

**Minutes
Throop Borough Council
Special Work Session
followed by a Special Meeting
Friday, September 17, 2004
6:00 p.m.**

Pledge of Allegiance.

"God Bless Our Troops and the Coalition"

Roll Call:

Members of Council:

Joseph Barone - A

Vice President - Susan Shortz - P

Thomas Lukasewicz - A

President - George Marushock - P

Daryl Menichetti - P

Cindy Johnson - P

James Barnick - A

Solicitor - John J. Brazil - P

Mayor - Stanley Lukowski - P

Treasurer - Amy Hebden - A

Borough Manager - Ken Novack - A

Assistant Secretary - Christine Hartshorn - P

Announcements:

An Executive Session was held at 5:45 this evening prior to the Work Session/Meeting. Brazil: If I can Mr. Chairman I would point out that that was on litigation on the Mid-Valley School District and also relating to an issue on the Civic Center. Marushock: O.K. Menichetti: And personnel, right? Brazil: Personnel. Yeah, personnel also. Marushock: We have audience comments on tonight's agenda. We should have in our possession a printed agenda with 14 motions and just to let everyone know we added 2 more motions this evening. Before we go to audience comments does anyone else here this evening wish to add anymore motions so that we could do audience comments on everything at one time. Menichetti: Am I to understand that we're not going to do to accept the minutes, #3. Am I to understand that? Are we waiting? Marushock: Well wait, wait till we get to that. Shortz: I thought we were gonna accept them but she was going to amend them with corrections. Menichetti: All right. Is that what we're doing?

Marushock: Well just before we go to audience comments what I want to make known is, are there any additional motions for this evening? Menichetti: Yeah, Sue has one. Shortz: I, I just had a question on, we have on motion 6 to have *inaudible* Rinaldi property. Is it possible to also add a motion at this point to start bidding for the clearing even though we don't have an actual signed agreement or do we need a signed agreement before? Brazil: I think we've gotta work on an agreement first. Menichetti: Just to bring the audience, this to the audience's attention as I mentioned earlier we did have 2 motions tonight that was not on the printed agenda. Motion #15 will read to ratify the hirings of Diane Abda as an Assistant Director and Holly Mark as Child Care Worker/Monitor at the Throop Civic Center. And motion #16 will be to have a gate made for access way to the 48 acres and to have the DPW install such gate as soon as possible after acceptance of the gate. O.K., audience comments on the agenda along with the additional motions as I had mentioned.

Audience comments on tonight's agenda.

Frank Galli - Yes I have 2 comments. 1 - what is, I thought we had a policy on motion #12. I thought we had a policy in place here with potential harassment. Why is there gonna be another policy put in place? Marushock: I don't know if we actually have one. Galli: What, I'm confused on, you're gonna develop a policy for sexual harassment for what? Marushock: All borough employees. Galli: All borough employees. I think you had a handbook that had sexual harassment in there. Johnson: Our handbook is really vague with a lot of things, Mr. Galli. That is, just like to look into it. Marushock: It's, it needs, it definitely needs some further research and further development. Brazil: I would comment on that. It's for the boroughs own protection because if you have a lawsuit the first thing they're gonna ask is if you have a policy on it so it's important to have that. In fact I sent a, I dictated a letter to Ken to get me any policies they have and I don't know either whether we, and maybe the mayor can help, policies on use of deadly force, hot pursuit. I mean you really need policies on all these, O.K., 'cause if there is a lawsuit that's the first thing they look at, whether you have a policy or not. Marushock: This was at the recommendation of Atty. Brazil that we have these policies in place and as he's explained... Galli: Is there a reason why you're doing this? Has there been a problem over there? Johnson: No. Marushock: No. If a problem develops we must have these policies in place, am I correct Atty. Brazil? Brazil: That's correct. Galli: My next question is; On resolution #15 - hiring an assistant monitor and, I'm sorry assistant director, and a part-time monitor, is that what you're doing? Were these jobs advertised in the paper? Marushock: Yes they were. Johnson: Yes. Galli: O.K. the policy for the monitor - were they're numerous people interviewed for that job and what were you looking for for that policy? Because Jeff, my son, has yet to have been called. He's 18 and he's yet to have been called for any kind of position at the Civic Center and he had, this is the third time he's had an application in there. He's yet to receive any call from anybody as far as any jobs or anything. Marushock: We did... Johnson: No. Galli: I do know that you have his, you did received his application. I know you did receive it. Marushock: O.K. We advertised... Galli: And I brought it up in a meeting once before that he wasn't called once before and *inaudible* I went the next day he was, and his application was put back in there but he's yet to have been called for an interview yet over there. Is there a reason why he hasn't been called? Marushock: Not that I'm aware of but we

