

**Minutes
Throop Borough Council
Special Monthly Meeting for General Purposes
Thursday, July 12, 2001
following the 6:30 p.m. work session**

The meeting opened with the Pledge of Allegiance.

ROLL CALL:

Members Of Council:

Joseph Barone-A

James Barnick-A

Anthony Chrzan-A

President - Thomas Lukasewicz-P

Jim Mellody-P

Vice President - George Marushock-P

Joseph Keyasko-P

Mayor - Stanley Lukowski-A

Solicitor - Attorney Louis Cimini-P

Treasurer - Lenore Dolan-A

Administrator/Secretary - Elaine Morrell-P

Announcements:

- There will be an Executive Session at 6:30 p.m., Monday, July 16, 2001 with regard to personnel.
- 2001 Annual Lead Blood Screening Program at the Civic Center
Saturday, July 21st 12:30 p.m. to 2:30 p.m.
Tuesday, July 24th and Thursday, July 26th 6:30 pm to 8:30 pm
In Home Testing - July 17, 18, 19

Audience comments on tonight's agenda:

Betty Goreschak, Meade Street-Asked what if the older children needed to be tested and someone explained no one would be turned away, anyone would be tested (blood screening).

The following motion was removed from the agenda for further discussion:

To purchase two picnic tables and two charcoal grills for the Washington Street Park from George Ely Associates. (The approx. cost is \$1,200.00 plus shipping.)

1. **Motion by Marushock** **Seconded by Mellody**

To adopt Throop Borough Resolution # 18 of 2001, a resolution authorizing the execution of a joint purchasing agreement by and between the participating municipalities belonging to the Lackawanna County Council of Governments. (RE: Road salt)

All in favor **Motion carried**

2. **Motion by Keyasko** **Seconded by Marushock**

To authorize the quarterly payment to P.M.P.S., Michael Cummings in the amount of \$750.00 from the assets of the non-uniform pension plan.

All in favor **Motion carried**

3. **Motion by Mellody** **Seconded by Keyasko**

To authorize payment to Stillwater Environmental Services in the amount of \$6,175.00 for the Throop Hose Co. # 2 Hall Demolition, as approved by the street commissioner.

All in favor **Motion carried**

4. **Motion by Mellody** **Seconded by Keyasko**

To authorize payment to Scranton Craftsmen, Inc. in the amount of \$3,315.50 for the Goodman Street Sewer Repair, as approved by the street commissioner.

All in favor **Motion carried**

5. **Motion by Keyasko** **Seconded by Marushock**

To authorize the purchase of a Sunny Day Fund CD in the amount of \$67,784.22 at the First National Community Bank in Dunmore, pending they offer the highest rates. (This amount represents 10% of the quarterly host municipality check from Keystone Landfill.)

All in favor **Motion carried**

6. **Motion by Mellody** **Seconded by Keyasko**

To advertise for bid the Street Paving Project for 2001. Mr. Mellody will coordinate with Robert Kalinoski, Street Commissioner, and the Borough Engineer, Fred C. Spott & Associates.

On the question:

Marushock-Just that he can have something done with that Short Street problem that we have. Just so it's not forgotten.

Lukasewicz-What you should do is coordinate that with Mr. Kalinoski, separate from this. I believe we authorized this for review and design already.

Marushock-I believe so.

Lukasewicz-So, coordinate that with Mr. Szczepaniak, maybe you can give him a call and find out where it is at this point, tell him not to forget about it.

All in favor

Motion carried

7. Motion by Keyasko

Seconded by Marushock

To authorize Lou Cimini, Solicitor, to review the Workplace Safety Program as per the recommendation of Dominick Verrastro, our Worker's Compensation carrier.

All in favor

Motion carried

8. Motion by Keyasko

Seconded by Mellody

To accept the resignation submitted by Mr. Edward Barbolish as member of the Zoning Hearing Board, effective immediately.

On the question:

Lukasewicz-It would be nice if somebody would come up with a name for the next meeting.

Morrell-I'd like to thank Mr. Barbolish for all his dedicated service.

Lukasewicz-Can we send out a letter of thank you for Mr. Barbolish? He's been there for many years, he's been civic minded throughout his entire life at the borough. Actually, it would be nice even if me and the Mayor could do some kind of type of award involved in for all the years at the hose company and for zoning and for everything else that he's done. You can ask the mayor if he can do something.

All in favor

Motion carried

9. Motion by Keyasko

Seconded by Mellody

To authorize Frank Swit and Michael Knight, representatives of Gannett Fleming, to meet with the Ombudsman's representatives at the Marjol site on July 17 to discuss geology and engineering site issues, including mine fires, subsidence and related issues as per the correspondence dated July 11, 2001.

Marushock-And that would only be with the Ombudsman's request?

Lukasewicz-Yes. The Ombudsman is in the process of reviewing his work and he wants to meet with him to review on site and plus, maybe, ask for additional the work from (inaudible) Mr. Swit that we help him in the decision making process.

