

**Minutes
Throop Borough Council
Monthly Meeting
Monday, July 29, 2002
7:00 p.m.**

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

George Marushock - P

Jim Mellody Jr. - P

Vice President-Daryl Menichetti - P

Mayor - Stanley Lukowski - P

Solicitor - Attorney Louis Cimini - A

Treasurer - Lenore Dolan - P

Administrator/Secretary - Elaine Morrell - P

Announcements:

National Night Out - Tuesday, August 6th at the Washington Street Park
4:00 p.m. to 10:00 p.m, Parade at 7:00 p.m. Join the festivities.

An Executive Session was held this evening at 7:00 p.m. to discuss the
purchase and financing of the Servomation Building.

Mayor's Presentation: **"Valley Petunia League Champions 2002"**
 "Dr. Gregg's Dentistry"

Head Coach: John Butash Players:

Allison Butash

Ariana Petrillo

Kristen Cantarella

Alyssa Rimosites

Jessie Vass

Jeanne Rabel

Michelle Obelinas

Bridget Butash

Jena Warzecha

Diana Butash

Briana Blaskovich

Anissa Krajewski

Ashley Krajewski

Arielle Blaskovich

Ron Yanoski, Merrill Lynch, discussed at length the Quarterly Pension Report.

There were no audience comments on tonight's agenda.

Council President discussed final payment to Adams Enterprises, *Amy Adams was present at the meeting.* He questioned if any council members had any additional motions for this evening and announced audience comments could be taken (for new motions) when the time came.

Mayor Lukowski: Mentioned problems with the police, shifts not being covered, and felt this was an emergency. A discussion took place and Council President requested information for the next meeting. Barone thought something should be done tonight, Chrzan said he worked alone for years, midnight shift, and Throop had help coming from all the other municipalities. Captain Repchick joined the meeting, Barnick asked if the Chief just had two weeks vacation and Repchick replied whether he goes or not (on vacation) there is still a manpower problem. A detailed discussion ensued with regard to who was working, how many hours and vacation time taken. Council President stated there would be motions on to hire two people. Barnick asked about authorization of two part time officers to be paid weekly, as were the full time officers. Repchick said he could not answer that and Barnick asked again who authorized it and what was going on here. Few were speaking at once, a discussion taking place. Morrell gave explanation, indicating the Chief asked if it was or would be a problem and that it was not, especially when there were about fifteen Civic Center employees that got paid weekly whether they worked one, three or twenty hours per week. So when Chief asked if the two part time police officers who will be working thirty two hours a week could get paid weekly, it would not be a problem with the payroll. Morrell indicated she did not know it was going to be a problem with council and a long discussion took place and the outcome was Barnick indicating if the man wants a weekly check, have him submit a letter just like one other officer did that due to circumstances he was requesting this, then we could pay him by the week. Have council authorize it by motion, this way you're covered.

1. Motion by Marushock

Seconded by Mellody

To accept the police report, zoning report, landfill inspectors reports and the minutes of the June 24th and July 10th Council Meetings and the transcript of the July 10, 2002 Public Hearing regarding the purchase of a building.

All in favor

Motion carried

ADMINISTRATOR'S FINANCIAL REPORTS:

2. Motion by Marushock

Seconded by Barone

To accept the Fund Statement & Budgeted Revenue & Expense Statement for June, 2002.

General Fund Checking Account	\$387,267.65
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General Fund CD's	699,213.60
General Fund Petty Cash	200.00
Payroll Checking Account	500.00
Civic Center Account	250.00
Civic Center Petty Cash	250.00
Sunny Day Fund CD's	2,109,110.77
Home Program State Grant	8,862.98
Community Revitalization (20-192-0947)	39,910.72
Civic Center After School Program	500.00
Warsaw Playground	27,821.01
Liquid Fuels Account	66,850.95
Grand Total	\$3,440,736.68

On the question:

Barnick: There's a lot of adjustments that have to be made to that Budget and I feel I'm going to vote against this. The statements are right, I'm saying yeah, they're right, but as far as the way it's going with the finances, we're barely going to make the year. We're barely going to make the year out and the purchase of the building which they're pursuing now, the interest rate alone for this, I feel this is absurd. This town is going down the drain, it's going to be like Dunmore's fight. Your taxes will be going up. *Chrzan: Get prepared.*

Five in favor - Barone, Marushock, Mellody, Menichetti, Lukasewicz

Two Against - Barnick, Chrzan

Motion carried

TREASURER'S REPORTS:

Lenore Dolan, Treasurer read the treasurer's reports and the totals of the paid and unpaid monthly bills. The Civic Center Revenue for the month of July was \$8,401.16. The HOME Program paid out no money for the month of July to residents or contractors. The checkbook balance as of today is \$806,189.27. If all the items for payment are approved tonight which amount to \$103,340.23, the checkbook balance will be \$702,849.04. If all the motions tonight are approved which amount of \$22,847.43, we'll have a balance of \$680,001.61. Now, we also have one lease payment which is approximately \$15,000.00 which we should end up the month with, approximately, \$665,000.00. Council President thanked the Treasurer.

