHNSON: For.

22 MR. NOVACK: Ms. Menichetti?

23 MS. MENICHETTI: For. All that to
24 advertise for a job.

25 **Motion number 20, to read and accept**

1 MR. NOVACK: Mr. Marushock?

2 MR. MARUSHOCK: For, again, with
3 regrets. I think he did a good job.

4 MR. LUKASEWICZ: Can we have a
5 letter of recommendation also in his file?

6 MS. MENICHETTI: We don't give
7 letters of recommendation but I'll send a
8 letter thanking him for his services.

9 MR. NOVACK: Mr. Barnick?

10 MR. BARNICK: For.

11 MR. NOVACK: Mrs. Shortz?

12 MRS. SHORTZ: For.

13 MR. NOVACK: Mr. Lukasewicz?

14 MR. LUKASEWICZ: For.

15 MR. NOVACK: Mr. Barone?

16 MR. BARONE: For.

17 MR. NOVACK: Ms. Johnson?

18 MS. JOHNSON: For.

19 MR. NOVACK: Ms. Menichetti?

20 MS. MENICHETTI: For. All in
21 favor. Motion carries.

22 **Motion number 21, to settle the**
23 **Midvalley School District lawsuit for \$43,500.**

24 MR. LUKASEWICZ: Madam Chairman,
25 I'll make that motion.

1 MS. MENICHETTI: Motion by
 2 Mr. Lukasewicz. May I have a Second?
 3 MR. MARUSHOCK: Second that.
 4 MS. MENICHETTI: Second by
 5 Mr. Marushock. On the question?
 6 MR. BARNICK: Yeah, on the question,
 7 I'm going to vote against it because I'm
 8 telling you, there's other big businesses up
 9 there that paid lots of money. If you're
 10 going to start this you need to go back and
 11 readjust the ordinance, whatever so
 12 everybody's fair. This is not fair. Or put a
 13 provision in just for the nonprofits. I don't
 14 know. But you can't just do it for one and
 15 not the other one. I mean, there's --
 16 MS. MENICHETTI: We didn't just
 17 decide to do this, they're suing us and this
 18 is their settlement. We didn't just decide
 19 it.
 20 MR. BARNICK: For a specific reason,
 21 and that was the fees for construction.
 22 That's what --
 23 MR. LUKASEWICZ: We overcharged
 24 them.
 25 MS. MENICHETTI: We overcharged

1 lawsuit should be resolved.
 2 MR. BARNICK: I understand that, but
 3 what happens to the next big contractor up
 4 there or next big building -- say Thompson or
 5 Emery or one of them up there decides they're
 6 going to do a big addition? Well, here's the
 7 scheduled fees. Here's what you're supposed
 8 to pay. Now what? Now what do you do?
 9 MR. BRAZIL: I think I brought this
 10 up --
 11 MR. BARNICK: That's set by
 12 ordinance.
 13 MR. BRAZIL: Right, but I think I
 14 mentioned this, that I think we ought to take
 15 a look at our ordinances because what I've
 16 indicated the law on this is your fees cannot
 17 be disproportionate to your costs that you put
 18 into it.
 19 MR. BARNICK: I know that.
 20 MR. BRAZIL: So I think really
 21 council needs to look at these ordinances --
 22 MR. BARNICK: That's my point I'm
 23 trying to force, to get the proper fees set.
 24 MR. BRAZIL: Then that should be
 25 done, too. Okay? That certainly should be

1 them.
 2 MR. BARNICK: It wasn't
 3 overcharged. It was the set rate by the
 4 ordinance. And the rest of them followed it
 5 up there for doing roofs and everything else.
 6 Everybody followed a set rate. So if you're
 7 going to do it for one -- you put a provision
 8 in there for nonprofit organizations,
 9 whatever, excluded.
 10 MS. MENICHETTI: Mr. Brazil, did you
 11 want to elaborate on that? Do you want to say
 12 something --
 13 MR. BRAZIL: Yes.
 14 MS. MENICHETTI: On behalf of the
 15 fact that we are settling and why.
 16 MR. BRAZIL: We've been going back
 17 and forth on this for quite a while, and as
 18 you're aware they filed a lawsuit against us
 19 for approximately \$50,000. They did send a
 20 letter that this would be the final amount
 21 that they would resolve it for. It was my
 22 opinion that it was a legitimate lawsuit and
 23 we had more than a 50 percent chance of losing
 24 it based upon our discussions in executive
 25 session. My recommendation was that the

1 done.
 2 MR. BARNICK: If you start doing
 3 this stuff you're going to open yourself up to
 4 all the rest of them suing and wasting a whole
 5 bunch of money on litigation.
 6 MR. BRAZIL: The only thing I may
 7 add, I think everything we've been doing now
 8 comes under the UCC. We have a separate
 9 billing rate. What we may want to look at,
 10 obviously, is our zoning permit ordinance
 11 because, quite frankly, that's what this came
 12 under. I think that's something that we
 13 should take a look at as to whether that
 14 should be modified. And I agree --
 15 MR. BARNICK: Even the UCC can place
 16 the zoning ordinance. That's not been
 17 amended.
 18 MR. BRAZIL: You're correct.
 19 MR. BARNICK: To fit with the fees.
 20 MR. BRAZIL: You're correct on that,
 21 and I think that should be --
 22 MR. BARNICK: The longer we keep
 23 going the more -- I mean, what's to say a
 24 person building a house or whatever comes up
 25 and says I don't agree with these fees? He

1 never showed up up there. He never did this,
2 he never did that. I want my money back.

3 MR. BRAZIL: I agree the zoning
4 ordinance should be revised.

5 MR. LUKASEWICZ: Madam Chairman, can
6 we make 21A that would allow for Mr. Brazil
7 and Mr. Kalinoski to formulate --

8 MS. MENICHETTI: Wait, we have a
9 motion on the floor. We have to vote on this
10 motion first and then we'll put that one on.

11 Anyone else on the question? Roll
12 call, Mr. Novack.

13 MR. NOVACK: Mr. Lukasewicz?

14 MR. LUKASEWICZ: For.

15 MR. NOVACK: Mr. Marushock?

16 MR. MARUSHOCK: For.

17 MR. NOVACK: Mrs. Shortz?

18 MRS. SHORTZ: For.

19 MR. NOVACK: Mr. Barnick?

20 MR. BARNICK: Against.

21 MR. NOVACK: Mr. Barone?

22 MR. BARONE: For.

23 MR. NOVACK: Ms. Johnson?

24 MS. JOHNSON: For.

25 MR. NOVACK: Ms. Menichetti?

1 Mr. Lukasewicz, seconded by Mr. Barnick. On
2 the question?

3 MR. LUKASEWICZ: Do you want to ask
4 the audience for comment on that?

5 MS. MENICHETTI: Does anyone have
6 comment on this motion? Please raise your
7 hand. All right, we can proceed. Roll call,
8 please, Mr. Novack.

9 MR. NOVACK: Mr. Lukasewicz?

10 MR. LUKASEWICZ: For.

11 MR. NOVACK: Mr. Barnick?

12 MR. BARNICK: For.

13 MR. NOVACK: Mrs. Shortz?

14 MRS. SHORTZ: For.

15 MR. NOVACK: Mr. Marushock?

16 MR. MARUSHOCK: For.

17 MR. NOVACK: Mr. Barone?

18 MR. BARONE: For.

19 MR. NOVACK: Ms. Johnson?

20 MS. JOHNSON: For.

21 MR. NOVACK: Ms. Menichetti?

22 MS. MENICHETTI: For. All in

23 favor. Motion carried.

24 Motion number 22, to accept
25 ordinance number 11 of 2005 which was

1 MS. MENICHETTI: For. Six in
2 favor. Motion carried.

3 MR. LUKASEWICZ: Madam Chairman, I
4 know this hasn't been on the agenda, but I'd
5 like to see if we could put a motion 21A on
6 the floor which would authorize Mr. Kalinoski
7 and Mr. Brazil to formulate an amendment to
8 the zoning ordinance in regards to
9 Mr. Barnick's concerns and --

10 MS. MENICHETTI: Wait, formulate an
11 amendment to what? Not Mr. Barnick's
12 concerns.

13 MR. BARNICK: The schedule of fees.

14 MR. BRAZIL: The fee schedule.

15 MR. LUKASEWICZ: I say that because
16 I thought --

17 MS. MENICHETTI: Regarding the
18 zoning permits?

19 MR. LUKASEWICZ: Yes, this way
20 formulate it and report back to council and we
21 can review them and come up with a game plan.

22 MS. MENICHETTI: May I have a
23 second?

24 MR. BARNICK: I'll second it.

25 MS. MENICHETTI: Motion by

1 advertised and posted as outlined in the
2 borough code. An ordinance prohibiting
3 placement of refuse for curbside removal
4 generated outside of the borough and also
5 setting forth weight limitations on
6 containers. Motion, please?

7 MR. MARUSHOCK: I'll make that.

8 MS. MENICHETTI: Motion by Mr.
9 Marushock. Second?

10 MRS. SHORTZ: I'll second it.

11 MS. MENICHETTI: Second by
12 Mrs. Shortz. On the question?

13 MR. BARONE: On the question, how
14 are we going to strictly enforce this? We
15 have a lot of problems. That's how our guys
16 get hurt. Mr. Budzinski's off now.

17 MS. MENICHETTI: If it's too heavy
18 they don't have to pick it up.

19 MR. BARONE: Well, we have to --

20 MS. MENICHETTI: We can't follow
21 them around.

22 MR. BARNICK: What are they going to
23 do, carry a scale out there with them and
24 start weighing people's garbage cans?

25 MAYOR LUKOWSKI: If it's too heavy,

1 leave it there. Leave it there.
 2 MRS. SHORTZ: They used to do that.
 3 MS. MENICHETTI: Or ask them to
 4 place it in two containers to divide the load.
 5 MR. BARONE: That's what they should
 6 do.
 7 MR. BARNICK: Then they're going to
 8 be going back. I think it's a good thing, but
 9 I'm telling you, they're going to be going
 10 back. And a lot of time's going to be -- man
 11 hours are going to be lost because they're not
 12 going to get their collections done during the
 13 week. Then you're going to have to be --
 14 MAYOR LUKOWSKI: They sit there for
 15 two or three weeks.
 16 MR. BARNICK: And then what do you
 17 do during cleanup week?
 18 MS. MENICHETTI: Cleanup week is
 19 different. That's specifically for that.
 20 MR. BARNICK: I understand that.
 21 MS. MENICHETTI: They're supposed to
 22 use the loader for that.
 23 MR. BARNICK: They don't always use
 24 the loader. They come by with a bunch of guys
 25 without the loader --

1 MRS. SHORTZ: But at least now when
 2 they don't pick it up the ordinance is backing
 3 the fact that they didn't have to. So if
 4 people call up and complain that's going to be
 5 their problem. They'll have to divide it.
 6 MR. BARNICK: They're going to have
 7 to go back and pick it up and you're going to
 8 have rotten garbage staying out there on the
 9 streets.
 10 MRS. SHORTZ: It's not supposed to
 11 be on the streets.
 12 MAYOR LUKOWSKI: Six of one,
 13 half-dozen of the other.
 14 MR. BARNICK: They have their own
 15 mind. If they think it's too heavy don't pick
 16 it up. You don't need an ordinance backing it
 17 up.
 18 MR. LUKASEWICZ: Madam Chairman, for
 19 the record, we did have this ordinance in
 20 effect and it was repealed. And it is stated
 21 that I was one of the ones that voted to
 22 repeal it, but after looking through the
 23 record I did not vote to repeal it. Just for
 24 the record, I want it to be stated that I
 25 always wanted this, I've enforced it, it was

1 MS. MENICHETTI: How can you have it
 2 if you have something heavy that has to go
 3 out. I mean, it's cleanup and that's what
 4 you're going to put there.
 5 MR. MARUSHOCK: Maybe a stipulation
 6 on the ordinance to address this, the spring
 7 cleanup.
 8 MR. BARNICK: Still, what do you do
 9 during the day? What happens when you got a
 10 can of ashes -- some people still have coal --
 11 or you got a can of grass and all the sudden
 12 it storms like all hell, like last night, in
 13 the early morning or something, and they got
 14 to pick up that garbage and that can is full
 15 of water? What do a you do, leave it there
 16 because -- it's not the fault of the person
 17 but the garbage is filled with water.
 18 MS. MENICHETTI: Should we just
 19 leave it the way it is and have our men
 20 injured constantly?
 21 MR. BARNICK: They know what their
 22 limitations are. If it takes two they know
 23 their limitations. It's been going on for
 24 years. They go over, if it's good, okay,
 25 takes two to pick it up.

