

Minutes
Throop Borough Council
Monday, June 5th, 2017
Sanderson St Properties 5:30 p.m. - 6:30 p.m.
Monthly 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:

John Musewicz - P
James Barnick - P
Rich Kucharki, **President** - P
Charlene Tomasovitch - P
Wayne Williams - P
Vince Tanana - P
Bob Magliocchi, **Vice President** - A
Solicitor - Louis A. Cimini - P
Mayor - Frank Shimkus - P
Assistant Treasurer - Lenore Dolan - P
Secretary - Renee O'Malley - A
Chief Clerk/Treasurer - Robin Galli - P

Announcements:

Mayor Shimkus spoke of hometown heroes banners. 73 utility poles that have brackets. Most Boroughs that have these charge the ____ directly. Our cost would be \$175.00. Company in Clarks Summit to get a quote. Ready to advertise and get it going.

Kucharski thinks it is a great project. Dickson City looks really nice.

Shimkus: Already booked Mid Valley Band to play patriotic songs for next Memorial Day.

Booked the National Guard and will bring out the Military equipment so the kids could have something to look at. Working on some other stuff. Will have the banners up. The neighborhood group filled the planters with flowers. The welcome to Throop signs. The hometown hero project is the big one.

Dolan questioned how long they will be up for.

Shimkus replied for at least 2 years but will come down seasonally.

Musewicz questioned if limited to Throop residents.

Shimkus: Yes, residents or Veterans who at one time lived here.

Tropiak questioned how you nominate a person.

Shimkus replied that there is a form to fill out. It will be first come first serve. Robert did say there are more poles but would have to get permission from PP&L & Verizon but it will take a while.

Dolan added that the people that come into take the applications have the information.

Shimkus: The reason I went to Clarks Summit is, \$175 is a lot of money to some people. So if we

could get the cost down by using someone locally. This was their project. We just met and said lets get this in high gear especially after Memorial Day.

Shimkus added that it would be nice to have a farmers market here once a week or every 2 weeks. Mary Ruth already has one booked for July. I called the Farmers Market and said why not. They are talking to some of their vendors and will get a proposal to see if maybe every other week.

Kucharski: That's a great idea. The one for Mary Ruth is through the area on aging. It's for lower income and you get vouchers.

Shimkus: The grant researcher for Matt Cartwright, Bill, I called him and told him we want every grant that exists, we want every free thing we can have, bicycle helmets, anything we can have so he said he will come up and meet with us. He will get us a time and we can sit with him.

Work Session/Meeting Schedule:

- * The June monthly work session/meeting will be held Monday, June 26th, 2017 at 6:30 p.m.
- * The July mid-month work session/meeting will be held Monday, July 10th, 2017 at 6:30 p.m.
- * The July monthly work session/meeting will be held Monday, July 31st, 2017 ay 6:30 p.m.

Audience comments on tonight's agenda:

Ed long, Activities Committee: We agreed wouldn't run anything until approved by Council. Bus trip we are planning on August 12th to the Thousand Islands. Attached a brochure. No price yet until get approval from council to do it. Then will find out how many and call. With the bus trips is there any liability or a waiver that needs to be attached to the application to go.

Galli: The insurance company is looking into it.

Long: Won't do anything until get all the information. If it was impossible to do than noone would run trips. What happens if there is a mishap.

Kucharski: What about a waiver,

Long: A waiver holding us harmless.

Cimini: Yes they can sign a waiver. The most important thing is the approval from the insurance company. Still need to sign a waiver. It's a risk/reward analysis and if the Borough is covered by insurance. What makes it the Throop Activities Committee? Are you seeking funds from the Borough?

Long: It's just an activities committee. I am actually for a small amount to be put into the budget so that we have some kind of a stipend to start something. If you want to rent a bus they may want \$300 deposit. We wouldn't get that until we got the money from the people that were interested in going.

Attorney Cimini: The main issue is making that we have insurance coverage.

Long: When can we know that and should we continue.

Attorney Cimini: Do not do anything until the Borough knows if it has insurance coverage.

Long: When can I find that out. I plan on doing this for August 12th.

Galli: She is checking into it.

Long: If there is insurance would the people going on the trip have to sign a waiver that we would keep on file.

Galli/Attorney Cimini: Yes

Attorney Cimini: It can be something as simple as on the day of the event you have to purchase a one day special event policy that the Borough's name as an additional insured for that day. I am assuming that outside of the trips that there is not too much to be concerned with as far as liability.