can make Mrs. Casey aware of that application being available and if there are further hirings to take place I'm sure, Mr. Galli, your son could be put on the list. And I don't know if there were any other ones available. I know we advertised and we did by motion at a previous meeting to hire 2 people. As you are aware we did have 2 people quit...Galli: Right. Marushock:... and we're basically looking to fill those 2 positions. I know Mrs. Casey's going through the whole center checking the staffing and what's available. We did have some people who were available through the summer that have gone back to school. I'm basically leaving that up to her recommendation as to whether we need more staffing hired but we can bring that to her attention that there is another application that is available. Galli: You did receive his application in the past, right? Johnson: Yeah I remember seeing it Frank but not 3 times like this. Not 3 times. Galli: All right. Well, it has been on record that you have received it. Johnson: I have seen it once through the months, yes I have. Galli: All right. Johnson: How long do they keep them for? Marushock: I don't know but we can have Mrs. Casey establish a policy that any applications she can set a time frame for which she could maintain applications. And if people apply and perhaps did not make the grade or were not hired that in the event that further hiring becomes necessary that we could go back on the other applications. Menichetti: We already passed a motion like that....Lukowski: Can anybody tell me how many monitors we have over there total? Marushock: I don't have an exact number Mr. Mayor. Lukowski: I think it would be pretty tough to determine that I...*Few speaking at once*. Johnson: The 1 list that we had, a lot of them weren't on it anymore really. It was just a list. Shortz: We did get an update on...Marushock: If you look at the list Mr. Mayor I know there's quite a substantial number however some of them have restrictions on the hours that they are available and that is why the list kind of is as large as it is. Some people are only available in the evenings, some only on the weekends, some only on certain days of the week. I know when we sign the checks some of them are getting only 3 hours a week, 4 hours a week. Lukowski: Yeah. Marushock: Which actually I mean that kinda compounds our payroll and everything but that's what they have available. Lukowski: Well, I think she should consider Frank-Galli's son because he's a heck of a good kid. He's a good kid and he's smart. Unidentified: I think so. It's a shame what's going on in town...People that are only getting 3 and 4 hours...Marushock: O.K., Mr. Galli's on the floor. Galli: That's all I have Mr. Marushock. Thank you for your time. Marushock: O.K.

Dominick Rocco, 110 Sanderson Street - I agree with the mayor - I think you ought to hire his son, not wait right for another opening. It's a shame that we're going outta town. Every position in Throop is going outta town. It's just ain't right. Marushock: O.K., anything else Mr. Rocco? Rocco: #6, to direct the solicitor to draw up an agreement with Mr. Rinaldi for the sale of the land. Marushock: Yes. Rocco: Was there any testing on it done over there? Marushock: There was the environmental assessment study that came back good. Rocco: Bore hole testing? Marushock: Core borings that came back good. *Inaudible* rock or anything but that stabilized the site. I know there were questions regarding why we're not *inaudible* the site. That has got to be handled. I think that's basically it really. It's over. Rocco: And we're not gonna have any trouble with rock or anything like that then when it's time to build? Marushock: There is rock on site which the core borings confirmed that but actually we're not digging really anything. We're pretty much going to be on grade which...Rocco: Then you should have no trouble at all building,

putting up a building. Marushock: Right. With the rock that's actually in place that should give us a very good, stable site for the DPW complex. Rocco: Did you ever get a bid on what it's gonna cost to get rid of that mountain? Marushock: No, and as we've just discussed earlier before we can advertise for bids we need to have the agreement of sale and something substantial to go on as far as a letter of intent or whatever for us to proceed. Rocco: And what are you going to do if the bids come back \$150,000.00 - \$200,000.00 to move all that? Marushock: We have a quote or a price already submitted by Mr. Rinaldi that is nowhere near that. Rocco: He's gonna stand by it? He's gonna sign something like that before we buy the land... Marushock: Yes. Just for the record, Mr. Rinaldi already in his proposal at the time of sale or the proposal to sell put a price in there to remove that site and remove the mound of dirt, rock and everything that is there. Rocco: And everything will be written down? Everything will be in writing? Marushock: Yes and as per the advice of our solicitor we cannot accept that because of the amount involved *inaudible* it's gotta go to bid. Brazil: The only thing I'd like to say Mr. Chairman, one of my concerns was having a prevailing wage. I've contacted the board; I'm waiting for them to make a determination on that. That may end up not being an issue on it and he may be able to withdraw himself. Marushock: All right. Brazil: O.K.? But until I get something definitive from him... Rocco: Shouldn't we wait for the, to sign the agreement or anything until he gives you everything in writing? Brazil: Well I would do that, yes. Johnson: Well this is just to draw the... Brazil: Yes, this is to draft an agreement that, yeah this is to draft an agreement. Ultimately it would have to come back to council... Marushock: For final approval. Brazil: For final approval, correct, yeah. But I hope to have that relatively quickly. Marushock: O.K. Rocco: And I think we outta stop going out of town. Start hiring the people from Throop. We're having, everybody's moving out of Throop, these young kids. You know, we don't have, 4,000 people left. We're gonna be in trouble with anything under 4,000. They're all leaving town. Think about it. Lukowski: You could thank the postal department for that, for a lot of that. Rocco: Yeah, I know. Lukowski: When they give permission for 190 homes to be identified as being in Olyphant, well that's pretty, pretty sad I think. Rocco: Yeah but that's, we gotta protect whatever we could though Mr. Mayor, you know? Lukowski: I got, I get letters, none of them every say - I'm in Throop. I'm in Olyphant, I'm in Scranton, I'm in Dunmore. None of them ever say Throop. It's unbelievable. It's incredible. Rocco: Yeah but 2 wrongs don't make a right either. Lukowski: It doesn't. Marushock: Mr. Rocco, do you have anything else this evening? Rocco: No. Marushock: Continuing that row - audience comments.