3. Motion by Barone

Seconded by Marushock

To accept the treasurer's reports as read or posted and to pay the monthly bills against the borough.

Unpaid bills:	\$103,340.23
Paid bills:	68,818.80
Grand total	171,159.03
Keystone Landfill Credit:	\$5,959.13
Home Program	8,862.98
Revenue Report	\$561,585.11

On the question:

Barnick: **I'll be voting for everything except for what wasn't budgeted.** If there's any items that were not actually in the budget, I will be against them.

All in favor except Barnick, as noted*

Motion carried

***MOTION #7, MARUSHOCK CHANGED HIS VOTE ON #3**

4. Motion by Mellody

Seconded by Barone

To pay all the employees of Throop Borough.

All in favor except Marushock, against the maintenance fee for the Washington Street all field.

Motion carried

5. Motion by Mellody

Seconded by Marushock

To accept the correspondence as read or posted.

All in favor

Motion carried

6. Motion by Mellody

Seconded by Marushock

To rollover the Sunny Day Fund C.D. account # 51-102024-7 plus interest (anticipated balance \$1,169,575.32) that is maturing on August 5, 2002 at the highest rate and for the best

term available.

On the question:

Barnick: We all know that Sunny Day Fund is only, only to be used, just so everybody's aware, only to be used if the Landfill closes, if it ever closes. That's the only way, so if you got any ideas of changing it or using it, you can't use it. You might think you have that two and a half million or whatever it is there, *but you don't* until the landfill closes. That's a safety net for after the landfill fees are done with.

All in favor

Motion carried

Marushock: Mr. President, before we move on I'd like to change my vote on Motion #3, a mistake on my part. There were some items for which I was going to vote against *inaudible*. Lukasewicz asked if council will allow him. *Barnick: Only by a vote and if it's vote for.*
Lukasewicz: So, we'll have to have a vote to allow Mr. Marushock to change his vote on the motion.

7. **Motion by Menichetti**

Seconded by Mellody

To allow Mr. Marushock to change his vote on Motion #3.

Four in favor - Marushock, Mellody, Menichetti, Lukasewicz

Three Against - Barone, Barnick, Chrzan

Motion carried

Lukasewicz: Do you want to make note of what changes you'd like to make?

Marushock: Yes, I would, please. **In the items for payment for the month of July, 2002, I will be voting against the council members portion of the Blue Cross Blue Shield bill, against the solicitor's fee of \$6,250.00, against Elliott, Reihner, Siedzikowski & Egan in the amount of \$31,833.95. Against Gannett Fleming in the amount of \$11,096.41.** I believe that is it. *Lukasewicz: Noted for the record.*

8. **Motion by Mellody**

Seconded by Marushock

To ratify the rollover and/or purchase of the following two Sunny Day Fund C.D.'s plus interest that matured in July and to add 10% of the July quarterly host municipality check \$50,783.10 to the July 23rd CD at the FNCB, Dunmore.

\$ 71,061.78 - July 17 - C.D. # 42445 - Account # 41-105512-8 (2.79 % - 12 months)

\$351,878.90 - July 23 - C.D. # 38072 - Account # 51-102180-7 (3.00 % - 12 months)

On the question:

Marushock: Did we call other banks to see if it's the highest?

Morrell: Yes, I called four banks and that's the highest. Marushock: Okay, you did do a comparison. Morrell: Yes.

All in favor

Motion carried

9. Motion by Mellody

Seconded by Marushock

To purchase a Sunny Day Fund CD in the amount of \$129,586.59 at Penn Star Bank, Dickson City at a rate of 3.00%, APY 3.04% for a period of one year effective July 30, 2002. (This original C.D. # 34922 Account # 51-102125-2 matures at FNCB on July 30, 2002, their new rate for one year is 2.85%. That cannot match the higher rate.)

On the question:

Marushock: Again, with the same thing?

Morrell: I did call. The other two banks besides those noted were even lower yet.

All in favor

Motion carried

10. Motion by Marushock

Seconded by Mellody

To appoint Arthur Tetreault as Assistant Zoning Officer at a rate of \$10.00 per hour.

