

**Minutes  
Throop Borough Council  
Monthly Meeting  
Monday, September 27, 2004  
7:00 p.m.**

**Pledge of Allegiance.**

***"God Bless Our Troops and the Coalition"***

**ROLL CALL:**

**Members of Council:**

Joseph Barone - P

**Vice President** - Susan Shortz - P

Thomas Lukasewicz - P

**President** - George Marushock - P

Cindy Johnson - P

Daryl Menichetti - P

James Barnick - P

**Solicitor** - John J. Brazil, Esq. - P

**Mayor** - Stanley Lukowski - P

Treasurer - Amy Hebden - P

Manager - Ken Novack - P

Assistant Secretary - Christine Hartshorn - P

**Announcements:**

Marushock: I just received this evening a copy of a report from a Mrs. Bellas. Could we have that entered into the record please? All at this time under announcements...Menichetti: Geddy, a report on what? Marushock: I don't know. I just....There was a problem with the air quality....Menichetti: Is that Mrs. Zenkus or no? Marushock: I'm assuming this is what it consists of. It was just handed to me right this evening. Menichetti: Mrs. Zenkus? Marushock: That's all I have for announcements. Audience comments on tonight's agenda. We will start with the first row pertaining to the items on this evening's agenda.

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

**Janet Cummings, 306 Chestnut Street, Peckville** - Forgive me for reading from this but this is the only way I know how to...I'll be all over the place if I don't:

I could have said what I have to say in many different ways; I could have made a phone call, could have written a letter, probably say it in 10 words or less however none of the above would have allowed me to convey the depth of my gratitude. So if you please bear with me and spare me

about 5 minutes of your precious time I'll try to get it right. First and foremost I want to thank all of you for unselfishly sharing your time and attention for the second time. While my face may not be familiar as I continue some of you might remember May 25, 2000, the day I first addressed your council following an accident in your borough right outside these doors. On May 16 my beloved 9 year old grandson, Brian Gregory Golzack Jr. was hit by a car while exiting the Throop Civic Centers parking lot on *inaudible*. I brought that trauma to you. I spoke with nothing but frustration, anguish, disillusionment, and sadness. My grandson was hurt. He was in pain and his life had been disrupted. About that I could do nothing. However, doing nothing at all was certainly not an option therefore the next best thing was to try and correct the situational circumstances - improve the geographical area. To help accomplish this I visited the vicinity and noted some possible changes. I then requested and was graciously granted time to meet with your council. As I spoke I covered the incident in depth. I begged for your patience, understanding, compassion, and ultimately your action. I'm here to tell you now that I have received all tenfold. I know that because as I visit the area today the improvements are obvious. They include but are not limited to flashing lights, 3 of them - east, west, and south of Sanderson Ave. - Charles intersection, warning of impending pedestrian crossing, 2 "watch children" signs - 1 on each side of the Civic Center, an additional 25 mile an hour speed limit sign posted at the entrance of the borough building parking area closer to Sanderson Ave. And last but not least a "pedestrian crossing" sign situated strategically in the middle of Charles Street between this building and the Civic Center. This action conveniently slows traffic coming from Sanderson Ave. The necessity to facility these changes is unfortunate because most people are responsible, law abiding citizens as a rule yet we all push the speed limit. Most of us feel there's an unwritten law that allows us to drive 5 or even 10 miles faster. I spoke with Trooper Hartshorn of the Dunmore State Police Barracks today and he passed along this interesting information. A pedestrian when hit with a car going 30 miles an hour can be thrown up to 50 feet. This is just 5 miles over your posted speed limit. What chance then does an unprotected target made of skin and bones have against 3,000 pounds of moving machinery at any rate of speed? It should never be a contest. A split second occurrence, a lifetime of heartache. Has Throop borough even done the awareness? There is no such thing. The message here is screaming to be heard we just need to listen. Preventative maintenance. Continuing, this is about each and every one of you individually as well as collectively. Therefore in just a few minutes I will distribute copies of my comments as well as the original paperwork for comparison. By thorough review you will see this area as it was and now is. Although I offered a few more additional ideas my purpose here tonight is not to verbally correct or suggest anything because you have proved beyond a doubt that safety is paramount within your community. You have protected your most valuable resource - the people - and you need to know that you've done an outstanding job in doing so. I should take a moment to mention for clarity sake that although I have used the pronoun I repletely and the first person singular throughout this message you must realize that in no way am I making your improvements about me. I may never know for sure if Brian's accident was instrumental in the implementations but on the grand scale it really doesn't matter. Mayor Lukowski, after the last meeting I sent you a thank you note and I recounted a story concerning a conversation with my grandson. His major concern was - if I was already hurt in an accident why haven't they put any signs up yet? Simplicity through the eyes of a child. Therefore for justification and to validate his position upon placement of your first improvement

we visited the area. I remember saying to him; "This is because of you Brian. It shows they care, they listened". He just glowed with shining eyes showing excitement that only a 9-year-old can. He continued in awe of himself; " I really did make a difference, Nana". He felt important. Whether or not it ever really was about him your actions gave his life continuous momentary purpose. Just saying thank you seems almost inappropriate. Regardless no one can accept credit for your actions but you. It is apparent that I brought my plight to the right people, which were the borough council members, and you reacted accordingly. You made good on your promises. Your overall concern for human life took precedence. It just doesn't get any better than that. I would like to add that while I'm not a borough resident I more than most can appreciate what you've accomplished. Although Brian has completely recovered my grandsons pain was not in vain. It was never just accepted. You know it's strange - when something bad happens rationalization will elude us. Unknowingly you may have just answered 4 years worth of questions making Brian's pain almost bearable. In closing, one can only surmise the amount of lives that may have been saved because of your consciences. You have gone above and beyond to correct the inadequacies alleviating much unforeseen tragedy. For that I am here to commend each and every one of you who were involved in this process. You truly have done well. Thank you all so very much. Please, keep up the good work. *Clapping heard.* Egan: Excuse me. I didn't get your name. Marushock: Could we please have your name and address for the record please? I gather it's Janet Cummings....Thank you for your comments. Cummings: I cannot say enough. I know that I'm going on but I go through this area and it just blows me away. It's unbelievable how much you people care about people and it's so evident. You couldn't have done more. Lukowski: That's greatly appreciated. Cummings: You're very welcome. Marushock: Continuing with audience comments on tonight's agenda.

**Robert Tropiak** - Well I won't have comments on tonight's agenda because I just picked it up. I'm requesting to speak on my proposal that I submitted to council last November and had a follow-up letter *inaudible*. Marushock: Yes you may and just to bring you up to speed I did speak with Mr. Kalinoski and to involve council, this is Mr. Robert Tropiak. We received communication from Mr. Tropiak on August 30, 2004. After the meeting he asked that we keep it confidential however he handed it out right before the meeting, I don't know what had happened with it since the night *inaudible* confidential. Tropiak: Well I was wondering, if you, without me saying anything, I was just wondering - in the last year when I submitted I never heard one word as to any action on it or any response back from anybody. After about 6 months I spoke to the street commissioner, Mr. Kalinoski. He said, "Well this letter go on", but he says, "Don't push it too much because they may tell you to 'go pound salt'". That's his comments so I don't know where that stands. Menichetti: What did he say? Tropiak: And then I sent this other letter in August 30, the last meeting. I talked with yourself, Mr. Marushock. Marushock: Correct. Tropiak: Twice you had mentioned you would call me back and we were gonna discuss it. I understand you were busy. I never did get a call back one way or the other. I called Mr. Barone but I made a mistake and called him at the wrong address so that's why he didn't get a return call back. So I thought maybe the best approach here is to have the public know the problem I've had for the last 10 years and for the last year since I've submitted this. And all I've noticed in the past year - nothing is really happening here outside of discussions between the new majority and the

old majority as to when we're gonna have a salt shed made and where to purchase the land for it. And I just need to find out, after a year of waiting in line, when my problem will be addressed and I don't believe I'm out of line as far as pushing anybody until they would tell me to go pound salt and that's somebody else talkin' so that's not to be really directed at yourself. But as a property owner and taxpayer here I believe after a years time my problem may be ending up your problems that are hanging and waiting should be addressed. And if you could give me some input as to what is happening I'd greatly appreciate it and I won't have to read it. I understand you all have it or if I should read it, whatever you want but if you could just tell me something. Unidentified: Would you read it? Lukasewicz: Why don't we just put a motion on to have KBA review the situation and make a recommendation to council to correct the problem. It's been going on for a long time. Johnson: Could you fill me in just a little bit. What...Lukasewicz: There's a storm water drainage problem in front of his home...Johnson: Where is it? Tropiak: Yes, but...Lukasewicz: It's up on *inaudible* street...Tropiak: Along Phillips but let me just say this now - last November 23 I gave each one of the same council members a copy of it and then I, after waiting 9 months next, this August, I then wrote another letter and I spoke with Mr. Marushock and he, I thank you for your time there. He had mentioned that it would be taken up and maybe addressed but all I see from the meetings or like the day later is just what's going on. Nothing is happening maybe here or...Lukasewicz: Well Mr. Tropiak what we can do is we'll make a motion this evening to have our borough engineer go up there, review the situation in depth, make a recommendation to council, and we'll correct the problem. Tropiak: O.K. Lukasewicz: We're aware of it. We know it has to be fixed. I was up on this with you prior, in the past...Tropiak: Right, from last November. Lukasewicz: ...and we even made reference to it in the minutes of the meeting, to accept your first correspondence so it wouldn't be forgotten. Tropiak: That's correct. Lukasewicz: And we've received this next correspondence and it's been a very difficult year. There's been a lot of transitions and a lot of...Tropiak: I understand. Lukasewicz: ...just getting our feet back on the ground and I think everybody realizes it's a problem. It's gotta be corrected and that'll be the first step, we'll put a motion on this evening. Tropiak: O.K. Lukasewicz: This way he'll go up and he'll review it and he'll make a recommendation to us and we can go from there. Tropiak: O.K. My second letter, just on what you talked about, addresses just what you said, the zoning officer out. I'll just read 1 paragraph if I may from this August 30 letter; The zoning officer did talk with the property owner to divert the drain system to Cameron Court storm sewer behind my property but due to the lay of the land this was not feasible and then informed my that he cannot go to the property owner to remove the drain system from his property. That's Mr. Kalinoski and that's in my August 30 letter. Also water flows onto this drain system periodically all year as it did yesterday although this was not, there is not any rain. This again tells me that this is going to occur again this coming winter through the next spring as stated in my proposal. This has been going on for the last 10 years and for the last 3, since I retired and came back to town, I'm doing this all the time. Lukasewicz: You pushed it last year and it just got lost in the...Tropiak: I've been pushing it...Lukasewicz:...whatever happened this year. Prior to that I never even knew there was a problem there. Tropiak: Yes, I spoke to Mr. Kalinoski from 10 years ago...Lukasewicz: Yeah, but council never knew about it. Tropiak: That's right. Unidentified: Woe, woe, woe, woe...Lukasewicz: Council found out about it a year ago. *Gavel heard.* What we can do is we can have the engineer review it and if the

engineer has to confer with our attorney, Mr. Brazil, they'll confer on what the legalities are and we can move forward. We'll put the proper motion in place this evening to move forward.

Tropiak: O.K. Marushock: Just for the record I'd like to intervene here. I did speak with Mr. Kalinoski. Mr. Kalinoski informed me that part of the solution to this problem is that we need an easement, I believe through your property...Tropiak: Yes. Marushock: Rob am I correct on that?