Mary Zenkus, 109 Bellman Street - And for the record I would like to know if you did receive the DEP testing, air quality results. Marushock: No to the best of my knowledge the borough has not received any communication from the DEP. I believe the projected date for communication from those people was mid to late September so actually it should be due any day. Zenkus: O.K., because when I had my testing done I had my results back in 3 weeks and for a borough you know I think it would be, it's very unusual that it's taking so long. Menichetti: Could we possible have our borough manager call on Monday and see what's taking so long? Marushock: That we can do. Menichetti: Chris, if you would just ask him. Marushock: And I believe when they first came in to town they did that testing. And they put some bottles I guess in place to collect the data and they told us that right away in the time frame in which we would have the results back.

But again, as Ms. Menichetti said, we can have the borough manager contact the DEP...Zenkus: It's over a month. Marushock: ...and find out what the status is. Is that it? Continuing in that row, audience comments.

Eric Hartshorn - On motion #1 - I'd just like to give great consideration for Purosky & Tuckerman. We've been dealing with them for 20 years. They do cut Throop a big break. I mean if you're gonna, you're lookin' at Auburn, New York and Bethlehem, PA. If a pager breaks that a far way to send it. You know we've been sending pagers over Purosky - they don't charge us full price, they're a great service, they're on time and every time. And I just think if you...Menichetti: We'll take that into consideration. Johnson: Yeah, that they're local and it'll be easy to get them fixed...Hartshorn: I mean even if it's not the cheapest it's worth it. Lukowski: Furthermore you know we used them extensively at Tobyhanna Army Depot, which is a signal, an electronics Depot so they gotta be good let me tell you. Marushock: I do know them now, I know with the cell phone when you call they give you a toll free number and the situation now where Fed Ex and stuff pretty much overnight will be there, will replace them, or whatever. Again, your...Menichetti: But they do charge you for that though. Hartshorn: Yeah. The other thing I have is over at the Civic Center, the filters. Why don't you have the DPW change the filters and keep a records instead of paying a company? Marushock: We can't have them go over there because union/non-union. Hartshorn: Why not? Shortz: I think Robbie said this contract is for bi-annual maintenance. They kind of come in at the end of winter, beginning of summer, expect everything ,make sure it's O.K. But I think we're still going to do our own filter changes. Marushock: Our own maintenance...Menichetti: Why can't our maintenance men...Johnson: Yeah, right? Marushock: Our maintenance men have done it before. Hartshorn: All right. Marushock: The recent problem that developed is when the maintenance men did go to change the filters they were iced up. They could not get them out. That's when we were notified of the problem. That's the reason with the maintenance agreement, to try and have this problem eliminated but they do do them periodically. Hartshorn: Just on the Rinaldi land - Did you talk to him about opening Jones Street for the Throop residents, Dimmick Street residents? There is a, there was an ordinance passed in 2002 to opened that street and it still never happened, opened it. Johnson: If someone voted on the ordinance doesn't it have to be followed through? Marushock: That we will look at. I, I know the situation you're talking about...Hartshorn: It's been since 2002 Geddy. I mean if you've ever been up Dimmick Street, now they're renting out houses out. 1 side of the street it's even no parking posted but if you ever did that you wouldn't fit anybody there. You can't get a fire truck up there. Marushock: The thing down there when we discussed this with Mr. Kalinoski with opening that roadway, evidently there's like a 50/50....Hartshorn: No...Unidentified: People on Bellmen Street is voting for the people on Dimmick Street, that's not right. Marushock: No, no, no, no, no...Unidentified: Don't tell me no, no Geddy...Marushock: O.K. just let me, you don't, you didn't even hear what I said yet. Unidentified: I know what you're gonna say. Marushock: Mr. Rinaldi basically owns 50% of the property that's in question. He own basically this whole side on Jones Street. And people on, where do you live on Dimmick Street right? Hartshorn: Right. Right. Marushock: So then all of the people and the property owners on Dimmick Street, they have 50% interest. Hartshorn: Right. Marushock: And that was the stumbling block. Hartshorn: Why don't they just go from line to line