1 repealed, and it should not have been
 2 repealed.
 3 MAYOR LUKOWSKI: What are you
 4 talking about, the 40-pound limit?
 5 MR. BARNICK: There was a reason for
 6 it. There were set limits. I believe they're
 7 set by OSHA or something like that. And that
 8 was the whole reason behind it.
 9 MR. MARUSHOCK: This also addressed
 10 the stuff that we get from out of town being
 11 put along our curbs.
 12 MS. MENICHETTI: That was the main
 13 reason.
 14 MR. BARNICK: We just did an
 15 ordinance on people bringing --
 16 MS. MENICHETTI: Actually, Mr.
 17 Barnick, this motion came as a request from
 18 the DPW.
 19 MS. SHORTZ: I call the question.
 20 MS. MENICHETTI: The question's been
 21 called. May I have roll call, please.
 22 MR. NOVACK: Mr. Marushock?
 23 MR. MARUSHOCK: For.
 24 MR. NOVACK: Mrs. Shortz?
 25 MRS. SHORTZ: For.

1 MR. NOVACK: Mr. Lukasewicz?
 2 MR. LUKASEWICZ: For.
 3 MR. NOVACK: Mr. Barnick?
 4 MR. BARNICK: I have to go against.
 5 MR. NOVACK: Mr. Barone?
 6 MR. BARONE: For.
 7 MR. NOVACK: Ms. Johnson?
 8 MS. JOHNSON: For.
 9 MR. NOVACK: Ms. Menichetti?
 10 MS. MENICHETTI: For. Six in
 11 favor. Motion carried.
 12 Motion number 23, to accept
 13 ordinance number 12 of 2005 which was
 14 advertised and posted as outlined in the
 15 borough code. An ordinance regulating
 16 displays of fireworks. Motion, please?
 17 MR. MARUSHOCK: I make that motion.
 18 MS. MENICHETTI: Motion by Mr.
 19 Marushock. Second?
 20 MRS. SHORTZ: I'll second.
 21 MS. MENICHETTI: Second by
 22 Mrs. Shortz. On the question?
 23 MR. LUKASEWICZ: On the question,
 24 attorney Brazil, this ordinance wouldn't be
 25 prohibitive from most of the fireworks

1 waive the fee if it's a nonprofit organization
 2 but --
 3 MR. BRAZIL: As I've indicated
 4 before, there's a change in the law that
 5 requires a permit for the display of
 6 fireworks. I think those numbers --
 7 MR. BARNICK: I mean, I don't know
 8 what other organizations are going to run
 9 fireworks in town.
 10 MR. LUKASEWICZ: If we paid for the
 11 fireworks I don't think we'd charge ourselves
 12 a fee.
 13 MR. BRAZIL: Right. The permit
 14 itself is so it is inspected, so you have an
 15 inspection. I mean, right now we only have
 16 one, but who knows.
 17 MR. BARNICK: If it would be up to
 18 us we'd be paying a fee to ourselves.
 19 MR. BRAZIL: Right. You can waive
 20 that, yes.
 21 MS. MENICHETTI: Everyone finished
 22 on the question? May I have roll call,
 23 please, Mr. Novack.
 24 MR. NOVACK: Mr. Marushock?
 25 MR. MARUSHOCK: For.

1 companies that come in with fees similar to
 2 other towns? I believe that the guy that just
 3 had the fireworks in Throop, he had enough
 4 liability for each --
 5 MR. BRAZIL: This is not the
 6 organization that has to have it, it's the
 7 professional company that comes in. And you
 8 would hope that most of them have some pretty
 9 substantial liability insurance.
 10 MR. LUKASEWICZ: There is a number
 11 we talked about.
 12 MR. BRAZIL: Right.
 13 MR. BARNICK: There's no cost.
 14 MR. BRAZIL: There is a permit fee
 15 that goes to the fire company because under
 16 the new law if something is going to be
 17 displayed it has to be inspected to make sure
 18 it's safe. I think there's a fee in the
 19 ordinance that's broken down. Half goes to
 20 hose company --
 21 MR. BARNICK: How many people really
 22 know how to do fireworks? The organization's
 23 a nonprofit organization. You're going to
 24 charge them a fee?
 25 MR. LUKASEWICZ: I guess we can

1 MR. NOVACK: Mrs. Shortz?
 2 MRS. SHORTZ: For.
 3 MR. NOVACK: Mr. Lukasewicz?
 4 MR. LUKASEWICZ: For.
 5 MR. NOVACK: Mr. Barnick?
 6 MR. BARNICK: Against until the fees
 7 are waived, especially for nonprofit
 8 organizations.
 9 MR. NOVACK: Mr. Barone?
 10 MR. BARONE: For.
 11 MR. NOVACK: Ms. Johnson?
 12 MS. JOHNSON: For.
 13 MR. NOVACK: Ms. Menichetti?
 14 MS. MENICHETTI: For. Six in
 15 favor. Motion carried.
 16 MR. LUKASEWICZ: Madam Chairman, I'd
 17 like to make motion 24 a motion to reappoint
 18 Rich Burdyn to the zoning board of appeals for
 19 a term of three years. The term will expire
 20 on 7/25/08.
 21 MR. BARNICK: I'll second it.
 22 MR. LUKASEWICZ: We have a letter
 23 that every one of us received this evening
 24 from Mr. Burdyn. He has been a member of the
 25 zoning board for many years, and at the work

1 session on Thursday I asked if he had been
2 contacted to find out if he was interested in
3 being reappointed and this is a follow-up
4 letter. He somehow through the grape vine
5 found out about it. And he has been a
6 dedicated member of that board for years and I
7 think it would be nice if he could continue in
8 that service.

9 MS. MENICHETTI: We have a motion by
10 Mr. Lukasewicz. Second?

11 MR. BARNICK: I'll second.

12 MS. MENICHETTI: Second by Mr.
13 Barnick. On the question? Roll call, please,
14 Mr. Novack.

15 MR. NOVACK: Mr. Lukasewicz?

16 MR. LUKASEWICZ: For.

17 MR. NOVACK: Mr. Barnick?

18 MR. BARNICK: For.

19 MR. NOVACK: Mrs. Shortz?

20 MRS. SHORTZ: Against.

21 MR. NOVACK: Mr. Marushock?

22 MR. MARUSHOCK: Against.

23 MR. NOVACK: Mr. Barone?

24 MR. BARONE: For.

25 MR. NOVACK: Ms. Johnson?

1 MR. NOVACK: Mr. Lukasewicz?

2 MR. LUKASEWICZ: Against.

3 MR. NOVACK: Mr. Barnick?

4 MR. BARNICK: Against.

5 MR. NOVACK: Mr. Barone?

6 MR. BARONE: Against.

7 MR. NOVACK: Ms. Menichetti?

8 MS. MENICHETTI: For. Four in

9 favor. Motion carried.

10 Motion number 25, to appoint someone
11 to the civil service commission for a term of
12 six years. The term expires on 7/25/11. Is
13 that right?

14 MRS. SHORTZ: I'd like to make a
15 motion to appoint George Marushock.

16 MS. MENICHETTI: George Marushock.

17 MS. JOHNSON: I'll second.

18 MS. MENICHETTI: Seconded by
19 Ms. Johnson. We have a motion by Mrs. Shortz,
20 seconded by Ms. Johnson. On the question?
21 Roll call, please, Mr. Novack.

22 MR. NOVACK: Mrs. Shortz?

23 MRS. SHORTZ: For.

24 MR. NOVACK: Ms. Johnson?

25 MS. JOHNSON: For.

1 MS. JOHNSON: Against.

2 MR. NOVACK: Ms. Menichetti?

3 MS. MENICHETTI: ~~Against. Four~~
4 ~~against. Motion failed.~~ Would someone like
5 to -- we have to have someone appointed to his
6 position.

7 ~~MS. JOHNSON: I appoint John Snell.~~

8 MS. MENICHETTI: Motion by Ms.

9 ~~Johnson to appoint John Snell to this~~
10 ~~appointment. May we have a second?~~

11 MRS. SHORTZ: I'll second it.

12 MS. MENICHETTI: Second by
13 Mrs. Shortz. On the question?

14 MR. BARNICK: Yeah, on the question,
15 doesn't seem ironic we get rid of a lawsuit
16 (unintelligible.) Doesn't it seem ironic?
17 Tell me that's not politics at its best.

18 MS. MENICHETTI: Anyone else on the
19 question? Motion, please.

20 MR. NOVACK: Ms. Johnson?

21 MS. JOHNSON: For.

22 MR. NOVACK: Mrs. Shortz?

23 MRS. SHORTZ: For.

24 MR. NOVACK: Mr. Marushock?

25 MR. MARUSHOCK: For.

1 MR. NOVACK: Mr. Marushock?

2 MR. MARUSHOCK: For.

3 MR. NOVACK: Mr. Lukasewicz?

4 MR. LUKASEWICZ: Against.

5 MR. NOVACK: Mr. Barnick?

6 MR. BARNICK: Against.

7 MR. NOVACK: Mr. Barone?

8 MR. BARONE: Against.

9 MR. NOVACK: Ms. Menichetti?

10 MS. MENICHETTI: For. Four in

11 favor. Motion carried.

12 A motion to rehire Paul Nardozi as
13 part-time police officer and adhere to the
14 police policy which is being adopted at this
15 time.

16 MS. MARUSHOCK: I'd like to make
17 that motion.

18 MS. MENICHETTI: Motion by Mr.
19 Marushock. Second? May I have a second,
20 please? I'll second the motion to put it on
21 the floor. Motion by Mr. Marushock, seconded
22 by Ms. Menichetti. On the question?

23 MR. LUKASEWICZ: On the question,
24 one simple question. Have we received a
25 recommendation for this from the chief of

1 police?
 2 MR. BARNICK: Yes.
 3 MR. LUKASEWICZ: To hire him?
 4 MR. BARNICK: No.
 5 MR. LUKASEWICZ: Have we received a
 6 recommendation to hire him?
 7 MS. MENICHETTI: No. Not to my
 8 knowledge, no.
 9 MR. BARNICK: We have not got a
 10 recommendation.
 11 MR. LUKASEWICZ: That's all I wanted
 12 to ask.
 13 MR. MARUSHOCK: There's a resume
 14 from Mr. Nardozi in everyone's packet this
 15 evening.
 16 MS. MENICHETTI: Anyone else on the
 17 question? Roll call, please.
 18 MR. NOVACK: Mr. Marushock?
 19 MR. MARUSHOCK: For.
 20 MR. NOVACK: Ms. Menichetti?
 21 MS. MENICHETTI: For.
 22 MR. NOVACK: Mrs. Shortz?
 23 MRS. SHORTZ: Against.
 24 MR. NOVACK: Mr. Lukasewicz?
 25 MR. LUKASEWICZ: No recommendation

1 could we afford it -- this was back in January
 2 of 2004 -- we had to come up with the money.
 3 We spoke about grants. There's an easy way to
 4 get a grant. We put a motion on, we sent it
 5 down. Where is the \$30,000? Has it been
 6 approved or where is it, for the packmaster?
 7 It was specific -- it was authorized by
 8 Mellow's office. I remember seeing the letter
 9 about it. So that should be reduced, if
 10 anything, that lease amount.
 11 MS. MENICHETTI: Anyone else on the
 12 question? Roll call, please.
 13 MR. BARNICK: Did I get an answer?
 14 MS. MENICHETTI: Oh, I'm sorry, did
 15 you want an answer?
 16 MR. BARNICK: What happened to the
 17 \$30,000 grant?
 18 MS. MENICHETTI: If we got the
 19 grant, then it will go towards the purchase.
 20 MR. BARNICK: I understand that. I
 21 mean, did we get it? Do we have it here?
 22 Where did it go? That was over a year ago.
 23 Almost a year and a half.
 24 MS. MENICHETTI: Did we ever get the
 25 grant since you've been here?