Tropiak: You are correct and I want to speak on that. Kalinoski: I believe it's the simplest, simplest solution. Marushock: I believe it is not going to be granted. Tropiak: Well here's what I said to that; The zoning officer does recognize that there is an existing problem and ongoing street safety hazard and did offer a solution in which I would grant the borough an easement on this property I own across from this drain system. And that drain system I'm talking about is described in detail in the proposal in the letter. And in my own opinion on that, that violates the 2 ordinances that we have here related to water in aquifers and flushing water out on the street, like off the drain. It violates the intent of those 2 ordinances that you have. But the solution would be to attach and install a 12" wide storm sewer pipe to this drain system across Phillips Street at an angle and then continue the installation across my property for more than 140 feet and attach the Cameron Court storm system which is between Phillips and Copperneck. While this solution is a make-do solution to this matter it is not viable or the correct solution. There is not any reason for me to depreciate the grade and also reduce my rights to my property, which will now be described in my deed. Since the borough notification by property owners because of similar circumstances related to water and ice or other circumstances, storm sewers were installed on Cameron Court, on Copperneck Street and Cameron Court, and Cambria Court. The same kind of problems occurred on the 3 parallel roads to Phillips and they were resolved. That's where it stands.

Marushock: Mr. Tropiak, as Mr. Lukasewicz said we are going to do by motion this evening...Tropiak: O.K. Marushock:...to have our borough engineer and our borough solicitor and Mr. Kalinoski look at the situation and advise us further as for a remedy. Tropiak: O.K.

Lukasewicz: Could we include in that to have a recommendation to council prior to the next monthly meeting, at our work session, so this way it's not lost? This way within the next month we'll have them work on it and have some type of an answer here at our next monthly meeting.

Tropiak: Sure. I thought that and in my letter too. If you read about that I said, requested it in the next working meeting this past Thursday. Apparently that didn't happen and I understand you're busy. I understand with all these problems but I just figured within a year's time it could be addressed. Marushock: O.K. Mr. Tropiak. Your letter and everything has not sat by the wayside. We are all aware of it. Tropiak: O.K. Marushock: The thing is I believe it's a natural spring in part that's causing some of this problem. Tropiak: That may be the problem but related to that the water should be, would be, should be going into the ground so the aquifers are filled not to be drained out onto the street and create the problem that it's creating for the past 10 years. And I want to thank you very much for your time and your consideration. Marushock: O.K., thank you. Tropiak: You're welcome.

**Bob Bolus, Sanderson Street - On #10 -** what was the cost of the shed that you're gonna put up over on Rinaldi's. Marushock: I think for the DPW complex and the salt shed is it \$400,000.00? Robbie, you...Lukasewicz: This is the temporary salt shed he's talking about. Bolus: This is the temporary shed that you have on...Lukasewicz: This is not...Marushock: We're not putting up a

temporary right now. That, that's all on hold. Lukasewicz: But it says for a temporary salt shed. Bolus: It says a temporary... Marushock: Basically... Menichetti: That should be "temporary salt storage". Unidentified: It should read "temporary salt storage". Menichetti: That's what it's supposed to be. Marushock: O.K. for the record, thank you for picking that up Mr. Bolus, but we need to correct that. For everyone's attention it's not - motion #10 - It's going to read, " for a temporary salt storage", not shed. Bolus: So it's just gonna be basically exposed out there. There's gonna be no covering over it? Marushock: We, we'll put a tarp over it similar to what was done at the other site. Bolus: So then you're gonna start running into the problem you had over at the other site with everybody complaining that it's washing all over the place. Marushock: We're not going to have as much salt stored. I believe a maximum of about 25-ton at any given time, not to exceed that amount. The rest of the salt storage will be up at the Penn Dot shed here in Dunmore. Bolus: I think you're just looking for trouble. With even 25 ton you get water and it starts running you're gonna start having run off that property, which everybody knows is a problem there. And the only reason I'm bringing this up tonight is I thought you were going to put the salt at the salt shed, where it should be, at Penn Dot anyway. It isn't gonna make that much difference to shoot up to Penn Dot, 5 minutes up the road, then create a problem as you had with the ball park and everyone else here. Menichetti: They're closed on weekends. Bolus: Pardon? Menichetti: They're closed on weekends up there. Bolus: Yeah, but if it starts snowing Daryl they open everything up to plow the roads and everything else. I mean Penn Dot doesn't close for the snow. Marushock: The one thing and Mr. Kalinoski explained and he's the one who requested it - it's only temporary and it's a minimum amount that will be stored there. Bolus: Right, 'cause, I understand.... Marushock: ...for emergency purposes when Penn Dot is closed. Bolus: Well I understand that but Penn Dot, if it's snowing, is gonna be opened. I mean they gotta service their own trucks. I mean I understand Robbie's issue there but is he gonna be responsible if we have contamination here? What I'm looking at is not to create more problems in the borough. Having salt setting over here temporarily and then have Rinaldi come back with a problem if you don't wind up buying the property. I mean is there a cost associated with this? And it's not, I mean I'm tying up both your motions together tonight, 10 and 12 really, is what I'm kinda puttin' together here. You still have the 48 acres and up there on the 48 acres when he appraised it, did he put a value on it? Barone: Yes. \$4,000.00 an acre. Bolus: \$40,000.00 an acre? Barone: \$4,000.00, \$4,000.00 right? Bolus: \$4,000.00 an acre, O.K. And what did he put down that we could use it for, like when he did his comparison or... Barone: Recreation, you could put a municipal building up there or any building that belongs to the borough like a salt shed or a garage, you could put that up there. Bolus: Is that what they recommended though? Barone: You could put that up there, yeah. Bolus: No, no, but is that in the appraisal report? Is that what he put in it? Barone: I don't know if he put that in the appraisal. Bolus: I mean how did he, did he give us anything... Barone: He just gave us the appraisal. Marushock: Evaluation of the property as it exists now I believe. Bolus: O.K. Lukasewicz: Non-developed property. Bolus: O.K. then we know what our best use would be with the property from what the state had mandated in the past. Is the issue, and I've looked at both issues here between the 48 acres and going across the street and the costs associated with over here to try and develop this property and to trying and jam yourself into an area. I mean not to step on anybody's toes or try and create a conflict but looking at what the value of the land is that we have on this 48 acres and it's there if we don't do

something with it we wind up loosing it. I know we're gonna have to go back to the state and retell them what we want to do because time has gone on so long. But wouldn't it be in our best interest literally to consider putting the DPW up there? I mean Throop is expanding, housing's all over the area, that we would be better off moving to another area like that for future growth not next year but over the next 5 - 10 years where you may want to build a bigger municipal building and have more expansion. Because at some point you're gonna have to as growth comes in, you know, to handle more and more of the business of the area that it would better to entertain it now at today's costs than what costs would be 4 or 5 from today. Because I think you're gonna have a excavating nightmare over here, I really do and I've developed a lot of real estate, pushed a lot of dirt in a lot of areas. I think its just gonna be a hard one to go and do. You've got water run off problems. You've got a lot of issues and you have land sitting up there you already own right now. So, you know, even if you put your salt shed up on there right now or went and stored your salt up you need to cut a road in, well you have a lot of different contractors. You've got some guys with smaller machines. I mentioned to Geddy that there's N&B Enterprises in Wilkes Barre or *inaudible* that looked at this once before that has a D9 that'll do 3 times the amount of work than anybody else around here will do with machines and it's a one time deal - it's over with. As far as getting in and out everybody's gotta get in, you have plows on trucks. So I think really that you're kinda puttin' the cart before the horse to start over here putting salt here, using his land. But if you do wind up with some contamination we're gonna be responsible for cleaning it. I think right now while you still have whether on your side make your agreement with the state. Talk to them, I'm sure you could get that done real quick. Cut a road in and at least take the site and start using it. Menichetti: So you're suggesting we put the salt up there? That's what you're saying? Bolus: Absolutely. And start really looking at start moving your development out that direction. You know it's here, we have it, why spend money when you already have it for nothing? I mean it's, you're gonna be outgrowing yourself in the next 5 - 6 years in the borough and it's maybe time to look out and really start movin' out there. Thank you. Barone: Mr. Bolus... *Clapping heard*. Barone: I wanted to send this appraisal to the state. And what I was trying to do was see if they would maybe take a few dollars for each acre so we could lift the restrictions on the 48 acres but then we could do what we want with it - it would be ours - but I got it rammed to me good. Bolus: Well I think collectively and... Barone; Excuse me, they paid for an appraisal but they don't want to send it... Whatever. Bolus: Joe, let me explain something. I'm not here on sides here, so you understand, I'm only here because you know Throop is growing... Barone: You're right. You're right. Bolus: ...and when you read the papers and you see the comments of what's going on and you guys are trying to put something together - who the heck would want to come here when you can't sit and put your heads together? And pointing the finger or making accusations, they're foolish. We've been listening to, I've been here thirty-some years and it's never changed. It's time to grow up. It's time to move this town forward, you know, and start paying attention. Going tit-for-tat around here, it's ridiculous, it really is. I mean as bluntly a I could put it - sit down and start looking where you need to be and not say, "They did this, they did that". You were part of a majority and you guys did what you guys wanted to a long time ago. So, you know, that's not what it's about anymore. It's about 7 people sitting here and doing what you're elected to do for everybody that's sitting here, not up there. So pointing fingers at one another accomplishes nothing. You get negative advertising so to speak in the newspaper and really you

look like kindergartners and it's wrong. So sit down and use your heads together. You have a piece of land up there - whether they got an appraisal, they got an appraisal. You know what it is. You own the land, don't loose it. Anybody that looses a piece of real estate today is foolish because there's not many more being made and Throop will grow. You may be able to get restrictions lifted but if you don't get off you butts and do something with it you're gonna loose it. Then what are you gonna do cry later? Move to where there's nobody around, where it's gonna grow. You may get restrictions done but start somewhere. Don't try changing restrictions today without doing something now because you haven't done anything. So don't ask the state to give you a favor when you don't even know where you're going. Get a plan, move forward, but over here I think you're just going to spend a great deal of money even though it's convenient. Who knows maybe in 2 - 3 years you'll want to sell this place to somebody. Sell it to somebody who'll want to develop here and build a whole new brand new municipal building up there and have better access and other things. I mean the future is out there. None of us could predict it but we've already known what the past has done to us and we haven't gotten anywhere but deeper in debt and everybody fighting so I think it's time to grow up - all of yous. Thank you. Marushock: We will take your comments under consideration Mr. Bolus. Bolus: Thank you. I'm still asking that that motion stays as it is and will need to be finalized at a future meeting as far as salt storage. And we can also consider that a temporary salt storage up at the 48 acres. Continuing audience comments.

**Dominick Rocco, 110 Sanderson Street** - It might be a first but I agree with Bob, everything he said. I mean we're looking for a lawsuit, the run-off with the salt. Something should already be done with that 48 acres not paying \$60,000.00 for 3-1/2 acres knowing that's solid rock from 3 feet down. It's all solid rock with the slope and everything with the run off you're not even going to get your 3-1/2 acres. You're wasting taxpayer's money. Please don't buy it. That's all I wanted to say. Barone: Excuse me Mr. President, you bypassed her. She wants to speak, Marge. Marushock: I'm sorry.