Long: Most of the trips we want to run are like Philadelphia zoo for the kids

Attorney Cimini: So what are you anticipating here. 5-6 trips, more?

Long: Maybe 10. We are planning on maybe a bowling group

Attorney Cimini: Insurance is the most important thing. What I would caution you is to be very certain that you keep very good accurate records and meeting minutes because as things progress will become very important if anyone asks.

Long: The opening of a special checking account to pay our expenses and deposit money to be handled by the Borough. That simply means that we don't want to handle any money. The money coming in would be deposited and then it would be paid by the borough.

Tomasovitch asked if need a tax ID number.

Long: I need them to handle the money. If the civic center is where they will register for the trip and 20 come in and pay I am going to bring it over here and say this is the money. Someone from the committee will give it to you. We don't want to handle any money.

Tape Ended.

Attorney Cimini: It is an insurance issue.

Tomasovitch questioned where is the money from PAL's.

Galli: It is in the PAL account. That's not Throop Borough. That was a separate account.

Tomasovitch: But the money is still there. How do we get that money out of there.

Galli: It's up to the people that have the account. Neil, Elaine & I think Christine Sullivan is on it. That's not the Borough's money.

Tomasovitch: The Borough kept giving them money. Yes we did.

Galli: They kept putting into it too. The kids that were going skiing were putting into it too. They had fund raisers and everything.

Tanana: They are a separate organization.

Dolan: They have a separate federal ID number. They would have to use the Borough's ID.

Tanana: They are a volunteer's activities committee. They should basically be a branch of the civic center which runs the community center and everything

Dolan: They would have their own checks. When she pays the bills now she pays the civic center's bills through the borough.

Galli: And that's how theirs would get paid. With a Throop Borough check. A line item.

Long: It's paid for by the people that attend the trip. The question was lets say we have a trip for kids. Are we going to charge them? And of course they are going to be accompanied by an adult but I need to know the procedure on how you want us to do it. I am not going to do anything until I know about the insurance.

Dolan questioned next meeting.

Long: Thursday at 2:00pm at the civic center. Some of the things that you spoke about, to have things at the civic center for people, would require maybe, I don't know if we have a line item for it, to purchase things for the civic center for use at the civic center by the town. If we were to have a night at the civic center where any resident wanted to come in to hit golf balls but in order to do that you need equipment. It would be property of the civic center but may need 6 or 7 stations. Could come in for an hour and hit golf balls. People like to do that.

Dolan questioned if the civic center could do it? Mary Ruth can do that. She did volleyball, basketball, baseball so probably something that the civic center could do. She used to have clinics there. We had a pitching machine there.

Long: If you want to look into recreation for all ages.

Kucharski: The first step is finding out about the insurance.

Attorney Cimini: Are there any other Municipalities that run bus trips from the Boroughs that we know of?

Long: I don't know. I am trying to do recreational things for every age. But I need some equipment to do some things. One time purchase because would be a part of the Civic Center property.

Kucharski questioned #4 on the list. 50's trivia night.

Long: On June 26th at 6:30 will have Back to the 50's. Who owns the Senior citizens room?

Dolan: Only Senior Citizens.

Long: So if I wanted to have something in there I could only have senior citizens in that room?

Dolan: No if you wanted something there you can go anytime.

Long: Do I have to ask them?

Zilla: The Over 55 club would have to approve anything like that? Is that what you're saying?

Tomasovitch: I think that's who they asked last time.

Long: I need to know this stuff.

Tomasovitch: ask Mary Ruth about it. She might know.

Long: Let's say we wanted to hold a 6th grade spelling bee. And we wanted to do it in the seniors room.

Dolan: It would have to go into the gym. The 2 groups would have to approve it.

Tomasovitch: Not necessarily. Ask Mary Ruth.

Kucharski: Robin can you check with Mary Ruth?

Tomasovitch: There are young people that go in there but they have to ask permission. Ask Mary Ruth.

Tanana: You just need to have permission.

Long: If we find out that we do have insurance I will need you to legally word a waiver so the people can sign. And I would need permission to run it.

Kucharski: Does he need approval?

Attorney Cimini: You need to talk to Patty Romano tomorrow. She may say yes you can do this it would be an additional \$1500.00 per trip as far as paying additional premiums. Does Council know is there a certain dollar limit they want to spend in addition to the coverage they have right now? We need to see the bus companies insurance. The borough would be sued also if something happened.

