

**Minutes  
Throop Borough Council  
Special Monthly Meeting for General Purposes  
Thursday, April 11, 2001  
following the 7:00 p.m. work session**

**The meeting opened with the Pledge of Allegiance.**

**ROLL CALL:**

**Members Of Council:**

Joseph Barone-P

James Barnick-P

Anthony Chrzan-P

**President** - Thomas Lukasewicz-P

Robert Mraz-A

**Vice President** - George Marushock-P

Joseph Keyasko-P

**Mayor** - Stanley Lukowski-P

**Solicitor** - Attorney Louis Cimini-A

**Treasurer** - Lenore Dolan-A

**Administrator/Secretary** - Elaine Morrell-P

**Announcements:**

An Executive Session was held April 2, 2001 with regards to Hose Co. #2, personnel, Gould litigation, possible litigation with the Dolan situation (Ash Street Extension), personnel matters with regard to the police.

A Dance will be held Saturday, April 21<sup>st</sup> at the Throop Civic Center for Grades 3-8 from 7:00 - 9:00 p.m. (The dance is changed from Friday to Saturday because of the Booster Club banquet.)

Due to Memorial Day, the monthly meeting for May will be held following the work session on Thursday, May 24<sup>th</sup> beginning at 7:00 p.m.

An Executive Session will be held Tuesday, April 17, 2001 at 10:00 a.m. for personnel matters.

**Audience comments on tonight's agenda:     None**

**1. Motion by Barnick**

**Seconded by Chrzan**

To accept the minutes of the February 26<sup>th</sup> Public Hearing regarding the Home Program, February 26<sup>th</sup>, March 8<sup>th</sup>, March 13<sup>th</sup> Council Meetings and the transcript of the February 26<sup>th</sup> Public Hearing regarding Ash St. Extension and the transcript of the March 8<sup>th</sup> Public Hearing regarding the request to omit parking spaces in the 300 block of George St. also to accept February's Fund Statement-Financial Report.

All in favor

Motion carried

**(The following motion was voted on at the March 27<sup>th</sup> meeting before the county placed the legal advertisement, therefore council must vote again.)**

**2. Motion by Barnick**

**Seconded by Chrzan**

To adopt Resolution # 7 of 2001, Authorizing the Board of Commissioners of Lackawanna County to submit an application for Federal Fiscal Year 2001 for Community Development Block Grant Program Funds in the amount of \$116,123.00 in regards to the Warsaw Section Storm Sewer Improvements.

On the question:

Barnick-This is a well needed project.

All in favor

Motion carried

**3. Motion by Chrzan**

**Seconded by Barnick**

To approve a donation of \$25.00 to sponsor a Sixth Grade Mid Valley Student graduating on June 5, 2001 at 1:00 p.m. at the Mid Valley High School. An official from the Borough is invited to attend if they would like to present the student with the award.

All in favor

Motion carried

**4. Motion by Barnick**

**Seconded by Chrzan**

To roll-over the General Fund Flex C.D. # 21116 in the amount of \$1,247,960.84 plus interest at the First National Community Bank for one year at a rate of 5.45 % interest. There will be no penalties for early withdrawal.

On the question:

Barnick-It's what's left from last year with all the work done.

Marushock-I believe that the interest rate is the highest rate that was quoted among six banks.

All in favor

Motion carried

**5. Motion by Barnick**

**Seconded by Chrzan**

To adopt Throop Borough Resolution # 8 of 2001 to open a checking account at the First National Community Bank, Dunmore for the Throop Borough DCED Community Revitalization Program # 20-192-0947 Grant. The borough received \$40,000.00 toward the site grading, construction & to pave a portion of the access road to the proposed new DPW compound on the Eddy Creek parcel of land (48.5 acres). The signers on the checks will be the same as all the other accounts - Thomas J. Lukasewicz, Council President, Lenore Dolan, Treasurer, Elaine Morrell, Administrator/Secretary and George Marushock, Vice President will sign in the absence of any of the three required signers.

On the question:

Marushock-Again with that 48½ acres, the possibility of a mine fire being in existence up there, I can't really see spending money. This \$40,000 that we've received, if we could just hold that in escrow, deposit it in that account but I would not make any improvements on that property until that mine fire site is resolved.

Barnick-What does it say? Open a checking account.

Everyone spoke at once.

Mayor-Regarding that supposed mine fire, the Office of Surface Mining and DEP were up there today and there is not, contrary to the letter that they wrote and made everybody believe that there is absolutely no mine fire there, in fact (inaudible) they're saying now, according to Al Shortz who was with them.

A discussion took place.

All in favor

Motion carried

**6. Motion by Barnick**

**Seconded by Chrzan**

To authorize the purchase of a Sunny Day Fund C.D. at the First National Community Bank, Dunmore in the amount of 10% of the First Quarter 2001, Host Municipality Fee check or to add to an existing Sunny Day Fund C.D. if allowed. We will receive the check within the next few days.

