

**Minutes
Throop Borough Council
Special Monthly Meeting
Monday, April 3, 2000**

The meeting opened with the Pledge of Allegiance.

ROLL CALL:

Members Of Council:

Joseph Keyasko-P

Anthony Chrzan-P

George Marushock-P

Vice President - Joseph Barone-P

President - James Barnick-P

Robert Mraz-P

Thomas Lukasewicz-P

Mayor - Stanley Lukowski-P

Controller - Daryl Menichetti-P

Solicitor - Attorney Louis Cimini-A

Treasurer - Lenore Dolan-P

Assistant Secretary-Christina Sullivan-P

Announcements:

The monthly work session and meeting for the month of April is re-scheduled due to Holy Thursday and Easter Monday. The monthly work session and meeting will be held on Tuesday, April 25th beginning at 6:30.

Barnick-I'd like to extend appreciation to the Boy Scouts, they put in about four hours on Saturday with a couple of guys (DPW) and the police, they cleaned up a major portion of the town. A lot of papers, two truckloads of garbage, and it worked out pretty good. \$140.00 we took out from our petty cash to buy them pizza at lunchtime, and soda. Parent and kids were out there.

There were no audience comments on tonight's agenda.

Barnick- The one's on number (motions) five (5) and six (6) we'll do last. I know there's a couple of concerned people here before we get onto tonight's agenda items. Something happened today with the police down there on the easement, could you explain what's going on with you and we could try and straighten this thing out?

Stella Roque-John Shelcosky, my brother, and I was gone there today, Mr. Kalinoski had plans today and couldn't surveyor's.....because we were moving the rocks to look.....the house next door, she come running out and she said, can I help you?, we didn't answer her at first, and then she yelled get off my property. So I turned around and told her mind your own business and she said I'm calling the police. So the Throop Police come down and I tried to explain to him, I said this is my brother's property, it's an easement for the Borough to go through with the pipes....I said.....via council, it was proven it's my brother's property. He didn't want to see the paper that we had, so he said that we were getting arrested, my husband and I. I says to him, we're getting arrested for what? He said you'll find out when you get it in the mail. I said, if you're arresting us, I want you to arrest.....I said this is my brother's property. So he told me, he said, well you're better off if you keep away from him, until this matter is settled. I says to him, I'll come down and visit my brother as often as I want.

Barnick-John Wildman, I think, was the one.....

Joseph Roque-What happened was, when she's talking.....

Mayor-What time was this, what time of day was this?

Stella Roque-About 11:00 this morning, maybe 11-11:30 this morning.

Joseph Roque-In the meantime, while the conversation was going on I was minding my business, I didn't say a word.

Stella Roque-My husband didn't say one word.

Joseph Roque-I didn't say one word, I had a magnet looking for the stake, then all of a sudden the cop asked me, did you call me? I said no, the lady over there did, ok, so he went over there, starting writing down everything she said. So the officer came over to me and said I was arrested. I said, for what? I didn't say one word, it was her and the lady next door that said the words, I didn't say nothing, I'm arrested for nothing, for no reason at all.....I didn't say a word.

Chrzan-Did he give you a citation then and there?

Joseph Roque-He took our names down and said we're going to a hearing in front of Pesota. He said there's going to be the.....

Stella Roque-You'll get it in the mail.

Joseph Roque-He said in the mail, there's going to be a reason why we were arrested.

Chrzan-He didn't say why?

Joseph Roque-No, he wouldn't tell me, I asked him.....

Barnick-Mayor, could you look into that?

Mayor-I will get, no, don't do anything, I will get the thing straightened out tomorrow, I'll talk to the parties..

Joseph Roque-And the thing is, the way she was carrying on.....she was carrying on about the easement, then the officer says to me, I could see what's going on, all the people are using the leverage against the Borough because they want things done for nothing.....I says hey, we don't nothing for nothing.....

A discussion took place.

Joseph Roque-I said officer, here's the paper from the Councilmen stating about the land, about the fence being replaced with the trees, I don't want to look at it. He didn't want to look at it. I said the Councilmen gave orders, right here. He wouldn't look at it, he took it in his own hands, he said ok, you're being arrested, that's it.

Stella Roque-He took my name and my husband's name, our address and phone number.

Mayor-What is your phone number?

Joseph Roque-489-2391. Joseph and Stella Roque. No matter what we do here, here's what it is, John Shelcosky asked me to look for the stake and I did. And I was harassed, and she's saying we're harassing her, I don't need that, I don't know that woman from Adam.....the only time I met her, the first time was today. She's going on with the officer that I'm always harassing her, which I'm not, I don't know that woman from Adam.

Mayor-Okay, I'll let you know.

Barnick-Also, we're going to discuss financial reports, annual audit from the Controller, right after we get through these motions.

Motion by Marushock

To appoint Fidelity Bank as the one financial institution as depository for the borough accounts.

Lack of Second

Motion Failed

1. Motion by Barone

Seconded by Chrzan

To appoint First National Community Bank as depository for the borough accounts.