with *inaudible* the street? Marushock: Because I don't know if you could do that. And then the other thing we looked at, and I know basically we weren't looking for a highway to be put in place - we discussed it at a meeting. We were basically looking at more of an accessibility part. Even if we just rough graded *inaudible* in place, had it opened up for accessibility....Hartshorn: That's all we're asking for. Marushock: ...and that we'd eliminate some parking on Dimmick Street and everything else. Hartshorn: That's all we're asking for. Johnson: ...look into it? Marushock: The 1 thing is though, if we do open that the borough, when we get involved in that we need to be sure that there's no run off and everything that comes from that. That's why...Unidentified: But you could do it to the rest of the properties. Geez, run off...Johnson: ...someone to look into...I don't even know where it's at. I've have to actually go look at it myself. We'll look into it and see what could be done so they could have access to their homes. Marushock: I know the cycle that Mr. Hartshorn's question is and I was involved in it and I believe I voted in support of that motion to have that opened . And this is the stumbling block right here is because of, I guess it's gotta be a mutual agreement with property owners on both sides of the street. Hartshorn: Geddy, I'll go around with a petition and have it for you tomorrow that they'll want it opened. I mean that's the problem. I've been talkin' to them up and down the street already. The person that doesn't want it is 2 people down the end because he has all his vehicles parked on the road down there so he's satisfied with it. Marushock: Yeah we looked at that. He's actually got vehicles...Hartshorn: Right. So that's the reason why he's gonna vote against it. Marushock: ...on Jones Street. They're actually parked on Jones Street. Hartshorn: He has the right to get behind his yard, we don't. Marushock: You're right. He does. I, I.... Unidentified: What's gonna happen now. I'm buying a motor home and I'm gonna park it right out in front of my house and if you can't get up the street nobody better come down there and give me a ticket 'cause I can't pull it in may yard. Menichetti: Well, if your house burns how's the fire truck gonna get there? Unidentified: There's a fire truck in front of my house, how am I gonna park there? *Few begin speaking at once.*

Larry Hartshorn, 140 Dimmick Street - You got Mr. Rinaldi wanting to give you land. We had dealings when I was on the council with Mr. Rinaldi - never fulfilled his land. That dump that you're gonna pay for out there he was supposed to have outta here. You people are gonna pay for them to remove it because you want to buy his piece of land. I'm telling you right now you better have Mr. Rinaldi right there signing in black and white and a guard over him because his word's no good. Marushock: O.K. Hartshorn: And you people are gonna get involved with more than just moving that dump because there's more stuff there than the dump. And the water run off down there that comes off of Edgar Street - where does it go? Where's it gonna go? Marushock: That is going to be addressed in this run off. Hartshorn: Yeah, it's gonna be addressed. Who's gonna pay for it the borough, to have it done? Marushock: Well the borough would have to be responsible... Hartshorn: Oh, well what's with Mr. Rinaldi. Why isn't he responsible for it now? Marushock: From Edgar Street, actually as we speak right now the run off from Edgar Street is dumping on to Mr. Rinaldi's property. Hartshorn: That's been there before Mr. Rinaldi ever owned that land. Marushock: But the thing is it's the borough's responsibility to eliminate that problem. Hartshorn: Boy, why is it. What do you mean? If I buy a house and there's taxes owed on it and I didn't check it I'm responsible, the owner, to pay them taxes. He bought that land, he's

responsible for it. Marushock: But the water is dumping outta the pipes...Menichetti: We've been telling Gould that all these years and they're not listening to us either. Hartshorn: Well they can get away with it in Throop. They pull enough strings they'll get away with it. Mr. Rinaldi wanted the land, just to open our road behind our house the boroughs gotta do this if they come against my land. Who is he? You people, what has he got on this borough? Unidentified: He's got something. Hartshorn: You better believe he's got something. Marushock: O.K., you done Mr. Hartshorn? Hartshorn: Yeah, for now. Marushock: O.K., continuing audience comments. Front and back, the side. Is that it? O.K., then we will begin with the opening of the bids for 30 Minitor IV VHF2 Tone Sequential receivers (pagers) with stored voice bids. The first bid I'm opening is from Purosky & Tuckerman. The total of their bid for 30 Minitor IV VHF 2 Tone Sequential receivers with stored voice - \$476.00 each for a total bid of \$14,280.00. The next bid is from Finger Lakes Communication Co. in Auburn, NY. Their bid also is for 30 Minitor IV VHF Dual Channel with stored voice prices at \$374.00 each for a total bid of \$11,220.00 however with their bid they have enclosed a 5 year extended warrantee I'm assuming billed at \$30.00 each. That's \$73.00 per unit for the warrantee. So their bid total with the warrantee included for 30 monitors, 5 year warrantee, is \$13,410.00. The next one we're opening up is from Tuway Communication Co. in Bethlehem PA. Again a total of 30 Motorola Minitor IV receiver- total cost, total bid is \$14,640.00. They do have some options listed on this bid. 1 would be a nylon carry case at \$8.50. The other option is a charger/amplifier option at \$59.50. O.K., motion #1...Shortz: I have a question on this Purosky & Tuckerman. Is there any, does that price include any type of service or warrantee or anything like that does it say? Marushock: Let me just read, open this here. I don't believe there's any warrantee included. I'm sorry, yes it does have a 5 year warrantee included in that price. Menichetti: 5 year warrantee also? Marushock: Yes. Johnson: I say we make the motion to read just for them. There's only an \$870.00 difference between them and the ones from Finger Lakes and they're local and they're next...Brazil: If I could just caution you on that. That there is no provisions to do that when you're bidding. I mean I know it gets frustrating, sometimes you want to pick a local, you can't do that. You really have to pick the lowest most responsible. I would suggest though having the chief or somebody review the specs for them and see that they, see if they comply with the specifications on them. Unidentified: Isn't there a thing though if you've dealt with them in the past and their quality was good that you're exempt from going through that? Brazil: No. Unidentified: You could go with the next highest bidder? Brazil: No, what the issue is on the most responsible bid is whether person you are looking at disqualifying you've had a bad track record with, O.K.? That's what you have to look at and you have to investigate it, you have to document as to why they are and what they didn't provide in the past. And if they've had some issues in the past then you can go to the next lowest, most responsible bidder. Unidentified: Just a question; If you go with this person from Finger Lakes. Are these guys gonna pay every time we ship out a pager every time it's broken to Bethlehem PA or wherever you're going? Menichetti: Auburn NY. Unidentified: Are they gonna pay us...Marushock: Probably with the warrantee they should be responsible for the shipping ...Unidentified; I don't think so. Brazil: You should check it out. Listen I understand this is, this is frustrating - sometimes you want to do a local - but that is the law, O.K.? That's why you go through a bidding process. I mean they have to comply with the specifications and that something that should be checked out. I mean I know it's frustrating, you want to go to somebody