1 from the chief. No vote.
 2 MR. NOVACK: Mr. Barnick?
 3 MR. BARNICK: Same, against.
 4 MR. NOVACK: Mr. Barone?
 5 MR. BARONE: Same.
 6 MR. NOVACK: Ms. Johnson?
 7 MS. JOHNSON: Against.
 8 MS. MENICHETTI: Five against.
 9 Motion failed.
 10 **Motion number 27, to authorize**
 11 **payment for the lease on the new packmaster**
 12 **for \$34,885.24 upon approval of the**
 13 **solicitor. This was purchased on the**
 14 **piggyback program.**
 15 MR. LUKASEWICZ: I'll make the
 16 motion.
 17 MS. MENICHETTI: Motion by Mr.
 18 Lukasewicz. Second?
 19 MR. BARNICK: I'll second.
 20 MS. MENICHETTI: Second by Mr.
 21 Barnick. On the question?
 22 MR. BARNICK: Yeah, on the question,
 23 it's been a year and a half since the motion
 24 was put on. It's about time we get this
 25 thing. But also, when you asked back then how

1 MR. BARNICK: I know it was approved
 2 because a letter came up here from Mellow's
 3 office.
 4 MS. MENICHETTI: It was approved but
 5 I don't know if we ever got the check. I
 6 don't remember ever seeing a copy of it.
 7 MR. LUKASEWICZ: I don't remember.
 8 MRS. SHORTZ: I did see the letter.
 9 MR. LUKASEWICZ: I remember seeing a
 10 letter that we did receive --
 11 MS. MENICHETTI: Kenny, tomorrow
 12 would you call there. Roll call, please.
 13 MR. NOVACK: Mr. Lukasewicz?
 14 MR. LUKASEWICZ: For.
 15 MR. NOVACK: Mr. Barnick?
 16 MR. BARNICK: For.
 17 MR. NOVACK: Mrs. Shortz?
 18 MRS. SHORTZ: For.
 19 MR. NOVACK: Mr. Marushock?
 20 MR. MARUSHOCK: For.
 21 MR. NOVACK: Mr. Barone?
 22 MR. BARONE: For.
 23 MR. NOVACK: Ms. Johnson?
 24 MS. JOHNSON: For.
 25 MR. NOVACK: Ms. Menichetti?

1 MS. MENICHETTI: For. All in
2 favor. Motion carried.

3 MR. LUKASEWICZ: Madam Chairman,
4 just a little discussion. This packmaster
5 will not fit in our garage. Correct? I
6 noticed, in going up Marshwood Road -- maybe
7 you can look into it or Robbie look into it --
8 the old blue and white truck building that
9 Lahutsky used to have his headquarters, it's
10 for rent. Maybe we could just rent the one
11 bay. I believe the bay is sufficient to house
12 the equipment.

13 MS. MENICHETTI: Mr. Novack, would
14 you look into that tomorrow, please.

15 MR. LUKASEWICZ: This way at least
16 we'd have it indoors. It's not that far for
17 those guys to drive up there and get it.

18 MAYOR LUKOWSKI: That's a good idea.

19 MS. MENICHETTI: Okay. Motion
20 number 28, to place the resolution with the
21 borough for the placement of three banners
22 across certain thoroughfares in the borough in
23 celebration of the 100th anniversary of Saint
24 John's Church. This is a request from the
25 church.

1 MS. JOHNSON: For.

2 MR. NOVACK: Ms. Menichetti?

3 MS. MENICHETTI: For. All in
4 favor. Motion carried. We're going to delete
5 motion number 29. So the next motion would be
6 29, and it's to secure an attorney for the
7 police contract negotiations. I believe
8 Goldberg has declined. We tried to get
9 attorney Ufberg today but he wasn't available
10 so we're going to keep trying to look --

11 MR. LUKASEWICZ: You can make a
12 motion that if he is available that we can
13 hire him. This way I would like to see a
14 good, proper paper trail in place so that he
15 can send a letter right to the union --

16 MS. MENICHETTI: Okay. Motion,
17 please?

18 MR. LUKASEWICZ: I'll make that.

19 MR. BARNICK: Excuse me. Back to
20 29, I thought you were just going to put a
21 general motion on for the warranty so already
22 it's approved, approximately \$5,000, so it's
23 covered for when the time the proper
24 calculations come up with that warranty. This
25 way it's not lost.

1 MR. MARUSHOCK: I'll make that.

2 MR. LUKASEWICZ: I'll second it.

3 MS. MENICHETTI: Motion by Mr.
4 Marushock, seconded by Mr. Lukasewicz. On the
5 question? I don't know what streets they're
6 going to go across. Does it matter?

7 MR. LUKASEWICZ: It has to be
8 stated.

9 MS. MENICHETTI: With PennDOT.

10 MR. LUKASEWICZ: They've got to
11 coordinate it.

12 MS. MENICHETTI: All right. We will
13 do that, then. Anyone else on the question?
14 Roll call, please.

15 MR. NOVACK: Mr. Marushock?

16 MR. MARUSHOCK: For.

17 MR. NOVACK: Mr. Lukasewicz?

18 MR. LUKASEWICZ: For.

19 MR. NOVACK: Mrs. Shortz?

20 MRS. SHORTZ: For.

21 MR. NOVACK: Mr. Barnick?

22 MR. BARNICK: For.

23 MR. NOVACK: Mr. Barone?

24 MR. BARONE: For.

25 MR. NOVACK: Ms. Johnson?

1 MR. MARUSHOCK: We could do it next
2 month. We don't have to do it tonight.

3 MR. BARNICK: If it gets lost in
4 between here or --

5 MR. LUKASEWICZ: It's not a bad
6 idea.

7 MS. MENICHETTI: What do you want to
8 do, now?

9 MR. BARNICK: Just to have it
10 approved so he can get it and --

11 MS. MENICHETTI: To approve the
12 extended warranty on the new refuse truck and
13 pay up front in the amount of up to
14 approximately \$5,000.

15 MR. LUKASEWICZ: I'll second that.

16 MS. MENICHETTI: Okay, motion by
17 Mr. Barnick, seconded by Mr. Lukasewicz. On
18 the question? Roll call, please.

19 MR. NOVACK: Mr. Barnick?

20 MR. BARNICK: For.

21 MR. NOVACK: Mr. Lukasewicz?

22 MR. LUKASEWICZ: For.

23 MR. NOVACK: Mrs. Shortz?

24 MRS. SHORTZ: For.

25 MR. NOVACK: Mr. Marushock?

1 MR. MARUSHOCK: For.
 2 MR. NOVACK: Mr. Barone?
 3 MR. BARONE: For.
 4 MR. NOVACK: Ms. Johnson?
 5 MS. JOHNSON: For.
 6 MR. NOVACK: Ms. Menichetti?
 7 MS. MENICHETTI: For. All in
 8 favor. Motion carried. We are back to our
 9 regular motion number.
 10 Motion number 30. We did have a
 11 motion on the floor to secure an attorney,
 12 possibly Bob Ufberg, if he would agree to
 13 represent the borough in the police contract
 14 negotiation. We need a second, please.
 15 MR. LUKASEWICZ: Who made the
 16 motion?
 17 MS. MENICHETTI: Mr. Marushock.
 18 MR. LUKASEWICZ: I'll second that.
 19 MS. MENICHETTI: Seconded by Mr.
 20 Lukasewicz. On the question? Roll call,
 21 please.
 22 MR. NOVACK: Mr. Marushock?
 23 MR. MARUSHOCK: For.
 24 MR. NOVACK: Mr. Lukasewicz?
 25 MR. LUKASEWICZ: For.

1 MR. LUKASEWICZ: For.
 2 MR. NOVACK: Mrs. Shortz?
 3 MRS. SHORTZ: For.
 4 MR. NOVACK: Mr. Barnick?
 5 MR. BARNICK: For.
 6 MR. NOVACK: Mr. Barone?
 7 MR. BARONE: For.
 8 MR. NOVACK: Ms. Johnson?
 9 MS. JOHNSON: For.
 10 MR. NOVACK: Ms. Menichetti?
 11 MS. MENICHETTI: For. All in
 12 favor. Motion carried.
 13 Motion number 32, to have Chief Neil
 14 Furiosi and borough manager Ken Novack
 15 complete the questionnaire regarding
 16 regionalization of the police department as
 17 submitted by Councilman George Marushock.
 18 This must be done by August 15. Motion,
 19 please?
 20 MR. MARUSHOCK: I'll make that
 21 motion.
 22 MS. MENICHETTI: Motion by Mr.
 23 Marushock. Second?
 24 MRS. SHORTZ: I'll second it.
 25 MS. MENICHETTI: Second by

1 MR. NOVACK: Mrs. Shortz?
 2 MRS. SHORTZ: For.
 3 MR. NOVACK: Mr. Barnick?
 4 MR. BARNICK: For.
 5 MR. NOVACK: Mr. Barone?
 6 MR. BARONE: For.
 7 MR. NOVACK: Ms. Johnson?
 8 MS. JOHNSON: For.
 9 MR. NOVACK: Ms. Menichetti?
 10 MS. MENICHETTI: For. All in
 11 favor. Motion carried.
 12 ~~Motion number 31, to send a letter~~
 13 ~~to the police department representative,~~
 14 ~~Officer Mureko, that we are proceeding with~~
 15 ~~the necessary steps to negotiate a contract.~~
 16 Motion?
 17 MR. MARUSHOCK: I'll make that
 18 motion.
 19 MR. LUKASEWICZ: I'll second it.
 20 MS. MENICHETTI: Motion by Mr.
 21 Marushock, seconded by Mr. Lukasewicz. On the
 22 question? Roll call.
 23 MR. NOVACK: Mr. Marushock?
 24 MR. MARUSHOCK: For.
 25 MR. NOVACK: Mr. Lukasewicz?

1 Mrs. Shortz. On the question?
 2 MR. LUKASEWICZ: Yeah, on the
 3 question, I would be voting against sending a
 4 letter basically for the same reason as I have
 5 stated in the past. I'm totally against
 6 regionalization of the Throop police. As it
 7 is now, there is a personal identity between
 8 the officers in Throop and the citizens of
 9 Throop, and I feel that that would be lost if
 10 we were to go into regionalization of police
 11 officers.
 12 MS. MENICHETTI: This is just a
 13 questionnaire.
 14 MR. LUKASEWICZ: I don't want to see
 15 it go anywhere. I'd like to see it stopped in
 16 its tracks. It's only my opinion. I know
 17 everybody has their own opinion and that's
 18 fine. I'll stand by your -- but I just -- for
 19 the record, we do not have problems with the
 20 police in Throop. There's no reason to
 21 change.
 22 MR. BARNICK: On the question, I
 23 have to identify with Mr. Lukasewicz because
 24 if you start getting outside or -- you don't
 25 know exactly what the costs are going to be.

1 We're going to be subsidizing other towns for
2 what protection they're going to have. As
3 long as we got this extra money or enough
4 money to cover our department there's no
5 reason to go outside of here and start having
6 strangers come in speaking to the residents
7 and having that one on one type of
8 relationship.