On the question:

Marushock-Is it best for the Borough?

Six in favor-Keyasko, Chrzan, Barone, Mraz, Lukasewicz, Barnick

One Against-Marushock

Motion Carried

2. Motion by Keyasko

Seconded by Mraz

To adopt Throop Borough Resolution # 22 of 2000 appointing First National Community Bank as depository for borough accounts. (Three signatures are required President of Council, Controller and Treasurer. Vice president may sign in the absence of the President.)

Six in favor-Keyasko, Chrzan, Barone, Mraz, Lukasewicz, Barnick

One Against-Marushock

Motion Carried

3. Motion by Mraz

Seconded by Keyasko

To allocate \$500.00 to replenish the postage meter.

All in favor

Motion Carried

4. Motion by Marushock

Seconded by Keyasko

To replenish the Borough's Petty Cash in the amount of \$197.56.

On the question:

Barnick-\$140.00 spent Gangi's Saturday's cleanup.

All in favor

Motion Carried

(Council went to Motion # 7 and # 8 next.)

7. Motion by Chrzan

Seconded by Marushock

To ratify the check in the amount of \$200.00 to the Mid Valley Drama Club for a donation including an ad in this years playbill. (The MV Drama Club is pleased to announce the production of Cinderella to be staged on April 28 and 29 in the Mid Valley auditorium at 7:30 p.m.)

On the question:

Barnick-Problem with the banner, moved to South Valley Avenue. Should work permit amended try to get two poles just for banners.

All in favor

Motion Carried

Barnick - Before we move on to Motion's 5 and 6, I'd like to discuss or have the Controller discuss the Financial Audit of the Borough. We did not have a chance to review this, but it was filed already. I caught it on Wednesday and I thought it was important enough to call a special meeting in regards to this. Daryl will you explain this.....the audit itself.....the Civic Center account..

Menichetti- In settling the accounts for the Borough, ladies and gentlemen, it is my responsibility to see that all the accounts are settled.....in so doing, I discovered some discrepancies in the Civic Center Account. I reported this in my financial statement for the year end 1999 on the Civic Center account. I will read what I found here. The reported income for the 1999 soda machine.....as per the Treasurer, Mrs. Dolan, Civic Center was \$6,353.00. Purchases....for 1999 was \$6,957.35 - that left a deficit of \$604.35, in other words, we didn't even take in enough money to pay for the soda that we purchased. In addition to that, in August they purchased soda in C02 tanks and the charge for that soda was \$181.00. I looked through all the Civic Center reports and could find nothing to report the sale of the soda in the C02 tanks. There was a credit for the return of the C02 tanks of \$93.50 which left a deficit of \$87.50. Additionally, thirty two trays of pizza were purchased from Dick's Bar for the Boxing Match in August. The cost of the pizza was \$198.00 which the Borough paid. The income reported from the sale of the pizza was

zero (0) so we have a loss of \$198.00 here. As close as I could, I calculated bottles for the Borough.....invoices....Canada Dry I calculated 6,432 bottles and Pepsi 6,024 for a total of 12,456 bottles. Now we sell these bottles at \$1.00 a bottle, which means we should have had an income, anticipated income of \$12, 456.00 in sales..... We took reported income of \$6,353.00 which left a deficit of \$6,103.00. The loss from the sale of the soda in the C02 came to \$87.50 the loss from the sale of the thirty two (32) trays of pizza \$198.00, total deficit I calculated approximately \$6,388.50. Now I also did a calculation on the first three months in this year and January, February, and March, approximately the bottles purchased as per the invoices and it is not for an entire month was 5,448 bottles. The anticipated income from the sale of the purchased.....should be \$5,448.00. Income reported from the sale of soda was \$2,657.00 a deficit of \$2,791.00. Also in January, we paid a bill from December for \$270.65 from Pepsi for approximately twenty cases of soda, which would have a value of approximately \$548.00. Total deficit for the first quarter 2000, \$3,319.00. As far as I could calculate with the invoices that were available, now I did request the Civic Center books and I was not allowed to see them. Barnick-I'd like to stop right there. She requested the Civic Center books, don't get the wrong idea, we asked to have it her put it in writing, or have one person sit with her over there, because we don't want no originals going anywhere, and make sure that our copies are kept on record over there, too many things seemed to get misplaced around here.

Menichetti-Mr. Barnick, I'm the Controller.

Barnick-I'm talking. You (Mr. Lukasewicz) made that rule.

Lukasewicz - What rule did I make?

Barnick - All receipts and paperwork stays in the building.

Lukasewicz-Nothing wrong with that. I always wanted accountability of everything.

Menichetti - Those are official books.

Barnick-They're not books.

Lukasewicz - Accountability, I always wanted accountability.

Menichetti - Tom, those are official books. They should be kept here.

Barnick - You were never denied access to any books.

Menichetti - Yes, I was.

Lukasewicz - She should be able to go over there and see them whenever she wants, she is the controller.