On the question:

Marushock: I spoke with Mr. Kalinoski, our Zoning Officer, and I mentioned Mr. Tetreault's name. With Mr. Tetreault's background and *inaudible* everything, Mr. Kalinoski was very happy to hear that he was available and would welcome him, I believe he's the man for the job.

All in favor

Motion carried

11. Motion by Barnick

Seconded by Chrzan

To adopt Throop Borough Ordinance # 13 of 2002, an Ordinance to simultaneously lay out and open Ast Street West Extension to the Eddy Creek Property, more commonly referred to as the "48 acres".

On the question:

Marushock: Why are we voting on the motion again? We had a couple of hearings a while back, the residents had a chance to voice their opinions and their concerns *inaudible, coughing heard*.

After listening to audience comments here it is again before us. Again, why are we doing it?

Barnick: Because I brought this motion up. I have a right to put on any motion I want on.

14. Motion by Barnick

Seconded by Chrzan

To approve Minichi Change Order # 1 for the Warsaw Storm Sewer Project for two (2) additional test pits at \$750.00 each. (CDBG)

On the question:

Barnick: This is coming out of CDBG Budget, right? For sure? *Morrell: Yes.*

Lukasewicz: What exactly do they..... Barnick: They need two test pits for the sewer line.

Kalinowski explained the Change Order. The need for the pits was not to find them but to get depth on them. Barnick asked why this never came up before, two years after the project has been planned. A short discussion took place, inaudible, and Barnick asked again why this was coming up now, a conflict, which could lead to another change order costing more money.

Kalinowski asked if he would like to schedule a meeting with PGE, there is a possibility that the borough may not have to pay for the relocations. Barnick repeated they should have been aware of this prior to the awarding of the project. Kalinoski: It's probably a good idea, Jim, probably a real good idea. You're going to have the same thing on So. Valley Avenue. Barnick said they should have been done when they were doing the (inaudible) for the runoff, discussion continued.

Morrell: Is it the engineer or the contractor that determines that you need two more test pits?

Barnick: It's, well, they already knew a conflict was there even before the project even when out.

Kalinowski: No, they didn't. Barnick: They had to because they designed it. Kalinoski: They weren't sure, Jim.

Barnick: You weren't sure but that means.... to me, you would know what you run into for costs because like I said, PG Energy jammed us one time what was it? Over on Cambria Court and I know some other projects. A discussion took place, additional change orders would probably occur. Barnick said that if the engineer knew there was possibility of conflicts, these things should have been done before the contract was awarded and we would have known the cost exactly on what it is to move them. If he had done his work, just like on the storm sewers and the other..... Kalinoski agreed with Barnick.

All in favor

Motion carried

A short discussion took place on the possibility of the same situation for the South Valley Avenue Project. The project is awarded, it's not started, but the test pits were done last week, Barnick mentioned he drove up there.

15. Motion by Barnick

Seconded by Barone

To authorize payment to Minichi, Inc. for the sum of \$508.25 for the Test Borings-Various Streets.

All in favor

Motion carried

16. Motion by Barone

Seconded by Barnick

To authorize payment to Dennis A. Parise & Associates Court Reporters for the sum of \$2,022.50 regarding Throop Borough vs. Gould Electronics, Inc.

On the question:

Barnick: Which one is this, now? Is this for all these other depositions or..... Morrell stated these were the depositions of Blazey, Brotter or maybe Gannett Fleming. Barnick: How many hours they have into this? Morrell believed Shortz deposition was all day (10:00 a.m. - 5:00 p.m.) and Barnick stated his was from 10:00 a.m. to 4:00 p.m. He mentioned all they (Gould) were doing is using the lawyers to expend the borough's money, the taxpayer's money. and discussed some of his meeting, discussed they were not our friends and to everyone should remember that for when the time came. The Mayor discussed his first visit to Washington, D.C. for a Congressional Hearing and one of the chief lawyers for EPA mentioning that Marjol deserved another look. Barnick spoke to the Mayor, stating if we were making headway, our senators and representatives right now would demand EPA to take a look at look at it, take one heck of a stand and demand it. Morrell mentioned at the Senate Hearing Senator Specter was absolutely great in supporting us and attacking them (EPA) and Barnick agreed he was great but we needed more, a bigger push. A discussion took place.

All in favor

Motion carried

17. Motion by Barnick

Seconded by Barone

To authorize payment to Gallagher Reporting & Video for the sum of \$562.15 regarding Throop Borough vs. Gould Electronics, Inc.