9 MS. MENICHETTI: This is just a
10 feasibility study.

11 MR. BARNICK: I understand that.
12 Why go through the efforts. I don't really
13 believe in it.

14 MS. MENICHETTI: When I spoke with
15 Chief Furiosi, he said he wouldn't have a
16 problem if it were countywide. So perhaps
17 this study may develop into a countywide study
18 and we could be part of it.

19 MR. LUKASEWICZ: On the question,
20 Mr. Mayor, how do you feel about this
21 subject?

22 MAYOR LUKOWSKI: I'm against it.
23 I've always said that. Always. Because
24 you're going to be sending the Throop police
25 to some outfit in the country that maybe has

1 one policeman and then where are we? Now, if
2 you study the essentials it just doesn't cut
3 it.

4 MS. MENICHETTI: Have you attended
5 any of the meetings, Mayor?

6 MR. MAYOR: No, I haven't.

7 MS. MENICHETTI: You haven't
8 attended any of the meetings. Okay.

9 MRS. SHORTZ: I've attended some of
10 the meetings --

11 MR. LUKASEWICZ: If you don't think
12 it's proper why attend?

13 MS. SHORTZ: I've been to one of the
14 meetings and I have spoken to two areas that
15 have had regionalization and it has worked.
16 With the costs of insurances, ammunition, the
17 liabilities, everything else that goes up with
18 all departments, ultimately all areas are
19 going to have to look at some sort of
20 regionalization, consolidating a lot of
21 services, not just police services. It's
22 becoming impossible for boroughs to fund
23 everything with the costs going up and the
24 needs that are requested.
25 And this doesn't cost us anything.

1 This does give us what the cost will be, what
2 the breakdown in hours will be when this study
3 is completed. We're under no obligation, but
4 at least then we'd have a look at it. When
5 you look at it, if it doesn't work, then you
6 don't have any obligation to stay. But at
7 least you know what it's going to look like
8 and it gives you something to go on.

9 MR. MARUSHOCK: I add this, too.
10 This would be at no cost to the Throop
11 taxpayers. This is funded by the state.

12 MS. MENICHETTI: Anyone else on the
13 question?

14 MR. BARONE: We have a terrific
15 police department. I don't know how you
16 people want to go fooling with it. It's like
17 the old saying, if it's not broke you don't
18 fix it. We have a good department. Why
19 bother them? I think if you regionalize
20 you're going to make our police department
21 worse. That's my opinion.

22 MS. MENICHETTI: Anyone else on the
23 question? Roll call, please.

24 MR. NOVACK: Mr. Marushock?

25 MR. MARUSHOCK: For.

1 MR. NOVACK: Mrs. Shortz?

2 MRS. SHORTZ: For.

3 MR. NOVACK: Mr. Lukasewicz?

4 MR. LUKASEWICZ: Against.

5 MR. NOVACK: Mr. Barnick?

6 MR. BARNICK: Against.

7 MR. NOVACK: Mr. Barone?

8 MR. BARONE: Against.

9 MR. NOVACK: Ms. Johnson?

10 MS. JOHNSON: For.

11 MR. NOVACK: Ms. Menichetti?

12 MS. MENICHETTI: For. Four in
13 favor. Motion carried.

14 ~~Motion number 33, a motion to~~
15 ~~appoint -- I believe Nick Rocco is there right~~
16 ~~now. Nick Rocco?~~

17 MR. LUKASEWICZ: That's to extend
18 his term?

19 MS. MENICHETTI: Yes.

20 MR. LUKASEWICZ: I'll second that.
21 Mr. Marushock made the motion to have Mr.
22 Rocco to continue in his service to the
23 borough and I would second that.

24 MS. MENICHETTI: Okay. Motion by --

25 MR. ROCCO: Excuse me, just because

1 I'm here, it's not me, it's my son.
 2 MS. MENICHETTI: We know who it is.
 3 We have a motion by Mr. Marushock, seconded by
 4 Mr. Lukasewicz to ask Mr. Rocco to continue on
 5 with the planning agency for a term of two
 6 years. His term would expire on 7/25/07. On
 7 the question, please? Roll call.
 8 MR. NOVACK: Mr. Marushock?
 9 MR. MARUSHOCK: For.
 10 MR. NOVACK: Mr. Lukasewicz?
 11 MR. LUKASEWICZ: For.
 12 MR. NOVACK: Mrs. Shortz?
 13 MRS. SHORTZ: For.
 14 MR. NOVACK: Mr. Barnick?
 15 MR. BARNICK: For.
 16 MR. NOVACK: Mr. Barone?
 17 MR. BARONE: For.
 18 MR. NOVACK: Ms. Johnson?
 19 MS. JOHNSON: For.
 20 MR. NOVACK: Ms. Menichetti?
 21 MS. MENICHETTI: For. All in
 22 favor. Motion carried. Now, there was a
 23 motion to also place -- I believe it's Tony
 24 Amico's term is up?
 25 MR. LUKASEWICZ: To extend his

1 favor. Motion carried.
 2 Motion number 35, to authorize
 3 payment to Joseph, Jackman and Bell Insurers
 4 in the amount of \$501 for the premium cost on
 5 2005 Sterling Condor refuse truck. Motion,
 6 please? Motion, please?
 7 MR. BARNICK: I'll make it. This is
 8 on the packmaster?
 9 MS. MENICHETTI: Yes.
 10 MR. LUKASEWICZ: I'll second it. I
 11 was asking about the amount. I'd love to get
 12 somebody to insure it for \$501.
 13 MR. BARNICK: The only thing I'm
 14 trying to explain to you is what your own
 15 personal vehicle hits your own personal
 16 vehicle your own personal insurance pays, not
 17 the municipality, so it should be low.
 18 MS. MENICHETTI: On the question?
 19 MR. MARUSHOCK: On the question, on
 20 the paper we have -- it has a start date of
 21 June 29 of '05 to September 4 of '05. We need
 22 to change the start date to July 29 or 26.
 23 Why are we paying for a month when we didn't
 24 even have the thing yet?
 25 MR. LUKASEWICZ: Did we get a copy

1 term.
 2 MS. MENICHETTI: To reappoint him.
 3 MR. LUKASEWICZ: I'll make the
 4 motion to reappoint him.
 5 MR. MARUSHOCK: I'll second it.
 6 MS. MENICHETTI: Motion by
 7 Mr. Lukasewicz, seconded by Mr. Marushock to
 8 reappoint Tony Amico to the planning agency
 9 for a term of two years. The term will expire
 10 on 7/25/07. Anyone on the question? Roll
 11 call, please.
 12 MR. NOVACK: Mr. Lukasewicz?
 13 MR. LUKASEWICZ: For.
 14 MR. NOVACK: Mr. Marushock?
 15 MR. MARUSHOCK: For.
 16 MR. NOVACK: Mrs. Shortz?
 17 MRS. SHORTZ: For.
 18 MR. NOVACK: Mr. Barnick?
 19 MR. BARNICK: For.
 20 MR. NOVACK: Mr. Barone?
 21 MR. BARONE: For.
 22 MR. NOVACK: Ms. Johnson?
 23 MS. JOHNSON: For.
 24 MR. NOVACK: Ms. Menichetti?
 25 MS. MENICHETTI: For. All in

1 of that here?
 2 MR. BARNICK: Change the start date.
 3 MR. MARUSHOCK: You need to change
 4 the start date. We get credit for it.
 5 MR. LUKASEWICZ: Effective 6/29.
 6 MR. MARUSHOCK: We didn't have the
 7 truck.
 8 MR. LUKASEWICZ: We still don't have
 9 the truck.
 10 MR. MARUSHOCK: Right. It's July
 11 25. Why do we need insurance --
 12 MR. LUKASEWICZ: Extend it one more
 13 month, then.
 14 MR. MARUSHOCK: Expected date 6/29
 15 of '05. We're going to pick this up tomorrow
 16 and it should be tomorrow's date. Why are we
 17 paying for a month that we did not even have
 18 the truck?
 19 MR. LUKASEWICZ: How long is this
 20 for?
 21 MR. MARUSHOCK: Until September of
 22 '05. It's prorated.
 23 MR. LUKASEWICZ: It's for a year,
 24 the term.
 25 MR. MARUSHOCK: No. We're in '05

1 now. We're going to go from June 26, which is
2 tomorrow, until the policy expires, September
3 4 of '05.

4 MS. MENICHETTI: This is just an
5 insurance policy.

6 MR. LUKASEWICZ: Now I understand
7 why it's \$2,500. That was my concern. Fine.

8 MR. MARUSHOCK: But if we can have
9 that credited and we have the start date
10 tomorrow because we pick the truck up
11 tomorrow, not June 29, the start date on the
12 policy.

13 MS. MENICHETTI: All right. Mr.
14 Barnick, he wants to amend the motion to say
15 start date --

16 MR. BARNICK: Yeah, I agree. The
17 paperwork's signed already. What's the date?

18 MS. MENICHETTI: Start date July 1.

19 MR. LUKASEWICZ: No, when we get the
20 truck.

21 MR. BARNICK: The day before it's
22 signed.

23 MR. LUKASEWICZ: Call the day
24 before.

25 MS. MENICHETTI: Okay. How are we

1 going to know to have this policy in place?

2 MR. MARUSHOCK: They'll give you a
3 binder.

4 MS. MENICHETTI: Is everyone in
5 agreement with this? Anyone else on the
6 question? Roll call, please.

7 MR. NOVACK: Mr. Barnick?

8 MR. BARNICK: For.

9 MR. NOVACK: Mr. Lukasewicz?

10 MR. LUKASEWICZ: For.

11 MR. NOVACK: Mrs. Shortz?

12 MRS. SHORTZ: For.

13 MR. NOVACK: Mr. Marushock?

14 MR. MARUSHOCK: For.

15 MR. NOVACK: Mr. Barone?

16 MR. BARONE: For.

17 MR. NOVACK: Ms. Johnson?

18 MS. JOHNSON: For.

19 MR. NOVACK: Ms. Menichetti?

20 MS. MENICHETTI: For. All in
21 favor. Motion carried.

22 Motion number 36, to adopt the
23 part-time police policy as prepared by
24 attorney Brazil.

25 MR. LUKASEWICZ: Has anybody had a

1 chance to review this?

2 MR. MARUSHOCK: Item number three,
3 what are we going to put in for minimum hours
4 per week?

5 MR. LUKASEWICZ: I know we wanted
6 Mr. Brazil to come up with a policy, and it
7 was very important that we have a policy that
8 everybody knows what's going go on and the
9 chief is aware of it and the officers and the
10 mayor and everyone.

11 MS. MENICHETTI: Do you want to go
12 over it? Because you told me we couldn't --

13 MR. LUKASEWICZ: We have to look at
14 this. We can look at it.

15 MR. MARUSHOCK: Can we table that
16 motion, then?

17 MS. MENICHETTI: How are we going to
18 hire a part-time police officer if we don't
19 have a policy?

20 MR. LUKASEWICZ: We have one working
21 now without a policy. We only hired one
22 since --

23 MS. MENICHETTI: We hired another
24 one today.

25 MR. LUKASEWICZ: She's already a

1 cop. We have no problems with her.

2 MR. BRAZIL: You can apply the time
3 to part-timers. There's no union, they
4 don't -- this can be adopted at any time.

5 MS. SHORTZ: Put it on hold.

6 MR. LUKASEWICZ: Can we just table
7 it for now and at the next meeting we
8 can --

9 MS. MENICHETTI: Well, we don't have
10 the motion on so we can't table it. So we'll
11 just delete this motion?

12 MR. LUKASEWICZ: Yes.

13 MR. BRAZIL: If anybody has any
14 suggestions on that policy please --

15 MR. LUKASEWICZ: I didn't get a
16 chance to look at it, John.

17 MR. BRAZIL: Just let me know ahead
18 of time and I'll incorporate it.

19 MS. MENICHETTI: The next motion is
20 to pay Mark Wozniak \$357 for stenographer's
21 fee for June's minutes. Somewhere in this
22 building we have that bill but --

23 MR. LUKASEWICZ: I'll make the
24 motion.

25 MR. MARUSHOCK: I'll second it.

Condenselt!™

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1 MS. MENICHETTI: Motion by
2 Mr. Lukasewicz, seconded by Mr. Marushock. On
3 the question?