On the question:

Marushock-Did we solicit rate quotes from other financial institutions?

Morrell-I can only imagine they would be as the same rates Lenore just got.

All in favor

Motion carried

**7. Motion by Marushock**

**Seconded by Keyasko**

To amend the motion to authorize Elaine Morrell, Administrator, to pay DPW employees unused hours for unused sick pay, *at the rate of one days pay for each two days of unused sick days, as per the Union Contract.* The motion should state at the regular hourly wage as per the new contract agreed upon August 10, 2000.

A small discussion took place over the Union Contract and unused sick pay.

All in favor

Motion carried

**Two-thirds vote of the entire number of councilmen needed. One councilman was absent on March 27, 2001 for the following motion:**

**8. Motion by Barnick  
To Table Motion #8:**

**Seconded by Chrzan**

To adopt Ordinance # 7 of 2001, an Ordinance Abolishing the Position of the Elected Controller, repeals Ordinance No. 9 of 2000 Establishing the Job Duties and Responsibilities of Elected Controller, and Establishes the Position of Appointed Independent Auditor.

All in favor

Motion tabled

**9. Motion by Chrzan**

**Seconded by Barnick**

To authorize payment in the amount of \$750.00 to P.M.P.S., Michael Cummings for administrative services from the assets of the Non- Uniform Pension Plan.

All in favor

Motion carried

**10. Motion by Chrzan**

**Seconded by Barnick**

To approve Scranton Craftsmen's Change Order # 1 regarding 164 Dunmore St. for an increase of \$3,160.00.

On the question:

Barnick-Just so everybody understands what the change order is all about, it was only going half a lane where the pipe was broken. It had to go the rest of the lane to the main because it was running up hill and that's one of the first people I could say that rolls up hill instead of rolls downhill.

All in favor

Motion carried

**11. Motion by Barnick**

**Seconded by Chrzan**

To approve payment # 1 to Scranton Craftsmen in the amount of \$4,510.12 for the Sanitary Sewer Repair at 164 Dunmore St. as approved by the Borough Engineer, Frederick C. Spott & Associates.

On the question:

Marushock-That one motion we just approved before, that's in addition to this, correct?

Barnick-That's a change order.

Lukasewicz-Yes.

All in favor

Motion carried

**12. Motion by Barnick**

**Seconded by Chrzan**

To approve payment # 1 to Scranton Craftsmen in the amount of \$5,284.37 for the Sanitary Sewer Repair at 716 Dunmore St. as approved by the Borough Engineer, Frederick C. Spott & Associates.

On the question:

Barnick-This is another one that was problem up here near Kucharski's, lower than that, the pipe was all crushed. I don't know how the people were living with it because that stuff was backed so tight when they opened it up. It was bad.

All in favor

Motion carried

**13. Motion by Barnick**

**Seconded by Chrzan**

To approve application for payment # 9 to Leeward Construction in the amount of \$7,255.79 for Crawford Court Phase II Project as approved by the Borough Engineer, Frederick C. Spott & Associates.

All in favor

Motion carried

**14. Motion by Marushock**

**Seconded by Keyasko**

To accept the plans and paperwork as presented by Underwood Realty Subdivision as per the recommendations of the Throop Planning Agency and Robert Bernosky, Planning Engineer and to adopt Throop Borough Resolution # 9 of 2001 accepting the Sewage Facilities Planning Module and to forward signed documents to DEP.

On the question:

Barnick-This is another one going to need that sewer line, open that mountain.

Lukasewicz-Jimmy, did you review all this stuff, because I didn't even know this was coming on.

Barnick-No, I didn't. (Everyone spoke at once.)

Lukasewicz-What's it on-site sewage for now, Jack? Temporarily until they're sewer?

Barnick-Permanent, right?

Jack Dolan-Until the sewer line's there you're never going to have changes.

Barnick-We've got to get that sewer line going and everything.

Lukasewicz-But this here says they're going to have on site for now. Are there any requirements that once the regular sewer get in that they have to transfer over?

Barnick-There is a Borough Ordinance back in 1930 something that states that any sewer line within 150' of the resident's property, they must connect to it.

Lukasewicz-When the time comes.

Barnick-Yes.

Marushock-What we need to do, I mean, this all is going to go to DEP for their approval, so.

Lukasewicz-Yeah, well approve it as it is for now and then we'll have to worry about it later on.

All in favor

Motion carried

**15. Motion by Chrzan**

**Seconded by Barnick**

To authorize the purchase of Orange colored T-Shirts for the DPW crew, a total of 40 shirts (5 shirts each) at an approx. cost of \$200.00 from Kevin's.

