

**Minutes  
Throop Borough Council  
Monday, September 12<sup>th</sup>, 2016  
Special Work Session/Meeting 6:30 p.m.**

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

*"God Bless Our Troops and the Coalition"*

**ROLL CALL:**

**Members of Council:**

Richard Kucharski - P

Vince Tanana - P

Thomas Lukasewicz, **President** - P

Charlene Tomasovitch - P

David Repchick, **Vice President** - P

John Musewicz - P

Bob Magliocchi - P

**Solicitor** - Louis A. Cimini - P

**Mayor** - Wayne Williams - P

Assistant Treasurer - Lenore Dolan - P

Secretary - Renee O'Malley - A

Chief Clerk/Treasurer - Robin Galli - P

**Announcements:**

\* An executive session was held this evening at 5:30 p.m. to discuss personnel issues at the Police Department and other executive material.

**Work Session/Meeting Schedule:**

\* The Sept. Monthly work session/meeting will be held on Mon. Sept. 26<sup>th</sup>, 2016 at 6:30 p.m.

\* The Oct. Mid month work session/meeting will be held on Mon. Oct. 10<sup>th</sup>, 2016 at 6:30 p.m.

\* The Oct. monthly work session/meeting will be held on Mon. Oct. 31<sup>st</sup>, 2016 at 6:30 p.m.

**There were no audience comments on tonight's agenda.**



**6. Motion by Repchick**

**Seconded by Tomasovitch**

To hire Ann Marie Wildman as a Civic Center childcare provider as needed up to 30 hours at the prevailing rate.

On the question:

Magliocchi questioned if it's as needed can she work 40 hours?

Lukasewicz: Include as needed up to 30 hours.

**All in favor**

**Motion carried**

**7. Motion by Magliocchi**

**Seconded by Tomasovitch**

To authorize Mary Ruth Tanner to purchase 2 computers for the Civic Center.

**All in favor**

**Motion carried**

**8. Motion by Repchick**

**Seconded by Tanana**

To issue a check to Mr. John Portanova for \$290.00 for the settlement at the hearing.

**6 in favor, Magliocchi against**

**Motion carried**

**9. Motion by Repchick**

**Seconded by**

To approve the Secretary, Renee O'Malley, filling in for Robin Galli, the Chief Clerk when she was on leave, and to reimburse the Secretary the Chief Clerk's rate difference as per the Union contract for those days worked.

Kucharski: Pay her the higher class as per the contract.

Magliocchi: Doesn't understand why it has to be done by motion when it is in the union contract. Confused because when DPW moves up they get that next level pay and it doesn't go through motion. I don't understand why that has too. It is the same contract.

Lukasewicz: I am trying too delineate between, this was an extensive period of time and it should have approved ahead of time. In addition to that, if the chief clerk is on vacation for a day, and if there is no chief clerk work that has to be done on that day – want understanding out there that only on certain given approved times this is allowed. If she has a day off she has to provide a memo to the secretary – there are no duties for you to do as per chief clerk tomorrow. You will do your duties as secretary. Or if there is something that needs to be done it will

specified so that there is a paper trail.

Magliocchi: So if she goes on vacation, say she only needs her 3 out of the 5 days.

Tomasovitch: Sort it out.

Lukasewicz: We probably could've done that with this last one. It has never happened before.

Magliocchi: I understand that but I just don't see the reason of motion being needed to pay her when it is in the contract.

Lukasewicz: Would like to see a motion. You'll have to decide if you want to do that but I believe it is proper in this situation. One motion will be to pay her for that time and the second will be that if it happens again that be done.

Kucharski: Someone mentioned that it has to be a minimum of 1 hour.

Lukasewicz: If you work one hour as per the contract you get paid the other persons wage for the day. Dolan questioned if that means she had to work an hour a day all the days you were gone.

Lukasewicz: Without being specific. That situation is done and finished.

