

**Minutes  
Throop Borough Council  
Special Monthly Meeting  
Thursday, March 14, 2002  
following the Special Monthly 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

George Marushock-P

Jim Mellody Jr.-P

**Vice President**-Daryl Menichetti-P

**Mayor** - Stanley Lukowski-P

**Solicitor** - Attorney Louis Cimini-P

**Treasurer** - Lenore Dolan-P

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

**Announcements:**

- \* An Executive Session was held this evening with Attorney Doug Blazey regarding Throop Borough vs. Gould and, also a discussion was held with regard to personnel and possible litigation with Olyphant Borough for the condemnation of land.
- \* Robert Martin, EPA National Ombudsman, will conduct a Public Hearing tomorrow, Friday, March 15<sup>th</sup> at 4:00 p.m. at the Throop Civic Center regarding the Marjol Battery Site.
- \* The Annual Easter Egg Hunt will be held at the Washington Street Park on Palm Sunday, March 24<sup>th</sup>, at 2:00 p.m. In case of inclement weather it will be held at the civic center.
- \* The borough truck will be available for borough residents beginning March 22<sup>nd</sup>, calls will be accepted beginning March 18<sup>th</sup>, as per Robert Kalinoski, Street Commissioner.

**Audience comments on tonight's agenda:**

**Dominick Rocco, 110 Sanderson St.** - That #20 (Motion), I don't think we ought to give them anything with the trouble and expense they put us through to put that sewer line through. I really don't think we ought to give them a penny. Chrzan: I agree with you there, Rocco. Marushock: You know, Rocco, there's a change in leadership down there. Rocco: That don't mean nothing Chrzan: No, there's not a change in leadership. Marushock: Yes, there is. Chrzan: That Gene is still running the place, the guy that wanted \$80,000. *Few speaking at once, inaudible.* Chrzan: He wasn't the Commander before. Marushock: Yeah, he was. Chrzan: Yeah, but he's still running the place, him and his wife. Marushock: Why should some of the other innocent individuals suffer? Because we're only giving them \$200. Rocco: Only two (hundred)? How much did we have to pay to go through there? Let them suffer for a couple of years. Marushock: We have. There was a certain group of people causing problems. Rocco: I still think they should suffer like we had to suffer to get that through. Barnick: *Inaudible* different people that caused the problems.

**John Stoffey, 238 Bellman St.** - On the variances right here, doesn't the variance cost \$300 for everybody in Throop? Lukasewicz: I believe that's the fee, yes. Stoffey: Well how come Jefferson Township Sewer is more? Did they pay more? They're getting \$339 back. Morrell: Yes, they.... Stoffey: That's what I want to know. Morrell: Yes. Stoffey: Okay, well I didn't know, if that's right, okay, no problem.

**Andrew Lisko, 205 Sanderson St.** - On Motion 10, Prohibiting the Placement of Permanent Obstacles on Dykes or Levy Systems? This is a little different than Motion 22 *inaudible* prohibiting fences *inaudible* etc., etc. I came here to talk about etc., etc. Not only if you have just permanent obstacles, what about obstacles that aren't permanent? Who did, what do you determine as a permanent obstacle? Barnick: Huh. Lukasewicz: Attorney Cimini, if you could answer that for him? Barnick: I read the motion.... Lukasewicz: I have no idea what.... Barnick: when it was made up and permanent obstacles is fences and things like that. What we're saying is, hey, because you'd like to see some benches down there, you know, things like that, so, non-permanent obstacles. Lisko: Nobody can walk there. Barnick: Well, you *inaudible*, as long as it's not permanent concrete in the ground and obstructing anything, that's basically it. Lisko: That's it.

**1. Motion by Barone**

**Seconded by Menichetti**

To authorize the quarterly payment in the amount of \$750.00 to Pennsylvania Municipal Pension Services from the assets of the Police Pension Plan.

On the question:

Barnick: You know, this is a different pension plan, it's administered by the same person. I just want to make sure this other thing is going to be, it's going to be handled. Mayor: What did you mean by that? Because there's nobody, nobody that's taken advantage yet of the police....

Lukasewicz: Same firm as.... Mayor: Same firm, yes. Barnick: No, no, same firm. *Everyone speaking at once, inaudible.* Mayor: Well, that's going to be down the road somewhere, I guess. Barnick: It's going to have to happen soon. *Speaking at once.* Lukasewicz: Atty. Cimini is working on this to correct the issue and there seems to be, what's going to happen is a resolution in favor of everyone, so I believe what we have to do is *inaudible* to not jeopardize anything in regards to this and the other one will work it's way out in the near future, correct? Cimini: That's right, don't.... Lukasewicz: Well, you had some good correspondence with the party... Cimini: Oh, yeah, yeah. Lukasewicz: And they're in agreement with what I just basically said. Cimini: Right.

**All in favor**

**Motion carried**

**2. Motion by Marushock**

**Seconded by Barnick**

To issue a check to the United States Postal Service in the amount of \$500.00 to replenish the postage meter.

**All in favor**

**Motion carried**

**3. Motion by Barnick**

**Seconded by Marushock**

To authorize expenses for the annual Easter Egg Hunt up to \$1,500.00. To issue a check in the amount of \$500.00 to Gail Ercoli, Civic Center Director for pizza and items that cannot be charged.

On the question:

Marushock: Also that receipts be turned in. Barnick: Yeah, to make sure they get an egg in solid chocolate.