that...Shortz: Can we, can we table this then until we get answers to these questions or have the specifications checked and find out if...Brazil: No, I think you could just award it to the lowest, most responsible bidder on the recommendation of, I'm assuming the chief is going to take a look at this...Unidentified: Actually for what you just said here is they're all the same thing, the specifications...Brazil: Oh are they? I don't know. I don't know. Marushock: Yeah, it is. Shortz: Well it's the same monitor. Brazil. O.K. All right. I wasn't aware of that. Marushock: Evidently Finger Lakes Communication Company of Auburn, NY will be the lowest bidder. Johnson: *Inaudible*. Marushock: But as I said though with, I know with the cell phone and everything they do Fed Ex overnight and I would assume that they would be responsible for the shipping. Menichetti: I doubt it. Unidentified: I know when you have a pager and it breaks, it falls off a fire engine, you take it right over to Dickson City, you drop it off and then within like 48 hours he has it fixed for you. Now you're gonna have to put it in the mail, send it out, it's gonna have to go all the way to NY. I mean I understand ...Unidentified: The other thing is we're in dire need of pagers and we're getting them now and the other thing is is that you're getting 10 of them. And it's up to you thought. Whatever you gotta do. Johnson: Well you're saying it's pretty much the law right Mr. Brazil? Brazil: It's criminal if you don't. Johnson: O.K. Marushock: On the advise of the solicitor I would recommend the awarding of the bid to Finger Lakes Communications. Menichetti: This is the bidding process. We really don't have that much to say about it. Kind of our hands are tied. Brazil: You really don't. Johnson: O.K. Brazil: This is common. It's frustrating when you wanna go but there's no provision there and...Unidentified: I just have another question. Is it legal that you use someone else's specs to put in the paper as a bidding process? Brazil: Excuse me? Unidentified: The specs that you put in the paper. Where did you get them specs from? Brazil: I didn't do the specs. Unidentified: Does anybody know where you got those specs when you put it in the paper? Marushock: I don't know. Unidentified: Nobody knows? Marushock: Actually I think the fire company...Shortz: I was gonna say wasn't Ken supposed to talk to the fire company to get...Unidentified: No, I think it's Purosky & Tuckerman sent us the first approved thing in and yous guys denied it 'cause it had to go out for bid and now it's exactly their specs. Marushock: Well here these people are matching it and as per the solicitors advice they are the low bidder. Unidentified: Yeah, but could you use someone else's spec's...Unidentified: You can't use anybody else's stuff. Marushock: But they're submitting the same merchandise. My recommendation would be to accept the bid from Finger Lakes Communications Company as the lowest responsible bidder. Johnson: We don't know if they're responsible yet though. Marushock: Well due to no history...Brazil: Well my understanding is that the specs are standard, O.K.? You indicated it - it's the same. Unidentified: Yes. Brazil: O.K. So there's no need to look at the specs, O.K.? It is my opinion that you have to pick the one that's offering it for the least amount of money, O.K.? I wish I could give you another opinion but that's the law. Marushock: That's why I've been asking if someone would make th motion to accept the bid for 30 minitor IV VHF2 Sequential receivers (pagers) with stored voice...Menichetti: At least you'll get radio's. Unidentified: We have no choice. Menichetti: Yeah. All right, I'll move. Marushock: ...and to award the bid to the lowest responsible bidder, which for the record will be Finger Lakes Communication Co. Unidentified: does it, and it has a 5 year warrantee right? Menichetti: Yeah. Marushock: Yes it does. Johnson: Does it say anything that...Menichetti: Could we have a second on that please? Marushock: It was priced separate but the total with the