Tomasovitch: Let's wait and see what she says.

Long: Ok let me know what my liabilities are. What I can and can't do.

Zilla: The money we got from the insurance company the \$600 we talked about last meeting and the \$200 that council gave us, we are planning to take the seniors to a rail riders game. Now what's our liability?

Tomasovitch: Does the Over 55 club have insurance?

Long: I doubt it.

Zilla: I have been in touch with Avery and were thinking of running a trip to Mount Airey for a day of the casino and the question came up with liability and they said they have insurance.

Tanana: That's your private group. You are your own organization.

Tomasovitch: Can they come back to Council.

Andy Hegedus: It's 25 friends getting on a bus together.

All talking at once.

Attorney Cimini: The Ordinance reads that the appointing authority (defined to include department supervisors) can't hire a relative. The only people that can hire is Council. The department supervisor, Mayor has no authority to hire anyone so the issue is section 3 that says a candidate for employment will not work directly for or be supervised by a relative. Robert, Mary Ruth, the Chief or the Mayor have no authority to hire so there seems to be 2 issues. You can't hire up here a relative but this section says in addition a candidate for employment will not work directly for or be supervised by a relative.

Kucharski questioned if they could be supervised by Chucky?

Attorney Cimini: I don't know who supervises them this is what the Ordinance says. They cannot work for or be directly supervised by a relative.

Williams: He supervises everyone under him.

Tomasovitch: Robert runs the whole department.

Williams: We can't pick and choose

Kucharski: This actually was the motion to hire the 7 for the Civic Center. Do we have to do them separate.

Attorney Cimini: I would do separate motions.

8. Motion by Musewicz

Seconded by Tomasovitch

To hire Alex Prislupsky for Civic Center Summer help at the prevailing rate depending on clearances.

All in favor

Motion carried

9. Motion by Tomasovitch

Seconded by Williams

To hire Chrissy Szymik for Civic Center Summer help at the prevailing rate depending on clearances.

All in favor

Motion carried

10. Motion by Musewicz

Seconded by Tomasovitch

To hire Corey Tomasetti for Civic Center Summer help at the prevailing rate depending on clearances.

All in favor

Motion carried

11. Motion by Musewicz

Seconded by Tomasovitch

To hire for Sara Talarico Civic Center Summer help at the prevailing rate depending on clearances.

All in favor

Motion carried

12. Motion by Musewicz

Seconded by Tomasovitch

To hire Aaron Polon for Civic Center Summer help at the prevailing rate depending on clearances.

On the question:

Barnick questioned why only certain people are in need of clearances.

Tomasovitch: Any that work around children.

All in favor

Motion carried

13. Motion by Musewicz

Seconded by Tomasovitch

To hire Robert Gouldsbury for Civic Center Summer help at the prevailing rate depending on clearances.

All in favor

Motion carried

14. Motion by Musewicz

Seconded by Tomasovitch

To hire Brendan Davies for Civic Center Summer help at the prevailing rate depending on clearances.

All in favor

Motion carried

Galli added that the next motion is to hire Brandon Kalinoski.

Attorney Cimini: Summer help. It doesn't define employment. It only defines relatives and appointing authority. And it says the appointing authority is prohibited from hiring / appointing relatives as defined in the Ordinance. Any job, position or office in the Borough and the candidate for employment will not work directly for or be supervised by a relative.

Tomasovitch questioned what happens if we do hire him.

Attorney Cimini: There are no penalties.

Tomasovitch: My thing is that he worked here before. Past practice. I don't have a problem with it.

Attorney Cimini: That's up to Council. There is no penalties.

Tomasovitch/Dolan: It's just summer help.

Attorney Cimini: Employment is not defined. I don't know if it's full time employment. We could amend the ordinance to define employment as full time employment so there is no confusion. That would be after tonight though.

Kucharski questioned what would like to do.

Barnick: The literature says you couldn't do it.

15. Motion by Musewicz

Seconded by Tomasovitch

To hire Brandon Kalinoski for DPW summer help at the prevailing rate.

Barnick: He said any employment at all. That's the only reason why I'm against it.

Musewicz, Tomasovitch, Kucharski For

Barnick, Williams, Tanana Against

The Mayor is not here to break the tie.

After further discussion Kucharski changed his vote (page 7)....