**All in favor**

**Motion carried**

**FINANCIAL REPORTS:**

**4. Motion by Barnick**

**Seconded by Barone**

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

General Fund Checking Account	<b>\$604,590.57</b>
General Fund CD's	<b>1,329,078.29</b>

General Fund Petty Cash	200.00
Payroll Checking Account	3,812.62
Civic Center Account	250.00
Civic Center Petty Cash	250.00
Sunny Day Fund CD's	2,024,859.71
Home Program State Grant	8,792.19
Community Revitalization (20-192-0947)	40,280.59
Civic Center After School Program	500.00
Warsaw Playground	27,531.05
Liquid Fuels Account	1,379.31
<b>Grand Total</b>	<b>\$4,041,524.33</b>

**All in favor**

**Motion carried**

**5. Motion by Barone**

**Seconded by Marushock**

To approve payment # 2 to R.E. Lesniak in the amount of \$2,993.50 for the "Flashing Devices" as approved by Robert Bernosky, Engineer and Robert Kalinoski, Street Commissioner.

On the question:

Barnick: Yeah, how many payments he got left on..... Morrell: There's one more, it's about \$8,000. Marushock: Is this working the way we want it? Lukasewicz: It seems to be functioning in the way that we intended it to function.

Morrell: Tommy, I have to go back to Motion #5. I'm mistaken on that final payment. I was thinking about Adams. This is the final payment to Lesniak on the flashing device. We owe \$8,000 to Adams not to Lesniak. *Inaudible short conversation.* Barnick: Whatever.

**All in favor**

**Motion carried**

Barone: Getting back to *inaudible* but I think the hours should differ on these lights. Lukasewicz: Well, they put the lights on whenever there's a function at the civic center. Barone: Yeah, but those lights on shouldn't be for the civic center, I don't know why, it's for people, kids, everybody crossing the street. That thing needs to be on from 8:00 in the morning until 8:00 at night. Chrzan: Why doesn't, let the police handle that. Why should we bother with it? Barone: Well, because I thought about it. Chrzan: Dave, can you have them do something with that... Barone: Now where you go, they have signs up there for kids. Dolan: The police department has a switch. Lukasewicz: No, they don't have a switch. Dolan: A remote.

Lukasewicz: No, the only switch is over there. Dolan: There's only one switch over there? You don't have nothing? Lukasewicz: There's two switches but the two are over there at the civic center. Dolan: Okay. Lukasewicz: You need two to control the system.

**6. Motion by Marushock**

**Seconded by Menichetti**

To authorize Throop Community Ambulance Association to have a parade on May 19, 2002 to celebrate EMS week and to allow them to use the Washington Street Park & Pavilion for a barbeque.

On the question:

Chrzan: Can we have Barnick in this parade? Barnick: I don't want to. Just to make sure this motion gets over to Robbie so if it's on a state road I think you're going to have to apply for a permit or something like that. Lukasewicz: Whatever has to be done it's like the same thing with any other parade.

**All in favor**

**Motion carried**

**7. Motion by Barnick**

**Seconded by Marushock**

**To table Motion #7, as follows:**

To forward the Resolutions requesting Lackawanna County Officials to fund and complete a Tax Assessment and/or Reassessment of Lackawanna County.

Resolutions were received from the following municipalities and school districts:

Newton Township

Forest City Regional School District

Abington Heights School District

Elmhurst Township Board of Supervisors

North Abington Township

City of Carbondale

**All in favor**

**Motion tabled**

**8. Motion by Barnick**

**Seconded by Barone**

To adopt Throop Borough Ordinance # 6 of 2002, an Ordinance to Simultaneously Lay Out and Open Ash Street West Extension to the Eddy Creek Property, More Commonly Referred to as the "48 Acres". (Ash Street West Extension, as described in Exhibit "A", attached to the ordinance.) (A copy of the ordinance is posted on the bulletin board and is in the administrator's for review.)

On the question:

Marushock: Again, I cannot see opening up this site. I realize we've got to commit to the money



Susquehanna, Luzerne County? They're going through and doing the same thing because when they had to be out there sandbagging and doing all this other stuff, they couldn't get out there because all of these fences *inaudible* were on the dyke systems and they couldn't get through and they had a big problem with it. *Inaudible*. Barnick continued: They're trying to make it a state law now. That's what the guy said, they want to try to get it into a state law.

Lukasewicz: On the question, I'll be voting against this and I'll state my reasons why. For one thing, where the fences are located they're located on private property. Further, the fences were there for many years on the lower section. Actual permanent, metal fences were put up and this didn't come to pass until basically I put a fence on my property which is not a permanent fence, which is basically a couple of poles inserted with some gravel and some smack (?) that we put across *inaudible* for a reason. And I had put up these fences to keep the quads in coming up the bank and basically tearing up the grass and whatever that I had maintained. Furthermore, another reason why I'll be voting against this is I feel this to be another form of harassment aimed directly at me. *Inaudible, few speaking at once*. Lukasewicz: my rights that I feel have been violated and this is just further violation of my rights so I will be voting against it.

Marushock: On the question, Mr. President, you say it's harassment against you as an individual but then I believe that there's at least one other *inaudible* fence there that's going to have to come down also. Lukasewicz: There's six fences. Marushock: Okay, and as we met with that, as Mr. Barnick had mentioned, we met with that individual, I believe from DEP or whatever, soil and erosion or something like that, the River Corridor, anyway, there's the point that there are problems and in an emergency situation you don't want any restrictions *inaudible* to sandbag or whatever has got to be done.