All in favor

Motion carried

10. Motion by Mellody

Seconded by Keyasko

To advertise the Categorical Exclusion Decision by US EPA as required for the South Valley Avenue Sewer Replacement Project Grant.

All in favor

Motion carried

11. Motion by Mellody

Seconded by Keyasko

To authorize Officer Charles Reed to attend the seminar in regards to the Police Athletic League on August 19-21, 2001 in Orlando, Florida. The cost is not to exceed \$1,000.00 and he would share all the information with the Police Department upon his return.

All in favor

Motion carried

12. Motion by Marushock

Seconded by Mellody

To appoint Larry Hartshorn, Sr. to the Throop Zoning Board because Mr. Barbolish has resigned. Again, that would be effective immediately.

All in favor

Motion carried

13. Motion by Marushock

Seconded by Mellody

To replace Attorney Cimini as borough solicitor and to appoint John Brazil, effective August 1, 2001.

On the question:

Lukasewicz-If such a move is to be done, I believe it should be a decision made by an entire council and Mr. Cimini has been with the borough for many years, maybe there's a feeling that he's paid too much and whatever, but if you were to actually look at what he does to this borough, money wise and how much services he provides to the borough, I think it would definitely show that what he is paid is justified and the way things have gone and the crossroads here that we're at now and the things that we have going on, I believe to discharge Mr. Cimini of his duties now as Borough Solicitor would only give the borough a set back and would be of any benefit to this borough right now the monetary gain initially might look very good but over a short period of time I believe it would definitely escalate and maybe even escalate beyond what Mr. Cimini is paid now for his services and what he provides to the borough. Aside from being a solicitor, he's also a friend and a confidante and an individual that is very valuable and there is no way.....

Keyasko-There's a motion on the floor.

Lukasewicz-There's no way in hell I would vote.....

Keyasko-I don't care what you do, there's a motion on the floor and I call it.

Lukasewicz-.....discharging his services.

Marushock-Also, Mr. Chairman, on the recommendation of Attorney John Brazil, he's not a new comer to the legal field. I believe he's been solicitor another one of these boroughs for I think in excess seventeen years. He apparently knows his stuff. I'm not questioning Mr. Cimini's knowledge, however, I feel a change is necessary. I'd like the motion to stay as worded, we need to have roll call.

Lukasewicz-Again, on the question, before I'm cut short, on the question....

Keyasko-I called the question, Tom.

Lukasewicz-Well, you can call it all you want. I believe if you do it tonight you're going to have another meeting and there's going to be seven people present and it's going to be redone so what good is it to do something that'll be redone a week later. What is it to you to take a vote unless you have all seven councilman present.

Keyasko-I call the question, Tom.

Everyone spoke at once.

Lukasewicz-The way it's being done is contrary to the what the people of Throop would probably want.

Keyasko-Only you.

**Three in favor-Marushock, Mellody, Keyasko
One Against-Lukasewicz, Definitely against**

Motion carried

Audience comments:

John Stoffey, 238 Bellman Street-Asked Councilman Mellody if Mr. Brazil was his lawyer and told council he thought this was a conflict of interest. Mellody responded he represented him in court as his lawyer, represented the time they opened the machines (voting). Stoffey reiterated it was a conflict of interest, if he represented him (Mellody) last year and this year, then he's his lawyer.

Bob Lokuta, 200 Phillips Street-Said he's been coming to council meetings for twelve years or better, missed very few, has seen a lot of solicitors in the borough, probably more than any of the council members with the exception of Tom (Lukasewicz). He said he's never seen more done for the borough than what Louie Cimini has done for the borough. He said ask your employee's of the borough because he's done more than anyone we have every had.

Lukasewicz discussed going through many transitions since Mr. Cimini's been here and have grown to give him all his faith and cooperation and all I could say to you for the record here that hopefully, as quick as the next meeting is, if the other side wants to put a motion on to retain his services, I would be the fourth vote to retain his services and I hope he's not too embarrassed enough to come back.

Lokuta went on to say Mr. Cimini was an asset to this borough.

A discussion took place.

Lukasewicz-Said as a matter of fact, unless they want to replace me too, as of right now I'm calling a meeting for Monday at 7:00 in regards to the solicitor's position. If nobody wants to come to the meeting or if you guys want to replace me right now, go ahead and replace me. But I'm doing what I feel is in the best interest of this borough and I'm calling a meeting for Monday at 7:00 to discuss the solicitor's position. Everyone spoke at once.

Lokuta-Told Lou Cimini there's a lot of people that want him in this borough and wait until Monday. Everyone spoke at once.

Marushock-Said he was looking at price and experience as a factor. A discussion took place, everyone spoke at once.

Lokuta-Told Marushock it wasn't right, he didn't care who did it.

The meeting was adjourned.

Elaine Morrell, Administrator/Secretary

Minutes by Christina Sullivan, Assistant Secretary.