Chrzan - Noone stopped her.

Barnick-Noone's stopping her.

Menichetti-No, he told me I had to request it in writing.

Chrzan - What's the matter with that?

Menichetti - I'm the controller of the borough. I'm not just someone walking in off the street.

Lukasewicz - All she should have to do is say Jamie I want to look at the books.

Chrzan - No problem.

Barnick - No problem, but he was going to sit there with her.

Menichetti-Do we have that policy in writing?

Barnick-What's that?

Menichetti-Do we have that policy in writing? We don't.

Barnick -Is that a terrible request?

Menichetti - For the controller?
Lukasewicz-Aside from the point, she should be able to just go in there whenever she wants.
Aside from the argument, she should be able to review the books whenever she wants.
Barnick- I'm not going to take the chance of anything being missing.
Menichetti - You're playing cat and mouse.
Keyasko - Those books should be here.
Mrs. Dolan - There's no books. There's no books.
Lukasewicz - There's no books?
Dolan - It's receipts. It's revenue.
Marushock-Wouldn't it be better if some of these records were kept over here in this facility?
Wouldn't it be better?
Menichetti - This is the depository for the Borough records. The borough records should be here.
Chrzan - Bob (Lokuta), Where do you have them, in the safe? What's wrong with being in the safe?
Dolan - They're in a locked filing cabinet.
Lokuta-They're in a locked filing cabinet.
Unknown-You want a copy, I'll just make a copy and have them here, it's no big deal.
(Many people spoke at once.)
Marushock-I don't feel that she should have to submit a request in writing.
(Many people spoke at once.)
Barone-I give it to her in writing.....on a little piece of paper.....she didn't accept that.
(Many people spoke at once.)
Lukasewicz - There's no need for her to do it in writing.
Barnick - Never was she denied access.
Menichetti - I was denied access of the civic center books when I requested them in writing. It's in my file.
Barnick-Secondly, I'd like to know when you noticed that this.....there was problems with this soda.....when?
Menichetti-When I'm settling the accounts at the end.....
Barnick-When?
Menichetti-When I'm settling the accounts at the end of the year.
Barnick-When?
Menichetti-Before I can do my audit I must settle the accounts, in settling the accounts I noticed the deficit.
Barnick-And you didn't report it to nobody?
Menichetti-I most certainly did. Here it is in black and white, to the State, to the Clerk of Judicial Records, and to the Borough of Throop. Excuse me?
Barnick-You did not report it to anybody.....when did you first notice it? How many months ago? Marushock-Can I.....
No, I'm not done. How many months ago did you notice this?
Menichetti-It took me two months to compile all of my information, I started January 14th.
Barnick-What, you noticed there was a discrepancy?
Menichetti-No, I first started checking on the pizza, there was no income report, what difference

does it make? This is the problem, this is your problem.....what are you going to do about it.
Lukasewicz-.....file an audit as.....by Controller's Office.....
Menichetti-Pardon me?
Dolan-Those hot dogs sold too. Excuse me, but.....revenue.....is all under programs.
Menichetti- See, Lenore, I looked through every single one of your.....
Dolan-It's under programs.....
Menichetti-No it's not.
Dolan-Yes it is.
Menichetti-Lenore,.....
Dolan-It's under programs....
Menichetti-Lenore, it's not there.
Dolan-It's not specified.....it's under programs.....that's the specification it's under.
Menichetti-Excuse me, there is no.....
Dolan-When you went over there and looked at the receipts.
Menichetti-I wasn't allowed to.
Marushock-Mrs. Dolan, are you saying there were also hot dogs sold at that boxing match?
Dolan-Yeah.
Marushock-That's not, I was not aware of it.
Dolan-Well, you weren't there.
Marushock-You're right, I was not there.
Dolan-Alright, so you're talking.....
Menichetti-Lenore, you have revenue reported of \$600.00point blank.....there is not another penny to report in that box.....
Dolan-You'd have to pull the.....receipt out.....the in and out of it.....you'd have look at the revenue.
Menichetti-I'd don't know what you're talking about.
Dolan-What we're talking about.....when we had the boxing match, it's all in one.
Menichetti-.....and I know that's what you paid for the rental of the gym.
Dolan-(Unclear).....you don't pull one item out.
Menichetti-Lenore, how could you report revenue when it's not there? Where is the revenue for the.....if you reported.....
Dolan-It's under programs, I'm telling you.....
Menichetti-Show me where you reported it to the Borough. Show me where you reported it.....
Dolan-Well, if you look at the report it would be under programs, it's not specified. It's all programs, when they have the tournaments, that's programs.
Menichetti-You have.....I have every one of your things here.....
Marushock-Why was that boxing match then, the income from that which was still I believe was \$600.00, why wasn't that reported under programs then, why was that a separate item?
Dolan-I think they gave us a check.....(unclear).....but you want to see the liability part, you're very concerned with liability.
Marushock-But, regardless of whether it's check or cash I feel it.....
(Many people spoke at once.)
Menichetti-Lenore, every month you give me a report, every month, right? You have everything

listed: you have the aerobics, the income from the aerobics, you have the rental of the gym,paid "x" amount of dollars, you have everything itemized, there's nothing in there about pizza, soda, nothing.