Barnick: They said they have a lot of problems. When that happened down there, they said they had a lot of problems and they recommended it.

Menichetti: What are the time constraints on doing something like this? *Inaudible, speaking at once*.

Barnick: If you want to put something there, you could put something there.

Menichetti: Well, if we pass this do the people have to immediately rip them out? *Few speaking at once*.

Cimini: I have to tell you this, I discussed this with Robbie and both had, Jim, I expressed it to you also that you had some concerns and right now the information I have is if it stays on the property, alright, the *inaudible, coughing heard* for these structures. I just had this discussion with Robbie about two weeks. I don't know, if it passes or not, the next thing is enforcement on whether or not it can be enforced.

Barnick: It's no different than the Zoning Ordinance, though, right? The Nuisance Ordinance, when somebody's got garbage on their property.

Cimini: But these, there were permits issued for these. I'm just telling you the conversations I had with Robbie when I was going through this. That's, those are the facts.

Menichetti: Now, if you get a permit to put a fence up, I mean, how can you, how can they come back and tell you that you have to rip it down though? *Speaking at once, inaudible*.

Marushock: The emergency services would have to have access across that dyke, even though it is private property.

Barnick: They would.

Mayor: That representative from the engineers, the Corps of Engineers, is *inaudible* but as

Attorney Cimini said, permits were issued and that has to be corrected first.  
Marushock: Maybe they were issued in error. I don't have an answer really.  
Mayor-Could have been, could have been.  
Marushock: But we don't want these in place and then God forbid a flood or something develops.  
Menichetti: But they're on private property.  
Barnick: It doesn't matter, the Zoning Ordinance regulates the private property. The Nuisance Ordinance regulates private property. Think about it. There was an Ordinance passed in '80 about waste containers and stuff, you can't keep *inaudible*, dumping, *inaudible*..  
Barone: Of any one of those houses down there, does a fence surround their whole yard? (Response was no.) Just on the dykes? That's not going to hold anything back. If you talk to these people and explain to them hey, they have to come down. Once you explain it to them, I think they'll take them down because that's it. It's just for the fact it's not protecting their yard, hey that's what I'm saying. *Few speaking at once, inaudible*.  
Marushock: Try to do right and have emergency access but at the same time try to protect the interest of the property owner who is being trespassed upon by people with the quads.  
Lisko: Excuse me, Mr. Marushock? (Marushock responded, yes sir.) Lisko continued: The addressing of ownership hasn't been proven yet of those guys. Now, the paperwork supposedly is missing, somebody said it's missing in a fire. For all I know it could have been missing seven months ago.  
Marushock: Even with that one though, even with that one, there is another fence here, a couple of more fences that *inaudible* right now.  
Lisko: Why can't Throop look across the river at Dickson City? No problems.  
Barnick: Not a fence there.  
Lisko: Not a fence there. People walking, walking their dogs, jogging, over in Throop all of a sudden everything is prohibited right across the river. But Dickson City gives everybody in the Borough of Throop the right to go across the river and jog or walk their dog or do whatever they want, but Throop doesn't want to give those people the same opportunity. There's something wrong and I'm not picking on anybody per se because my fence has to come down too. I have an expensive fence but I'll rip it down but I just want the people to have it like they did before for 28 years. They don't come down anymore like they used to because they can't.  
Dominick Rocco: And I don't think Tommy should vote on this, conflict of interest.  
Lisko: I believe it is too.  
Cimini: Don't ask me for an opinion on it, I would have to look at it but I would say, I don't know.  
Rocco: It's a conflict of interest, isn't it?  
Cimini: The way I understood, it's not a conflict of interest, it's a....  
Lukasewicz: My vote is not going to dictate the outcome of this vote anyway.  
Cimini: I thought if there was, there had to be a monetary....  
Menichetti: There's no monetary value associated with what we're doing here. So if he want to, he can vote.  
Barnick: Indirectly, it could be a monetary loss.....  
Menichetti: Well, we're creating a monetary loss for these people and they don't even have a vote.

Barnick: Yes, they voted for you.

**Five in favor-Barone, Barnick, Chrzan, Marushock, Menichetti,  
“I’m going to vote for it only because of the safety feature,  
the safety factor”.**

**One against-Mellody**

**One Abstain-Lukasewicz, “I stated my concerns but I will abstain  
just in case it’s improper”. Motion carried**

**11. Motion by Marushock**

**Seconded by Menichetti**

To adopt Throop Borough Ordinance # 9 of 2002, an Ordinance to Open Jones Street and a Portion of Rebecca Street. (Description of Lands for the Dedication of Jones Street and a Portion of Rebecca Street Right-of-Way, Exhibit “A”, attached to the ordinance.) (A copy of the ordinance is posted on the bulletin board and is in the administrator’s office for review.)

On the question:

Marushock: In doing this I believe we’re going to eliminate part of a parking problem, especially in the Dimmick Street area, also as the traffic comes up from Bellman Street in that area *inaudible*, hopefully this will be a safe option for the borough.

Chrzan: Do you got an estimated cost on this? *Speaking at once, inaudible.*

Lukasewicz: This is to get the process started, the same way we got the process started with Franko and Catherino Streets. This is only to get the process started.