On the question:

Barnick: Is that mine? *Morrell indicated she believed so, Barnick was then inaudible.*

All in favor

Motion carried

18. Motion by Barone

Seconded by Marushock

To authorize the following variance refunds:

William E. Wassell	\$137.60	Edwd J. Kohanski	\$137.26
John/Ann Marie Stoffey	\$139.98	Edward Moore	\$139.98
Steve Vidal	\$115.11	Charles Kroptavich	\$132.50
John Pazzaglia	\$142.02		
		Total	\$ 1,062.28

All in favor

Motion carried

19. Motion by Barone

Seconded by Barnick

To authorize payment to Rainey & Rainey in the amount of \$3,975.00 for the Annual Audit, year ended December 31, 2001.

On the question:

Barnick: Did we get that thing straightened out?

Ercoli, Civic Center Director: Yes, it was straightened before the audit even happened, *inaudible*

All in favor

Motion carried

20. Motion by Barone

Seconded by Barnick

To authorize payment to St. Paul Insurance in the amount of \$458.80 toward the deductible. (Cesari III vs. Throop Borough)

On the question:

Barnick: I thought we just pay a standard deductible, right? Why do they get the fees?

Morrell: I asked them that and they said that's the way they do that.

All in favor

Motion carried

21. Motion by Barnick

Seconded by Barone

To accept the proposal from Volpe Insurance Agency for the Workers Compensation Insurance including the Act 477 Heart & Lung at a total cost of \$56,625.00 and to authorize the down payment in the amount of \$14,156.00.

On the question:

Marushock: Shouldn't we have advertised *inaudible*, we're spending about \$56,000+ dollars. Shouldn't we put that out for bid?

Barnick: Nobody wants it anymore. *Both speaking at once.*

Barone: It was out for bid, wasn't it?

Morrell: We put it out for bid a couple of months ago and we had people who were not interested and even they have to go with the State Workmen's fund. With the State Fund the agent actually charges a percentage of a fee on top of the cost and the Keystone Group, they're the individuals through PSAB, they're price actually came in higher. The total for both was \$60,000.

Lukasewicz: And we're lucky to even get someone to insure us.

Marushock: That's why I would have thought we were committed by law, we have to put this out for bid *inaudible*. *Barnick: What?*

Lukasewicz: We did put it out for bid, we received no bids.

Few speaking at once, inaudible. Morrell explained it was done a few months ago. Marushock mentioned the police vehicle, Barnick explained that's personal property, it must be bid by the Borough Code and that professional contracts or things like that are not bid by the Borough Code.

All in favor

Motion carried

22. Motion by Barnick

Seconded by Barone

To approve Change Order # 1 in the amount of \$900.00 for the Short Street Sewer Project for the sanitary sewer lateral with clean out at 801 George Street.

On the question:

Inaudible, Barnick, Marushock questioned Street Commissioner Kalinoski. Kalinoski gave explanation to council.

Lukasewicz: Mr. Kalinoski, everyone is properly tied in now on that street?

Kalinoski: Yes.

All in favor

Motion carried

Chrzan: Spoke, inaudible.

Lukasewicz: First of all..... *Chrzan: What do you mean first of all? I made the motion.*

Lukasewicz: First of all, the next motion has was a motion by Daryl to hire Chris Tully. Then the next motion will be your motion.

Speaking at once, inaudible.

Lukasewicz: It was brought up that way.....

Chrzan: Here's what I would like to do before you make that motion. Something developed about two years ago and I don't want to bring up these other people and I'd rather that motion, we wait until next week. I'd like to discuss it at an Executive Session.

Barnick: I think you need to.

Chrzan: You need to. It's very serious, Tommy. We just can't hire anybody off the streets. I'd like to know why the man was let go up in Moscow, for one reason.

Lukasewicz: There's a motion on to hire Chris Tully.

Menichetti: I don't know anything and I don't know what he's talking about so I'm going to leave my motion as is.

The following Motion failed for lack of a second.

23. Motion by Menichetti

No Second

To appoint Christopher Tully as a part-time police officer.

Motion failed, No Second

24. Motion by Chrzan

Seconded by Barone

To hire Craig Benson as a part time police officer.

On the question:

Barnick: I mean, I have nothing against the man. I met the guy before once, he's fine but I'm telling you at this point until I see letters coming in here stating that this one's off and that one's out, I am about to go and put another name on that list until we know what's going on, especially with the contract. I think it's the wrong time to do it. *Chrzan speaking, inaudible.* Barnick continued: I think it's the wrong time to do it at this point.

Chrzan: I'm all in favor of putting a full-timer on. *Both speaking at once, inaudible.*

Mayor: What was that, you could go close to six months for that procedure, the testing and the physical and the agility testing.... *Barnick: Inaudible.*

Chrzan: You had a list, what's wrong with the list you had?