Dolan-They.....they didn't calculate it separate. It just went into the.....

Menichetti-But where was it calculated?

Dolan-Well, it was put in, put it in programs, it would be in and out, you have to see the actual posting there of in and out, and then the difference went in and that's what you're seeing on the trial balance, the difference.

Menichetti-There's no difference, it's not there.

Dolan-Well, I'm telling you that's how it would be handled. Becausehandled as separate items.

Menichetti-Lenore, it's not there.

Marushock-I don't see why we have one thing as you said with the check as income, you listed that as income, and.....

(Everyone spoke at once.)

Barnick-For 1998, what did we make, I want to know, if something changed here.

Menichetti-Excuse me?

Barnick-From '98 to '99 what.....

Menichetti-I thought you were discussing 1999.

Barnick-I am, I want to find out everything about.....I got the reports, I don't see nothing about the Civic Center.

Menichetti-I don't even know if there was a problem in 1998.

Barnick-Well, I think we have to go back and look.

Menichetti-Well, fine, fine. I think you should go back to 1997.

Lukasewicz-There's was a problem for '98 too? How much money is missing?

Barnick-I don't know but, like I said, I'm going to look at this in detail.

Unknown-Jimmy, we got a vendetta.

Barnick-Yes, I know this.

(Everyone spoke at once.)

Barnick-We did not even have an opportunity to review this, or any recommendations from the Controller as per the Borough Code. Nor were we notified of any irregularities, immediately this should have been reported, immediately.

Menichetti-I notified.....

Barnick-And there should have been an investigation conducted immediately.

Menichetti-Here it is, in writing immediately after I finished.....

Lukasewicz-Wait a minute, you're missing the whole point of what's going on here. It's not the Controller's fault. It's somebody's fault if there are problems.

Barnick-Yes there is.

Lukasewicz-It's not her fault.

(Everyone spoke at once.)

Lukasewicz-we.....anything we do in this town.....you need to find the problem, finish the problem, and end it.

Marushock-Exactly. We need to look into.....start with the cash income over there, both from

the door intake, also from thesoda machine. Someone, I'm not making accusations.....
(Everyone spoke at once.)
Lukasewicz-There' s no need for any discussion here, he said, she said, I said, we did, it's not going to do any good.
(Everyone spoke at once.)
Unknown (Mraz)-Go back a couple of years, not just now.
Lukasewicz-Jim, go back to the day it was open.
Keyasko-They should itemize everything so you know where everything put.....what's going on. That's it. How much you buy, how much you sell.
Barnick-Not only, this is a major problem, but to sit here and then just find out about this now, after you knew about it, it was going on.
Lukasewicz-Jimmy, don't, don't, don't blame her, let me tell you something, if there's stuff missing, she's not stealing.....there's seven of us sitting up here, take some responsibility, there's a Civic Center Commission, take some responsibility, and remember, in April of last year, I wanted accountability, accountability, account.....where did you push me and my wife, right on the side, because we don't need accountability.
Chrzan-Excuse me.....
Lukasewicz-We can trust everybody.....
(Everyone spoke at once.)
Lukasewicz-Now you got what you got, now, what about the accountability that I wanted a long time ago.
Marushock-Mr. Barnick, I agree.
Unknown-You had.....experience of your own, what are you talking about?
Unknown-You're a liar.....
Lukasewicz-Bring it all out, go on, bring it all out.....
Unknown-Bring it all out?
Barnick-Trying to get.....
Lukasewicz-All I want to do is.....and have it over.
Unknown-You have.....conspiracy.
Barnick-I remember that too.
Unknown-Yeah, good for you.
Marushock-Mr. Barnick.....
Unknown-And we're going to bring that up too.
Lukasewicz-We got no accountability, bring up what you want, bring it all.....for the record sake, state your name.
Bill Shevchik (Audience)
Lukasewicz-Okay, what do you want to bring up?
Shevchik-What you tried to do to the Commission.....
Lukasewicz-Okay.....I'm going to.....bring it up.
Unknown-Let's have the meeting and.....
Unknown-Who did you want to get in?
Lukasewicz-Let me ask you a question, what's the problem here, with me or is it the money not being there?

(Everyone spoke at once.)

Unknown-You didn't want no accountability and that has nothing to do with it, that has nothing to do with it.

Unknown-There you go.

Unknown-I'm talking about the whole conspiracy that you tried to pull.

Lokuta-Mr. Barnick, can I address this?

Barnick-Go ahead, Bob.

Chrzan-State your name, Bob.