Second motion would be that if you are going on vacation or will be off tomorrow you give her a memo that says I'll be off tomorrow – there are no duties for you to do as chief clerk. You do your job duties as secretary.

Magliocchi: Same thing when you are on vacation you have to tell her that on those 5 days you only do

Lukasewicz: Exactly.

Dolan: But when she is on vacation there are deposits and that's what I do. She can't even go to the bank to do them anyways. I would definitely step in. No problem.

Lukasewicz: If there is no need for it there is no need for it. That's what I'm trying to say. But you want to have a paper trail.

Magliocchi: She is also doing Union work.

Dolan: that isn't union work. That's a deposit. She didn't go to the bank with deposits.

Magliocchi: I am just throwing it out there.

Tomasovitch: It is your job to do that.

Dolan: We worked as a group not as a Union. I would do it for you too.

Musewicz: Should we discuss who picks up the secretaries duties while she is off. Do we discuss that at all?

Repchick: Well the secretary's duties should be right there.

Musewicz: Will she be compensated?

Dolan: well she should if you're compensating for the other one.

Tomasovitch: why would she be compensated?

Lukasewicz: She is the higher pay.

Repchick: She is the higher pay.

Dolan: I don't understand this. We used to be a team and work together as a group. We never had these problems.

Kucharski: The union brought it up.

Dolan: The union secured their jobs. That's all.

The union brought up the issue.

Tomasovitch: We shouldn't be talking about it. We really shouldn't.

Dolan: They got union to secure their job – period. I would do that for any of them.

Lukasewicz: Any audience comments on these motions?

Musewicz: As far as the Non bargaining unit department heads are we addressing that when they are off?

Lukasewicz: I am just addressing these 2 at this time that should be addressed.

On the question:

Kucharski: She will be compensated at the higher rate.

Lukasewicz: Yes.

Magliocchi: The pay rate difference.

**All in favor**

**Motion carried**

**10. Motion by Repchick**

**Seconded by Tomasovitch**

In the future when the chief clerk is off a memo has to be sent to the secretary if any work is needed on the chief clerk's job.

On the question:

Tanana: Because things happen unexpectedly – what happens if the chief clerk says I don't need you to do any of my duties and then something comes up and she has too?

Lukasewicz: If she has to, if she works that hour if something comes in that needs to be handled then and there it will be dealt with as needed.

Magliocchi: Being that we are talking about when she is off and her letting us know when she is off – when you take off for vacation

Lukasewicz: When anyone is off a memo will be sent out to all of Council.

Galli: Is that all full time.

Lukasewicz: All full time. Yes. We need to know who's on and who's off.

**All in favor**

**Motion carried**

**11. Motion by Repchick**

**Seconded by Kucharski**

To direct the civil service commission to administer an oral examination for 2 promotional positions per shift, Sergeant and Lieutenant, for the police department so there is chain of command per shift.

**All in favor**

**Motion carried**

Musewicz questioned who will replace the civic center director when she is off.

Lukasewicz: I would say – any other discussion on the civic center with personnel should be handled in executive session. Schedule an executive session with Mary Ruth prior to next meeting.

Musewicz: Thank you

**12. Motion by Repchick**

**Seconded by Kucharski**

To direct the Civil Service commission to administer an examination for the possibility of in the future and have an active list for a full time position

Repchick: Not saying going to hire or are hiring but to have an active list. It expired. We don't have a list.

Tomasovitch: The list expired.

Repchick: Not to hire. Just in case. To keep an active list.

Audience comment:

Brown: For which position?

Repchick: Full time police officer.

Brown: Thank you.

**6 in favor, Lukasewicz  
Against**

**Motion carried**

Kucharski: Mentioned at the last 2 meetings that we don't discuss old business. Supposed to be on the agenda and it wasn't on the agenda. Think we have to do it.

Lukasewicz: We'll do it next meeting.

Audience Comments:

Dave Magliocchi, Simpson St.: Septic on Bruno Dr. and nothing has been done for the last 8 months. I have been talking with Bob and there are procedures he has to go through and nobody seems to be doing anything. Can you tell me where we are at?