Barnick: You can't do it, it's void.

Morrell: It expired.

Chrzan: Well, why didn't you do this before it expired? You knew a couple of months ago you needed someone. *Few speaking at once. Lukasewicz said there was a motion on the floor and asked Chrzan if he wanted to come to a vote, Chrzan responded yes.*

Four in favor - Barone, Chrzan, Menichetti, Lukasewicz

Three against - Barnick, Marushock* (as noted below), Mellody

Motion carried

*** Again, nothing against the individual but just because they have other problems with right now we have to deal with.**

Barnick: I hope your contract works out, I really do. *Menichetti speaking, inaudible.* I'm telling you, it's burying you, I mean every week it's been starting to get worse and worse.

With regard to the 1997 police vehicle (bids), Morrell discussed with council when the bids were opened the highest bidder had noted inside his bid that he was bidding for a 1998 and, in fact, when Morrell contacted him that he was awarded the bid he said he thought he was bidding on a 1998. Therefore, the documents were incorrect and unacceptable and he wouldn't the vehicle so vehicle was awarded to the second bidder, Grace Auto, for \$2,667.00. Council was informed via telephone.

Barnick: I just have one thing I'd like to go over. I want the public to realize what's going on here and, please, don't interrupt me. It won't be long to the end of the year, we're not going to have money, we will not have money to make it. We've got two major contracts awarded. *Inaudible,* to buy the building, that's not worth it, \$350,000. and it was appraised at \$355,000. after the fact that they announced it that they were buying it for \$350,000. It's been empty for years, years. If it was a great deal somebody would have scooped it up years ago. It's stripped,

there's not heat *inaudible*. There's no heat, there's no nothing in it, nothing at all. It's needs \$165,000. to be put into it just to get it operational so they could get in. You need another, at least, \$100,000 for a salt barn on the property to put in the salt. The whole reason for buying this waste to move the salt from the Throop Little League, that needs to be removed and I agree with that, but before you even move in that building you need \$165,000. Before you move the salt you need another \$100,000. You're talking \$600,000, they want to go up to Mr. DeNaples and get a loan, interest free, for two years, I'm sorry, I just can't be part of that. The last loan we got was part of an agreement that was negotiated through litigation that was developed to ensure that this borough was getting it's free dumping rights and everything else for a contract for the borough. This is separate and away from any type of litigation so first of all, it should have never been discussed in Executive Session. Secondly, I don't think it's right and I'm not going to be part of this where you're going to have to owe for this money. It might be interest free, you might be getting a great deal but in the long run somebody's going to get a pay-back on this. We can't make it this year with it. We're short, not including Marjol expenses which is continuously totaling every month, \$326,400. Yep, Daryl was the controller, she knows what numbers are all about. We're not going to make it. Secondly you've got to have money to pay that money back. We have a present loan, we did the whole Boulevard with 3.5 million. We did the Boulevard, 3.5 million, we're talking Boulevard, we're talking the streets up here, Crawford Court, we did everything with sewer work with that 3.5 million dollars and put it to good use. We've got sewers still backing up throughout the town and we're going to buy a building. Yes, we do need a building and we need a place to put the salt but to go and borrow \$600,000 is the wrong answer and we're going to be in the same boat as Dunmore and Scranton because you have to pay this money back and I don't know where you're going to get it. We didn't pave no streets this year. There's no money to pave streets this year. Then we, all kinds of transfers have got to be made in the Budget. You can't do nothing extra this year but we're now we're going for a building, as I see it, as my opinion, is not worth it. It's stripped. *Mayor: You said didn't pave, where does the Liquid Fuels, stack of money go?* Barnick: That's been going to these projects. *Mayor: It can't go to the projects.* Barnick: It's going to. *Mayor: It has to go to paving the streets.* Barnick: No, it does not because..... *Mayor and Barnick speaking at once and a discussion ensued, inaudible. The Mayor said he wants to check that out and he would check it out.* Morrell: The Liquid Fuels could be used to purchase equipment, a vehicle. Not sewers, I don't believe but the Liquid Fuels money we could hold until next year. *Mayor speaking, inaudible.* Morrell: And we're talking about \$60,000 in Liquid Fuels anyway, so we're not talking.... *Few speaking at once.* Barnick: *Inaudible*, because you're broke, you are broke. Lukasewicz: No, wait, we're not broke, we've overspent what we anticipated. We've got a lot of big projects going on and we had a decrease in funds from the landfill. Barnick: Well, tell me how you're going to make the end of the year. *Lukasewicz: How?* Barnick: How, tell me how. *Lukasewicz: Maybe one of these projects will have to be put off somewhat for the next year.* Barnick: What do you mean? *Lukasewicz: Tell me, where are you going to get the money from?* Barnick: For what? *Lukasewicz: Funding for projects.* Barnick: For what? There's a number of projects, not looking at that building up there. *Lukasewicz: Fine, I agree with you because afford*

what we have but the bottom line is we're not, we're not broke. Barnick: You will be. Lukasewicz: If you buy the building, I agree with you. But to buy that building everything that we had anticipated to achieve..... both speaking at once. Lukasewicz: There's been some variables that came into place that make it difficult for us.