Barnick: This is not passing the Ordinance. *Speaking at once, inaudible.* Barnick continued: send the notices out to the people..... Chrzan: You have to, you have to. Barnick continued: let them know that this is what the borough’s going to.... *inaudible.*

Lukasewicz: This is the proper procedure by the Borough Code.

Cimini: This is the notice that goes out within ten days after enactment, a hearing is scheduled but it will, the Ordinance becomes effective thirty days after enactment as long as there’s a hearing that’s agreed upon by council that it has to go through. Just like we did on the other one, and this is the notice that gets sent to everyone.

Barone: Are you going to get this survey done to find out exactly where the street is? Is it on the *inaudible* or anything?

Chrzan: It costs money.

Barone: Before you go up there because you might be going through other people’s properties.

Chrzan: That’s right, Joseph.

Barone: And you’ve got what? About 90,000 ton of dirt that Rinaldi has to move.

Marushock: How about all the other streets and projects that we did this summer? Have they been surveyed?

Barone: I don’t know.

Marushock: Catherino Street development area and the Sharkey Drive and everything?

Barnick: Yeah.

Marushock: That’s all surveyed?

Barnick: Yeah.

Marushock: We have a copy of that on file?

Barnick: But I could have swore when we passed this or when we were passing this it was to lay out the street.

Chrzan: Just to lay it out is right.

Barnick: Lay it out so we knew where it's going to be going, not to pass it for opening. I could have swore it was to lay it out.

Chrzan: Check the minutes.

Barnick: It was to lay it out as per the Borough Code not to open.

Morrell: Well, I thought that's what this is.

Marushock: One other thing I just question on this motion, do we have to a permanent improvement here such as blacktopping? I believe the concerns.....*inaudible* even if it was gravel base or modified or something, we're not asking for a super highway, just accessibility to the rear yards.

Barone: They're saying that now till they get mud.

Barnick: Yeah, you got to control.....

Marushock: ..we could choke it up with some modified and eliminate the full blacktopping of it.

Barone: Look it, if you're going to open that street and everything, you might as well blacktop it.

Marushock: How much do we really have available really to do it? We need to pacify a lot of people and solve a lot of problems with the parking situation there by just opening up or.....*speaking at once, inaudible.*

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

**One against-Chrzan**

**One abstain-Barnick, "could have swore we passed to lay it out, just laying it out, not opening it".**

**Motion carried**

Barone: This is just to lay it out now, right?

Chrzan: No, Joe, thirty days its law, Joe. You didn't pick that up? *Inaudible speaking at once.*

Lukasewicz: Same way we did any other street. Same way we did Catherino Street, the same exact way.

Marushock: Going back to this, I believe this situation was addressed years ago. Robbie has quite a bit of information already on file on this site so *inaudible*

Barone: Well, I still think you should have that... *inaudible, speaking at once.*

Lukasewicz: There's going to be a public hearing and we're going to proceed according to the Borough Code so there's no need for any more discussion.

Barone: Right, you better have it next week. Don't wait for thirty days or we'll rescind the motion.

Lukasewicz: Motion 12 will be tabled. Is there a motion to table #12?

**12. Motion by Marushock**

**Seconded by Menichetti**

**To table Motion #12, as follows:**

To adopt Throop Borough Ordinance # 10 of 2002, an Ordinance Whereby Throop Borough is Accepting the Roads and Sewers from Tiffany Estates. (Deed of Dedication, attached to the ordinance.) (A copy of the ordinance is posted on the bulletin board and is in the administrator's for review.)

On the question:

Lukasewicz: Like I said earlier, I'm in agreement to accept these roads but there's a few concerns that need to be addressed before we do it.

**Four in favor-Marushock, Mellody, Menichetti, Lukasewicz  
Three against-Barone, Barnick, Chrzan Motion tabled**

Lukasewicz: This is nothing against Mr. Palumbo or the development or whatever. Mrs. Goreschak said there was some concerns that were addressed at the Planning Commission (Agency). If it wasn't for that, I thought everybody else was going to just, but, I hope this isn't going to be a whole political snowball again.

Menichetti-No, it won't be that.... *Everyone speaking at once, inaudible.*

Chrzan: I know it is.

Barnick: I know it, you know it is.

Chrzan: It's getting sickening already with this stuff.

Barone: You just said that you thought everything was just..... *inaudible, speaking at once.*

**13. Motion by Barnick**

**Seconded by Barone**

To authorize payment to Gould, Inc. in the amount of \$1,952.54 for three invoices that relate to the production of documents as per the recommendation of Attorney Kevin Quinn. (This amount does not include sales tax.)

Lukasewicz: Elaine, is that the proper amount or does it have to be modified somehow?

Morrell: I modified it to reduce the sales tax.

Lukasewicz: So this would be alright?

Morrell: This is the amount without the tax.

**All in favor**

**Motion carried**

**14. Motion by Barnick**

**Seconded by Barone**

To authorize Gould Electronics, Theodore F. Haussman Jr., Esquire to make three (3) copies of the GAI and Richard Mabry documents on the behalf of the borough at an estimated cost of \$2,000.00. (Borough of Throop v. Gould Electronics, Inc.)

**All in favor**

**Motion carried**

**15. Motion by Chrzan**

**Seconded by Barnick**

To grant permission to the Throop Booster Club to use the Washington Street Park Ballfield for the 2002 baseball season. (Jim Caria will handle the scheduling as he has done in the past.)