Lukasewicz: Attorney Cimini – his comments he just made if you can look into that with Bob.

Attorney Cimini: I have spoken to Dave Garvey, the Sewage Enforcement Officer, in his opinion there is nothing wrong with the septic system.

Lukasewicz: Did he give that to you in writing?

D. Magliocchi: He doesn't even know where it is at.

Lukasewicz: Ask him to give us his opinion in writing.

Attorney Cimini: In addition to that, there were odor complaints made and that's why he was there along with Bob. I asked Bob if there were any odor complaints this summer and his answer was no. That doesn't mean there wasn't any odor coming from the property it just means there were no complaints. There is an ordinance that says you have to connect to a sewer line main sewer line whether it's public, main, private within 150 feet of your property. From what I understand and have been told there are 2 lines within 150 feet. One of them I think doesn't work properly and wouldn't be advisable to hook, connect to that line. There is another one which I think is actually closer. I don't know if permission would be granted to connect to that line. And then there is the main line which may be more than 150 feet. I'm not sure. But there are 2 within 150 feet.

Kucharski: 1 is private correct.

Cimini: I think both are private but 1 is not

D. Magliocchi: 1 is private and the other the Borough put in. That's within 100 feet.

Cimini: Yes. But from what I understand it freezes every year in winter and needs to be

Kucharski: The borough line?

Cimini: Yes. No not the borough line.

D. Magliocchi: 20 years ago that borough line froze.

R. Magliocchi: still use that borough line.

Cimini: Robert said there is one that he can't get a camera in because there is no man hole.

R. Magliocchi: That was because of the angle it has to go out. The camera is too big to turn to go out. The 45 at the Y. He has to hook up to the borough

Kucharski, Tomasovitch, Repchick: Why isn't he hooked up?

Lukasewicz: Can we make a motion that any house that is currently on a septic in the Borough of Throop within hookup capabilities as per the ordinance be required to hook up within 6 months. This way we are not going after one person. I know it is an ordinance but we are not picking on one.

Repchick: I'm ok with that if that is what it takes to get it done.

Lukasewicz: Lou will you think about that and let us know for next meeting.

D. Magliocchi: This has been going on years

Lukasewicz: I know.

D. Magliocchi: If Bob doesn't know what to do why don't you turn it over to the Attorney because you guys don't know what to do. Let him handle it. According to DEP the law states you must hook up to the line. Period. They don't want to hear 6 months.

Lukasewicz: Going to bite my lips. We had a discussion a long time ago, a lot of discussion and I said I don't care if the Borough hooks it up just so it's done so it eliminates the problem.

Tomasovitch: No we are not paying for it

Lukasewicz: I want it fixed as much as you want it fixed. But I don't want it to come back. Do you understand what I'm trying to do? If we go that route everyone and anyone in that situation has to get it done.

Tomasovitch: It's the law. We have to.

Attorney Cimini: Maybe can have Dave Garvey come to the next meeting.

Kucharski: There is an ordinance and a law.

All talking at once,

D. Magliocchi: Then why isn't it done?

Repchick: I didn't know until you just told me.

Lukasewicz: We have gone around and around about it.

Repchick: Why don't have Bob keep sending fines until it's done.

D. Magliocchi: Exactly. That's what should be done.

Attorney Cimini: I'm not saying that's the wrong thing to do but the home owner sent a reply to Council with his position and I think you should know what that letter says.

Lukasewicz: There are letters out there. It isn't as simple as just do it.

Attorney Cimini: I'll have it to you for next meeting.

Lukasewicz: Make it a priority for the next meeting and do something with it next meeting. I'm glad you brought it up. It has to be done just right so that it doesn't come back to bite us.

D. Magliocchi: If you need any paperwork on it and the laws I will gladly bring it over to you because I have it.

Lukasewicz: We will have a decision on this next meeting. Glad you brought it up. It has been laying there forever.