4 MR. BARNICK: Yeah, on the question,
5 I'll be voting against this bill. Mark,
6 nothing against you. I'm against having a
7 stenographer, period.

8 MR. LUKASEWICZ: On the question, I
9 will be voting for his payment only because of
10 the fact he's doing it, but I still think
11 that's a lot of money to have the minutes
12 done. Maybe in the future we can come up with
13 a different plan.

14 MS. MENICHETTI: Anyone else on the
15 question? Roll call, please.

16 MR. NOVACK: Mr. Lukasewicz?

17 MR. LUKASEWICZ: For, but I want to
18 state something different also. I don't think
19 it's a lot of money for what he does because
20 he does a lot of work, but I believe it's a
21 lot of money for what --

22 MR. BARNICK: To put out.

23 MR. LUKASEWICZ: I'm sure that the
24 prepared minutes is well worth the money that
25 he charges.

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1 MR. NOVACK: Mr. Marushock?

2 MR. MARUSHOCK: For.

3 MR. NOVACK: Mrs. Shortz?

4 MRS. SHORTZ: For.

5 MR. NOVACK: Mr. Barnick?

6 MR. BARNICK: For. I agree with Mr.
7 Lukasewicz.

8 MS. MENICHETTI: You're voting for?

9 MR. BARNICK: Yeah, I'm going to
10 vote for. He did the work. I just can't see
11 the borough paying out this money. I'm
12 sorry. It should be done in-house. It's a
13 waste.

14 MS. MENICHETTI: Next?

15 MR. NOVACK: Mr. Barone?

16 MR. BARONE: For.

17 MR. NOVACK: Ms. Johnson?

18 MS. JOHNSON: For.

19 MR. NOVACK: Ms. Menichetti?

20 MS. MENICHETTI: For. All in
21 favor. Motion carried. I don't have any more
22 motions on the agenda, so this concludes the
23 agenda.

24 MAYOR LUKOWSKI: Madam Chairwoman,
25 let me wish a hardy and thank him for all he's

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1 done in the couple years that he's been with
2 us, but Dave Burger is leaving us. He's
3 taking another job in California. So let's
4 have a hand for Dave. Bigger newspaper,
5 bigger circulation.

6 MR. LUKASEWICZ: Good luck.

7 MAYOR LUKOWSKI: One other thing, if
8 you look at the newspaper today Jessup Carbino
9 has two girls teams heading for a
10 championship. What do you think they're going
11 to do?

12 MR. LUKASEWICZ: They've got some
13 real good girls.

14 MAYOR LUKOWSKI: Two of them are
15 going.

16 MR. BARNICK: I have to leave early,
17 but I know Mr. Riota is here to discuss the
18 problems. I'd like to discuss them as quick
19 as possible.

20 MR. LUKASEWICZ: We had the fire in
21 town today. I just would like if the Mayor or
22 you or somebody would send out some letters to
23 these fire companies that came. The response
24 was overwhelming. You had ten or 12 fire
25 trucks there. There had to be --

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1 MS. MENICHETTI: I don't know who
2 was there.

3 MR. LUKASEWICZ: I'm sure somebody
4 will fill you in. There had to be 200
5 firemen. It was overwhelming to see how they
6 fought that fire.

7 MS. MENICHETTI: I think we should
8 also send a letter to the people that own the
9 property.

10 MR. LUKASEWICZ: Yes, if we can.

11 MS. MENICHETTI: Express our
12 sympathy and ask if we can help them, that we
13 would be here for them. They've been here a
14 long time.

15 MR. BARONE: They do a good job.
16 And speak of the ladder truck -- that's only
17 about 20 feet high? They had to use the
18 ladder truck. They used one to get in through
19 the ceiling.

20 MS. MENICHETTI: I appreciate that.

21 All right, we're going to go on to
22 your concerns. Mr. Riota do you have
23 something to read? Step up to the podium.
24 And just for the record just state your name
25 and address.

1 MR. RIOTA: My name is Carmen Riota,
 2 407 George Street. I'm a Throop property
 3 owner, a business owner, I'm a Throop voter,
 4 and I pay my taxes. I've had a flooding
 5 problem at 407 George for 12 years. Twelve
 6 years. This is not a normal flooding
 7 problem. It's not a normal flooding problem.
 8 It's a little stream. How big my flooding
 9 problem is, imagine this room, this room right
 10 here, I can have five feet of water in this
 11 room, in my basement, in four minutes. In
 12 four minutes.

13 This is not -- this is not a regular
 14 habit. It was a lot of work done. It didn't
 15 work. Okay? I appreciate the work that was
 16 done. It didn't work. It didn't work because
 17 I don't think they ever listened, I don't
 18 think they ever evaluated the problem with
 19 water once. They just went in, did some work,
 20 spent the money.

21 All I want to do is, I would like to
 22 invite all of you to come to my place sometime
 23 so I can illustrate to you what the problem
 24 is. I have everything I own invested in that
 25 place. I'm trying to make a living. I can't

1 It can be fixed. We need to pull
 2 our heads together and just do it. Forget
 3 about what happened in the past. I don't want
 4 to think of the floods I've been in the past,
 5 I want to look forward. I want to say yes,
 6 this town cares.

7 Today I don't believe that. The
 8 last flood happened somebody could have sent
 9 Bob Kalinoski over and say well, you know. I
 10 don't think anybody even mentioned it. I
 11 don't know what happened but I don't see
 12 anybody. Whatever happened, happened. I
 13 never see anybody. It's like everybody just
 14 disappears. You know? This cannot be
 15 accomplished without, you know -- like, it's
 16 not anything personal, it's not -- you know, I
 17 run a nice place. I really would invite you
 18 all. I'd just like to look at the pictures,
 19 illustration of the last flood that I had.
 20 I'd just like to get your input of how are we
 21 going to go about this.

22 But before we go ahead with this the
 23 problem has to be analyzed so that the proper
 24 solution can be found, and then the
 25 solution -- then I have ideas. I know my

1 do it. I shake, I'm scared. It rains, I'm
 2 shaking. I shouldn't live under these
 3 conditions. Nobody should. I wouldn't wish
 4 that on my worst enemy.

5 I'm here to ask for your help, but
 6 you got to understand what the problem is
 7 first. I don't believe it's going to take a
 8 lot of money to fix the problem. I don't
 9 believe it took all the money that -- this
 10 problem could have been fixed spending half
 11 the money that was spent already. They tried
 12 but it didn't work.

13 Let's go forward. I need to know if
 14 this problem is going to be fixed. I need to
 15 know if I have a viable building that I can
 16 continue my business. This is a wonderful
 17 town. People that come in are like family.
 18 Kids grow up, I see them growing up and
 19 everything. I'm not being given a chance to
 20 make a living in this building. It is not
 21 that difficult a problem. For me to get
 22 anywhere I have to make you realize there is a
 23 problem. There is a problem, and I'm asking
 24 for your help. I'm just here to try and
 25 convince you there is a big problem.

1 property. I know what's around there. The
 2 first time the work was done I wasn't told
 3 anything. I made a little suggestion about
 4 something. You know, it was, like, you know.

5 Now, there's another thing I want to
 6 bring up. Okay? A personal matter. There
 7 might be a problem with Mr. Kalinoski. I'm
 8 not saying there is. There might not be. I
 9 have no problem with anybody. But his family
 10 lives across the street from me. I have the
 11 feeling they don't want me to be in business
 12 here. I hope to God this has nothing to do
 13 with my problem not being fixed. So I don't
 14 know --

15 MR. BARNICK: We're having a problem
 16 with this a long time and I'd like to see
 17 something --

18 MR. LUKASEWICZ: Carl, are these
 19 current pictures? These one from the --

20 MS. JOHNSON: Tommy, I've seen them.

21 MS. MENICHETTI: With all due
 22 respect, Robbie was away when this happened.
 23 He wasn't even in town.

24 MR. BARNICK: That's not the point,
 25 Daryl. That's not the point at all.

1 MR. RIOTA: That's no problem. I
 2 don't want to start anything.
 3 MR. BARNICK: We tried to fix this I
 4 don't know how many times. All we did was go
 5 by the recommendation of an engineer, and we
 6 came down there ourselves and going out there
 7 and start setting --
 8 MR. RIOTA: I realize you went by
 9 the recommendations of the engineer. What the
 10 engineers told -- when the engineers
 11 explained this is where the water runs, this
 12 is where it goes, this isn't a problem. By
 13 doing this we're going to solve that.
 14 MR. BARNICK: They were explained
 15 all this.
 16 MR. RIOTA: Maybe the engineers
 17 didn't deserve to get paid. You wasted your
 18 money.
 19 MR. BARNICK: Apparently so, because
 20 it probably flooded four years since --
 21 MR. RIOTA: Four or five years. I
 22 mean, it's been --
 23 MR. BARNICK: Again this last rain,
 24 I mean, even down on the corner down here got
 25 flooded, J and G, where they had the fire

1 today. That was flooded. It was a foot deep
 2 right there. But you should not be getting
 3 that water. That was supposed to be handled
 4 from that Meade Street. You should not be
 5 getting that water.
 6 MR. RIOTA: No, I should not be
 7 getting that water.
 8 MR. BARNICK: That was supposed to
 9 be fixed. It's nothing personal with Robbie,
 10 nothing personal to any of us. I mean, we put
 11 a lot of money into that road.
 12 MR. RIOTA: Just a feeling I have.
 13 MR. BARNICK: I showed up there. I
 14 wanted to check it out. I mean, no matter
 15 what, I'm going to show up there. I want to
 16 see what happens with it.
 17 MR. RIOTA: The reason I'm saying I
 18 have a problem with Mr. Kalinoski, Mr.
 19 Kalinoski doesn't give a damn whether my
 20 problem gets fixed or not. Two days before I
 21 opened 13 years ago Mr. Kalinoski came into my
 22 place and told me to my face you have no
 23 parking here. You cannot open a business.
 24 This is what I did, Mr. Barnick, I chased him
 25 out of my place. I chased him out of my

1 place. I said get the hell out of my place.
 2 You have something to say, you put it in
 3 writing. Okay? But he came in there
 4 intimidating me, like, you cannot open this
 5 place two days before that place was supposed
 6 to be opened. He lived across the street at
 7 the time. There's a connection. All right?
 8 And there's just a feeling. And I just hope
 9 maybe to be disqualified or something. That
 10 job has to be done right. With him in charge
 11 I don't know if that job is going to be done
 12 right.
 13 MR. BARNICK: Do you know how much
 14 time I spent with these engineers back in 1990
 15 trying to figure this, and they've been going
 16 on for this for I don't know how long with
 17 these engineers bringing us the
 18 recommendation. We're no magicians, we're not
 19 the engineers, certified engineers. We have
 20 to follow what they submit to the state. It's
 21 a state road. There's nothing. Is it going
 22 to work? They say yes.
 23 MR. RIOTA: How do you explain the
 24 fact the first time they had to redo it?
 25 Why? They put the wrong pitch there. Who's

1 the inspector? Who's got to oversee this? I
 2 believe it's Mr. Kalinoski. Did he do this?
 3 No. Why? I wonder. All right? I'm not
 4 saying this is happening. I wonder.
 5 MR. LUKASEWICZ: Madam Chairman, can
 6 I speak, please? Carl, can I speak, please?
 7 All right.
 8 First of all, maybe you feel that
 9 Robbie has a twist involved in this and he's
 10 out to hurt you. If you do, you have your own
 11 reason. I can only state for the record that
 12 I believe this cannot be happening. It would
 13 not be on his behalf to do that because the
 14 citizens and the councilmen of Throop would
 15 not allow that.
 16 I've been aware of your problem for
 17 years. The other individuals up here have
 18 been aware of your problem for years. We've
 19 tried to fix that problem. We have one other
 20 suggestion that I tried to put forward to you
 21 years ago, and I believe there was
 22 litigation -- a chance of potential litigation
 23 filed at this time which was a stumbling block
 24 to it.
 25 I suggested back then you have a

1 catch basin outside your garage door. It's a
 2 very small, six-inch catch basin with a
 3 six-inch inch pipe that flows to probably a
 4 five-foot pipe. I suggested back then put in
 5 a series of catch basins big enough to catch
 6 this massive amounts of water that's shown in
 7 this picture here in your driveway right
 8 here. Put in a 12-inch line or a 20-inch
 9 line, whatever the hell you need, to take it
 10 to the main trunk.