**All in favor**

**Motion carried**

**16. Motion by Barnick**

**Seconded by Marushock**

To adopt Throop Borough Resolution # 8 of 2002, a resolution supporting the Lackawanna River Watershed Conservation Plan and listing the Lackawanna River Watershed and its tributaries on the Pennsylvania Rivers Registry.

**All in favor**

**Motion carried**

**17. Motion by Chrzan**

**Seconded by Barone**

To authorize Christina Sullivan to run the tape recorder at the Ombudsman's Hearing on Friday, March 15<sup>th</sup> in the absence of Elaine Morrell and to authorize Christina Sullivan to act as Zoning Secretary on March 18<sup>th</sup> in absence of Betty Ann Lucas.

Barone: Did this have to be in the...

Barnick: Yeah, what....

Lukasewicz: I don't, I don't....

Menichetti: Yeah, it *inaudible*.

Morrell: Well....

Barone: It doesn't have to be a motion, does it?

Morrell: Okay. Well, yeah, I didn't know, I'd didn't know if we'd be paying her over 40 hours and I don't have authority to pay over 40 hours if it went that way and then the zoning, I didn't know.

Barnick: Yeah, but if it's got to be done it's got to be done.

Chrzan: If you've got to do it, Elaine, do it. *Few speaking at once, inaudible*.

Barnick: Does she get 1/2 of that money?

Lukasewicz: She'll get half the money and then she'll have to reimbursed for attending the meeting for the Ombudsman also.

Morrell: It will be an hourly rate on the Ombudsman.

Barnick: You talked hours before so what are you going to pay her for going over there for the Ombudsman's from 4:00 to 12:00 (midnight).

Morrell: At her hourly rate.

Lukasewicz: At her hourly rate.

Barnick: Why? It's not her normal standard hours?  
Lukasewicz: Well, if she needs more money, Jimmy, I have no problem paying her....  
Morrell: Over 40 hours would be time and a half, that's why I wasn't going to go ahead and pay her without permission.  
Lukasewicz: *Inaudible*, You did right in doing what you did, Elaine.  
Menichetti: Well, give her a day off.  
Barnick: No.  
Chrzan: Give her the next day off.  
Marushock: We'll give her actual hours occurred at time and a half, if it's over forty hours by law we're *inaudible, few speaking at once*.  
Morrell: It requires time and a half. *Few speaking at once*.  
Barnick: You're adjusting her hours? Her standard hours.  
Menichetti: Why does she get time and half? She's not in the union.  
Morrell: No, but by law any time over 40 hours you have to pay time and a half. *Few speaking at once, inaudible*.  
Marushock: We're giving her actual hours occurred. If this is over before midnight, we're not going to pay her.....  
Barnick: She's normally out of here by 5:00, 4:00.  
Marushock: Right, her actual time incurred.  
Lukasewicz: Can we offer her as a flat fee for her just to do it for \$75 and not over what....  
Chrzan: Yeah, make it \$75.  
Menichetti: We have to get her permission then. Maybe she won't do it for that.  
Barnick: Well, you figure...  
Lukasewicz: If it's it's going to be over \$75 just.....  
Barnick:.....if it would take eight hours...  
Lukasewicz: It's not going to be eight hours. Do you think this is going to be as long as the last one? You're lucky if you get a couple of hours of it.  
Morrell: The borough doesn't have enough money to pay the girl her hourly rate or time and a half if it goes over 40 hours? Maybe a couple of times a year?  
Barnick: Yeah.  
Lukasewicz: There has to be a problem with someone....*speaking at once, inaudible*.  
Morrell: We don't have the money to do that? *Many speaking at once, inaudible*.  
Lukasewicz: Let's give her \$75 to do it.  
Morrell: Or give her time and a half after her regular hours.  
Lukasewicz: Will somebody make the motion to pay her \$75 *inaudible, speaking at once, a discussion ensued*. Lukasewicz continued: Say \$100. You want \$100, Tony?  
Chrzan: A hundred dollars..... *inaudible, speaking at once*.  
Lukasewicz: The motion is \$100 by Mr. Chrzan.  
Menichetti: What if she's only there for two hours.  
Barone: Well, then that's the agreement you made. You've got to give her a hundred bucks.  
Menichetti: That's unfair to the other employees, though.  
Chrzan: Oh, I made it for \$100. You don't like it.....*inaudible, speaking at once*.  
Lukasewicz: Okay, Tony, you want to make a motion for \$100?  
Chrzan: \$100, yes.

Lukasewicz: For the time that's spent there, whatever the amount of time it is.

Chrzan: Because she does a lot *inaudible*.

Lukasewicz: Is there a second?

Barone: Yeah, I'll second it but you have to understand this. Like Daryl said, suppose it's only two hours? You're still going to pay her the \$100?

Chrzan: Yeah, sure, what's the big deal?

Barone: Okay.

Lukasewicz: They get paid \$75 to come for one night for the zoning and they're only there maybe an hour sometimes and sometimes don't even have any and get paid for the month. This is extra circular and she deserves to be paid. Okay, on the question? Roll call.

**Six in favor-Barone, Barnick, Chrzan, Marushock, Mellody, Lukasewicz**  
**One against-Menichetti** **Motion carried**

**18. Motion by Marushock** **Seconded by Barone**

To accept Adam F. Nosak, Tax Collector's Annual Settlement Report for 2001.