D. Magliocchi: Another thing is you talked about 2 condemned houses way back that you were going to board up. They are still not.

Lukasewicz: We are dealing with that now. We are going to have a resolution to at least one of them next meeting.

D. Magliocchi: Ok.

D. Magliocchi: Lastly is on August 8<sup>th</sup> was a motion to ask Mr. DeNaples for more money for the landfill and no one seconded it and I want to know what you guys are doing about that. If he is going to expand the landfill why aren't you asking for more money?

Lukasewicz: Does anyone want to address Mr. Magliocchi on that question?

Tomasovitch: I think we were - people were up there to speak with him right.

Repchick: Yes.

Kucharski: I think Lou addressed it. He talked about the contract and the issue. The contract is the contract.

Tomasovitch: People did go up there and talked to him.

R. Magliocchi: What was the question?

Repchick: We did talk to him and didn't get anywhere yet. I was at one of the meetings. That was the answer I got.

D. Magliocchi: Do you have any documents on that or anything – what was discussed or why you were there?

Repchick: As to what was said? No because it was only an unofficial meeting to try to see what we could work out.

D. Magliocchi: Who's we?

Repchick: I did one.

D. Magliocchi: You said we – who else was there? Who else was asking about it?

Tomasovitch: There was a few people up there.

D. Magliocchi: You are representing us. Who was it?

Tomasovitch: Look back in the minutes. We have it in the minutes that we were up there.

D. Magliocchi: So nobody knows.

Tomasovitch: I'm sure the people up there know who were there.

Attorney Cimini: It is not illegal to go up. It wasn't a quorum. That's the accusation that there was something illegal. I mean does Council want to (inaudible) put a motion on. That's up to Council.

R. Magliocchi: I already made that motion. Nobody seconded.

Kucharski: We were advised by legal counsel that it's a contract and that we cannot force him to break the contract. That was the legal advice.

Attorney Cimini: I believe we have a contract.

Tomasovitch: We have a contract.

Jim Barnick, George St.: I negotiated that contract. Lou you remember I was the head person on that. 1999. One paragraph – if there was any major modification – the council has the right to renegotiate anything. He doesn't have to but you have the right to go and ask him for anything.

Repchick: Does that mean he has too?

Attorney Cimini: I don't think it says that Jim. I will look at it tomorrow. It think it says that contract so long as 101247 the permit number is in use that that contract is for the life of the Barnick: There is a separate paragraph, if you remember; I made sure it was in there.

Attorney Cimini: I'm going to say it's not there but I will look at it tomorrow. I'll look at it tonight.

D. Magliocchi: Well if it is there are we going to go ahead and proceed with it.

Lukasewicz: It doesn't appear like anything will be done with it this evening.

Kucharski: Would like an opinion because there seems to be a conflict there.

Barnick: Any time there is a major modification council has a right to change that contract. That contract doesn't just keep going like that forever. There is a major modification – just like what's the first thing the state sends you a letter back from. There is a major modification. You have a right to renegotiate your host fee. Doesn't it. Every time the letter comes back from the state. I don't care whether you have a contract or not. You had a contract when I negotiated the last one.

Lukasewicz: Every time there is a major permit modification, each municipality and the county commissioners. The county can do their own and they won't do it.

Attorney Cimini: Jim remember this, the reason we were at the negotiation table was because DEP was going to reduce the Borough's take by \$.17 and we filed against it because of that. That brought it to a head.

Barnick: I turned in circles up there. The state said every major modification this council has the right to renegotiate.

Lukasewicz: That's by the state it has nothing to do with this contract.

All talking at once.

Lukasewicz: Anytime there is a major permit modification by any landfill in the state the host municipality as the right to renegotiate.

Barnick: The County has the right to renegotiate every 10 years because they have to make a waste management plan.

Lukasewicz: Nobody wants to if they don't have too.

The meeting was adjourned.

Minutes by Renee O'Malley  
Borough Secretary