All in favor

Motion carried

**16. Motion by Chrzan**

**Seconded by Barnick**

To allocate \$9,900.00 for improvements at the Washington Street Park

On the question:

Barnick-To provide receipts, with everything that's going on.

Morrell-Are we going to use purchase orders and the bills come to us or are we going to give them a check and let them go out and buy it?

Barnick-We should do it.

Morrell-Because Jamie usually handles the park.

Lukasewicz-Purchase orders.

All in favor

Motion carried

**17. Motion by Marushock**

**Seconded by Lukasewicz**

To accept the bid from Stillwater Environmental Services for the demolition of the old Hose Co. #2 building/hall for the amount of \$7100.00.

On the question:

Marushock-Should there be a time frame in which this is done now being that there was an accident there, do we need documentation for the accident? When we did put this out (inaudible) time frame, just to clarify this.

Lukasewicz-Robbie has 45 days to award the bid from what I understand and then they have a week or two to actually start it.

Marushock-Because when we originally put that into play there was no accident at the site, we were just going to get this thing done and over with that at the Hose Co. #2's request, however, since that time there's been an accident in the front of the building on Boulevard Avenue.

Everyone spoke at once.

Keyasko-Why can't we re-bid it?

Marushock-Everyone had time to rebid, it was advertised.

Lukasewicz-That's right.

Barnick-I just can't see ripping it down, I'm sorry. That's me. I know buildings and the building looks good to me.

Marushock-They can't afford the up keep, it's that simple.

Three In favor-Marushock, Keyasko, Lukasewicz

Three against-Barone, Barnick, Chrzan

Tie Vote

Mayor-In favor

Motion carried

**18. Motion by Chrzan**

**Seconded by Barnick**

To authorize reimbursement to the Throop Ambulance Association for the three individuals who had their update training at \$110.00 each for a total of \$330.00 (Matt Cortazar, Nick Ganz, and Bob Armstrong).

All in favor

Motion carried

**19. Motion by Barnick**

**Seconded by Chrzan**

To authorize payment to Sam's Club for the balance of approximately \$400.00 to avoid finance charges.

Marushock-What is this about? I thought that the situation was resolved that we would avoid finance charges.

Lukasewicz-Elaine, can you advise him of what this is about?

Morrell-Last month I brought up if we could pay Sam's Club in a timely matter to avoid finance charges. At that time, I received a phone call stating our payment was delinquent, they didn't receive a payment. Going back and checking the records, something back in 1999, there was a balance remaining. I'm not sure how that occurred. As long as we had an open balance, we have been accruing finance charges on our accounts. The monthly statements were not kept, they were discarded. We normally pay Sam's Club by the invoice. The invoices were not compared to the monthly statements. At one point, at two different points, they changed their billing address. It was not changed in the computer. It was still part of Sam's Club but the check was sent to an incorrect office, state actually, by the time the check got there it was late. So from 1999 until this day, we are paying finance charges and the period of time when the checks weren't received in the right department, got their late, there's \$25.00 late payment fees or \$10.00. I was not aware of this until recently.

A discussion took place.

All in favor

Motion carried

**20. Motion by Marushock**

**Seconded by Keyasko**

To accept Charles Reed as full-time officer once he completes his probationary period which is April 25, 2001, pending satisfactory approval of the Mayor and Chief of Police.

On the question:

Barnick-I don't know, I just think we're over extended between the part-time and the full-time and the grant that we lost, it's too much, that's all.

Barone-Are those guys qualified, and by who?

Barnick-We didn't see no evaluation.

Barone-I didn't see no evaluation.

Chrzan-I didn't see any either.

Marushock-Mayor, can you forward us the recommendations.

Mayor-They're coming, they're complete.

Chrzan-Why weren't they given to us?

Mayor-You will get them on April 25<sup>th</sup>.

Chrzan-We want them today.

Everyone spoke at once.

Mayor-Take it from me, (inaudible) they're okay.

Marushock-The way this motion is worded, it's with favorable recommendation from the Mayor and the Chief, correct? So if it's not a favorable recommendation, they're not hired, correct?

Lukasewicz-Correct.

Three in favor-Marushock, Keyasko, Lukasewicz

Three against-Barone, Chrzan, Barnick

Tie Vote

Mayor-In favor

Motion carried

**21. Motion by Keyasko**

**Seconded by Marushock**

To accept Eric Viola as a full time officer once his probationary period is complete and pending satisfactory recommendation by the Mayor and the Chief of Police.

On the question:

Barnick-Same comments.

Three in favor-Marushock, Keyasko, Lukasewicz

Three against-Barone, Chrzan, Barnick

Tie Vote

Mayor-In favor

Motion carried

Barnick-I think we've got a problem, Mr. President, because the Mayor cannot vote on appointments for police so he cannot break the tie. I think you better get a review on that.

Mayor-Let's ask for a review then.