**Marge Baronski, 204 Sanderson Street** - Now this is, I don't know if any of you know about our recent flooding down at the 200 block of Sanderson Street and it was all caused by the run-off of the Tiffany Estates. It ran down the hill, into the ground, through the ground, and into Kokinda's yard, filled their yard, started running into their cellar, went over the wall, filled my yard, ran into my cellar. I had 36" of water in my cellar from the run-off at Kokinda's. And I don't know, are we gonna have to put up with that? I was led to understand that all the water was supposed to go down to the holding pond. When my son took pictures of the holding pond on Tuesday, on Monday the only water that was in the holding pond was the water that God sent down on the weekend. All the other water ran down the hill and our water shed is gone. If there isn't proper drainage put in there every time we get a few inches of rain we are gonna be flooded out. And it was a disaster, it was actually a disaster. When that project was being put up I did talk to people who were putting the project in and all I said, " I don't want to hinder progress. Put up the Tiffany Estates but please - you're taking our water shed. Please put in the proper drainage so we don't get flooded." But there is no proper drainage there. There is no proper drainage whatsoever. They have a round pipe at the top of the hill just along the side of the road. It's just a

round, galvanized pipe that just brings the water down the hill. So I'd like to know if anything can be done for us so this won't occur again. Johnson: It's the developers responsibility isn't it? Marushock: Yes. Johnson: Can't we do something about this already? That's all we hear... Marushock: Mrs. Baronski, at our work session on Thursday evening this was brought to our attention. We did have a discussion on this. We did also were in agreement to notify the borough engineer to meet with the developer to do what needs to be done to eliminate that problem. And you're aware that I was there... Baronski: Yes, I have a record you were in my, you were in my basement. Marushock: I did see it first hand and I'm not here to throw stones but the problem is right there in black and white right before your eyes, the source of a lot of the run-off. Baronski: Right. Marushock: And if we are to do so for this evening I'd like to add 1 more motion, it would be #24. This way by doing it by motion it would be a matter of permanent record and also that will open the door to have this thing looked at asap. Baronski: All right. Marushock: I know they're calling for a lot of rain this evening into tomorrow. My recommendation at this time is if you have anymore valuables to please try to get them to a higher level. It's not supposed to be as bad as it was last time but just for safety's sake. The borough is a little bit better prepared this time. We did *inaudible* to go out and purchase more pumps. We're in the process by motion this evening to purchase more pump. Baronski: Right. Marushock: Hopefully we're never gonna have to use them but safety far outweighs the consequences if we are not prepared. Baronski: Oh, before I finish, as you said that I want to thank, I want to thank the Throop Fire Department and the Throop Department of Public Works that spent days in my house pumping out my yard and my cellar. I want to thank them very much for all their help. *Clapping heard.* Baronski: Oh, one thing, one more thing. Can I, can I find out where I can get the freedom of information act concerning the Tiffany's Estates. Is there anything like that? Marushock: As far as I know all of those records are at your disposal. Johnson: That they're for the public... Marushock: Public information. Baronski: But where can I find them? Marushock: They should be on file here in the borough building. Baronski Oh, all right. All right. Then I'll talk with somebody... Marushock: You can contact Mr. Novack, the borough manager, or Christine Hartshorn, the borough secretary, and see what happens from there - whatever information you need. Baronski: All right, thank you very much. Marushock: O.K. Thank you. Again, for everyone's attention, motion #24 will read that borough engineers look at problems with run-offs from Tiffany Estates and make recommendations prior to the end of October meeting. Brazil: Mr. Chairman, if I could, I know at the last planning commission also made a vote to direct Bob Baronski to go up there and do a list of items that they have not completed yet but I think certainly having the borough engineer take a look at that, look at the flood would be helpful. Marushock: Should we also include in this then the planning engineer and ...? Menichetti: No, he's already doing it. He's already doing it. Brazil: He's already... Lukasewicz: Keep this with KBA. Brazil: Yeah... Marushock: O.K., so it would be actually one checking the other... Brazil: I would think so. Menichetti: Just have KBA... Marushock: O.K. Rocco: And another thing, did anybody look into puttin' a sump pump in that storm drain next to the river on Bellman Street so we don't have to worry about it flooding out? Marushock: I know we have, Mr. Rocco, a motion on regarding... Rocco: Yeah, to buy pumps but there's nothin' on that sump pump. I'd like to have a special motion made that somethin' be done there. Because the storm drains backed up and that's gets flooded a lot down there too. Marushock: I know they had that one pipe workin' with plastic pipe coming out of that

concrete catch basin or whatever that's there right on the bank pumping the water into...Rocco: Yeah that's right, that's the drain I'm talkin' about. They have an automatic pump and whenever that water rises that'll go right up...Menichetti: I thought Robbie said he was gonna look into it Geddy and see if it was feasible. Marushock: Yeah, I know the other night Mr. Kalinoski did say he was gonna look into that. Rocco: Well we gonna do anything about it?...Menichetti: Robbie, that sump pump on that, in that storm drain there, remember we discussed it Thursday? Johnson: At the work session, Rocco brought it up. Kalinoski: Didn't even get a chance to talk to the engineer about it. Menichetti: O.K. Johnson: All right. Marushock: But you are working on it Rob? Kalinoski: It's on my list. First priority was Sulfur Creek, which we met on Friday and then went down there again today. Rocco: Do you think we could get that as soon as possible in case we have another storm we don't have to worry about *inaudible* all over again. Kalinoski: I don't think you're gonna have it within a week Rocco but yeah, we'll....Rocco: Oh, I don't expect it within a week but soon, a month anyhow. Kalinoski: Well we got the big 4" that we stayed there with...Rocco: Yeah but then you don't have to worry about that big 4". A couple hours before you guys get down there that could be all flooded out again. Yeah but last time you just about made it, right? No not this time, the time before that. It was all ready, the street was all ready flooded, it was going into the cellars. The time before that...Kalinowski: The street was ponding and the same this time - it was ponding again, in the street. Rocco: Yeah, but it was worse the first time...Kalinowski: I'd say the same. Rocco: ...because it took a while for you guys to get down there. You were down there early. Kalinoski: I'm saying it's, it was about the same. Marushock: Robbie, if you could please take a look at that and see what you could do. Kalinoski: Yeah, I don't know what size pump that you'd be looking at, what's gonna fit there because right now we're pumping out with that big fuel transfer pump...Marushock: Fuel transfer...Kalinowski: ...which is a twin 4". So the size of the pump to try and take that down quickly, I don't know what it's gonna be or you may have to put in another pump station. Marushock: Continuing with audience comments...

**Joe Hudak, 110 Dimmick Street** - I live next to Bob Williams in Throop here and he has a swimming pool and he drains his water into my yard and he also has his fence in my yard. So I'd like to have him get the fence out of there and get the swimming pool out of there too. Marushock: Atty. Brazil, is this a neighbor problem or...Johnson: Or something Robbie should look into with the...Kalinowski: I could address that now if you'd like. Mr. Hudak's been up on numerous occasions and I would say at least a dozen times on the same issue. Each time I've notified him that it is a civil complaint between him and the adjoining property owner. He's told me that he's gone to a magistrate and the magistrate threw him out. So I don't know what else to tell him. It's not really an issue of the boroughs. If he has a property line dispute he has to, that's a civil complaint between him and his neighbor. We would not go out an survey a private property. Hudak: I have a map of my property. Marushock: As Mr. Kalinoski's bringing out though Mr. Hudak, I believe you're going to have to address that through magisterial court. Menichetti: You'll have to have it surveyed sir, have you had it surveyed? Hudak: Yes I did. I had it surveyed pretty near 4 years ago and I just went to see the man about 3 or 4 days ago and he's supposed to come down and survey my land. And he also pulled the pegs out of my yard. All there is is 1 peg there and the other 3 he pulled out. Plus he got his truck in back of Jones Street there, which is

nobody's street, it's Jones street, and he's got a club house there and everything. And you know he's the only one that got anything down there. All I want is the fence taken off my property and give me my 20" back. Marushock: The other thing we do need to look at - I know there are some vehicle rules and there are some improvements and stuff on what, on the map that is in existing as Jones street as private individuals that probably should be removed from that site. Atty. Brazil, I'll have to bring this to you attention. Show you where it is and...Brazil: O.K. Hudak: It's down off Pancoast Street, the first spot. Marushock: Mr. Kalinoski, if you could please give us your recommendation as to how we could proceed with what's on Jones Street. However Mr. Hudak has a swimming pool and fence the problems. As we explained you're gonna have to handle that elsewhere. Hudak: Well I could lawyer from down in Scranton but I ain't gonna see him until like the 20<sup>th</sup>. Unidentified: October 13. Hudak: October 13. Marushock: O.K, we will do our part as to what we can do however the neighbor problems - the borough cannot get involved. Hudak: Well how 'bout a fence coming through my property? Marushock: That's, that's not our responsibility. We cannot do that. Hudak: O.K., thank you. Marushock: Thank you. Continuing audience comments...

**Mary Zenkus, 109 Bellman Street - Inaudible** these papers that I did hand out tonight. Please read over them. They are self-explanatory. I spent many hours of my time and research on them. If anyone needs help finding these contaminating fibers outside our homes please call me at the number I have written on 1 page of my Eco Tech results. I have found these fibers on my car, in my cell phone window and in my refrigerator. They seem to be magnetic. We are eating and breathing them. At this time I would like to mention a few other people I've showed these fibers to. I showed them to Tom Lukasewicz, he saw them on my car. I've showed them to Dave Repchick, our policeman. He's seen them on my car and on his police car even though he did just wash his car he told me. Chuck Reed saw them on my car. My neighbor Lorraine saw them on my car and on her car and my neighbor across the street also saw them on her car. So hopefully we'll find out what is in our air and clear this up. And if anybody has any questions they can call me. Johnson: *Inaudible*. Marushock: Yes, Mr. Novack. I believe the findings from the state, the DEP, did not indicate any problem. Am I correct in that statement? Novack: They didn't indicate any problem, they just broke down what they told me in here. Zenkus: They broke down coked material and it's 29 *inaudible* of coked material. Novack: Also had the letter that was at the work session. *Inaudible* review it. Marushock: Is there anything there recommending that the borough does that is not to my knowledge. Lukasewicz: I think we need further investigation. I think what we should do is possible look into hiring a private individual or group to come in and to evaluate what Mary has found down there and to look at it from a different perspective than the DEP. Just to have a quick overview of it just to see if there is any need for additional testing or if indeed a problem does exist. To not do anything would be foolish at this time. She's doing a lot of time and effort and has found something that needs to be evaluated. And I don't think I can do it or anyone sitting here can do it. Marushock: The thing is, the borough and what we did with the DEP, anything that would be the boroughs responsibility...Lukasewicz: O.K., but the DEP just sidestepped, O.K.? Zenkus: They have Diss DUST and dustfall. There's no explanation for it and it's not in the dictionary. I don't know about computers but I asked a person that has a computer and there's nothing on Diss DUST or dustfall so I'd like to have them described. Lukasewicz: I