**All in favor** **Motion carried**

**19. Motion by Marushock** **Seconded by Barone**

To authorize the following variance refunds as per the recommendation of Robert Kalinoski, Zoning Officer:

Mid Valley School District	\$129.75
Kevin Krowiak	129.75
Dr. Gary J. Cassone	169.83
Joseph J. Vidal & Sons	169.83
Jefferson Twp Sewer Auth.	339.66
Total	\$938.82

**All in favor** **Motion carried**

**20. Motion by Barone** **Seconded by Marushock**

To donate \$200.00 to VFW Post # 7251 *and \$200.00 to the American Legion Post 180* towards Memorial Day Services.

On the question:

Barnick: I think it should be, I believe it was \$250/\$250.

Morrell: No, it wasn't.

Barnick: For American Legion?

Morrell: It was \$200 and \$200 because we buy, we also buy wreaths.

Barnick: Okay, then \$200/\$200 that was to American Legion too.

Morrell: Last year was, I believe, the first or second time we gave to the American Legion.

Chrzan: Well, are they going to get \$200?

Morrell: I don't know, that's up to council.

Chrzan: Joe, why don't you add in there \$200 to the what do you call it too?

Barnick: You know, they wanted to take us for eighteen grand.

Chrzan: I know they wanted eighteen grand, nobody listened.

**Barone: Put in there American Legion.**

**Morrell: \$200 each to VFW and American Legion?**

**Lukasewicz: Correct, yeah, roll call.**

**Barone: That's to include the American Legion?**

**Lukasewicz: Yeah, American Legion also.**

**All in favor**

**Motion carried**

**21. Motion by Barnick**

**Seconded by Menichetti**

To allow Attorney Blazey to use the professional services of Gannett Fleming on a limited basis if it's absolutely necessary, and to submit the mine shaft information to EPA in regards to the borough, provided a bill is sent to the borough every ten days.

**Six in favor-Barone, Barnick, Chrzan, Mellody, Menichetti, Lukasewicz**

**One against-Marushock**

**Motion carried**

**22. Motion by Barnick**

**Seconded by Barone**

To authorize Atty. Michael Goffer to proceed with depositions regarding Throop v. Lukasewicz, time is of the essence.

**Six in favor-Barone, Barnick, Chrzan, Marushock, Mellody, Menichetti**

**One abstain-Lukasewicz**

**Motion carried**

**23. Motion by Marushock**

**Seconded by Barnick**

To authorize an early withdrawal on the General Fund CD that matures on April 19, 2002. The amount of the CD is \$1,329,078.29. No penalty will be charged by the bank and to authorize the \$700,000 payment to Keystone Sanitary Landfill. The balance/difference will be rolled over into a CD.

**All in favor**

**Motion carried**

Dolan: I have a question, when are you going to do this?

Morrell: We'll do it the last week of March.

Dolan: Last week of March?

Morrell: This way we'll get into... *few speaking at once, inaudible.*

Dolan: Will it be a direct deposit in the General (Fund).

Morrell: I'm going to ask him what we could do.

Dolan: Okay, 'cause I won't get it in time to get to them.

Lukasewicz: Right.

Dolan: Okay.

**24. Motion by Menichetti**

**Seconded by Marushock**

To purchase a 2003 Ford Crown Victoria, with everything necessary installed, at a price of \$24,481.23. This will be a three year lease to buy and the car will cost approximately \$9,150.00 the first year and then \$8,534.00 the following two years. The lease option is a government lease with the vehicle being purchased at the end of the lease for one dollar. **Police vehicle 27-2 will be put out for bid.**

On the question:

Marushock: You guys got to get rid some of these vehicles for the police.

Chrzan: No, keep 'em. *Inaudible, few speaking at once.*

Marushock: ....take a look at the *inaudible* and probably get rid of something with the highest miles, you're not going to..

Repchick: We'll get rid of the one that, the one that's got 114,000 (miles). That's where all the stuff is going to come off of for that car anyway, so....

Barone: Is that the one where the engine's going and those fuels are coming out of it?

Repchick: That's the one's that's.....

Barone: What about this DARE car?

Repchick: We use it. We didn't pay nothing for it.

Barone: That's not the point, get rid of it if you're not going to use it.

Repchick: We do use it.

Barone: That car hasn't moved in the last three months.

Repchick: No, it's been used. It's been used.

Barone: If you want a new car I think you should get rid of those two.

Barnick: I'm sorry..... *Few speaking at once, inaudible.*

Marushock: What year is the car we're going to.....

Repchick: '98 (1998).

Marushock: What number is that?

Repchick: 27-2.

Marushock: 27-2?

**Lukasewicz: Would you be agreeable to include in the motion that 27-2 would be put out for bid?**

**Marushock: I would be in agreement with that.**

Barnick: There's going to be no new light bars, no new radios....

Repchick: No, we're not going to get a new light bar or new radio.

Marushock: It's going to be transferred to the new vehicle, correct?

Repchick: That's right, that's correct.

Barnick: So then you're going to be back to four cars again.

Repchick: Three and a half. The DARE car is only a four cylinder.....

Marushock: The DARE car's basically for publicity.

Repchick: Right. *Few speaking at once, inaudible.*

Barnick: You still got to have inspection, you still got to have oil changed, still got to have tire on it.....

Repchick: We haven't put hardly anything in it since we've had it. *Speaking at once, inaudible.*

Lukasewicz: Mr. Marushock has called the question..... *speaking at once, inaudible.*

Barnick:.....bike in there that's got flat tires and that because it's not being taken care of. What's going to happen with that?

Chrzan: You know what they told you to do with it.