11 At that time you wouldn't allow us
 12 to do anything on your property because it was
 13 a potential litigation and it just died. I
 14 think that's the only solution we have at this
 15 time. I know if you would be agreeable to
 16 allow us to do that I don't think anyone up
 17 here on this board would vote against it.

18 And if it doesn't work, Carl, at
 19 least we tried again. And if that doesn't
 20 work, then in the future we'll try something
 21 else. But you have to give us the opportunity
 22 to try. I think it will work.

23 MR. RIOTA: How many times we looked
 24 at that --

25 MR. LUKASEWICZ: I've looked at it

1 we've never --

2 MR. RIOTA: How many times have you
 3 looked at that?

4 MR. LUKASEWICZ: Carl, we've never
 5 addressed the six-inch pipe that cannot handle
 6 thousands of gallons of water.

7 MR. RIOTA: How many times have you
 8 been there?

9 MR. LUKASEWICZ: This time I wasn't
 10 there because I was --

11 MR. RIOTA: How many times --

12 MR. LUKASEWICZ: How many times?
 13 Probably 20 times.

14 MR. RIOTA: Never.

15 MR. LUKASEWICZ: How many?

16 MR. RIOTA: Never.

17 MR. LUKASEWICZ: Never? You just
 18 stated that I never --

19 MR. RIOTA: What I'm saying --

20 MR. LUKASEWICZ: For the record, I
 21 have looked at your problem for ten God damn
 22 years and I've tried to come up with
 23 solutions --

24 MS. MENICHETTI: Tom, please.

25 MR. LUKASEWICZ: No, I'm a little

1 offended here because I've tried, and I've
 2 walked behind his building. I've gone there
 3 in pouring downpours to see where the water
 4 comes in. I know where it comes in. And I
 5 think we can help you but allow us to try.

6 MR. RIOTA: You think you can help
 7 me?

8 MR. LUKASEWICZ: I know I can help.

9 MR. RIOTA: You guys can help me?

10 MR. LUKASEWICZ: I'm not God but
 11 allow --

12 MR. RIOTA: I don't want your water
 13 on my property. I know you guys can help me.
 14 What do you mean you think you can?

15 MR. LUKASEWICZ: You won't allow us
 16 on your property. If we come on your property
 17 to change that catch basin it will eliminate
 18 your problem.

19 MR. RIOTA: It will eliminate my
 20 problem?

21 MR. LUKASEWICZ: As far as I can
 22 tell, and I'm not God. But I'll tell you one
 23 thing, if somebody was offering me the chance
 24 to save my building by coming in and doing
 25 something for me for free on my property I'd

1 say thank you, sir.

2 MR. RIOTA: You never made that
 3 offer and I --

4 MR. LUKASEWICZ: We made the offer
 5 to you.

6 MR. RIOTA: And I'd never refuse.

7 MR. LUKASEWICZ: We made the offer
 8 to you.

9 MR. RIOTA: And I'd never refuse.

10 MR. LUKASEWICZ: The offer has been
 11 made to you but you had potential litigation.

12 MR. RIOTA: Never.

13 MR. BARNICK: Yes, it was.

14 MR. MARUSHOCK: I believe we did.

15 MR. RIOTA: Never.

16 MR. LUKASEWICZ: I stand before you
 17 and do it again.

18 MR. RIOTA: Never.

19 MR. LUKASEWICZ: Well, then, can we
 20 come in now?

21 MR. RIOTA: You can come in anytime
 22 you want.

23 MR. LUKASEWICZ: Can we design
 24 something to fix that?

25 MR. RIOTA: You can design anything

1 you want.

2 MR. LUKASEWICZ: Good. I think we
3 can do the best I think is humanly possible.

4 MS. MENICHETTI: I'm going to put a
5 motion on to have the engineer evaluate it?

6 MR. LUKASEWICZ: I would like to
7 have a motion put on to have the engineer
8 design and prepare specs to put sufficient
9 catch basins on the Riota property to contain
10 the water that comes down in his driveway and
11 to discharge into the main culvert that goes
12 between --

13 MR. RIOTA: Now you're restricting
14 the --

15 MR. LUKASEWICZ: No restriction --

16 MR. RIOTA: Restricting the
17 styling. The styling, first of all, should be
18 what will stop the water from coming down on
19 my property, period. That is the ideal
20 thing. You are restricting it to the point
21 where it's got to go down there. Don't do
22 that.

23 MS. MENICHETTI: He doesn't want the
24 water going down there at all.

25 MR. LUKASEWICZ: You can't stop the

1 way.

2 MS. MENICHETTI: How do you know
3 that?

4 MR. LUKASEWICZ: Nobody wants to go
5 there. It's too cost prohibitive.

6 MR. MARUSHOCK: The attempt at the
7 intersection of George and Meade Street was an
8 attempt to alleviate your problem. It did not
9 work all the way. It was an improvement but
10 it was not the whole answer.

11 MR. LUKASEWICZ: It cannot handle an
12 extreme downpour of the capabilities that we
13 had that day. When you have two inches of
14 rain in 40 minutes, an area which is very
15 similar to this -- there was a natural creek
16 that flowed near -- if you look on the maps
17 from way back there's a creek that flowed from
18 up here by George Street, where my building
19 is, all the way going up towards Penn State,
20 and it came and it flowed right between these
21 two buildings.

22 MS. MENICHETTI: Is that the
23 ravine?

24 MR. LUKASEWICZ: Do you know where
25 the ravine is? There was a creek that

1 water from coming there. You have to go all
2 the way out to Meade Street. You want to do
3 it that way? I'll go along with you
4 completely. We go out to Meade Street --

5 MR. MARUSHOCK: You have to build up
6 along --

7 MR. LUKASEWICZ: You have to do more
8 than build up along because it's definitely
9 going to flow over everything if you build up
10 on, number one. It comes right down between
11 his building and the garage. There's only six
12 feet between the two buildings.

13 The only way you can fix this
14 problem more than what I suggested would be to
15 go out here on Meade Street, put catch basins
16 here, put a line all the way down between the
17 two buildings, work within five feet of area,
18 which is going to be very cost prohibitive,
19 plus you might damage foundations, and then
20 catch also what comes down in his driveway,
21 combine the two into one main trunk and then
22 drop into the main trunk.

23 MS. MENICHETTI: Do you know for a
24 fact that this is the only way to do this?

25 MR. LUKASEWICZ: That's the only

1 actually flowed into the ravine. So this is a
2 problem area where water's always flowed.
3 I'll do whatever you want to do to fix this
4 problem.

5 MS. MENICHETTI: Your solution is to
6 go on his property. He doesn't want to do
7 that.

8 MR. LUKASEWICZ: My solution is if
9 we go on this property for starters, if the
10 water does flow over it's going to be caught
11 in this gigantic collection system and
12 discharged off his property as quick as can
13 be --

14 MS. MENICHETTI: How do you feel
15 about that, Mr. Riota?

16 MR. RIOTA: I'm open to anything --

17 MS. MENICHETTI: Well, would you be
18 agreeable to that?

19 MR. RIOTA: I don't want to restrict
20 it to one thing. I want to look at all the
21 possibilities.

22 MR. LUKASEWICZ: Carl, I want to
23 look at all the possibilities also.

24 MR. RIOTA: Anything on my property.

25 MR. LUKASEWICZ: If we put this on

1 your property for starters it will help, and
2 then we can see about coming between these two
3 buildings and putting more catch basins in.

4 MR. BARNICK: You're going to have
5 to go all way from George Street and down into
6 the main --

7 MR. LUKASEWICZ: I have walked
8 between these buildings with Robbie Kalinoski
9 a half a dozen times trying to figure out a
10 way to eliminate this. It would have to be
11 dug by hand.

12 MS. MENICHETTI: How long is the
13 space?

14 MR. RIOTA: Why can't a catch basin
15 be put right behind the wall where I have the
16 wall and then run behind there --

17 MR. LUKASEWICZ: That's what I'm
18 saying, Carl. Here's the pictures. Two
19 buildings --

20 MR. RIOTA: Put a catch basin all
21 the way down.

22 MR. LUKASEWICZ: We'd have to put
23 one behind the fire house, then another one
24 right behind the building. There's so much
25 water, Carl, that one catch basin won't catch

1 to alleviate the problem.

2 MR. LUKASEWICZ: Daryl, can we make
3 a motion --

4 MS. MENICHETTI: You already put one
5 on.

6 MR. LUKASEWICZ: -- to have Spott
7 and Associates design a system to collect
8 storm water runoff from Meade Street that
9 travels east along George Street between the
10 fire house and the Armstrong property, and to
11 also rebuild the existing catch basin on the
12 Riota property. ?

13 MS. MENICHETTI: Just rebuild it?

14 MR. LUKASEWICZ: Tear out, rebuild,
15 to construct a system sufficient enough to
16 handle -- do you want me to write it up
17 tomorrow?

18 MS. MENICHETTI: Is this only
19 temporary?

20 MR. LUKASEWICZ: No, this is a fix.

21 MR. MARUSHOCK: The engineer will
22 redesign it.

23 MR. RIOTA: This is a fix. I
24 mean --

25 MR. LUKASEWICZ: This is a fix that

1 it. It flows like a river through there. You
2 can see it. This is after the water stopped
3 and there's still a puddle there. When it
4 flows through there it's four feet high.

5 MR. RIOTA: What happens if I decide
6 to fill in my side of the property?

7 MR. LUKASEWICZ: That's not going to
8 help.

9 MR. RIOTA: Where's it going to go?

10 MR. LUKASEWICZ: The water is still
11 going to come along your foundation.

12 MR. RIOTA: I can make my foundation
13 waterproof. I'll do whatever I have to do at
14 this point --

15 MR. LUKASEWICZ: I think if we put a
16 huge catch basin with a big line dropping into
17 the main trunk it will help, hopefully, for
18 starters, and then try to designed the other
19 one.

20 MR. RIOTA: I think we need some
21 people that are, you know --

22 MR. LUKASEWICZ: The engineers, they
23 didn't want to come here.

24 MR. RIOTA: Like I said, you can do
25 anything on my property as long as it's going

1 I know one thing, Carl --

2 MS. MENICHETTI: If this is so easy
3 to do why hasn't this --

4 MR. LUKASEWICZ: Because it -- who
5 wants to dig between two buildings by hand?
6 That's what I'm saying.

7 MS. MENICHETTI: Well, you have to
8 do what you have to do.

9 MR. LUKASEWICZ: We're going to find
10 out and I will vote for it.

11 MS. JOHNSON: Let's just do it the
12 right way.

13 MS. MENICHETTI: We can't have this
14 poor man waiting --

15 MR. LUKASEWICZ: That's the only way
16 you can fix this property.

17 MS. MENICHETTI: I have a motion by
18 Mr. Lukasewicz, seconded by Ms. Johnson, as he
19 read it, because I'm not going to repeat that
20 whole thing. Anyone else on the question?
21 May I have roll call, please. Does anyone
22 have any comments --

23 MR. LUKASEWICZ: One other item
24 first. Can we also, before we expend --

25 MS. MENICHETTI: This is just to

1 design.
 2 MR. LUKASEWICZ: I know, but before
 3 we expend thousands of dollars, can we have a
 4 release acquired by Mr. Brazil that if we do
 5 design this system and we have to put a catch
 6 basin on Mr. Riota's property that he would be
 7 agreeable to it before we go and design? I
 8 can't see spending \$5,000 to design something
 9 and Carl tells us no, I don't want it on my
 10 property.