warrantee...Shortz: Do we need to say in here that *inaudible*...Marushock: Yes. Unidentified: The question, Geddy, that's no a question of, I set it had a charger. Does that one come with charges because they all should come with chargers. I know I quote said that it was optional. Johnson: I think we have to look at this before we do it. Marushock: We're gonna have to go get #1 before the solicitor for his final approval and everything else but...Brazil: O.K. Menichetti: The motion doesn't say that. Marushock: They are the lowest. Menichetti: It says to accept the bids. Unidentified: I you said was a belt case they gave you for \$8.50 and a charger. I was just wondering if that's that...Marushock: That was the different one. Unidentified: O.K., no I'm just saying if it was a different one that's O.K. Marushock: That was as options. That was as options. Unidentified: O.K. 'cause they all come with chargers that's why I wanted to see if they had an option in there. Menichetti: They have to. Marushock: Right. That was an option for the belt case if anybody *inaudible* in addition. Menichetti: I would like to change the motion to read - To refer the bids to the solicitor to review. Is that O.K. with you? Brazil: That's fine. I'll take a look at them. Menichetti: O.K. Just to refer them to the solicitor to review. Johnson: And could vote on them for the next meeting then? Menichetti: Yeah. Johnson: Which is what, next week? Marushock: O.K., so we're gonna to accept the bids and to refer to solicitor for review. So we're not awarding any bid this evening, right? Johnson: No. Menichetti: This was if he finds any little glitch that maybe I doesn't have something that the other does you know we can...Shortz: Could we check to see with this Finger Lakes if is there additional cost to be mailing things back and forth *inaudible*...Brazil: O.K., I'll check it out. Menichetti: And if it includes everything that they need. Marushock: Do we have a second on that motion. Shortz: I'll second. Marushock: Seconded by Mrs. Shortz. Egan: Could you read it back please? Are you gonna leave "accept the bids and refer them to or just....Marushock: O.K. Motion #1 to clarify this will be to accept the bids for 30 Minitor IV VHF 2 Tone Sequential receivers (pagers) with stored voice and to award the bid to the lowest responsible bidder and refer bid to the borough solicitor for review. Brazil: Well you're not gonna award it. Shortz: I was gonna say you're not gonna award it...Menichetti: Yeah, I have a question, problem with that. I made this motion and that's not what I ...Brazil: I think it's just to accept the bid and refer it...Menichetti: To accept the bid and refer them to the solicitor for review. Brazil: I thought that's what you did. Shortz: Yeah. Johnson: Yeah. Menichetti: I'm not awarding anything. Marushock: O.K., so we're deleting the award. *Few heard saying "yes"*. Marushock: Cathy, do you have that for the record? Egan: Um hum, thanks. Marushock: Ms. Menichetti, Mrs. Shortz you're both in agreement with that? Shortz: Yes. Marushock: Anyone on the question?

(30) Minitor IV VHF 2 Tone Sequential receivers (pagers) with stored voice bids.

Name of Bidder	Address	Amount of Bid
Finger Lakes Communication Co.	Auburn, NY	\$13,410.00
Purosky & Tuckerman	Dickson City, PA	\$14,280.00
Tuway Communication Co.	Bethlehem, PA	\$14,640.00

1. Motion by Menichetti

Seconded by Shortz

To accept the bids for the (30) Minitor IV VHF 2 Tone Sequential receivers (pagers) with stored voice and to refer the bids to the solicitor for review.

All in favor

Motion carried

2. Motion by Shortz

Seconded by Johnson

To accept the correspondence as read or posted.

All in favor

Motion carried

3. Motion by Menichetti

Seconded by Shortz

To accept the minutes from the July 26, 2004 Council Meeting.

Shortz: Can we add to that though - with the corrections that... Johnson: Yes. Johnson: You said amended you would send them. Egan: Yeah, what I'll do is... Johnson: With corrections, right? Egan: Right. What I'm gonna do is listen to the points that you... Shortz: Brought... Egan: Yeah. And then give you back a letter agreeing to those and... Menichetti: And then vote on those. The changes. Egan: Right. And then I'll give you a whole new set. Shortz: O.K., so we're only accepting the minutes as they are right now... Menichetti: As is. Egan: O.K. Shortz: ... and then she'll give us the changes... Marushock: Do we have a second on the motion #3. Shortz: I'll second it. Marushock: Seconded by Mrs. Shortz. Marushock: So the motion is staying as on the printed agenda. Unidentified: Yeah. Marushock: Anyone else on the question?

All in favor

Motion carried

4. Motion by Menichetti

Seconded by Johnson

To pay Cathy Egan \$423.13 for Transcription services for the July 26, 2004 meeting.

Menichetti: That was a hard meeting to transcribe wasn't it Cathy? Egan: Not as hard as this one I'm doing now *laughter* but it was hard yeah. Menichetti: It took me a long time to read it.

All in favor

Motion carried

5. Motion by Shortz

Seconded by Johnson

To send Keystone Landfill a letter requesting information regarding when we will revert back to dumping at one site.

All in favor

Motion carried

6. Motion by Shortz

Seconded by Menichetti

To direct the John Brazil, Solicitor to draw up an Agreement of Sale with Mr. Rinaldi's Attorney regarding the purchase of land for the DPW Site.

All in favor

Motion carried

7. Motion by Shortz

Seconded by Menichetti

To adopt Resolution # _____ of 2004. A Resolution authorizing the President of Council to execute the Agility Agreement for a five year term between Throop Borough and the Commonwealth of Pennsylvania.