**2 in favor, Barnick, Williams,
Tanana & Kucharski Against**

Motion failed

Discussed picking another DPW Summer help.

Tomasovitch: Out of the next 3. I mean out of the other ones.

Kucharski: Out of the other 3 Throop Residents.

16. Motion by Tomasovitch

Seconded by Musewicz

To hire Anthony Chzran for DPW summer help at the prevailing rate.

5 in favor, Williams abstained

Motion carried

Andy Hegedus: Bob Lokuta asked me to remind you about 522 Dunmore St. The house has to come down. Just relaying the message.

Attorney Cimini: I know.

Hegedus: He asked me to remind you.

Musewicz: Has there been any correspondence?

Attorney Cimini: There are people spread out throughout the country. The guy keeps paying the taxes.

All talking at once.

Attorney Cimini: This is what the Borough Code says. If a tie or split vote occurs at any meeting when the Mayor is not in attendance the matter shall be tabled to a special meeting to be held within, not less than 5 days or more than 10 days as set by president of council and the Mayor shall be given at least 5 days notice of the meeting at which time it shall be the duty of the Mayor to cast the tie breaking vote. 103 D 4.

Williams: It is black and white in the Ordinance.

Barnick: It reads that way to me.

Tanana: But it is a tie vote.

Attorney Cimini: If by reason of a tie vote the Council is unable to enact or pass any ordinance, resolution or motion, a special meeting shall be held not less than 5 days or more than 10 days at which time the matter shall be reconsidered by council. If a tie or split vote still exists it is the duty of the Mayor at that time to cast the deciding vote.

Kucharski asked if anyone was willing to reconsider.

Barnick: Not the way that literature reads.

Kucharski: Alright. I change my vote to no.

(See Motion #15)

Kucharski: So who else do we want to hire? I liked the fact that he worked there before. He's a good kid.

Barnick: I don't know him and it was nothing personal.

Williams: Could put him at the civic center and put Brendan Davies at the DPW.

Kucharski: Yea he put in for both positions.

Galli asked if Brandon doesn't want the Civic Center?

All talking at once.

Attorney Cimini: Is that a solution to switch them?

Kucharski: Well Davies applied for both so that is not a problem but I don't know if Brandon Kalinoski would want to work there. Let's just do it. If he doesn't like it too bad.

17. Motion by Musewicz

Seconded by Tomasovitch

To rescind Motion #14 hiring Brendan Davies for Civic Center Summer help.

All in favor

Motion carried

20. Motion by Williams

Seconded by Tomasovitch

To accept Ordinance #2 of 2017 accepting a deed of dedication and easements from BGM Inc. for certain roads, stormwater & sanitary improvements within Schoolside Estates Phase I upon review by Robert Kalinoski, Jack Scheuer and Attorney Cimini upon the following conditions: 1. Written confirmation of the extension of the August 6, 2017 expiration date for a letter of credit issued by People's Bank in the amount of \$15,000.00; 2. The filing of all deeds required by Throop Borough from Scranton Craftsmen to BGM Inc.; 3. Prior to final approval of Phase II, Mark Kosik and/or BGM will place \$10,000.00 in a Throop Borough account for recreational purposes.

On the question:

Musewicz: I thought there was some work that had to be done. Sewers and stuff. All that was completed?

Attorney Cimini: That's the \$15,000.00 letter of credit.

Musewicz: That work was all completed and approved?

Attorney Cimini: No. Robert and Jack got an estimate from Stafursky paving, what it was going to cost for the paving and then an estimate for the repair of the 48 inch line. That's the letter of credit that we have in place. If he decides - he is doing the repairs now - but if he decides not too we have a \$15,000.00 letter of credit from Peoples Bank. We're covered.

Barnick: Lou, Wasn't the park supposed to be about 15,000 as well and not 10?

Attorney Cimini: No 10. It originally started out as a gazebo at the park. He did pay the application fee about 7,8,9 months ago.

Musewicz: This is being done by ordinance?

Attorney Cimini: Technically we already accepted the Ordinance. We advertised it in December and we accepted it in January but they agreed to additional conditions. 2 of the 3 were already met today and the third one being this \$10,000.00. We are just moving it from Phase I to Phase II.

Musewicz: So you have the motion.

Attorney Cimini: I just read it.

5 in favor, Barnick abstained

Motion carried

The Meeting was adjourned.

Meeting minutes by Renee O'Malley
Borough Secretary