think we should see if there's someone out there that could at least look at Mary's information at least that she's gathered over the last 3 months and look at the DEP report and see if there is need for additional study. You know...Menichetti: Who could do it? Lukasewicz: ...I'm sure we could have someone look at it for a nominal fee to just at least give us a scientific opinion. Zenkus: Let them come to my house and I'll show them. Marushock: I don't know if the borough can expend money...Lukasewicz: Why can't we if there's a problem with...? Marushock: ...for a private property. Zenkus: This is outside. We're all breathing this air. And it goes to Dunmore 'cause I've seen it there. I mean it's in Scranton, I've seen it there. I, this is our air, it's Dickson...Lukasewicz: I'd like to put a motion on this evening that we have Atty. Brazil evaluate Mary Zenkus's...Zenkus: The outside...Lukasewicz: ...information and the information that came from the DEP and see if there is someone that we could have, an outside entity, come in and to evaluate it, that'd at least give us a 3<sup>rd</sup> opinion. And if Atty. Brazil could get us a few cost estimates of what it would be, that could keep it under...Menichetti: Is that within the realm of your jurisdiction? *Laughter*...Brazil: I mean my, the only thing I would do is probably call KBA and find out if they've dealt with this situation and do they have someone...Lukasewicz: *Inaudible* someone, for someone to evaluate it. Brazil: Right. Lukasewicz: If there's concerns down there, and Mary has been concerned that she's been experiencing health problems. There's other individuals down there that have been experiencing health problems. We've had the DEP come in and evaluate it. The problem still exists. Mary still believes there's a problem. She's researched it for months and months. I think it's only right that we do something. Now there's gotta be someone that could come in and evaluate it and give us another response. But I'd like to see a motion for Atty. Brazil to at least see if there's someone that can evaluate it and what the cost would be and to report back to us for the middle of the month meeting. Brazil: And Tom the only thing, I don't have any problem to do that. Just to let you know what I would do is call KBA 'cause I would imagine, because I mean I wouldn't even know who to call. I mean I would try to call an engineer and try to get some direction. Menichetti: Do you have any ideas...Shortz: The only other one that I would think would be, like, maybe KBA could do it as well. Gannet Fleming did some testing for us...Menichetti: I was thinking of Gannet Fleming, that's the only reason I asked. Shortz:...but maybe KBA or other, I mean there are environmental engineering companies around here that do testing and analysis so...Brazil: And that's what I was thinking and...Lukasewicz: If you could talk to KBA...Brazil: I could do that...Lukasewicz: ...and see if he has something and this way we could at least have a further investigation of it to at least put it to rest or see if there is something out there that, you know...Zenkus: This is so big. People don't realize how big it is and it wants to be kept quiet, that's how huge it is. Marushock: That will become motion #25. Barone: We've had...Lukasewicz: It needs to be looked into. Marushock: To review the information regarding Mrs. Zenkus's problems with the air contamination...Zenkus: It's everyone's problem...Barone: Mr. Marushock...Marushock: ...with those reports to be filed by mid-month meeting. Barone: Mr. Marushock, why don't you have Mr. Novack or either Mr. Brazil call, we have representative Staback, he's an environmentalist and the minute you tell him you have a problem he's gonna jump on it quick. Lukasewicz: Could we include in that also that...Barone: In one ear and out the other. Lukasewicz: ...that the borough manager send...Menichetti: Who do you suggest we call? Barone: Staback, representative Staback. Lukasewicz: ...the borough manager send a letter to representative Staback. Barone: He's an

environmentalist and he, he hears a problem he'd probably jump on it real quick. Lukasewicz: You're right Joe. You're right. Zenkus: I called congressman Kanjorski and if you read in this paperwork he really doesn't want to be involved in this situation. I questioned why. If you read my paperwork you'll see that in the back part. Unidentified: O.K. Marushock: O.K., we have an amendment to that motion. We're adding that the borough manager notify Mr. Staback to see if assistance is available. Menichetti: Now what are you looking to do the entire town or...? Lukasewicz: No, what I'm looking to do is to have someone with scientific background evaluate her information that she's compiled and the DEP's information and report to us a bias opinion so at least we can say we looked at the problem, we gave it a valent effort to address it and if something is there hopefully they'll find it. Johnson: Are you saying to evaluate both reports or...Lukasewicz: To evaluate Mary's information that she's compiled. Johnson: Yeah. Right. All right. She's spent many times...Menichetti: Do you want the motion to include contacting Staback? Lukasewicz: Yes. Also to include that a letter be sent to State Representative Staback. Zenkus: Send him a copy of my paperwork. Lukasewicz: Exactly. Zenkus: All the copies. I'll question to see that he got all my copies. Marushock: O.K., that's on for a motion. Continuing...is that it Mrs. Zenkus? Zenkus: I'm finished. Marushock: O.K., Continuing with audience comments in that row on this evenings agenda. Yes Mr. Hartshorn.

**Larry Hartshorn** - Yes. I'm in agreement with whatever she says. Now we never had a problem down there 'till they started tearing out that dump again down there. Now we've got a lot of people down the at the Boulevard that have been sick, including myself. Now my son is the same way. He's got, we don't know what...I think it's very important that you people do get somebody down there. Marushock: O.K., it's gonna be looked into. Hartshorn: And also your talking about all these water problems you're having. Well we on this side of Boulevard, I think you might, where we live down there on the corner. If you let this man build your garage over there and you get a water problem where's it going? Down the Boulevard on the other side? Somebody better wise up about building over there. Marushock: By no means are we trying to create any further problems. Hartshorn: Well I think you are. Unidentified: They're not listening. Hartshorn: You're not listening is right. You're paying \$60.00, what, how much are you paying for an acre over here? Unidentified: \$60,000.00 an acre. Marushock: It's not...Hartshorn: \$60,000.00 an acre for a condemned...Unidentified: For somethin' he paid \$17,000.00 for 27 acres. Hartshorn: And something that he was supposed to have *inaudible*...Barnick: 35....Marushock: Is that it Mr. Hartshorn? Hartshorn: Yeah, but you better get somebody down there checking what this lady's tellin' you. She's tellin' you the truth. Menichetti: We are...Marushock: Audience comments on this evenings agenda continuing...

Marushock: Is that it. Mr. Mayor, I believe you have something to read this evening. Lukowski: Yeah, I have a letter here from Mary Ann Pollick who, a former council women and council president. She says, "Please accept this correspondence as my sincere thanks to the Throop Borough Police Department, in particular Officer Jones, Officer Wildman and Officer Tanana. On Saturday September 18 I was faced with a very difficult situation due to the very severe weather. On Saturday afternoon I contacted the Throop Police Department for help and spoke to Officer Wildman who was very professional, courteous, and very helpful. The Police Department stayed

in contact with me through the weekend and into Monday morning when the situation resolved in a very happy way. Once again I offer my gratitude and deepest thanks to the terrific officers of the Throop Borough Police Department." And that's it Mr. Chairman, thank you. Marushock: O.K., do you have anything else to add Mr. Mayor? Lukowski: You know I don't know if any of you have experienced this but what we're getting it seems in this community, maybe down in just certain areas, we're getting roving gangs late at night. And they're up to no good, I'll tell you that much right now. And it seems like, I don't want to scare anybody, but it seems like this is increasing in our community. And I would just say - beware. If you hear some strange noises or people yelling out in the middle of the evening call the police. This way maybe we'll curtail the activity. It seems to be happening more and more these days so do that - call the police - don't wait. Thank you. Barone: Stanley, wasn't there somebody down in your neighborhood...Lukowski: Yes constantly. Barone: It was like a scam going on? Unidentified: A what? Barone: Huh? What was going on? Lukowski: See...Barone: Like a couple guys were going to different homes. They went to Mrs. McAndrew's home and she didn't know and she opened the door for them...Lukowski: They come off Dunmore, or South Valley or Dunmore Street, and they, here's a you know, here's a place that's, they feel there's not too much activity, no people, not that many people around or...And they're walking down the streets and they're just lookin' for trouble. Lookin' to maybe steal something for all we know. Or do other...A lot of cars were scratched you know, random things like that so be careful. Unidentified: Is this in the daytime, in the daytime too or is it at night. Lukowski: No, late at night. Early, in fact the early morning hours.

Marushock: O.K., at this time we will open the 2004 street paving program bids. The first bid being opened is from Pennsy Supply Inc. doing business as Slusser Brothers. Total base bid from Pennsy Supply Inc. is \$112,222.33. Now there are alternates attached to that which, oh boy, approximately 12 alternates. Do I need to make mention of the prices with the alternates for the record or just for the...Brazil: Just the total bid. Just make the total bid although it's my understanding that council was going to consider certain alternates that they were going to accept so that would be something that, you know, I would have to know and also the road commissioner or the engineer rather. Marushock: There are 12 additional numbers here. Brazil: But it was my understanding that there was a certain budget amount that you were going to go up to. Menichetti: Yeah, eighty-some thousand...Marushock: I believe it was \$81,000.00, the paving budget, that's with the liquid fuel. So right now it looks like we're gonna have to scramble just to do the...Brazil: Well that's what I'm suggesting is, I mean here has to be some direction...Marushock: You're not even gonna touch the alternates. Lukasewicz: You're not even gonna touch the alternates...Brazil: Oh O.K., well that's, right. Then that's fine then, right. If there's not enough for the alternate that's right. Marushock: O.K. The next bid being opened is from American Asphalt Paving Company. Total base bid is in the amount of \$98,663.40. Lukasewicz: Mr. Chairman I'd like to make the motion to award the 2004 Street Paving Project Bid...(Reference motion #1)...

**2004 Street Paving Program Bids:**

Name of Bidder	Address	Amount of Bid
Pennsylvania Supply Inc. DBA Slusser Brothers	West Hazelton, PA	\$112,222.33
American Asphalt Paving Co.	Shavertown, PA	\$ 98,663.40

**1. Motion by Lukasewicz**

**Seconded by Barone**

To refer the 2004 Street Paving Project bids to KBA Engineering, Engineer, Robert Kalinoski, Street Commissioner and Attorney John J. Brazil, Solicitor, for their review and recommendation. To award the bid to the lowest, most responsible bidder with favorable recommendations of the Engineer, Street Commissioner and Solicitor. If the low bidder's total amount is \$98,663.40 council agrees to award the bid for the entire amount.

Marushock: Any questions on that motion? Roll call...Lukasewicz: Yeah. On that motion; We have \$81,000.00 available right now? Marushock: Correct. I believe that's the amount.  
Lukasewicz: What I would like to see is if the 2 bids are reviewed and the low bidder, which is the apparent low bidder of \$98,000.00, comes into play that we do the entire \$98,000.00 worth of work and just take the money from another area, balance of the budget change, a budget transfer. This way the \$98,000.00 as compared to \$112,000.00 seems to be a fair and good price and I'd hate to see us not do it all. This way if we were to reduce it down to \$81,000.00 we'd probably have to meet again and postpone things and just move this process along. This process has to be acted upon soon. It's really getting late in the year. So if we could that if the low bidder is the \$98,663.40 that we do the entire amount. Marushock: Do we need to change the wording on this motion or can we leave it as is because...Lukasewicz: Just to include...Menichetti: Just include what he said. Lukasewicz: Just to do what I said. Brazil: The only question I have - Does the \$98,000.00 include all the alternates? Marushock: No, that's the base. Lukasewicz: That would have nothing to do with the alternates. It would just be the base. Brazil: Right. It would just be the base. Lukasewicz: This way it would speed the process up. Brazil: O.K., that would be fine, yeah. In fact you may, you may even just want to award it to American Asphalt subject to my review, the engineer and the road commissioner. But I think that that's fine just the way it is.

All in favor

Motion carried

**2. Motion by Lukasewicz**

**Seconded by Shortz**

To accept the zoning report, landfill inspector reports and the minutes of the March 11, 2004 minutes.

All in favor

Motion carried

**TREASURER'S REPORTS:**

**Amy Hebden, Treasurer will read the treasurer's reports and the totals of the paid and unpaid monthly bills.**

**3. Motion by Lukasewicz**

**Seconded by Johnson**

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

Unpaid bills: "Items for Payment"	<b>\$131,366.42</b>
Paid bills:	<b>\$10,423.65</b>
Revenue Report (Sept. 04)	<b>\$46,035.58</b>
Keystone Landfill Credit	<b>\$(7,007.76)</b>

Marushock: On the question. Lukasewicz: Yes on the question; Amy, the solicitor that is involved with The Borough of Throop vs Lukasewicz, has there any new payment been in this month? Is there any invoice in there? Menichetti: LaBelle, Paul LaBelle. Johnson: I don't think there is. Hebden: I didn't get anything from him, no. I would get a bill right? Lukasewicz: I'm just asking because I would have to abstain if there was one. Hebden: No, I didn't get a bill from him. Lukasewicz: O.K., thank you. Barnick: Just on the question; Is all the accounts reconciled. Hebden: No, I have the payroll that's *inaudible*. Marushock: Anyone else on the question?