Marushock: On the question. Menichetti: Atty. Brazil, do we need to have that number before we pass this. Brazil: No, no, just have the secretary or the assistant...Marushock: On the question; I would recommend that the proper resolution number be attached to this. I don't know what sequence we are in right now. Hartshorn: I think it's 13 but I'm not positive. Marushock: We need to make it definite though, correct? Menichetti: He said we could pass it. Brazil: No, just pass the resolution and have her insert the appropriate number, resolution number. Marushock: O.K. Anyone else on the question?

All in favor

Motion carried

8. Motion by Shortz

Seconded by Menichetti

To approve the acceptance of the Agility Agreement between Throop Borough and the Commonwealth of Pennsylvania for a five year term.

Menichetti: I'll second it but do we need to do this too? Shortz: That's what they said. Marushock: Mr. Kalinoski said this is the way he recommended it, yeah. He had to do interm steps. Menichetti: All right. Marushock: On the question?

All in favor

Motion carried

9. Motion by Johnson

Seconded by Shortz

To approve the request for payment in the amount of \$450.00 from Chorba Demolition Company for the demolition of the structures located at 514 Edgar Street. The amount requested is 10% of the contract price, which was withheld for retainage pending seeding and mulching of the site.

All in favor

Motion carried

10. Motion by Menichetti

Seconded by Shortz

To authorize the Borough Solicitor to verify the filing of a Municipal Lien in the amount of \$6,593.70 for the Borough's demolition of the condemned structures located at 514 Edgar Street, Throop, and to authorize the Borough Solicitor to file such lien if one has not yet been file.

Menichetti: Well I'll move because we have to do this but I thought this was already done.

Marushock: O.K., do we have a second on this? Shortz: I'll second. Marushock: On the question.

On the question; My review this week with Mr. Kalinoski concerning this. We have papers drawn up already however there is nothing formalized. There are no documents books or whatever that anything's been entered into. Brazil: I'll check the courthouse on it. Marushock: O.K. Menichetti:

Yeah, I thought that was done. I really did. Marushock: That, we thought it was done also but as far as the borough records right now we have no official documentation that it was done. Brazil:

All right. I'll check the courthouse. Marushock: Anyone else on the question?

All in favor

Motion carried

11. Motion by Shortz

Seconded by Johnson

To adopt Throop Borough Resolution # _____ of 2004, to add the name and authorize as signatory, Ken Novack on all the Borough Accounts & CD's.

Marushock: On the question. Roll call please. Johnson: Real quick. Should anyone else's name be on that too? Marushock: No, we were short 1 signature. Mr. Novack would be the 1 signature

that we are adding. Johnson: O.K. Brazil: Excuse me Mr. Chairman, you're authorizing him also as signatory to these accounts? Marushock: Yes we are. Brazil: I would just add that too, that

he's gonna be signatory. Looks like you're adding, adding the name and authorizing him as a signatory to those accounts. Marushock: O.K. Mrs. Shortz and Ms. Johnson are you both in

agreement to the addition as per the borough solicitors recommendation. Johnson: Yes I am.

All in favor

Motion carried

12. Motion by Johnson

Seconded by Shortz

To authorize the Solicitor to develop a policy for Sexual Harassment.

All in favor

Motion carried

13. Motion by Johnson

Seconded by Shortz

To organize a Committee of volunteers to help senior citizens/disabled people to do light

home maintenance, yard work, shoveling, etc. throughout the Borough.

Marushock: On the question. Johnson: That was an idea that I had. We could look into it and *inaudible* with volunteers. Marushock: O.K. Johnson: You know, if it works it works. Mr. Jarosh showed an interest the one day with helping the lady with branches, you know? At least give it a shot. See how many people show up. Marushock: All right.

All in favor

Motion carried

14. Motion by Shortz

Seconded by Menichetti

To authorize the Borough Manager to look into securing grants for Housing Revitalization and Rehabilitation.

Marushock: On the question. Lukowski: Have we stopped using Dr. Brotter? What's his status? Marushock: I believe for the most part here and now with the borough manager that's in place he has the capability of writing the grants however I guess he is to write the grants as per our request. Because as you are aware some of the grants that are out there some of you don't want to participate in because of the strings that are attached down the road. And with his guidance, we could have him do this, that he is capable of grant writing. Lukowski: Um hum.

All in favor

Motion carried

15. Motion by Johnson

Seconded by Shortz

To ratify the hirings of Diane Abda as an Assistant Director and Holly Mark as a Child Care Worker/Monitor at the Throop Civic Center.

All in favor

Motion carried

16. Motion by Shortz

Seconded by Johnson

To have a gate made for the access way to the 48 acres and to have the DPW install asap after acceptance of the gate. Per Mr. Kalinoski the possibility exists that the borough will buy the materials and have the fabrication done through the states agility program. The location of the gate will be at the discretion of Mr. Kalinoski.