Barnick: Exactly, but you're talking, here's the ticket. \$600,000, you want to go up and get a loan, you're obligated for life. This borough's open.....

Chrzan: How about you, you would you take out a loan for \$600,000 or \$700,000 for a used building? You could build a brand new one for \$400,000. *Few speaking at once, inaudible.*

Barnick: We developed an Ordinance on the Sewage Conveyance Fees. Do we have anything together on this yet? *Morrell indicated it was being worked on. Barnick indicated it was going to used for reserve but if you borrowed \$600,000 what would the payment be and where was the money going to come from, where? Marushock's response inaudible and Barnick asked again where the money would come from. The landfill check dropped short considerably, around \$120,000 and Morrell stated we've already been short. Barnick indicated it would stay short because one of our inspectors mentioned by 4:00 p.m. there were no trucks left in the landfill, none. Morrell pointed out if it continued the same the borough would be \$230,000 short on revenue. The South Valley Avenue Project came in way over budget and we were out of money for Marjol right at this moment. Barnick said many big adjustments would have to be made if the council would go for more and this borough would be in the same position as Dunmore. Lukasewicz indicated the same position as Scranton. Barnick reiterated it was over, and it's done, you would be in debt forever (the borough). Barone said we still have to get a salt shed.* Barnick then said the only reason we ever went for a loan in the first place was because it was negotiated in a contract for litigation, that was how we got that money. We got to use that money and plus collect interest on the money. Here's it's different because we're only going to get it from him and would be obligated for life. *Chrzan: Paid back in two years...* Barnick: \$350,000 a year, so then what else do you think is going to happen in the next two years, what do you think? *Menichetti: Where are we going to get this \$350,000 a year to put up this 48 acres?*

Barnick: Who knows, who knows?

Everyone speaking at once.

Barnick: You worry about this next year. I wasn't planning on expending any money for the 48 acres after these two projects. I wasn't going to vote for it because I know the finances and I'm not going bury this borough. I'm not putting the borough into debt. *Menichetti, Barnick, Marushock, speaking at once.* Marushock: They approved them in the budget.

Barnick: I don't care if they approved the budget, you've got to find money but you don't go for a loan and be obligated for life.

Menichetti: You're not obligated for life, it's a two year loan.

Barnick: No, you're obligated for life.

The tape was changed here and started:

Frank Galli, Kossuth Street: (Discussing the Cow Flop and discussing DPW) Hard work and cleanup the next day. He thought it was a good thing that happened again to the town and everybody enjoyed themselves that were there and there were no problems that they know about

and he was thankful for that. Galli: Second of all, I want to bring it up now, I want something done for these men, they deserve some kind of salt shed or whatever. *Marushock discussed moving in with improvements, which are needed, he thought to be \$500,000 and \$600,000. He then discussed the proposal from three or four years ago for \$900,000. He indicated he felt that \$300,000 would be saved by going this route. He indicated there was no agreement of sale or no letter of intent to purchase at this time. There was some questions on having some tanks, inaudible, he indicated in negotiations right now with Mr. DeNaples..... Barnick and Chrzan said, they are, we are not and don't say we are.*

Marushock discussed the building (inaudible), indicated they wanted to make sure all the bases were covered. Marushock: If you look at that building and compare with the other option up there, he believed right now we're looking to save the taxpayers at least \$350,000. Hopefully, it could be more because the prices that we had to repair the roof and do some other things, supposedly that was figured high and personally, I can't see all this money, speaking in background, inaudible. A discussion continued and ensued between council concerning the proposed purchase of building. (Note: Joe Barone left the meeting at 8:50 p.m.)

Galli: You guys have to make the decision, all I'm saying to you guys is these guys need something. If you could get it quicker up that 48 acres at a reasonable cost.....

Barnick: Frank, we don't even have to put the DPW Garage up there, there's no need for that right now, we still have a garage here. We could get the salt barn up there immediately, immediately, for \$100,000. *Everyone speaking at once.* Like I said, I give these guys all the credit in the world, they do a great job on the roads. They go out there and bust their humps during the winter throughout the storms and it's no picnic and I don't care if it stays down there forever *inaudible*, not a problem with that but my point is these guys have to go out at 3:00 in the morning, take that cold tarp off with snow on it, bust their chops getting the cinders or salt into the thing, okay?