Lokuta-Bob Lokuta-I'm happy to say that I'm the President of the Commission across the street, and listening to all this, that the first thing I have to say, we have everybody that's associated with that building, is that we are thrilled to death that there is going to be an independent investigation by the District Attorney's office, we're thrilled for it. Now, the other part, the other thing I want to say is, this audit, I have a lot of problems with. Number one, Mrs. Menichetti was never denied any records in that building, she was never denied. I mean, you could say however you want to, you were not denied.

Menichetti-Well, I went over there.....

Lokuta-Okay, number two.....

Menichetti-.....and I was denied.

Lokuta-You weren't denied. You were asked to put it in writing, and you would have gotten anything you asked for.

Menichetti-I requested it in writing from Mrs. Dolan. I have it right here.

Dolan-and an answer I wrote. (Mrs. Dolan spoke, tape unclear). I said, they're over the Civic Center, go through Jamie, if you need my help, thank you, that's what I wrote.

(Everyone spoke at once)

Lokuta-As far as I can see in this, in this, I'm not saying in this audit, I'm not saying that there isn't a problem across the street, we put a lot of hours in this weekend trying to find out where the problem is and we're still working on it. But without all the facts and figures that are available, this audit, in my opinion, is flawed, it's flawed. Mrs. Menichetti, on the profit we make on soda.....

Menichetti-It doesn't matter how much you make on it, if you're spending, if you're purchasing soda for \$6,957.00 and you're reporting \$6,353.00 and you're at a loss of \$604.35.....

Lokuta-Can you answer that question?

Menichetti-.....what difference does it make, how much profit.....

Lokuta-Can you answer that question? Can you answer that question?

Menichetti-you're selling at a dollar (\$1.00) a bottle and.....

Lokuta-Can you answer how much profit we made?

Menichetti-(unclear, not understandable on tape).

Lokuta-Can you answer how much profit we made? Can you answer that question?

Menichetti-Yes.

Lokuta-How much?

Menichetti-I just told you.

Lokuta-How much per bottle?

Menichetti-You're selling it at a \$1.00 per bottle, how, they're all different prices, I don't what

you're, what they.....

Lokuta-You don't know what we made profit last? Per bottle?

Menichetti-This is the bottom line, this is the amount of money that was paid out.....the amount of money you.....no, you're putting up a smoke screen. This is the amount of money that's paid out. This is the amount of money that was reported as income from the sale of the soda. The two don't match, Bob.

Lokuta-Okay.....

Menichetti-It doesn't matter what the price of the bottle was.....

Lokuta-You, Daryl, you're right, you're right, you're always right. You're right.....the investigation.....

Menichetti-Figures don't lie, people lie.

Lokuta-No, well, figures do, could lie when they're not presented right.

Menichetti-Oh, yes.

Lokuta-And when the investigation has.....where the chips fall, we're, we're thrilled with it. We're thrilled.

Menichetti-Even the figures that were given to me, these are the figures I have.....(unclear).

Lokuta-You don't have the whole picture, Daryl, this is not an accurate audit.

Unknown-Okay, uh.....

Menichetti-That's your opinion.....

Marushock-Mr. Lokuta, can you prove her wrong, you're saying she did in inaccurate audit, can you prove your statement? She made one statement, can you prove it yourself that she.....

Lokuta-You, you don't know all the details about this audit.....I did an audit, Mr. Marushock. (Everyone spoke at once.)

Marushock-It's pretty much easy to figure out.....

Lokuta-No, if you want, if you want it curved a certain way, it's very easy to do.

Menichetti-I'm not curving anything, I took.....

(Everyone spoke at once.)

Lokuta-You want to.....but it's very easy to do.....

Marushock-(unclear)

Lokuta-Yes it is, sir..(unclear).....since January.....

Marushock-No sir, it is not.

Lokuta-Listen to the tapes and the minutes of the meetings.....

(Everyone spoke at once.)

Marushock-No sir, it is not.....

(Everyone spoke at once.)

Marushock-.....requested a complete financial report from you which I never received, is that correct?

(Everyone spoke at once.)

Marushock-Mr. Lokuta.....

Unknown-I asked a simple question.

Marushock-I asked you a complete report of the financial records.....

Unknown-Right there.....