11 MS. JOHNSON: Well, then, what if we
 12 design it and it doesn't work?

13 MR. LUKASEWICZ: If it doesn't work,
 14 you know what, we did our last ditch effort.

15 MR. BARONE: Do something else.

16 MR. LUKASEWICZ: We'll try something
 17 else. We're still making a valiant -- we
 18 spent almost \$200,000 on that corner.

19 MR. BARNICK: Two hundred and 70.

20 MR. LUKASEWICZ: We spent \$270,000
 21 out there --

22 MS. MENICHETTI: And it still
 23 doesn't work.

24 MR. BARNICK: It took a lot of water
 25 away.

1 MR. LUKASEWICZ: Daryl, we didn't
 2 waste it because you know what? He wasn't the
 3 only one that was flooded before. There was
 4 other people that were flooded back there.

5 MR. BARNICK: Yes, there were.

6 MS. MENICHETTI: Mr. Riota, would
 7 you be agreeable to sign some kind of
 8 agreement?

9 MR. RIOTA: I would be agreeable to
 10 signing anything when I see it and I evaluate
 11 it and, you know -- I would be agreeable to
 12 anything that would solve my problem. The
 13 wording is right or whatever, I'm agreeable to
 14 anything that will solve the problem.

15 MR. LUKASEWICZ: If I was a betting
 16 man I'd bet on this.

17 MS. MENICHETTI: All right, anyone
 18 else on the question?

19 MR. LUKASEWICZ: That will at least
 20 correct it 90 percent.

21 MS. JOHNSON: Well, how long before
 22 it's fixed?

23 MR. LUKASEWICZ: We'll, if we get
 24 someone to design it quick enough and get
 25 someone in there and hand dig it.

1 MR. RIOTA: One other thing. About
 2 two years ago right next to my building where
 3 the fire house used to be, on the side of the
 4 building, between the two buildings, there
 5 must be, like, 5,000 pieces of guardrails. I
 6 don't know who put them there. Probably was
 7 Bob Kalinoski. They've been there for years.
 8 I've seen kids playing there. All you need is
 9 for somebody to hit their head. It looks
 10 disgusting. I put a fence in there because I
 11 was going to put my garbage in there. Now I
 12 don't care. But it looks disgusting. If
 13 anybody else went up there and saw it the
 14 borough would be, like, get it out of here.
 15 It's been there for years. It's filthy, it's
 16 rat infested. Right next to my restaurant.
 17 Why was it put there? Somebody's picking on
 18 me.

19 MS. MENICHETTI: Does anybody have
 20 any objection to the motion we have on the
 21 floor? Please raise your hand if you do.

22 All right, we have a motion on the
 23 floor to have the engineer design a system to
 24 probably take care of this or hopefully take
 25 care of this problem, and we'd also like an

1 agreement signed with Mr. Riota and the
 2 borough so that, you know, if we do expend all
 3 this money to design this that he would -- if
 4 they feel it would work -- which is the only
 5 reason we would did it -- you would be in
 6 agreement. Okay?

7 MR. RIOTA: I would be in agreement
 8 as long as I keep informed on how the work's
 9 being done and I have to be okay with that.
 10 As long as I know what's going on and how it
 11 goes I'll agree to sign the papers.

12 MR. LUKASEWICZ: Keep these pictures
 13 here for the engineer.

14 MS. MENICHETTI: All right. Roll
 15 call, please, Mr. Novack.

16 MR. NOVACK: Mr. Lukasewicz?

17 MR. LUKASEWICZ: For.

18 MR. NOVACK: Ms. Johnson?

19 MS. JOHNSON: For.

20 MR. NOVACK: Mrs. Shortz?

21 MRS. SHORTZ: For.

22 MR. NOVACK: Mr. Marushock?

23 MR. MARUSHOCK: For.

24 MR. NOVACK: Mr. Barnick?

25 MR. BARNICK: For.

1 MR. NOVACK: Mr. Barone?

2 MR. BARONE: For.

3 MR. NOVACK: Ms. Menichetti?

4 MS. MENICHETTI: Definitely for.

5 All in favor. Motion carried. Okay, anything
6 else, Mr. Riota?

7 MR. RIOTA: No. Thank you for your
8 time.

9 MR. BARNICK: I do have to leave.

10 MS. MENICHETTI: Okay. Anyone
11 else? Please state your name and address for
12 the stenographer.

13 My name is Diane Gabello, 921
14 Dunmore Street, and I'm speaking for my
15 mother, Colleen Juris, who lives on 917
16 Dunmore Street.

17 In reference to the DePietro
18 apartment building that they wanted to put up
19 next to her property, they are partly on her
20 land. Now, she did say to the DePietros
21 because he does have a bush out in the corner,
22 you know, and he just said to her well, I'm
23 getting this. This was before he even went
24 before Judge Corbett.

25 So she in the past had it surveyed,

1 years ago. She brought the paper with her,
2 she brought her deed with her. And recently
3 she just had it surveyed, a couple weeks ago,
4 and they are on her land.

5 Now, around -- like, she lives right
6 next door, on the side. Now, around the back
7 of her land she has some fence posts that are
8 there, like, around 50 years, and that's even
9 there where he's saying it's his land.

10 You know, now today I know I did ask
11 John Brazil about, you know, if there's
12 anything that could be done, and he says, you
13 know, get it surveyed again and bring us the
14 new paper in that the surveyor did, which she
15 brought today and gave him. She also brought
16 today the previous surveyor's paper and her
17 deed.

18 MS. MENICHETTI: So you're saying
19 they're encroaching on your land?

20 MS. GABELLO: On my mother's
21 property. She's right there.

22 MS. MENICHETTI: Let me see what
23 you're talking about?

24 MRS. JURIS: It's about 20 feet in
25 the back.

1 MS. GABELLO: In the back because
2 her property is alongside a hill and it runs
3 -- well, it runs crooked in the back.

4 MRS. JURIS: It runs from the school
5 all the way over. I bought it with the deed
6 in 1948. It was from there to the back.
7 There was more than in the front. So
8 somebody -- well, she got 50 of that, then I
9 sold that after my husband died. And it's on
10 there.

11 I gave him the paper. I have been
12 telling him that he's on my land. He will not
13 listen. And he just told me -- I was out
14 there. They were trying to figure out how
15 come -- I don't know, trying to figure out
16 where the property is in the front. And I
17 told him, I said, in the back you are on my
18 property. Well, it was short in the front.
19 But he told me -- he has already said to me,
20 oh, I do already have it. How can he have it
21 when the lawyer didn't even go to the judge?
22 How could he have it? It was before he went
23 to go to the judge. That's what I couldn't
24 understand.

25 MS. MENICHETTI: Mr. Brazil, would

1 you address this because you did represent the
2 borough.

3 MR. BRAZIL: I don't know what he
4 said. I mean, it certainly could have been --
5 you, of course, were there at the argument,
6 and they discussed with council the difficulty
7 on a conditional use because by putting a
8 conditional use in the ordinance you basically
9 are saying that this is a good area for this.
10 And a lot of the other problems we had will be
11 addressed in the land development. There's
12 one neighbor had a problem locating the
13 garbage bin next to their property. There was
14 some objections concerning ponding of water.
15 Those would be things that would be taken care
16 of in the land development.

17 Now, the other thing, if they're
18 encroaching on your property that's an
19 entirely different issue. I mean, I'm
20 assuming at some point this is going to come
21 to land development or a permit. If council
22 wants to have our engineer look at this
23 description ahead of time, because there are
24 time periods on all of these, you might get
25 ahead of it a little bit, you know, to verify

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1 these facts. That's entirely up to council.

2 MRS. JURIS: Could I ask this? Did
3 anybody look at his deed that he owns that?

4 MR. BRAZIL: I think I kind of
5 discussed this with you. When somebody comes
6 in for a development or an approval they
7 submit a plan that's certified by an
8 engineer. We don't go out -- the borough,
9 that being -- and survey every property just
10 to verify the survey they give you. It would
11 be impractical to do it.

12 MS. GABELLO: I know he was here
13 before and he said the two of them were
14 engineers.

15 MR. BRAZIL: Right. But what I'm
16 saying is --

17 MRS. JURIS: And a lot of people
18 here were against it, that going there, to
19 begin with because a lot of them, they didn't
20 really want that there, and I could see why.
21 In fact, they're selling their houses.

22 MR. BRAZIL: And you were at the
23 hearing when I indicated to the judge there
24 were 20 to 30 people in opposition to this at
25 the meeting. Okay? Of course, council has to

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1 be guided by what the law is on these issues.
2 You have a conditional use is a recognized,
3 proper use in certain areas.

4 Be that as it may, if there's an
5 issue regarding the boundaries, then that is
6 something that the planning commission may be
7 able to take a look at. But again, the
8 planning commission doesn't send out a
9 surveyor with a land development. They assume
10 that you're coming in with the land AND your
11 survey you have is proper. That may be
12 something that you may want to look at.

13 MS. GABELLO: She did give you a
14 copy tonight of the land but, I mean, if you
15 wanted more photostatic copies to give to the
16 other ones she has in her purse the deed and
17 the previous survey.

18 MR. BRAZIL: I don't need the deed.

19 MS. GABELLO: If you wanted copies
20 to give to all of them.

21 MR. BRAZIL: I'll give it out to all
22 council.

23 MRS. JURIS: If this would have been
24 only a two family going there I would have
25 appreciated it. I wouldn't care if that's

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1 what there was. But five apartments I can't
2 see. I just can't because the land is so
3 small. It doesn't really even fit there.

4 MAYOR LUKOWSKI: What about the wall
5 he was supposed to erect? Is he still going
6 to do that?

7 MRS. JURIS: I don't know what he's
8 going to do. I don't know.

9 MS. GABELLO: When we were here that
10 day he had his plans with the wall.

11 MRS. JURIS: I have been telling him
12 right along -- he thinks ever since he put
13 that big bush there that he owns it and I've
14 been telling him years now that you do not own
15 that land.

16 MR. BRAZIL: In response to your
17 question, Tom, that decision by the judge was
18 not even looking at that issue. It was
19 looking at the sole issue as to whether a
20 conditional use in this area is proper. Now,
21 I think that this issue can be brought up in
22 other areas.

23 MR. LUKASEWICZ: It can't be brought
24 up before the judge again? Can we ask the
25 judge that information has come to light --

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1 MR. BRAZIL: No.

2 MR. LUKASEWICZ: So the only way is
3 the planning commission?

4 MR. BRAZIL: The judge doesn't deal
5 with that. I mean, the judge is just looking
6 at the one issue, is this a proper area for a
7 conditional use. Okay? That's what the sole
8 issue is. She's not looking at maps. And,
9 quite frankly, on conditional uses you don't
10 need to have detailed maps and things of that
11 nature. You've just got to give an idea of
12 what you're doing. Then ultimately it goes to
13 the land development for land development
14 approval.

15 MR. LUKASEWICZ: Even if we kick it
16 back to the planning commission, if he has to
17 come in and change his plans somewhat,
18 whatever, to make the boundary change --

19 MS. MENICETTI: He may not meet the
20 setbacks if he loses 20 feet.

21 MR. LUKASEWICZ: A sliver of 20 feet
22 is nothing. That's what it is. The front of
23 the property is proper, the back it's 20
24 feet. So you're talking 20 feet or whatever.
25 He'll just reconfirm his plan to make it fit

1 the parcel.

2 MR. BRAZIL: Of course.

3 MR. LUKASEWICZ: He would have to go
4 through it.

5 MS. GABELLO: That would be all the
6 way in the back, the 20. It's, like, near --
7 it's on the side of her house, to the back.
8 She'd live behind it.