Marushock: Maybe we should put the bike out to bid too....

Mayor: .... that DARE car, we can't get rid of it.

Barnick: I think you have to.

Marushock: Can we have roll call, please?

Barone: You have a DARE car, why can't you put one of the....

**Four in favor-Barone, Marushock, Menichetti, Lukasewicz  
Three against-Barnick, Chrzan, Mellody                      Motion carried**

Morrell: What company was that? Can I have that paper later? Okay, thanks.

Barnick: No extended warranty or nothing, huh? Nothing comes with it?

Repchick: I didn't include the warranty.

Lukasewicz: All right, at this time does any councilman have anything they'd like to bring forward? If not, I'll turn it over to the audience for new business. First row...

Chrzan: Well, wait Tommy.

Lukasewicz: Second row....

Marushock: Mr. President?

Lukasewicz: Yes?

**Marushock: One thing I want to make, to amend this motion that we do look into the extended warranty. It was an oversight on my part.**

Barnick: That's another three grand.

Marushock: If we can add that because I'm sure that we benefitted from this in the past.

Chrzan: Now it's \$27,000.

Lukasewicz: All right. New business, first row, second row.

Morrell: Council agree to amend for the extended warranty.

Marushock: All you have to do is a motion later. *Few speaking at once, inaudible.*

Morrell: Well, do you want to do it now. Okay, for the end of the month meeting.

Lukasewicz: Tony, do have something before I turn it over to the audience?

Chrzan: Yeah, at the last meeting we were supposed to find out why that case was dismissed.

Unknown: What?

Chrzan: You asked a question why that case was withdrawn?

Unknown: What case?

Chrzan: That truck down by your house?

Unknown: Oh, yeah.

Chrzan: And the police said they were going to have an answer for us this month at the meeting. You said it, Mayor. You said you'd look into and you'll have an answer. Dave, do you have an answer for that?

Repchick: I didn't hear the question.

Chrzan: Last meeting *inaudible* asked about that case down there, down by Joe's house. The case was withdrawn and you said that you were going to get an answer for us.

Mayor: The *inaudible* truck.....

Chrzan: What's the answer?

Repchick: I don't know but I think that has to be discussed in Executive Session, I won't discuss that in public, I don't care.

Chrzan: Well, that's fine.

Lukasewicz: Then at the Executive Session we have we'll discuss it. Okay, new business.

#### **Audience Comments:**

**Susan Short, Franko Street - *Inaudible*, with regard to the Ombudsman Hearing at the Civic Center on March 15<sup>th</sup>:** conducted like the previous hearings.. *The Mayor mentioned Hugh Kaufman made some contacts with who would attend.*

Lukasewicz:.very similar to the last.... *inaudible*.. I was sort of caught off guard with it and I'll be there.

**Dominick Rocco, 110 Sanderson St. -** I can't understand why you're giving the VFW \$200. They cost us thousands of dollars to go through their property and you go ahead and give them \$200. *Inaudible speaking at once.*

Lukasewicz: Just because someone does one thing, Rocco, these guys fought for this country. I'm not *inaudible* but these guys are veterans and I cannot believe you would say hold back \$200 from a veteran organization. You have reached to new levels.

Rocco: Hey, I give to them four or five times a year, Tommy, get stuff through the mail that I give them, it's the idea that they cost the borough thousands of dollars.

Lukasewicz: Rocco, how could you say don't give them \$200? I can't believe you.....

Chrzan: 'Cause he doesn't know where it's going.

Rocco: I've given to, at least four times a year, Tommy, don't say I'm.....*inaudible*.

*The tape was changed here and started:*

Lukasewicz: They didn't get no money.

Barone: They wanted \$19,000 just to move the monument across the street, they wanted \$60,000 for the back.

Chrzan: His buddy was going to do that, Joe.

Barone: They wanted \$60,000 for the back.

Lukasewicz: It was a long time before it was worked out but it was worked and there was no monies paid to them, Rocco.

Barnick: It wasn't worked out, *inaudible*, that was it.

Lukasewicz: Basically, that's right but no monies were paid.

Barnick: No monies were paid and they do, do the memorial services just like the American Legion.

Lukasewicz: So it's pretty hard to deny it. I didn't mean to say it to you, Rocco, but *inaudible* that anybody would not want to give money to the VFW.

Rocco: Did you ever decide what you're going to do with that eighteen plus thousand dollars *inaudible* for the fire hydrants? *Inaudible* saying give it to the hose companies, split it up with the hose companies? A lot of these different boroughs and towns *inaudible*.

Barnick: Well, I can tell you I wouldn't vote for it.

Rocco: Why not?

Barnick: Well, too much going on here and too much expenses coming up.

Rocco: Yeah, but you guys will throw it away for some stuff that you could do away with.

Barnick: Like what,

Rocco: What? \$30,000 for health insurance.

Barnick: I'm not, I'm *both speaking at once, inaudible*, Barnick continued: I voted against it.

Rocco: Well, if you asked me what and that's what I'm asking.

Marushock: I'm sure with the projects right now, that sidewalk and stuff on South Valley Avenue, that money will very well be put to use. I don't think we have *inaudible* do we? We have our estimate on the sewer project but when we incorporated the sidewalks....

Barone: Sidewalks? They'll probably cost about the same as the ones on Sanderson Street if we'll put them on both sides.

Marushock: Probably be more, a lot more. *Few speaking at once, inaudible*.