Marushock: Probably need to make part of this motion that Mr. Kalinoski did say the possibility exists that the borough buy the materials and having the fabrication done through the states agility program. Johnson: You need to be careful where it goes too, right? Marushock: Yes. The location of the gate will be at the discretion of Mr. Kalinoski. Marushock: Does someone want to make the motion? Motion by Mrs. Shortz, seconded by Ms. Johnson. On the question.

All in favor

Motion Carried

Marushock: O.K., new business. Starting in the front row, Mr. Rocco.

Dominick Rocco - Yeah all I'd like to say is DPW did a great job of cleaning up the dyke. I think they still have the creek to do yet but what they did was perfect. It looks real good. Hope they could keep it that way. Marushock: I do know Mr. Rocco that Mr. Kalinoski is looking into applying something there to control the growth.... *inaudible*.

Eric Hartshorn - I just have a question. On this pager - is this gonna have to wait for another meeting because last month we were here in dire need of pagers and now we're gonna have to wait another month for pagers. Johnson: No, there's a meeting, when is the next one? Shortz: A week and a half. Hartshorn: This meeting was called for the pagers wasn't it or was it? Menichetti: That's what I thought. Marushock: We accepted the bid but we did not award it. Johnson: The lowest bid is the one and Finger Lakes...Hartshorn: Then are you gonna turn the siren on for a month until you do it? Menichetti: Yeah, lets put the siren back on. I like that siren. Shortz: *Inaudible*, that you wanted to make sure that everything is... Hartshorn: No, I said that their bids were the same as the thing and it doesn't matter to me. I, we're in dire need of them. I don't care. I wish it went to Purosky but if they're the same thing you might as well do it tonight. We're in dire need of them. I mean that's, that was the whole purpose of this meeting. Johnson: You don't think it would matter being local or not local, the difference for you? Hartshorn: Well the difference being local is it's easy access and they don't charge us full rate. That's the overall difference. Now you're gonna send it out to there which is all right. As long as we have pagers and we have *inaudible* and we could go to fires that's fine with me. Marushock: Well the motion as it is right now we only accepted, there was no awarding of the bid. Unidentified: Change it. Hartshorn: Well would somebody make a motion right now to award that bid out to...Unidentified; Seems to me...Marushock: Somebody want to make the motion? Johnson: Can we do that Mr. Brazil? Brazil: You certainly can. Johnson: I'll make a motion. Marushock: To award the bid to....Johnson: The lowest one which...Menichetti: Why don't you just rescind the bid or the motion that we already put on. Marushock: Yeah, then we're doing double paperwork just to...Brazil: Yeah but you know what I think, I think Ms. Menichetti is right. Rescind that 'cause you will have that....Menichetti: Because that motion is on there. Brazil: You will have that motion out there so rescind that motion.

17. Motion by Menichetti

Seconded by Johnson

To rescind motion #1.

All in favor

Motion carried.

Marushock: Now motion #18. Menichetti: To accept the bid from...Johnson: The lowest...Menichetti: From Finger Lakes. Brazil: To accept and award. Marushock: To accept and

award....Brazil: Accept the bids and award...Menichetti: Just as that motion read. Accept the bids for the 30 monitor blah, blah, blah, blah, blah, with stored voice and to award it to the, Finger Lakes. Marushock: Finger Lakes Communication Company of Auburn NY for 30 pagers. Do I need to put a dollar amount on that? Brazil: For the amount of their bid. Marushock: Put 5-year warrantee. Brazil: 5-year warrantee. Menichetti: \$13,410.00. Johnson: Yeah. Marushock: At a total cost of \$13,410.00. Johnson: Yeah, with a 5-year warrantee. So we'll *inaudible* doing this right away for them then. Johnson: I'll make the motion...*inaudible*. Marushock: O.K. Ms. Johnson, you wish to make that as a motion? Johnson: Yes. Marushock: To accept the bids and to award the bid for the provider of the pagers to Finger Lakes Communication Co. of Auburn NY in the amount of \$13,410.00. Seconded on that motion? Menichetti: Sue seconded it already. Johnson: And just get them as soon as possible. Marushock: On the question. Johnson: When you have as soon as possible....Marushock: Cathy, do you have all that? Egan: Yeah, I could make something out of that.

18. Motion by Menichetti

Seconded by Shortz

To accept the bids for the (30) Minitor IV VHF 2 Tone Sequential receivers (pagers) with stored voice and to award bid to Finger Lakes Communication Co. of Auburn NY for a total cost of \$13,410.00 with a 5 year warrantee and to acquire them as soon as possible.

All in favor

Motion carried

Marushock: Back to new business. Anything else? Motion to adjourn. Unidentified: I just want to ask the people 1 question up there. Please look into opening that road so we have a place to park. Menichetti: All right, we will. Johnson: Mr. Hartshorn I promise you that I'll look into it...Menichetti: We'll look into it Mr. Hartshorn. Hartshorn: If you don't we're gonna block the street down there with our vehicles and then nobody will get through. *Few speaking at once, inaudible.*

19. Motion by Menichetti

Seconded by Johnson

To adjourn the meeting.

Meeting adjourned - 8:30 p.m.
Minutes by Catherine Egan.