9 MR. LUKASEWICZ: I know where it
10 is. Can we at least forward it to the
11 planning commission for their review, and if
12 they find fault with it --

13 MR. BRAZIL: Yeah, but I think you
14 might want either the planning commission
15 engineer or our engineer to verify what's
16 being said here, because certainly if -- you
17 know, our zoning officer and our planning
18 commission are going to have to look at things
19 like setbacks, you know, proper impervious
20 area, proper number of parking, things of that
21 nature. And if the lot has less square
22 footage, then I don't know that they're going
23 to be able to do that.

24 MR. LUKASEWICZ: Let's kick it to
25 the proper channels and go from there.

1 weeds and get the soil from over at the
2 river? I have to put up with all of that
3 always, too. So this isn't only the first
4 thing. That's why I can't take this now.

5 MS. MENICHETTI: Attorney Brazil,
6 what is our recourse on this?

7 MR. BRAZIL: I'm going to make
8 copies of these maps and I'm going to forward
9 copies to council and to Robbie and the
10 planning commission just indicating that
11 there's complaints been made about the
12 proposed development encroaching on the
13 property. And I will also talk to Robbie
14 about sending it to Betsy or whoever. I'm not
15 picking who you want to send it to. But at
16 some point we're going to have to have one of
17 our engineers verify this, and it's going to
18 be when the land development comes up.

19 MR. LUKASEWICZ: Daryl or John,
20 since the decision was found in favor of the
21 DePietros have they come in looking for a
22 permit to start anything?

23 MS. MENICHETTI: Not to my
24 knowledge.

25 MR. LUKASEWICZ: Can you check on

1 MRS. JURIS: I'd like to say
2 something else. See, this isn't the only
3 thing that has been bothering me. I had to go
4 and take Diazepam for a long time, from March,
5 because of what they did. I was living
6 there -- now, when they were burning all of
7 that I couldn't even hang my clothes out. We
8 were living there -- I was living there with
9 my children and my husband and all. We were
10 smelling it.

11 When I went to -- I was getting
12 settled, then, and the lawyers took a third,
13 of course, and we had to pay for the other two
14 things. But when I went, they told me I'm old
15 and alone so you're only getting 25,000.
16 Where was that fair? I was there smelling it
17 and my children, all of them. We were all
18 smelling it. I don't care. I'm not going to
19 keep on taking Diazepam seeing that there
20 going up again, seeing that now. I had to go
21 up through my yard -- do you know what they
22 put in there? They put the soil in. They got
23 it from the river over in Pittston. All those
24 trees. I have every weed there. In fact,
25 even next door they do. Does everybody get

1 that tomorrow to see? Because I would assume
2 if he's got approval he's going to try to move
3 fast.

4 MR. BRAZIL: He's got to go through
5 the land development first. He's got to do a
6 land development.

7 MR. LUKASEWICZ: Keep an eye on him.

8 MS. MENICHETTI: Betty, you will
9 keep an eye out for this now? We'll do what
10 we can. Okay?

11 MS. GABELLO: Thank you.

12 MS. MENICHETTI: Anyone else want to
13 speak?

14 MR. ROCCO: I only have one thing.
15 Why don't you get those microphones working.

16 MS. MENICHETTI: They're on.

17 MR. ROCCO: It don't feel like they
18 are. You can't hear nothing.

19 MS. MENICHETTI: Anyone else?

20 MR. MAUGER: Rick Mauger. I live
21 down at 1 Charles Street, very last house on
22 the right hand side. This is my fourth time
23 here about this. I've been real patient
24 because I didn't get anywhere the last time.
25 The last time the place was packed, it was

1 11:30 at night and nobody wanted to hear it.
 2 Now we have tractor-trailers running
 3 down to Marvine to get that coal that was only
 4 supposed to be hauled out of there for six
 5 months. It's now two years. They're hitting
 6 the jake break by 15 Charles Street, which is
 7 five houses up from me, starting before 6:00
 8 in the morning. Now, Mr. Barnick talked to my
 9 neighbor, John, while he was a police officer,
 10 about it. John was complaining about it
 11 also.

12 Apparently my understanding was that
 13 council is only allowing empty trucks to come
 14 down towards the Marvine? This is what John
 15 was telling me.

16 MR. LUKASEWICZ: I'm not aware of
 17 that.

18 MAYOR LUKOWSKI: Yes, that was the
 19 case. The operators came up --

20 MR. LUKASEWICZ: A weight
 21 restriction?

22 MR. MAUGER: Right. Now, they're
 23 not just doing that, they're hauling full
 24 trucks back up. The empty ones are just as
 25 bad. It's just like the tri-axles that were

1 coming through the first year and a half. You
 2 know, they're coming down the street, every
 3 little pothole, the banging, and it's early.
 4 It's early in the morning. But I know for a
 5 while they were only doing it at seven in the
 6 morning.

7 But it's beating the hell out of the
 8 road, I'm getting cracks in my foundation.
 9 It's constant, 50, 60 loads a day. And this
 10 is only supposed to be a residential thing.
 11 This is a residential street. Now, I
 12 understand it's one of the main arteries into
 13 Scranton and all the cars come through it, but
 14 do we have to have this truck traffic come
 15 through here constantly? Constantly.

16 You know, the place is dirty. You
 17 know? Especially when they're coming up. You
 18 know, the fumes are coming into the house.
 19 It's ridiculous.

20 MS. MENICHETTI: I did speak with
 21 the borough police department, and they said
 22 that there is an ordinance and it is posted
 23 down by the Turkey Hill, that convenient store
 24 in Green Ridge, there, that they're not to
 25 come up the hill. It was my impression that

1 the police were going to cite them if they
 2 did. I don't know. Mayor, what are they
 3 doing? We discussed this at the last meeting.

4 MAYOR LUKOWSKI: Well, I'm going to
 5 talk to Neil about this again because it's
 6 getting out of hand. I agree with Mr. Mauger.

7 MS. MENICHETTI: I've had many
 8 complaints. You're not the only person. I've
 9 had complaints from neighbors of mine that
 10 live on Charles Street because I live right
 11 behind, on North, and they also expressed
 12 their concerns that it's really very
 13 disruptive.

14 MAYOR LUKOWSKI: These trucks are
 15 much larger than the other ones.

16 MS. MENICHETTI: Yes, constantly,
 17 all day long. So I did address it with the
 18 police department. I was told there was an
 19 ordinance, we looked it up, and it is posted.
 20 And they said that they talked to the trucking
 21 company and they were going to stop coming
 22 this way. They were going to go through
 23 Dickson City. Now, I guess for a week they
 24 did.

25 MAYOR LUKOWSKI: They did for a

1 while, but that didn't last long.

2 MS. MENICHETTI: And then they
 3 resumed. So it's up to the police to cite
 4 them. I don't know what else to tell you.
 5 It's a police matter.

6 MR. LUKASEWICZ: Police have to do
 7 their job.

8 MAYOR LUKOWSKI: We're going to
 9 discuss this tomorrow, Mr. Mauger. I came
 10 around the turn, here, and boy, I couldn't
 11 believe it. On two wheels, practically.

12 MR. MAUGER: Like I said, I'm up at
 13 the time anyway because I'm waking up, but
 14 they're coasting through the stop sign.
 15 Somebody's going to get hurt because come
 16 wintertime or fall it's going to get dark and,
 17 you know, they're going to blow through the
 18 stop sign not seeing somebody --

19 MAYOR LUKOWSKI: Little kids are out
 20 here waiting -- of course, school is out of
 21 session now. They're out here waiting on the
 22 corner. Little kids, five, six, seven years
 23 of age.

24 MS. MENICHETTI: Well, there's
 25 another thing I'd like to address because I

1 was watching the other day. About five cars
2 just did a Hollywood through the stop sign
3 here. One didn't even slow down. It just on
4 two wheels, right around. And since this is a
5 civic center with children all day long it was
6 a concern to me. I stood there and watched
7 it.

8 MAYOR LUKOWSKI: One kid got hit by
9 a car two years ago there.

10 MS. MENICHETTI: All right, we will
11 certainly alert the police department to see
12 what they can do.

13 MR. MAUGER: I mean, I've talked to
14 Neil before about it. He said there's nothing
15 I can do. You have to talk to council.

16 MS. MENICHETTI: Oh, come on.

17 MR. LUKASEWICZ: If he tells you
18 that again tell him to put it in writing
19 because I'd like to see that. I would like to
20 see that in writing.

21 MR. MAUGER: He said that council's
22 allowing them to go through. There's nothing
23 he can do about it.

24 MR. LUKASEWICZ: The police
25 department is the one that has to do the job.

1 MR. LUKASEWICZ: I was told about
2 it. Snooky told me.

3 MR. HARTSHORN: That's what happened
4 there. They couldn't get any pitch from that
5 manhole in front of the hose company through
6 there. And it's sort of level so it won't
7 take the water as fast as it should. Get that
8 done and you'll take care of this problem.

9 R. LUKASEWICZ: I'll make sure
10 they're aware of that.

11 MS. MENICHETTI: Anyone else have
12 anything to say?

13 MR. MORRELL: David Morrell, 315
14 George Street. Again, the minutes. Any idea
15 when we're going to get the minutes?

16 MS. MENICHETTI: Mark is working on
17 them.

18 MR. MORRELL: One more thing, I
19 don't even know who the girl was that you
20 hired over there that was working there for
21 seven weeks, but what about, like, the
22 back -- you mentioned about working over there
23 with the kids. What about the new hires, the
24 background checks, the drugs tests and the
25 physicals? Was that stuff done?

1 MS. MENICHETTI: There's the mayor.
2 He's in charge of our police department.

3 MR. MAUGER: Thank you.

4 MS. MENICHETTI: Thank you. Anyone
5 else? Mr. Hartshorn.

6 MR. HARTSHORN: Larry Hartshorn, 140
7 Dimmock Street. On that project you're having
8 down there, Elaine would probably remember the
9 problems with water going in their cellar,
10 which was taken care of, coming out of the
11 alleyway. But I don't know if you know it or
12 not. There's a tunnel between Elaine's
13 homestead and the place of business. There's
14 a tunnel. And the reason that they didn't get
15 the flow is because the tunnel has to be
16 dropped so you can get the flow.

17 MS. MENICHETTI: Where is there a
18 tunnel? Going where?

19 MR. HARTSHORN: Underneath the
20 street. It took care of that creek you talked
21 about.

22 MR. LUKASEWICZ: So there's a
23 tunnel --

24 MR. HARTSHORN: You have to be
25 aware. You can actually walk in there.

1 MS. MENICHETTI: All that has to be
2 taken care of.

3 MR. LUKASEWICZ: Was it done?

4 MS. MENICHETTI: She's worked in
5 child care. She's a child care worker so
6 she's been -- kept up all of her whatever,
7 credentials.

8 CAMERAMAN: Can I submit my bill?

9 MS. MENICHETTI: Give it to our
10 borough manager.

11 MR. LUKASEWICZ: How much is it?

12 CAMERAMAN: One twenty-five.

13 MR. LUKASEWICZ: That's for what,
14 last meeting?

15 CAMERAMAN: They said they had a
16 little trouble with it. I'm going to look it
17 over and switch it to another format.

18 MS. MENICHETTI: Submit the bill to
19 our borough manager. We have to talk right
20 into the microphone.

21 MR. LUKASEWICZ: I talk loud
22 enough.

23 MS. MENICHETTI: Anyone else?
24 Motion to adjourn.

25 MR. LUKASEWICZ: I'll second.

MS. MINICHETTE: Meeting adjourned.

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CERTIFICATE

I hereby certify that I attended the foregoing proceeding, took stenographic notes of the same, that the foregoing, consisting of 165 pages, is a true and correct copy, done to the best of my ability, of same and the whole thereof.

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Mark Wozniak

Official Court Reporter