6 in favor - Shortz, Lukasewicz, Johnson, Menichetti, Barnick\*, Marushock  
 1 against - \*Barone  
 Motion carried

\*Barone: I have to vote against. It's nothing against Amy because she's underpaid anyway but being that the accounts aren't balanced I can't vote because I don't know where the money's coming from. \*Barnick: For, all except for the payroll account 'till it's reconciled.

**4. Motion by Lukasewicz**

**Seconded by Shortz**

To pay all the employees of Throop Borough.

Marushock: Any questions on motion #4? Barnick: Yeah, on the question; Almost a month ago I requested from our solicitor written opinions along with Mr. Lukasewicz and Mr. Barone, requested one together - the 3 of us - and I also requested a separate written opinion. I asked for that be done. I checked with our Borough Manager Kenny Novack several times throughout the month. To this date I still have none. Solicitor, by his duties in the borough code, is supposed to represent all council. When they request a legal written opinion and the case law to back it up he is to provide that. Apparently he's only representing 4 and we're gonna have to do somethin' to

get our own representation because this is, this is not right what's goin' on here. Johnson: And what's going on Mr. Barnick? Barnick: Am I talkin' to you. I'm still speaking, am I? Johnson: No, go ahead. Barnick: Here we go. And I, I request written opinions so I make sure I can make right decisions and things like that. That's his job to provide these to all of council when requested by any individual council member, it doesn't matter what side they're on. Whether they vote for his pay or whether they don't. He is to provide it. He represents the borough and he represents council. This is the 3<sup>rd</sup> request, this is the last request. From here we move forward and whatever it takes, it takes. Johnson: Yes. I was having the same problem with the last solicitor we had. Marushock: I was too. Brazil: Mr. Chairman I just, I mean Mr. Barnick is right. If he requests an opinion I'm giving an opinion. He asked for 2 opinions; I was regarding public meetings and I did supply that. I, you had made a request at the last meeting concerning a confidentiality agreement. I apologize, I was not able to get to that but I will get to that for you. Marushock: O.K. Anyone else on motion #4, on the question.

All in favor - \*Barone, Shortz, \*Lukasewicz, Johnson, Menichetti, \*Barnick, Marushock  
 Motion carried

\*Barone: I vote for everybody's pay except for the solicitors. \*Lukasewicz: At this time for all. \*Barnick: All except solicitor, assistant secretary at the Civic Center, any overtime for the landfill inspectors and a stenographer. \*Marushock: All except the maintenance fee at the Washington Street Park.

**5. Motion by Lukasewicz**

**Seconded by Johnson**

To accept the correspondence as read or posted.

All in favor

Motion carried

Barnick: For and also could I get a copy of that pamphlet you guys got? I didn't get one. Shortz: I didn't either. Barnick: I don't know how many else didn't... Shortz: From Mrs. Zenkus... Barnick: Zenkus. Marushock: I got 1, Tommy got 1. Barnick: Just a copy of it, that's all I... Lukasewicz: Give it to Jimmy for now... Barnick: Because they're gonna need a copy to send out anyway. Lukasewicz: I have a copy of it. Barnick: Well she doesn't have one either. *Few speaking at once, inaudible.*

**6. Motion by Lukasewicz**

**Seconded by Johnson**

To accept the Loan Balance for September 2004.

LOANS	September 2004
(Interest Free) LOAN Keystone Sanitary Landfill, Inc.	Balance \$1,166,000.00
FNCB - LOAN	

(Plus interest)	\$1,550,000.00
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All in favor

Motion carried

**7. Motion by Lukasewicz**

**Seconded by Barone**

To accept the resignation of Amy Hebden, the Borough Treasurer.

Marushock: On the question. Lukasewicz: Yeah on the question; Amy, thank you for your time that you gave to the borough. It's really appreciated and I wish you could stay. Menichetti: Yes Amy you did a wonderful job. Wonderful job. Hebden: Thank you. Marushock: Yes also Miss Hebden we're sorry to see you leave but we wish you well in your further endeavors and thank you for your time and devotion. Hebden: Thank you.

All in favor

Motion carried

**8. Motion by Lukasewicz**

**Seconded by Johnson**

To have the auditor do a special audit from 3/11/04 to the Treasurer's last day.

Marushock: On the question. Johnson: This is just routine right? Marushock: Yes, standard procedure. Lukasewicz: Yeah whenever someone leaves its standard procedure. Johnson: All right.

All in favor

Motion carried

**9. Motion by Lukasewicz**

**Seconded by Johnson**

To appoint Robert Kokinda as Borough Treasurer at a salary of \$8,000 per year after bond is established.

Marushock: Anyone else on that question. Lukasewicz: On the question; There has to be proper clearances? Menichetti: I think it should say "after bond is established". Lukasewicz: After bond is, that's right *inaudible*. After bond is established. Marushock: Miss Johnson are you in agreement with that change? Johnson: Um hum.

All in favor

Motion carried

**10. Motion by Menichetti to TABLE motion #10**

**Seconded by Lukasewicz**

To authorize the Solicitor, John J. Brazil to draw up an agreement for a temporary salt storage for emergency purposes on the soon to be DPW site with Mr. Rinaldi.

Marushock: Second on that? I can second a motion correct? Barnick: Yeah. Lukasewicz; you could second it. Marushock: I will second that motion. Lukasewicz: On the question. Marushock:

O.K. Lukasewicz: On the question; We saw what happens when you have development above a hill. Mrs. Kokinda, Marge and the Kokinda's were living facts of what can happen. I've brought it to light as best as I can describe the situation as it happened over there. Being in construction for years and having to agree with Mr. Bolus. Very seldom do we see eye to eye but Bob this time I have to agree with you. The area there, even if it was to be developed properly with proper drainage control put in place, if you have a storm of the magnitude that we had this past week someone's gonna get overburdened. And it's gonna go down to the people of lower Throop and Mr. Hudak and Mr. Hartshorn, they're gonna get swamped. It's not a good area and it just...Menichetti: Where do you suggest we put...Lukasewicz: Where do I suggest what? The salt? Menichetti: Where do you suggest we put the salt? Lukasewicz: The salt right now I suggest that we leave it up there...Menichetti: Then we'll leave it up there. Lukasewicz: ...because I would hate to see any more possible contamination. Menichetti: So then we'll leave it up there as far as I'm concerned that's fine. Lukasewicz: And if it's needed, if you're gonna have a severe storm occurrence that you expect to have we've got 3 or 4 trucks. You could put salt in the trucks and tarp them that night and have it ready for the first 15 minutes or a half hour/hour of the storm and by that time Penn DOT opens. I'd hate to see another problem happen. Marushock: I, I'll be honest on this question, I agree we should have everything stored up there...Johnson: So do I. Marushock: ...and this was at the request of Mr. Kalinoski. Menichetti: I move we table this one...Marushock: But we already have the motion on the floor. Menichetti: No, the table comes first. Marushock: Atty. Brazil? Brazil: A table would supersede the primary motion but you need, you need...Barnick: It's already been made and seconded. The table's not gonna override that. Brazil: Yes it will. That's the purpose of a table. Menichetti: Yes it will. The table, the main motion, it gives precedent to every other motion. Lukasewicz: O.K., so Daryl you made a motion to table it? Menichetti: I have a motion to table it. We'll put it up at the salt shed up there. Lukasewicz: I'd like to second it. Barone: Wait, wait, wait. We're still on...Lukasewicz: I'll make a motion to second the table. Menichetti: O.K. Barone: Are we still on the question here? Aren't we still on the question? Barnick: I believe so. We're not getting an opportunity to speak. Marushock: O.K., now wait. Barone: Aren't we still on the question here? Marushock: Yes we were. Johnson: Yeah. Yeah. Barone: Not only that, that dump from what I understand has 22% combustible material in it. And before you people go, I'd don't know for sure of the dust - this is what I was heard. Before you people do anything you better have it checked because if he's gonna spread that combustible material all around his property I don't know what's gonna happen down there. Menichetti: Didn't we have an environmental study done on that Joe? Barone: Huh? A what? Menichetti: Sure we did. We had an environmental study done over there. Unidentified: Yes we did. Lukasewicz: Not an environmental study of the spoils that are there. It was just an environmental assessment of what could be there in the area. They didn't evaluate the content of the spoils, the rock spoils. That has to be done through a scientific evaluation. Unidentified: That was done many years ago. And Joe's is right. Lukasewicz: They didn't evaluate that. You have to do that as an individual study. That could be done if you want it to be done. Barone: I would suggest you do it. Lukasewicz: You'd have to have Mr. Rinaldi give you permission to...Menichetti: He may have, he may have it. It may have already been. Lukasewicz: Well I don't know if he has or *inaudible*...Menichetti: Well I don't know either but... Lukasewicz: ...but the thing is if you plan to purchase that property you better find out what them spoils, the content of the materials in them spoils are before it is moved. Barone: And even if he takes some of that problem out of there and dumps it someplace else he could be dumping combustible material in



be for these? Marushock: I believe Mr. Kalinoski was going to get quotes on...Lukasewicz: We have to *inaudible* vote, right? Menichetti: I think he was gonna go into that purchasing program to see...Marushock: We discussed this at the meeting...Menichetti:...what he could pick up there. Lukasewicz: Just as long as it's done that it doesn't avoid the bidding process. Menichetti: Oh, no, no, no, he won't. Marushock: You're right...Lukasewicz: Well I don't mean that he would but I'm just saying it doesn't specify the amounts of the pumps here. Brazil: Rob is back there, he may be able to...Lukasewicz: Robbie, do you have any idea how much? Kalinoski: I do have some pricing. There's 3 different types of pumps that we're looking at; 2" submersible, 2" gas powered trash pump, and a 3" gas powered trash pump. Lukasewicz: Right. Kalinoski: Depending on who's the lowest on each individual pump you're looking at probably \$5,500.00 just for the pump's alone. That does not include hoses. *Few begin speaking at once.* Lukasewicz: Then it might be \$7,000.00 - \$8,000.00 at least? Kalinoski: I'd say you may have another \$1,000.00 in hoses to about \$6,500.00 so...Lukasewicz: Did we purchase 1 already? Kalinoski: No. Lukasewicz: There were no pumps purchased yet? Kalinoski: There was 1 purchased the Saturday of the storm at that was through Harbor Freight and I think...Lukasewicz: How much was that? Kalinoski: \$260-some dollars. Lukasewicz: O.K. All right. Just so we do it in a way that we don't avoid the bidding process. Brazil: I think Robbie knows he has to get quotes. Kalinoski: All you'll, all I'll need is 3 quotes...Brazil: Correct. Kalinoski: ...if it's gonna be under \$10,000.00, O.K.? Lukasewicz: O.K. Marushock: O.K. Anyone else on the question on motion #11? Lukasewicz: Could we include in there to purchase ASAP? Menichetti: Yeah. I would say so. Marushock: That's why Robbie's...Lukasewicz: This way...I know he's been working on it but I don't want it to get lost like other things within *inaudible* put a date on it. Menichetti: Soon, like before we have another incident. Marushock: Rob...Mr. Kalinoski? Lukasewicz: Could we do that, by the 5<sup>th</sup>? Menichetti: Yeah, absolutely. Unidentified: That's, I'm O.K. with that. Marushock: Do you have any idea when we could have these in our possession? Kalinoski: No. From the cost estimate I got today from Powell's it says on the bottom "must order". I did get a cost estimate from Bradco Supply, they did not give me lead-time. Grainger I know you could order but I think Grainger was probably one of the highest priced. Lukasewicz: But it's gotta be done as quick as possible so that we don't have another occurrence and don't have pumps. Menichetti: At least order them. Marushock: Could you do that Mr. Kalinoski ASAP? Lukasewicz: Tomorrow morning? Marushock: Better get them ordered because I don't know when they're gonna be here, that's the thing. Kalinoski: If you give me 5 minutes I'll do it now. Menichetti: Go ahead. Marushock: Go ahead. Kalinoski: Is it passed? Unidentified: Not yet. Marushock: O.K. wait, wait till roll call.