Menichetti: Frank, how would you like to drive up there, honestly now, to the 48 acres and try to get to a salt shed up there *inaudible*, come down with a truck. *Everyone speaking at once.* Councilman Barone left the meeting at 8:50 p.m.

Bette Goreschak, Meade St. - Has all of the council been down to check out the building that Olyphant has built? Were you down there at all?

Barnick: I've been down there.

Lukasewicz: Bette, I've seen it when they were building it years ago.

Goreschak: Well, I went down there for a ride last Thursday and with the storage in the back and concrete bins for everything and the salt shed and the building for the price they spent it was well worth it. The point I'm trying to make is have you tried to contact Mr. Rinaldi and ask him if he would sell at least three acres and have the borough move in there? *Dolan: Yes, Joe did. He had a meeting with.....* Goreschak: I'd ask him again, maybe he will. It would be nice to keep it closer to the borough building than up there. When *inaudible* years ago, that was *inaudible*, that's what that area was supposed to be used for.

Barnick: Let me tell you something about the land over here, needs (there's) preliminary approval from council.

Goreschak: Can't they take it off of him?

Barnick: They can go, we can pass an ordinance, by ordinance, that....

Goreschak: I thought you could after so many years.

Barnick: You don't even have to go to court on this, let's say you object, but still the only objection is going to be is for the cost. *Inaudible* and start building. If they wanted to..... *inaudible*, there's connections here, you've got to understand that. *Inaudible....Both speaking at once. Goreschak said if council has the right to go down and take the land, they should look into it. Everyone speaking at once. Barnick mentioned planning fees owed for over \$7,000 and he said just like up at the Warsaw Park, a beautiful park now, all you do is condemn it, that's it.*

Andy Lisko, Sanderson St. - I want to talk about the purchase of this building. (*Went up to see both buildings.*) And I condemned that building up here about six years ago. The corners are rusted out, there's no room for expansion. There's no room there, there's no width, there's no depth. Also, that picture you had here showed that building in very good light. It's really a rough building, I've been inside the building. It's not accessible to the handicapped and they were saying here, the engineer, that it would take an inch to two inches of blacktop? No way. The gutters are gone, they need a foot, they're a foot deep right off the roof. You couldn't drive a truck over them, you need a tank. I believe that your opposition to that 48 acres, continuously, I believe that the statement you made about trying to scare the public about a mine fire out there, you should be made to prove that there is a mine fire out there. *Barnick: Yes, he should.* Lisko continued: Get some of the people to see the property that had the mine fire there. *Marushock: When it smokes, go up there and check it. Everyone spoke at once.* Lisko: Think about it, you think we'd let a mine fire burn up there? If we know about it how come you didn't call the EPA up about it? *Marushock: But you've been feeding it out to the public here and all the people that it has a fire. Everyone speaking at once. Chrzan: I better move out of there because the fire's going to burn my house.* Lisko: There's something definitely wrong here, it seems like everyone's being pushed out of the way. There we've got 48 acres and you're sailing for that building, that's *inaudible*. That picture that man had here does not show that building, I could take any person in this Borough..... Who built it? What happened to the others? I'm telling you that building there is going to cost you a half a million dollars. A discussion ensued, everyone speaking at once. I don't want my taxes raised and if they're going to be raised it ain't going to be for a piece of junk and if this is going to be pushed and pushed and pushed on the borough, I hope somebody on the council has enough moxie to call Harrisburg and get the Attorney General's office because there's something wrong. There's something definitely wrong in this borough. *Everyone speaking at once.*

Marushock: In fact, Mr. President, I'd like to have the State Ethics Commission investigate all borough operations that go back as long as necessary when Jimmy was still President.

Chrzan: Why don't you call the D.A.'s office.....

Marushock: I have no objections to whatever they want to they check into because I know.....*inaudible, everyone speaking at once.*

Lukaszewicz: Any inquiries as to ethics have to be handled individually by whoever wants to make..... *Barnick: And it must be done confidentially.*

Marushock: And I'll tell you what, right. If you've seen a state ethics report when you file a complaint, *inaudible*, you need to put a signature on that form, they will not act on verbal

complaints. You would have to fill out the form. Now, the thing is there's a statement there that if anything is found out to be frivolous, that we can counter suit for all *inaudible*. For me to book my, everything I have, my home, my wife and I own it, and everything else at risk and have the State Ethics Commission investigate that. And to have my knowledge of what has happened down at the D.A.'s office and other operations so far going back several years here, I'm not about to put my name on that form. Otherwise, they take that statement out I will sign that form tomorrow morning.