Marushock-.....and I still have not received them yet.
Lokuta-.....March.....you.....(unclear)
(Everyone spoke at once.)
Lokuta-.....(unclear)....Every month... every month that Mrs. Dolan presents our, our report to the, to Council.
Marushock-.....complete report from you, Sir, from the opening date as to what we.....
Lokuta-Every month you get it from Mrs. Dolan, every month.
Menichetti-And that's where I got my figures from, Mrs. Dolan.
Dolan-.....they're right that...was deposited.
Lokuta-Jim, all, I'm going to end it by saying we can't wait for this investigation to happen, we can't wait.
Marushock-Mr. Lokuta.....
Lokuta-And if, if there are going to be repercussions, let it, let it go where it goes, we have nothing to hide.
Barnick-Well, the second problem, the second problem I have with this is.....it says additional.....
Lokuta-We have nothing to hide.....
Chrzan-One, one at a time,
Barnick-An additional problem I noticed, I'm looking over the bills for the Civic Center was the fact that our tax exempt status has been disregarded.....(unclear). Please note I did not look at all the bills but did a spot check.....you notice some of the bills, there's something wrong, you're going to go to the rest of them and identify which is wrong. Superintend to the fiscal affairs of the Borough.
Menichetti-Excuse me, but that's the Treasurer's responsibility, I'm.....
Barnick-No, that is your responsibility.....
Menichetti-.....to see that....no.....
Barnick-You have the responsibility.....
Menichetti- When I was the treasurer, it was my responsibility.....
Barnick- I don't care what you had when you were Treasurer.
Menichetti-.....to make sure that I did not take.....
Barnick-That is your job per the Borough Code, you are not.....
Dolan-You're right, Daryl, you're right, but it's your job to check it.
Menichetti-I did.
(Everyone spoke at once.)
Dolan-.....the check wouldn't.....(unclear).....so you let it go.
Menichetti-It was cash, he paid cash for all of things.
Dolan-Well, then, did you go tell him this?
Barnick-One page you're denied access, the next page, you're looking at bills from the Civic Center. Contradicts itself.
Menichetti-He doesn't.....inside of this Borough building.
Barnick-Contradicts itself.
Marushock-Can I ask you a question, Mr. Lokuta, who is actually in charge of the cash intake at that facility, who handles all the cash? What individual or individuals are involved in the cash intake in that facility?

Barnick-I don't think you need to name names here, because it's going to come out later on.
Chrzan-.....probably investigation.....
Marushock-No answer at this time, right?
Lokuta-If I mention names, Mr. Marushock, it may, it may flaw the investigation. I would prefer not to answer your question, I would prefer that they be people from the District Attorney's office to answer your question.
Marushock-And, just to verify, you did say the D.A.'s office is going to be here beginning Wednesday.
Lokuta-We hope.
Marushock-And Mr. Barnick, you said that the State Police have been notified that they're going to be here Wednesday.
Barnick-You got that wrong.
(Everybody spoke at once.)
Barnick-.....morning, the D.A.'s office will be here.
Marushock-You said the State Police.....
Barnick-No, I didn't say nothing about the State Police, you did.
Marushock-Well, that's what I heard you say.
Barnick-Wrong.
Menichetti-Mr. Chrzan said that.
Marushock-Mr. Chrzan?
Chrzan-I don't remember what I said, you guys are talking too much.
Menichetti-Now they're picking on me for doing this audit, you should sit down and thank me because I found it, because if I had not done this, this would have continued on and on and on.
Barnick-Found it, filed it, and never gave us a recommendation on what to do.
Menichetti-You have it in front of you.....It's not my job to give recommendations, it's my job...
Barnick-Oh.....(unclear).....get me a Borough Code.
Marushock-Mr. Barnick.....
Barnick-It's specific in there, in one full paragraph, recommendations to council, expeditiously.
Marushock-Mr. Barnick, would you be able to change her report if she did make a notation to you that there was something wrong, would you be able to alter her report?
Barnick-Would I? No! Because immediately if this was reported earlier, I would have had them over earlier. I would have had them in there right away, and I flipped out when I seen it Wednesday, when it was filed with the State, I flipped out. I said we didn't even have a chance to even look at this or dispute it, here it is in your box, here's your audit. Didn't get no recommendations.....
Menichetti-Those are my findings.....
Barnick-Nothing to do, but let the Controller handle the fiscal affairs, Period.
(Everyone spoke at once.)
Barnick-There's two major problems here. The income that comes, that's coming in over there on that end and how we were notified, because we should have been notified immediately. Because I would have took care of it like that.
Menichetti-Excuse me, Mr. Barnick, but I.....
(Everyone spoke at once.)

Barnick-I would have had them start....inventory.....and everything else.....soon as that came through, enough.

Lokuta-Yes, sir.

(Everyone spoke at once.)

Menichetti-I would like to say something, please, Mr. Barnick. I did confer with the Department of Economic and Community Development and I explained to them this problem, and this is how they asked me to handle it, including in a financial statement in your audit, and it's up to Council to do whatever they have to do.

Barnick-But....(unclear).

(Everyone spoke at once.)

Barnick-No, no.....

Marushock-Mr. President.....

Menichetti-I recommend that we have a complete audit there.

Marushock-Evidently there's a problem there.....

(Everybody spoke at once.)

Barnick-I've already had them put it in a motion today.

Marushock-Mr. Barnick, can I ask a question.....there's evidently a problem.....

Barnick-I don't see it on here.

Menichetti-That went to the State, that is a copy of the Audit that went to the State. I don't.....

Barnick-...(unclear)....recommendation, what to do?

Menichetti-Here I am, Mr. Barnick, here I am.

Unknown-Why couldn't it have been settled in the Borough?

Barnick-.....if I didn't call a Special Meeting, you'd never see it.

Menichetti-Well, that's your responsibility to do it, that's exactly your responsibility, that's what you're here for.