All in favor

Motion carried

Kalinoski: And that's for pumps and hoses? Menichetti: Yes. Lukasewicz: Everything you need. Menichetti: Whatever you need. Kalinoski: Thank you. Marushock: Thanks Rob.

## 12. Motion by Barone

Seconded by Lukasewicz

To authorize payment to John Foley in the amount of \$300.00. Total amount approved for the appraisal of the 48 acres was \$800.00 and \$500.00 has already been paid to him. This is the final payment to him.

All in favor

Motion carried

**13. Motion by Johnson**

**Seconded by Menichetti**

To approve the revisions submitted by Cathy Egan for the 6/28/04 meeting.

Marushock: On the question. Barone: On the question; What are these revisions? Marushock: There are some wording changes Mr. Barone, they should be in your packets. Menichetti: They were in your packet. Barnick: You mean them ones that said uh, da, and all them other and, a couple words here and there? Marushock: They were minor changes but... Menichetti: Spelling, different things like that. They're just corrections. Egan: I was asked by Mary Zenkus to take a look, she was misidentified... Marushock: O.K. Egan:...so that's what sprang those changes, when I reedited the tape. And I'm not sure that this belongs here but I was also asked at the last meeting to check in 2 areas. Miss Johnson, on page 8 you had questioned "administrative" vs "administrator" secretary and "business" vs "borough" manager... Johnson: Um hum. Egan: I have that tape with me and I stopped it in that section. "Administrative" and "administrator", I really think that word could go either way. It sounds like administrative to me. I brought it if anyone wants to listen to it. Johnson: All right. Egan: But "business" was said... Johnson: O.K.... Egan:... as opposed to "borough" manager and I made the changes as well on page 45. That was an area where I think Mr. Marushock was going to say something and then Mr. Lukasewicz had spoke so the dictation was shown at Mr. Marushock instead of Lukasewicz. So I made those adjustments and I have them with me here. I mean, I could do the same thing and, you know, you could refer to them in your packet where I'm changing. But I just wanted to let you know ... Menichetti: All right. Thank you. Egan:...that I have that tape with me if you want to listen to it. Barone: Excuse me, while we're on this before we vote. Wasn't there 2 minutes for March. Did you have the 2 of them or do you still owe us 1? Egan: No. There's, everything in March is done. I have... Barone: And how 'bout, you have 1 for April, right? Egan: April. Yeah. I have... Barone: Is that done? Egan: No that's not done yet. Barone: O.K., that's the one I'm looking for. Egan: O.K., well right now I'm finishing up 8/30 - August 30<sup>th</sup>. I just gave Christine the last meeting we had, September 17<sup>th</sup>. And then I'll have to put this one ahead of April unless you say... Barone: Well when do you think I could get April's, when do you think you'll have it, roughly? Egan: As soon as possible... *laughter*. I really... Barone: That *inaudible* don't wanna hear. Egan: Yeah, I mean you know again I'm trying to keep you current but the one's that came before that I know I'll be done before one's that are 4 - 4-1/2 hours I'm trying to stick in there. Barone: Could you have it by the next meeting? Egan: If you want me to do that one before this one I will. Barone: I would like to have it. I mean from April's... Egan: I mean, it's up to you. Barone: This is October coming... Egan: Yeah, that's the one that's, it's about 3 or 4 tapes and it was in and out, in and out. Barone: Yeah. O.K. O.K. Whenever you could get it. Marushock: Mrs. Egan, as soon as possible. Egan: So I'll put the April one before this one then, would you agree to that or...? Marushock: We're trying to stay in this thing with the most current and then bring us up to date on the outstanding. Egan: O.K. So, I'll keep going in the same order I'm in? Marushock: That's the only one you have I April right, as far as outstanding? Egan: Yeah, I have April tapes and August 30<sup>th</sup> is outstanding as well. Marushock: Anyone else on the question?

6 in favor - Barone, Shortz, Johnson, Menichetti, Barnick, Marushock  
1 abstain - Lukasewicz

**14. Motion by Lukasewicz**

**Seconded by Barone**

Motion to pay Slusser Brothers in the amount of \$17,190.20 as per the Application and Certification for Payment for the 2003 Paving Project.

Barone: Is this complete now for them? Is he finished down there? Marushock: I believe so. I know the paperwork necessary for the application for payment has been completed. Anyone else on the question?

All in favor

Motion carried

**15. Motion by Barnick**

**Seconded by Menichetti**

To authorize KBA, Borough Engineer to prepare a design, solicit bids if required and to secure required permits for the restoration and sediment removal of approximately 800 feet of Sulphur Creek. The total footage has been changed from 400 feet after a September 27, 2004 on site measurement.

Marushock: On the question? Lukasewicz: And what exactly is this? I missed the work session so I'm not... Marushock: This is, almost in a way for the dredging of the Sulphur Creek. There's a lot of sediment and everything that ended up in there after September 27<sup>th</sup>. Mr. Kalinoski explained that *inaudible* borough backhoe he cannot get in there to do everything that is necessary. That's why we have to go outside of the borough DPW employees to have this thing done. Lukasewicz: All right, so is this motion authorize it to be done or is this just to get prices back for us? Barnick: Prepare a design. Johnson: Yeah. Marushock: Right. Menichetti: Prepare and solicit bids if required. Marushock: Design and solicit bids. Lukasewicz: And secure permits? Johnson: Yeah. Marushock: Right. Lukasewicz: So actually it won't give the go ahead until we get to review all that stuff? Menichetti: Right. Marushock: Correct. Lukasewicz: Because you have to be careful what you do in that creek because it was reconstructed years ago when the Marjol cleanup was done. And it's proper rock and *inaudible* mesh they put down so you have to be very careful what you're doing there not to disturb anything. Menichetti: Right. Marushock: We should have a *inaudible* of everything that's done there on site as far as the *inaudible* material and everything, right? Lukasewicz: You should be very careful what you do in there. Marushock: We're gonna have to bring that to the bidders attention then? Brazil: Well if I can, there was some correspondence from KBA that he's meeting with DEP tomorrow to see if they're going to declare, issue an emergency permit on this. Menichetti: Oh great. Brazil: And there was also some correspondence from KBA indicating that they thought this was an emergency situation. The letter's pretty self-explanatory because it, I guess it had built up so much... Lukasewicz: It hasn't happened just since that storm. This has been ongoing... Menichetti: No. This has been... Brazil: I think the letter indicates it... Lukasewicz: This has been ongoing. We made a complaint several years ago. Mr. Kalinoski and the DPW went in there and did a good job and it went up so far. Brazil: Right. Lukasewicz: And it's been filling back and I watched the squib down

there...Menichetti: Yeah, it's filling up. Lukasewicz:... and it's been filling up and filling up but still you get a high volume of water a lot of it does get washed out again. *Inaudible*. Brazil: O.K. Marushock: Atty. Brazil could you please see to it that that's all done properly without disturbing...Brazil: O.K. Marushock:...any of the Marjol contamination clean up, things that were put in place around that creek. Lukasewicz: And also there was a letter from Techtronics. I know when KBA addressed it about the clean up at the Little League site but he didn't address Sulphur creek whatsoever. And the letter from Techtronics stated that there should be some clean up in Sulphur creek also. Well, I think whoever bids on this should have a copy of the letter at hand to know that there are possible associated problems with that creek from the salt that was exposed into it so that things are not just done and then possible contamination is taken someplace else. Brazil: O.K. Marushock: Anyone else on the question?

All in favor

Motion carried

**16. Motion by Johnson**

**Seconded by Menichetti**

To purchase rain gear for the DPW workers. Approximate amount is \$1,128.00.

All in favor

Motion carried

**17. Motion by \*DIES FOR LACK OF MOTION**

**Seconded by**

Upon distribution of the fire pagers to each of the three Fire Departments, to have each company submit to the Borough a list of people who have received a pager for accountability reasons.

Marushock: Anyone want to make that as a motion? Lukasewicz: There's no need for a motion. I'm sure they're gonna be realistic about it anyway. Menichetti: Why are we, yeah why are we doing this? Marushock: We never had it before that's why we're looking for this at this time. Barone: Why? They're honest... Lukasewicz: They've always kept their own list of it and we've never had a problem, never...whatever. Marushock: O.K., motion dies for lack of...

**18. Motion by Menichetti**

**Seconded by Lukasewicz**

To authorize payment to SWIF (State Workers' Insurance Fund) in the amount of \$7,332.00. This is the quarterly installment premium for August 2004 - August 2005.

Lukasewicz: On the question; That's the total amount due or is that an install payment?  
Marushock: I believe that's the annual payment. Menichetti: It's the installment premium for August 2004 to August 2005. Hebden: It's an installment payment. Marushock: O.K. Lukasewicz: It's misleading because it says it's an installment payment from a certain date to a certain date. So there will be an additional payment? This is a quarterly payment? Hebden: Yep. Lukasewicz: All right. O.K. Menichetti: So this quarterly payment? Marushock: This motion needs to be changed then. *Few speaking at once, inaudible*. Lukasewicz: Quarterly installment payment. Marushock: If everyone could please note to the agenda that this is a quarterly installment premium for period

August 2004 to August 2005.

All in favor

Motion carried

**19. Motion by Lukasewicz**

**Seconded by Johnson**

To adopt the 2005 minimum Municipal Obligation for the Police Pension Plan in the amount of \$1,208.00.

All in favor

Motion carried

Marushock: Before we move on to motion #20- Mr. Novack the amount that we have here is \$90,770.00. Is that the correct amount? Novack: No. You'll have to amend it but Mr. Cummings doesn't have the figure as of today *inaudible* the exact figure should be. So I had to use a figure in there but you could amend this before the end of the year. He'll probably have the figure within a couple of days and on the 14<sup>th</sup> we could amend it. Marushock: Can we... Lukasewicz: Just table it till the 14<sup>th</sup>. Menichetti: Does this have to be voted on tonight? Novack: It's supposed to be for pension, municipal pension's statewide for the last working day in September but I've noticed in the books here sometimes you were voting on it in August. Marushock: We cannot approve it in that amount #1. Lukasewicz: No. Brazil: Right. Novack: But that's the only one I have right now. I just used last year's figures. Marushock: I understand that but we're set to have a work session on Thursday evening. O.K., then the motion... Menichetti: Could we put, "Not to exceed a certain amount?" Novack: No. Menichetti: No. Do you have to have the exact amount in there? Marushock: Motion to table motion #20? Unidentified: O.K. Marushock: Motion to table. Daryl? Who wanted to make that?

**20. Motion by Lukasewicz TO TABLE**

**Seconded by Shortz**

To adopt the 2005 minimum Municipal Obligation for the Non-Uniform Pension Plan in the amount of \$90,770.00.