Lisko: Is there a mine fire up there? *Chrzan: He said yes.*

Marushock: There is something..... *Chrzan: You said a fire.*

Marushock: There was snow accumulated at one part of the ground, several inches. On the other side there was hardly anything, a very light coating. It was not wind blown, I don't believe it was wind blown. In other words.....

Lisko: This is the first I heard this. *Few speaking at once....* I'd be yelling every month here.

Marushock: It's coming up on almost two years ago. *Few speaking, inaudible.* I would verify that I had seen that, he seen that too at the same time.

Morrell asked why don't we have Gannett Fleming check that out and Lukasewicz and Barnick both responded that we did. Morrell then said she meant drill it. Lukasewicz said we had the state check it and the state came back and said there was no mine fire. Everyone speaking at once, Lukasewicz said even with the concern of a mine fire up there, if there is or isn't, the state gave us the land and they said if there was a mine fire that they would have to.....few speaking at once. He repeated they said if there was one they would have to be responsible.

Larry Hartshorn, Dimmick St. - I'm only up here because my son is working and he wants to know if there's anything being done about his fence down, and the sidewalk.

Barnick: They met last week, I know, Larry. Hartshorn: Well, what he wanted me to tell you people is they want to put a different type fence so he don't want you to come down and just fix that fence or whatever. *Chrzan questioned Kalinoski about the fence and Lukasewicz asked if the fence will be fixed at Hartshorn's.*

Chrzan: This has been going on for how long?

Lukasewicz: On the fence, there will need to be a compensation to work whatever he puts in as to the Hartshorn's would want.

Barnick: Bob from Leeward, did you mention it to Bob from Leeward?

Kalinoski: From what I understand, we were told that it should go to Leeward's insurance and not be part of the contract.

Chrzan: Well, what should he do? Does he put a new fence up and.....

Kalinoski: He should have got a hold of their insurance company.

Chrzan: He gave you estimates, he said. *Kalinoski: I didn't get any estimates.* Chrzan: He told me yesterday he gave you..... *Kalinoski: I did not get any estimates.* Chrzan: Larry, did he give estimates? *Hartshorn: I don't know, Tony, I don't know.* Chrzan: He told me that yesterday.

Few speaking at once. Hartshorn: All I know is I had spoke to him on the phone today and he just asked me if I would ask.... Lukasewicz: Work with Robbie on that in the next couple of days. Bring up whatever.... *Chrzan: He told me he had three estimates. Few speaking at once, Lukasewicz asked if there was anything else from Mr. Hartshorn.* Hartshorn: Just, how's my

street coming? *Chrzan: Where are we going to get the money?* Marushock: We'll be out of business, Larry, before the end of the year. You won't have to worry about it. Throop is shutting down. *Lukasewicz: No we're not, no we're not.* Barnick: Yep, the way you guys are going this town is done.

Lenore Dolan - It's about the building but it's for you, Tommy. *Lukasewicz: Yes?* Dolan: Okay, you're a contractor. *Lukasewicz: Yes.* Dolan: Where you there? Did you check that building out? *Lukasewicz: I looked at it numerous times.* Dolan: Does it need a lot, Tommy, as a contractor? *Lukasewicz: I'll say the same thing I said before. It's at least \$100,000 too much.* Barnick: And that's probably the first time you agreed..... *Lukasewicz: I looked at it very, very, good I looked at it. If I had the money to purchase a building, I wouldn't purchase that building. Everyone speaking at once.*

Dave Morrell, 315 George St. - I've got to thank, after all this time, our DPW in my mind is second to none. Every winter we beat all the towns. *Lukasewicz: I don't think anyone would disagree with you, Dave. That's right.* Morrell continued: We do, they're second to none. They deserve a new building. *Chrzan: There you go, thank you Dave.* Morrell: If we have to go, I think somebody should put a motion on now to do what we got to do to get that property next door. Whatever we have to do. *Barnick: I'll do it right now.*

25. Motion by Barnick

Seconded by Chrzan

Motion to condemn the proper amount of acreage needed for a DPW salt barn off of Rinaldi, according to the Borough Code.

On the question:

Barnick: According to the Borough Code. *Chrzan: Three acres, you said?* Barnick: Sufficient land needed. (Note: Vice President Menichetti had left the meeting.)

Three in favor- Barnick, Chrzan, Lukasewicz

Two Abstain-Marushock ("because I don't have enough information) and Mellody

Motion Carried

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