Barnick-(unclear)nojust, just.....search through these, I guess.

Menichetti-Stop putting up smoke screens, you're just putting up one big smokescreen.

Barnick-I can't believe this.

Unknown-It's all political.....

Barnick-I didn't.....then you go.....identifying families in here for memorial contributions that they had, people that passed away, let's put their names out to.....

(Everybody spoke at once.)

Barnick-For, for a funeral and get well, employees of the Borough, people that donated time for free and stuff, to this Borough, let's name them to the State.

Marushock-Mr. Barnick, I have a couple questions, one, evidently there's a discrepancy in the taxpayer's, citizens of the Borough of Throop, discrepancy in the money at that facility, what are you going to do about it, Sir.

(Everybody spoke at once.)

Barnick- All right, we're going to go on here to Motion number five (5). Barnick-Read Motion #5.

5. Motion by Lukasewicz

Seconded by Mraz

To have an independent detailed audit conducted on the civic center from the opening in 1997 through April 2, 2000.

On the question:

Menichetti-Why April 2nd, excuse me, why April 2nd?

Barnick-Because an inventory was done up to date right now. Perfectly done up to date.

Menichetti-That's the deposit .you made today, huh?

Barnick-No.....

Marushock-Can we get a copy of that current inventory, sir?

Barnick-No, that's without any deposit. This is up to date with an inventory starting from now.

Marushock-Okay, do we as council members receive a copy of that inventory today, sir?

Barnick-If you want it, go get it, I'm not going to.....

Marushock-Lenore, do you have that?

Dolan-No, I don't.

(Everybody spoke at once.)

Menichetti-Can I.....in writing? Do we need that in writing?

Barnick-What, yeah.....

Menichetti-Do we need that in writing?

Barnick-Put it in writing, put it in writing...how about that....(unclear)..keeps track of everything around here, keep it writing.

Barnick-Roll call.

Keyasko-Well, Jim, first of all, I think everything should be itemized.

(Everyone spoke at once.)

Barnick-On the question.

Marushock-Mr. President, where can I obtain a copy of the current, year to date inventory of that facility. Who.....

Dolan-Who, need a copy of what?

Menichetti-We want the inventory.

Unknown-.....copy of the inventory....the one....just.....sent out today.....

Dolan-....the soda man.....the man, the soda (unclear).....the man is working on it, we have the soda man up there.

Marushock-Mr. Barnick said there.....

(Everyone spoke at once.)

Lukasewicz-There is one available?

Lokuta-We did it Friday night.

Lukasewicz-Mr. Marushock wants.....who.....

Marushock-(unclear)
Barnick-Lokuta.....
Lokuta-We'll make sure it's available tomorrow.
Dolan-Is he done by tomorrow?
(Everyone spoke at once.)
Barnick-Roll call.

All in Favor

Motion Carried

6. Motion by Marushock

Seconded by Lukasewicz

To obtain proposals to have an annual audit of all borough accounts.

All in favor

Motion Carried

Barnick-I think that's all I've got. I'd like to have one more motion before I forget to notify the Census Bureau, letter to the Census Bureau, asking for an active accounting of people in the Borough due to the zip code problem.....problems. This way if we get it in now, our request, they can't say we didn't request it.

Morrell-The Census Bureau information is totally confidential and I don't believe they're going to give you anything, us, anything. I mean, we could pass the motion, we can send a letter, but....

Barnick-No, requesting an active count, I mean, bring people in like they are in this other township that I noticed that they said they had problems with the zip code.....

Unknown-Jim.....

Barnick-Bring them in, physically count the people.

Mayor-I have four letters on my desk with the same street address as in other towns, listed as Charles Street.....in Scranton, Edgar Street and someplace else, it's a whole mess, it really, really is, and it's all due to the zip code.

Keyasko-We know from Social Security it comes Scranton and it comes to Throop.

Morrell-To take an active, like a personal count right here in the Borough....

Barnick-It's called physical count, due to the zip code discrepancies.

8. Motion by Chrzan

Seconded by Barone

To authorize the Mayor to write letter to Census Bureau for active accounting people in Borough (zip code problem discrepancy).

All in favor

Motion Carried

Council Comments:

Lukasewicz-There were two letters in the packet from the Leeward Construction with regards to Dimmick Street.

Barnick-Yes.

Lukasewicz-How we are going to handle.....

Barnick-I'm going by the engineer's recommendation, it's not necessary.....

Lukasewicz-Has the rest of council had to review these?

Marushock-I just looked at them quick.

Lukasewicz-Can you elaborate on it a little bit, Jimmy?

Barnick-There are soft spots down there and come to find out that....(unclear)....they had right after they were doing the initial coat. (Unclear)....and Fred Spott came there, came down there himself looking at the spots and he felt it wasn't necessary to go and dig all this out because it's going to cost thousands and thousands of dollars.....the side street.

Lukasewicz-I read the one letter dated March 30th where they say that there are problem areas and they went to address it with council, and then the next day there was a letter that.....