All in favor

Motion tabled

Barnick: Excuse me Mr. Chairman. Getting back to #18 there - sure that's a quarterly payment? It just doesn't sound, it just doesn't right. Hebden: I just got this right before the meeting. It just says on 9/20 we were, invoiced it for eighty four eight five installment employer assessment payment. And that's usually how they read when we do get them. Lukasewicz: Let's check it. Menichetti: Do you pay these quarterly Amy, have you been paying them quarterly? Hebden: I was not in the past. They were paid monthly. Barnick: That's what I thought - it was monthly. *Few speaking at once, inaudible* \$623.71 or something like that. Menichetti: Why are they asking us for quarterly? Barnick: That's what I said. It should be, it should be up there about \$80,000.00 and it just doesn't sound right. Menichetti: So this is a monthly payment? Novack: It would be a monthly payment yeah. Menichetti: This is a monthly payment. Hartshorn: It's the installment payment for August '04 to August '05. Barnick: It doesn't sound right. Lukasewicz: It might be the year then. Hartshorn: It's for the year. Lukasewicz: Because if it was six hundred and some times 12 would

come out to seventy some...*Many speaking at once.* Hebden: It used to be billed monthly. Barnick: This is the end year, last installment then probably, right? Lukasewicz: I'm not sure. Barnick: Fiscal year. Marushock: Amy... Barnick: Does that policy expire in August? Novack: It was renewed in July wasn't it? Marushock:...could we clarify this - that we make a payment that is necessary so that we don't have a gap in coverage? Novack: This was renewed a month before your regular policy ran out. I believe it was August 1<sup>st</sup> and your other ones ran out on the 4<sup>th</sup> and 5<sup>th</sup> of September so I, that might be a monthly bill. Marushock: If it's monthly that's somewhere around \$84,000.00 - \$90,000.00 a year if it's monthly. Menichetti: All you have to do is look at the past and see what we've paid in the past. Hartshorn: It's due by the 14<sup>th</sup> of October that's why I wanted to make sure it was on here tonight so... Marushock: Well then why don't we look into it and see what's due... Lukasewicz: We'll just pay it and then we'll amend it in a motion later... Marushock: Right. Unidentified: Yeah. Lukasewicz:... that's all.

**21. Motion by Lukasewicz TO TABLE**

**Seconded by Johnson**

Motion to accept/not to accept the terrorism coverage for Policy #305760101-04. Time of coverage would be 9/4/04-9/4/05. The fee to reject the premium is \$105.00.

Lukasewicz: Which policy is that? Marushock: I believe on the... Menichetti: We don't have this yet. Lukasewicz: Which policy would this be... Marushock: I believe for our... Lukasewicz: ...general liability? Menichetti: Yeah I guess. It's a special rider for terrorism. Lukasewicz: \$105.00? Marushock: We opted out last time. Menichetti: What does it cover though for that much? What? Shortz: It's the fee to reject it - \$105.00. Lukasewicz: Fee to reject the premium? Wow. What's the fee to get, to take it? Marushock: It's quite substantial I believe Tom because that's why we rejected it last time. And this is for terrorism coverage. Lukasewicz: And this is after the fact already because the policy's in place already. Menichetti: And what is the coverage? What is the... Lukasewicz: We might not even have the opportunity to even take it after the fact. Usually most insurance companies give you a very small grace period to opt in or opt out. Shortz: They actually sent us a letter you have to sign to say we rejected it. Lukasewicz: Was that done? Shortz: No, that's... Menichetti: And then if you reject it you have to pay \$105.00? Johnson: Well that's strange, isn't it? Menichetti: Um hum, I remember. Marushock: Did you want to table this until we find out exactly what this is all about? Lukasewicz: Lets table this till our next... Marushock: Mid-month meeting? Lukasewicz: ...mid-month. Atty. Brazil if you could look at that and just give us an opinion of what we should do with it. Brazil: O.K.

All in favor

Motion tabled

**22. Motion by Lukasewicz**

**Seconded by Barone**

To adopt Resolution # 15 of 2004 authorizing the Reduction of the Developers Bond for School Side Estates.

Marushock: I believe that was in this evening's packet. Lukasewicz: Has it been approved by the engineer? Marushock: The engineer did not approve the full amount. We will actually by resolution *inaudible* that the developers bond or letter of credit submitted by School Side Estates

subdivision is hereby refused to the amount of \$181,772.00. Part 2 of that is a copy of the engineers' approval of this reduction attached hereto. #3 - The appropriate borough officials are hereby authorized to execute any and all documents necessary to confirm said reduction. Lukasewicz: O.K. so they want to go to \$172,000.00 and our engineers are \$181,772.00. So you just do it to what our engineers...Brazil: Correct. That's what happens. Lukasewicz: All right. Marushock: O.K. On the question?

All in favor

Motion carried

**23. Motion by Barone**

**Seconded by Johnson**

To have KBA, our borough engineer, check on problems with storm sewer problems on Phillips Street in the area of Mr. Tropiaks and that party report back to council by end of month meeting in October. The borough solicitor will work in conduction with the engineer to see what the legalities are involved with the entire situation. Also, all correspondence received by the borough of Throop by Mr. Tropiak be evaluated in the determination of the problem.

Lukasewicz: Could we include that also that the solicitor work in conjunction with the engineer to see what the legalities are involved with the entire situation? Tropiak: Mr. Marushock, could I speak on that one second? Marushock: Yes sir. Tropiak: I would just like to request that you provide in your motion my proposal and the respective letter to the respective parties for their reference and information. Lukasewicz: So just include in there that all correspondence received by the borough of Throop by Mr. Tropiak be evaluated in the determination of the problem.

All in favor

Motion carried

**24. Motion by Barone**

**Seconded by Menichetti**

To have the borough engineer look at problems with run off at Tiffany Estates and make recommendation to borough by the end of October. Also, to have the solicitor work in conjunction with the engineer and to possible evaluate that if any legal recourse can be taken by the borough to provide an adequate drainage be put in place.

Marushock: On the question. Lukasewicz: Yeah, on the question; Could we include in there to also have the solicitor work in conjunction with the engineer and to possibly evaluate that if any legal recourse can be taken by the borough to provide an adequate drainage be put in place. Marushock: O.K., Atty. Brazil? Brazil: Yeah, I don't have a problem but what I would normally do is wait until I get the report and then I would make a recommendation...Lukasewicz: I want you to stick on it fast is what I'm trying to say because...Menichetti: I don't want to change my...Lukasewicz: ...we've know there was a problem there. Brazil: O.K. Lukasewicz: ...we tried to address it years ago and we, borough recommended I think it was a storm system be put in...Brazil: O.K. Lukasewicz:...and it wasn't done. And if that storm system was put in place, the one we talked about years ago this might not have happened. Unidentified: That's correct. Lukasewicz: So what I'm trying to say is there is a paper trail of where the borough did want something done and it wasn't done. Brazil: O.K. Menichetti: Well are you asking me if I'm gonna

change my motion? *Laughter*. Or do I have to add it or what are we gonna do? Marushock: Are you in agreement? Lukasewicz: No, I'm just saying that we, I'm just asking that the solicitor be aware of what...Menichetti: So is that part of our motion or...? Marushock: Are you in agreement with the addition that Mr. Lukasewicz had mentioned. Menichetti: Is this what you want? Lukasewicz: Yes, that's what I was trying...Menichetti: O.K. Lukasewicz:...because we knew that the problem was there and we tried to address it years ago. George you remember. Marushock: Right. Lukasewicz: Everybody thought it was going to be done properly and evidently it just wasn't done. Brazil: And the only thing I would say, the planning commission has also me to review their items too, so...Lukasewicz: Exactly. I've read that...Barone: If there are problems up there I suggest you get a hold of Andy Summa too. He's the...Brazil: He's the owner, right. Barone: He's the owner, him and Joe Polumbo. Brazil: Right. Marushock: O.K.

All in favor

Motion carried

Marushock: The next one is a motion to have Atty. Brazil review information regarding Mrs. Zenkus's problems with the air contamination...Menichetti: I thought it was KBA? Lukasewicz: KBA will, to have KBA and Atty. Brazil...Menichetti: To have KBA secure an environmental engineer. Lukasewicz: ...work together to formulate a plan to have...Menichetti: An environmental engineer to examine...Lukasewicz: ...the information that has been gathered up to this point. To get a cost estimate. Marushock: We are to notify Mr. Staback to see if assistance is available as part of that motion? Lukasewicz: Yes. Well just to let him know because he is an environmentalist. Marushock: O.K.

**25. Motion by Lukasewicz**

**Seconded by Menichetti**

To have KBA and Atty. Brazil work together to formulate a plan and secure an environmental engineer to examine the information that has been gathered up to this point by Mrs. Mary Zenkus regarding the air contamination problems in the borough. A cost estimate will be determined and Mr. Novack will notify State Representative Staback to see if assistance is available.

Marushock: On the question; Mr. Barone, you said you were going to contact Mr. Staback? Lukasewicz: No Kenny's going to. Barone: No Kenny is. Marushock: Mr. Novack you can do that tomorrow then please? Novack: Yeah. Barone: Who seconded that? Johnson: Daryl. Marushock: O.K. Anyone else on the question?

All in favor

Motion carried

Marushock: That's all I have for motion this evening. Is there anyone else here on council? Barone: Yeah. I got, I'd like to put a motion on to pay these people that have, that didn't get the money back from their variances for about 3 months. Did they get paid yet? Marushock: I don't think we had anything come before us requesting the payments yet. Barone: Well Mr. Kalinoski, is he here yet? Marushock: Do we have anything in our packets requesting that a motion was missed? Barone: Robbie said he put in the information 2 months ago. This, 12 people didn't get paid, didn't get reimbursed. *Inaudible* but I suggest you pay these people. Menichetti: Who

exactly are you talking about? Johnson: Who are you talking about Joe? Barone: One is Mr. Palfrey down there but... Where's Rob? Is he out there? Hebden: All the other ones have gotten paid. *Inaudible*. Lukasewicz: The only one that wasn't paid is Mr. Palfrey? Hebden: That's the only one that was not paid because it was *inaudible* not to pay. Barone: Mr. Palfrey? Why not? Hebden: Yes. *Inaudible*. Barnick: When was that voted on? Menichetti: I don't remember voting on that. Lukasewicz: I don't think there was a vote to not pay him but I think there was... Hebden: Yeah, Robbie wrote a letter and, to me and then it was submitted to all of you. Lukasewicz: There was supposed to be an evaluation and I believe... Marushock: That's what I thought. Lukasewicz: that's what some of the people wanted... What I would say is, let me put the motion, I'd like to put the motion on to pay Mr. Palfrey. Menichetti: This was the refund for the variance for his garage. Lukasewicz: If a month has gone by and nothing's been done on it we've been negligent... Hebden: It was for a shed or something... Menichetti: Not the shed. He didn't have a variance for the shed. Barnick: Garage. Lukasewicz: Right. He wanted to get a variance for something and then Mr. Kalinoski... Menichetti: It was for a garage. Lukasewicz:... said he didn't need the variance. Menichetti: No, he didn't put the garage up. Is that right? Barnick: He didn't put no garage up. Lukasewicz: O.K., so then his variance should be refunded. Novack: Mr. Chairman what happened there was Mr. Palfrey had applied for a variance for a garage. He then changed his mind, Mr. Barone, 4<sup>th</sup> of July week or whatever. And he wanted to withdraw his \$350.00 fee but there was no advertisements or anything. There was no action taken on it. What had happened is Mr. Kalinoski already had submitted the check to the treasurer... Lukasewicz: ...just give it back. Menichetti: So why didn't they just pay him back? Lukasewicz: Just pay him his money back. Marushock: I think part of what had happened is... Lukasewicz: I make a motion that Mr. Palfrey's refund be *inaudible*... *Many speaking at once, inaudible*. Marushock: There's a motion on the floor by Mr. Lukasewicz to pay Mr. Palfrey... Menichetti: Everybody's talking at once and I don't know what we're doing here. Marushock: Anyone else on the question? Lukasewicz: It's just a motion to pay him his refund he gave... Marushock: Motion on the floor to pay Mr. Palfrey his \$350.00 for which he applied for a variance... Barnick: \$350.00? I thought it was \$300.00? I thought it's \$300.00? Hebden: It's \$300.00. Marushock: O.K. Correction. The amount was \$300.00. Lukasewicz: All right so just pay him.