Rocco: It seems like when it comes to safety you don't want to do, just like the police car giving them a hard time, didn't want to buy a new police car.

Menichetti: He's right, it is public safety.

Rocco: You know, public safety for the fire company? Do you guys realize what thousands of dollars it costs for a hose and everything? You know, that stuff isn't cheap.

Barnick: Wait a minute, Rocco.

Lukasewicz: I don't think we've ever held back anything from any hose company.

Marushock: Right.

Lukasewicz: If anybody ever needed anything, we gave.....

Barnick: Number two really got support from us in the last year, so...

Chrzan: We just bailed them out with the truck.

Barnick: ...so don't even try *inaudible*, please.

Chrzan: We just bailed them out.

Barnick: We didn't dig that hole.

Menichetti: Yeah, but they're fighting their fires. Do you realize what it would cost to *inaudible* a fire department? My God, I mean these guys are.....

Rocco: I hope that they don't..... *many speaking at once, inaudible*.

Lukasewicz: It doesn't do any good to get into a big deal discussion over the fire departments.

We've always been good to our fire departments, let's leave it at that. If they need something, we give it to them.

Mayor: More so than any other community.

Lukasewicz: More so than any council, somebody makes a request for whatever they need, whenever they need it, we find a way to give it.

**Bette Goreschak, 609 Meade St.** - Getting back to where you tabled #12 (motion) on Tiffany Estates. When Bob was here Monday (referring to Bob Bernosky, Planning Engineer, at the Planning Agency meeting) he said the other thing he saw on the map, the pathway that was supposed to lead down to the playground?

Lukasewicz: Correct.

Goreschak: That wasn't done yet either and that's another thing he's looking at.

Barnick: It's only *inaudible, few speaking at once*.

Lukasewicz: I can tell you that a person mentioned that it wasn't incorporated in the deed...

Goreschak: Well it wasn't even in one of those maps. He couldn't even find it on the maps, that area that's supposed to be done for the children down the playground, I think that was putting it off and he would accept the sewers and do you have to have the street names on it? That's what I was concerned about.

*Inaudible, everyone speaking at once.*

Barone: What names do they have there now? Ramona and Emerald, right? *Goreschak response inaudible.* Barone continued: They only have two roads, one's what is it? Emerald and the other one's Ramona.

Goreschak: No, they're changed.

Barone: Huh?

Goreschak: They've been changed.

Morrell: To what?

Goreschak: That's what Mr. Bernosky had said at the meeting last night.

Lukasewicz: But, I would assume that everything will be in the proper form when we do it at the end of the month.

Goreschak: Yeah, that's all that I .....

Lukasewicz: There's no, there's no, illness towards Mr. Palumbo...

Goreschak: Oh, no, no. *Inaudible, few speaking at once.*

Marushock: One other question maybe Mrs. Goreschak can answer this for me? I know in the covenants of the transfer of the property, the roads and sewers, prior to that letter, that document, the easement to the retention pond was basically I think just a one-line sentence. Are you aware of any more information concerning that?

Lukasewicz: There's meets and bounds and everything in the paperwork that we got from them. There's something that was received with meets and bounds, all the deeds and everything, it's a pretty..... *Few speaking at once, inaudible.* Lukasewicz continued: It's in one of these packets, we got all the specifics, the meets and bounds in regards to everything so.....*few speaking at once, inaudible.*

Marushock: I think it was Article V and that was one thing I was questioning because it was very vague in it's description.

Goreschak: Well, Mr. Bernosky had approved everything *inaudible*.

**John Stoffey, 238 Bellman St.** - Yeah, I missed that, I wasn't here, Rocco was talking about insurance.

Lukasewicz: I'm sorry, go ahead.

Stoffey: No, Rocco was talking about the insurance bill. Did you pass something that you're all covered under the insurance? I didn't hear that.

Chrzan: Yep.

Lukasewicz: It was passed several months ago that councilmen should be included, council persons can be included in the insurance package from the borough.

Stoffey: I thought, yeah, okay, but what insurance company's insuring it?

Lukasewicz: Right now it's Blue Cross and Blue Shield?

Stoffey: Is it Blue Cross and Blue Shield?

Lukasewicz: Yes.

Stoffey: Yeah, see I thought that only people that, elected officials can't be covered under the insurance. I thought maybe, maybe I'm wrong, I thought just you know, people the worked for the borough could be covered under the insurance. I mean, I've never heard....

Barone: We work for the borough.

Stoffey :...of any council members getting paid, their health insurance.

Lukasewicz: My understanding of it is, the borough, it's dictated by a law by Borough Code that you can receive....

Stoffey: Oh, okay, well that's what I wanted, I didn't know that.

Lukasewicz: ...It's not something that this borough had just done exclusively.....

Stoffey: Oh, see I didn't know. I'm just asking because I came in late, I didn't know.

Lukasewicz: ....and it's something that's dreadily (?) being done in other boroughs.

Stoffey: But the only problem is like if you're in office two years and you leave..

Chrzan: Then you got to pay your own.

Stoffey: ...who's going to take (pay?) that insurance as the next member comes in.

Lukasewicz: If someone needs it, only the people that need it take the insurance. If they don't need it, they don't take it. When you leave, you probably have the option to pick it up for a period of time until you get insurance someplace else but the borough would not continue to pay for that.

The meeting was adjourned.

Elaine Morrell, Administrator/Secretary

Minutes by Christina Sullivan, Assistant Secretary