Barnick-We went down there.....

Lukasewicz-.....Mr. Spott met with the contractors and the contractors stated that is their wishes to pave as is and that they will not accept any responsibility for the integrity of the paved structure and stated that Jim Barnick, Throop Council, and Fred Spott.....directed us to proceed with paving no matter what the subgrade conditions were.

Barnick-I went by the Engineer's recommendation. He felt.....

Lukasewicz-When you made that decision don't you think you should have conferred with Council. I didn't get these letters until.....

Barnick-We go by our Engineer's recommendation.

Lukasewicz-Jim, I would have.....I went through there yesterday and today and looked at the conditions and I think there are some problems that have to be addressed.

Marushock-Wouldn't it be, seem logical.....here.....been on the job (unclear).....continue, however, we recently approved a change order for about \$42,000.00 forStreet alone. Okay, maybe there was extra work needed but, however, that's one street alone where we're about spending probably about \$48,000.00. Now here's another situation where, evidently, we were.... (unclear), in different words here (unclear), we don't give them the extra money and the authorization to do this extra work that they're going to walk away from the liability on this. Do they hold the legal opportunity to walk away from the liability on that project? They're not even finished, it's not even top coated and we have a problem. What's going to happen in the future, I'm just saying.

Lukasewicz-Don't you think we should have been down there to look at it when the problems come about.

Barnick-How many people went down to look at Pancoast? (Unclear.....) Everybody here, I sat in the work session and I said, go down and check it and sure enough, I didn't hear nothing back. I went ahead with the change order as per the recommendations by the.....

Lukasewicz-Jimmy, can I ask that in future if they run into this problem again could at least all of

council be notified so I can go down there and take a look at it, I looked at it the few days and I think that if all council looked at it maybe we could have adjusted in a way, even if.....

Barnick-That's a nice hole, there's water forming in there.

Marushock-Okay, why didn't the engineer design that properly that that would not have to be done.

Barnick-Whoa, the engineer design it properly? It's up to the contractor to get out there and ensure that it's done properly as per the specs. Not the, our engineer, we go out and do a final inspection, if there's a problem, they have to go back and fix it. There's nothing to accept until there's a final inspection, that's what requires retainage.....kept back from every project that goes on here.

Marushock-I don't see why it just had to be done so soon after being originally completed.

Unknown-Because of the drainage problem.

Barnick-That....the problem, the contractors problem.

Marushock-We did, the Borough did a lot of excessive work to correct.....I believe.....they did the right thing however, there was a mistake that whether you put the blame on the engineer, contractor, or wherever we put the blame on, somewhere, there's a mistake by someone and in my opinion.....

Barnick-How could it be a mistake by the engineer when he didn't do the work?

Marushock-But he designed the work.

Barnick-They didn't follow the specs, they have specs, when you do a job they have specs.

Marushock-Okay, well then the contractor, we gave extra money for them not to follow the specs, is that correct?

Barnick-What do you mean give extra money?

Marushock-I believe.....

Barnick-There was no extra charge in there, no there was not.

Marushock-I believe that there was.

Barnick-And they still haven't been paid their final payment, American Asphalt, not yet, because I won't go with some of the quantities they're looking for.

Marushock-Well, okay, then like you're saying now that if the contractor to date was doing the job for the spec, I don't want to see any of the Borough's money done, I don't want to see any of the Borough's money used to correct a situation that should have been done right in the first place by that contractor. That's all I got to say.

Barnick-I don't know what you're trying to say there.

Marushock-You said we have still held back.....

Barnick-Yeah.

Marushock-I believe, Mr. President, that a change order was approved for the work there to correct that drainage problem, I believe there's.....laying there.

Barnick-There was no change order for right there, no there wasn't, that was a problem right after pave.....I said look it, get them over here.....so they cut it out and they fixed it.

Marushock-I understand that but when we started the additional work, that's, I thought.....

Barnick-I can't explain no more.

Audience Comments:

Joe Roque - My brother-in-law, Mr. Sholcosky came and asked me if he has.....as far as the.....zone as far as thefrom the fence to the property line, if he has a choice, and the way it is.....he has about six inches from the line to the fence, and Johnny wants to know if he has his own free will, his choice to go three inches or six inches, he wants to know that because they are saying six and Johnny wants to go three. Does he that free choice because it's his property.

Barnick-I believe.....choice he can go right on the line but you know what the problem is?
Unknown-The concrete.

Barnick-The concrete. He's got three inches.....three, six inches, that's why they recommend you go back six.

Unknown-I had mine in at three.....it's there fifteen years now.

Barnick-You take your chance. They're just recommended, they can't.....(unclear) the Borough recommends, always recommends six inches back of the line.....

Unknown-Okay, thank you.

Barnick-Just to cover yourself.

Motion by Barone

Seconded by Chrzan

To adjourn.

Meeting adjourned

Minutes by
Christina Sullivan
Assistant Secretary

Elaine Morrell
Administrator/Secretary