Lukasewicz-Well, it has to be reviewed. Let's put a motion on the floor to have the solicitor review the vote that was just taken on the two officers.

**22. Motion by Marushock**

**Seconded by Keyasko**

To have the solicitor, Lou Cimini, review the vote that was just taken on the two officers.

On the question:

Lukasewicz-Jimmy, does that satisfy you for now that the solicitor review it?

All in favor

Motion carried

**23. Motion by Keyasko**

**Seconded by Marushock**

To extend the Civic Service Eligibility List for one year, as per Section 6-6.1, Certification of List of Eligibles and Appointments, to extend it to April 25, 2002.

On the question:

Barnick-I don't think it should be (inaudible) there's one outstanding complaint right now. There is an outstanding complaint plus there's other things that are brought to your attention. I'm going to vote against it. This list here (inaudible).

Marushock-This is legal from where we can extend that correct, Mr. Stoffey?

Stoffey-Yes, it is.

Lukasewicz-It's his recommendation that it be extended.

Stoffey-You amended the rules and regulations within six months, you amended that, April 25<sup>th</sup>, you make it one year instead of six months. You amended the rules and regulations, okay? So it's up to council's discretion to extend that one year, it's not up to the Civil Service Commission, it's up to you. I'm merely recommending it, if you don't want to do it, it's up to you. If you don't want to extend it, you don't extend it. You want extend it, you know what I mean.

Marushock-You feel we.....

Stoffey-That's your decision. If you want to hire more policemen in time to come, if this list is expired, then they have to start the testing all over again.

Five in favor -Barone, Chrzan, Marushock, Keyasko, Lukasewicz

One against-Barnick

Motion carried

**24. Motion by Marushock**

**Seconded by Keyasko**

To advertise for summer help with applications to be submitted prior to the April 26<sup>th</sup>, 2001 Work Session and Meeting.

All in favor

Motion carried

Maurice Menichetti was present from Hose Co. #2 and Ed Bocan and Dominick Rinaldi were present from Hose Co. #3.

A discussion took place with regards to the Hose Company situation.

**25. Motion by Barone**

**Seconded by Chrzan**

To approve to cosign the 2% loan for the Throop Hose Co. #2 fire truck with Throop Borough listed as lien holder on the title.

All in favor

Motion carried

**26. Motion by Barone**

**Seconded by Chrzan**

To authorize \$40,000 to Throop Hose Co. #2 for the past due payment for Federal Signal for the fire truck payment.

All in favor

Motion carried

## AUDIENCE COMMENTS:

Andy Hegedus-Questioned council about his business on 303 George Street and a business that opened as a beauty salon and then a tanning salon. Bob Lokuta, Assistant Zoning Officer explained a decision had been issued by the zoning office. Mr. Hegedus, through his attorney, has requested an appeal and to appeal, they're in a position to submit an application for a hearing plus a fee of \$500.00 which is part of the process. A discussion took place and everyone spoke at once.

Dominick Rocco, 110 Sanderson Street-Discussed the Sam's Club \$400 bill, he didn't understand why it had to be paid again. Morrell explained the \$400 was not paid. He also questioned the Boulevard (Bellman Street) Playground. A short discussion took place about the bill and the playground.

### 26. Motion by Barnick

### Seconded by Barone

To authorize Robert Bernosky, Planning Engineer, to advertise for bid the Bellman Street Playground, as is, as soon as possible.

All in favor

Motion carried

Rose Kaminski-Questioned if the alley between Pendel and the playground was going to be paved and it was mentioned that has not been addressed.

Larry Hartshorn, Jr.-Discussed concerns with the Boulevard Project and with many people being unsatisfied with the work. Lukasewicz said Robert Kalinoski has been down there every day and is trying to resolve the situation. A discussion took place, Barnick spoke of core samples.

John Snell-Asked if the water problem had been addressed yet at Oleckna and Sanderson. Lukasewicz told him Mr. Cimini has been trying to work with Tiffany Estates to have it rectified. He questioned seeding after grubbing and it had not been done. He presented photos for council, The photos were given to Bob Lokuta, Assistant Zoning Officer, to be addressed with Robert Kalinoski, Zoning Officer, the following day (water problem). Snell requested the pictures be returned to him. A discussion ensued and he also discussed John Dolan's wall and he questioned Barnick over the savings of eliminating the controller position and Barnick explained the savings.

Larry Hartshorn, Sr.-Discussed with council a man coming up for a variance and was told he couldn't get it, he wanted to open a pizza place, he was told he couldn't do it. Bob Lokuta, Assistant Zoning Officer, explained Mr. and Mrs. Shattin did not really know what they wanted to do and never had a firm plan to go by. The final outcome was a letter was sent to them.

The meeting was adjourned.

Elaine Morrell, Administrator/Secretary  
Minutes by Christina Sullivan, Assistant Secretary