**26. Motion by Lukasewicz**

**Seconded by Barone**

To refund Mr. Palfrey's variance fee of \$300.00. He applied for a variance to build a garage and then withdrew it.

All in favor

Motion carried

Barone: Yeah, I have another one. Going back to the DPW. Huh? Shortz: Every time you add a new motion... *Many begin commenting at once*. Marushock: O.K., lets do *inaudible* because I missed audience comments on that one. Menichetti: Yeah Joe you should have done this in the beginning of the meeting. This is silly. Barone: Go ahead. Do you have audience comments on... Talking about the phones for the DPW. There's 5 guys have phones and they're using their own phones. What? Menichetti: But I understand they have walkie-talkies. Barnick: I'm sorry Joe. They have, they have radios. *Many speaking at once*. Menichetti: They have radios Joe. Marushock: They have radios. We discussed this. Barone: Well I'm only telling you what they

reported to me. Now they, you can't get a hold of them don't yell at them. Marushock: O.K. Barone: If they're using their own phones and it's costing them money, I don't know. Marushock: Is that it for motions this evening? Barone: One more. I have another complaint that you owe Chuckie Kryptovich 4 hours overtime or 4 hours time. Marushock: There's 2 hours at time and a, or I'm sorry I believe at double time. The reason for that was another DPW worker had instructed our police that the DPW worker that was called out, that they would be handling the overtime that weekend. The problem is is that DPW worker did not have the authority to instruct the police of his position. And that DPW employee who did instruct the police to call him out on the overtime was evidently not eligible in a seniority order. Barone: Right. Barnick: So I mean a mistake was made. So just pay the guy. Menichetti: What do we do, what do we do pay him or, yeah, right? Brazil: I talked, I talked to Ken about it and I thought it was done to the contract having me discuss it. Ken kinda said he talked to him and he was looking for his money. O.K. Menichetti: Just pay it. Brazil: Now, now it's up to council to decide. I mean... Barnick: Well just... Lukasewicz: Pay the difference *inaudible* and have it over with and don't let it happen... Menichetti: Do we have to vote on it? Barnick:... Pay the guy. He made a mistake and let them know there's a seniority list out there and give a copy to the police. Lukasewicz: What's the total amount due? Barnick: Here's the seniority list you call. They should know that anyway. Marushock: I think it's eighty dollars... Menichetti: So pay him already. Lukasewicz: I make a motion that whatever amount is needed to correct the problem that occurred because of the wrong person called out for the DPW department on a certain date be rectified. Barnick: Rob, unless you know anything more that needs to be added. There's nothing else right? Lukasewicz: It's only a hundred and some dollars... Kalinoski: Council should have gotten something... Barnick: Yeah, it was just a mistake. That's it. Kalinoski: That's all I know. Marushock: It's been in our packets. Lukasewicz: A simple mistake, a hundred and some dollars. Menichetti: O.K., so put a, you're putting the motion? Lukasewicz: I made the motion. Menichetti: I'll second it.

**27. Motion by Lukasewicz**

**Seconded by Menichetti**

To pay the 4 hours of double time (call out time) for the July 4<sup>th</sup> holiday weekend to Chuckie Kryptovich.

Barone: Yeah really you have to pay it 'cause if you don't you're gonna have trouble with the union. Marushock: The thing is, on the question here, my opinion is there should be a letter included in the other employees' file that he is not to supersede his authority. *Few begin commenting at once.* Menichetti: I think he... Barnick: Woe, woe, woe. Lukasewicz: It's a simple problem that happened and it won't happen again. Menichetti: It's just a mistake. Lukasewicz: Robbie will rectify it with the guys. It's no big deal. Barnick: Wow. Lukowski: Yeah, I think it rather chaotic that day. Lukasewicz: Yeah. Just leave it die at that. I call the question. Barone: you see, excuse me, when the union Geddy - even if, even if Chuckie said, "Look it, I won't be available the weekend. The work comes up you still have to call him to make sure. He has to answer that he doesn't want it. Because of the union, unless he has seniority. Marushock: O.K., the motion on the floor to pay the overtime. Hartshorn: Geddy excuse me, just for payroll purposes it's 2 hours of double time? *Inaudible.* Barone: I think he said it was 4. *Few speaking.* Lukasewicz: Whatever it is check with Kenny tomorrow and... Marushock: Wait. Hartshorn:

Because I'm doing the payroll tomorrow. Kalinoski: There were 2, they're guaranteed a minimum of 2 hours for each call out. They were called out twice. Marushock: That's 4 hours. Lukasewicz: 4 hours of double time. Barnick: Of double time. Lukasewicz: All right Chris? Hartshorn: Thank you. Marushock: So that motion is gonna read 4 hours of double time.

All in favor

Motion carried

Marushock: All right. Going into audience comments, new business. Unidentified: What about that motion? That motion to pay that money back...Lukasewicz: The variance. *Few speaking at once*. Barone: Oh, he did that. O.K. new business, starting with the front row....

**Maria Chevchik** - I just wanted to straighten somethin' out. Last week in the paper their was an article saying that why, the reason why the Civic Center wasn't opened at nights or on the weekends was because 2 assistant directors quit without our 2 weeks notice. And I just wanted to clear it up. If that was referring to me I was not an A.D., I was demoted and I was only getting 8 hours a week. So I don't want blame put on my shoulders. Menichetti: I don't think it said they were assistant directors it said 2 employees. Chevchik: No, it said assistant directors. Barnick: Yes it did. Menichetti: Well we didn't print the article. Chevchik: Well I'm just saying if that was said it's incorrect. And that's all I have to say. Marushock: O.K., not correct in the newspaper, correct? Chevchik: No, but I was just saying if that statement was made it was incorrect. Marushock: O.K.

**Bob Bolus** - *Inaudible* because I'm sure we all want to get out of here. I know there were enough complaints about the smell from the landfill in the last couple weeks. I think the DEP's really gotta start doing something about it. I mean you drive down 81, you go up Marshwood Road, the stench is out there. You know I brought it up once before and I was told, "Hey, we didn't smell anything". Well guess what? You could smell it now. Barnick: Excuse me Mr. Bolus. We got one of our landfill inspectors here right now. Is anything going on or what? Unidentified: No. They got 3 complaints in 2 weeks about the odor from over in Swinick Development. Unidentified: Sherwood. Sherwood, wasn't it? Unidentified: Well they're both...Barone: Both came from Swinick? Both came from Swinick. Bolus: Which way the wind happened to be blowing that day. If it blows the other way it comes this way. Unidentified: Right. Bolus: It depends on which way the wind blows. So I think you know we have to at least send a letter to the DEP to at least check it out. We don't need another Alliance over here. Unidentified: Excuse me Mr. Bolus they were there 3 times. Bolus: Right and *inaudible*...Unidentified: No. They came up with nothing. Bolus: Nothing right? O.K. I guess the next time we gotta call and I'll give everybody else a call and we could all stand here while we're waiting. Unidentified: You could call me Mr. Bolus. I'd be glad to go out. Bolus: O.K. Thank you. Well you may be up there working. Unidentified: Call me there. I'll give you my cell phone. Bolus: O.K., well it's out there. I mean if you want to bury our head in the sand that's, there's *inaudible* everybody else to do. Unidentified: No. Barnick: But that's not in your reports right? When they get the call, if they come up you gotta make your reports right? Bolus: Yeah but you may get the call, you may make the call into them. By the time they show up the wind has changed and it's going in a different direction. Unidentified: Right. Yeah. Bolus: O.K. It's just the way it is. It's the way landfills operate. Another problem I have is this car lot on the corner here. When you go around Sanderson Street cars are stopping dead right in front,

making a right right in front there. You're looking to the left watching traffic 'cause you're at a yield sign and the next thing you know you got somebody stopped dead right in front of you. I think it has to get addressed. They have ingress and egress off, on the main road here so you know... Marushock: Can we notify the planning commission? Menichetti: Ask the zoning board. They're the one that's handing out the permits. Marushock: Mr. Bolus could you bring that up to the planning board/zoning board? Bring that to their attention. Bolus: Yeah. That's not a problem. Marushock: O.K. Bolus: O.K. and on Sanderson Street in front of our place - These kids, with the buses comin' down and all. Cars are flying through there, trucks are going through there and no one's stopping. It's just a matter of time. There's been a lot of fender-benders, a lot of accidents out there and it's a matter of time before somebody gets *inaudible*. I mean some of the buses have slowed down and come through, cars are flying through there. I mean, you know I see it all day. I sit in my office and I watch. I could probably make a fortune just calling up and telling them I was a witness to most of the accidents. Last thing is, and I know Robbie was here and I mentioned it in the past and this was when Art was the zoning officer here. Where the vehicles being parked at the Thompson, the old Thompson place. They're all wrecked vehicles. They're unlicensed and everything and they're just accumulating more and more up there. I know when we tried to put vehicles over here at the old Yellow Freight even at an auction we were told we couldn't bring them down because they were unlicensed. I mentioned it to Robbie on numerous occasions. I'm mentioning it again tonight and you know everyone is in a hurry to write me citations. Lukasewicz: Bob, if you put it in writing... Bolus: Huh? Lukasewicz: Put it in writing. I think then he has to address it. Bolus: Well I'm bringing it here to a public meeting here tonight. It's just as good as putting it in black and white. Menichetti: I don't know, I don't know if he can go on private property. Bolus: Oh yeah he can. Menichetti: Unless he can see it from the road he can't... Bolus: Well he could see it right there from the road. Drive right along Thompson, all the vehicles are parked there. There's a wide open fenced area, they're all parked there. And I just wanted to bring it out at another public meeting and it's a matter of record now to do the job that they wanted to do on me and drag us all into courtrooms, everything. That's somethin' we've been doing for 50 years. O.K. Thank you. Marushock: O.K. New business, Mr. Rocco....(tape change).

Barone: ...and Melissa told me that you told her to come over here that day. And they chased the kids out that were there. I don't know how many kids were there. Is that correct? Marushock: I believe there were minimal or something and I know that we, if we had trouble or questions concerning anybody I believe we're going back into the fall hours, in which everybody should be hitting that fall hour schedule in the facility. Barnick: Wait a minute. You should have been started already. Lukasewicz: As soon as school goes in place the fall hours already started. Barone: The day school goes back that's supposed to go on the 9 to 5. Lukasewicz: That's what we always did. Barone: That's the way we always did it. Lukasewicz: Hopefully it'll go that way. Barone: No, but she, no she said she closed it because you told her to come over here. *Many speaking at once, inaudible*. Barone: If it happens again? If it happens... is what? Marushock: As a department head she is supposed to be here. Barone: Well maybe she's sick, I don't know. But the thing is you told her to close that building an hour earlier and I got calls and I couldn't give them an answer. I mean if it happens again for an hour have the meeting at 7:00, what's the difference?

Marushock: Motion by Mr. Lukasewicz to adjourn. Unidentified: Pardon me. May I have the

floor for just 1 minute? Barone: Yes. Unidentified: You know I made all my thank yous to everybody up there but I really forgot 1 person who really helped me all day long. And I wanna say, I wanna thank John Snell because he was with me all day long. Menichetti: Um hum. I know. He did a good job. Unidentified: In my nervousness I did omit him and I'm very sorry. So I just want that for part of the record. Marushock: Meeting's adjourned.

Meeting adjourned - 9:05 p.m.

Minutes by Catherine Egan

Attachments: Zenkus