

**Minutes
Throop Borough Council
Monthly Meeting
Thursday, December 20, 2001
after the 6:30 p.m. General Purpose Work Session**

The meeting opened with the Pledge of Allegiance.

A moment of silence will be observed for our military and all the victims, emergency and rescue personnel, volunteers and all the families who were affected by the tragedy on September 11, 2001 caused by terrorists. "God Bless America"

Throop Borough Officials and Employees would like to wish everyone a "Merry Christmas" and a "Happy Healthy New Year".

ROLL CALL:

Members Of Council:

Joseph Barone-P

James Barnick-P

Anthony Chrzan-P

President - Thomas Lukasewicz-P

George Marushock-P

Jim Mellody Jr.-P

Joseph Keyasko-P

Mayor - Stanley Lukowski-P

Solicitor - Attorney Louis Cimini-P

Treasurer - Lenore Dolan-P

Administrator/Secretary - Elaine Morrell-P

Announcements:

- An Executive Session was held on Monday, December 17th with Judge Conaboy in regards to the Borough of Throop v. Gould, Civil Action No.: 3-CIVIL-00-2015 (Marjol).
- An Executive Session was held this evening at 6:00 p.m. to discuss Marjol.
- Monday, January 7, 2002 - Council Reorganization Meeting 7:00 p.m.

Audience comments on tonight's agenda:

Lukasewicz-Please address your concerns to myself. I'll try to answer them if I can, if not, maybe someone else will help me and we'll try to have a discussion between members and the audience.

Dominick Rocco, 110 Sanderson Street-That 15 (with regard to Motion #15), that's the one (inaudible), Tiffany, is that to accept the roads and everything that he put in? Is that what that's about?

Barnick-That's to advertise the Ordinance to accept the roads. That doesn't mean accepting the roads. That's only half of that.

Rocco-All the work's done satisfactory and all, everything is done?

Barnick-According to the engineer, the sewers and the roads are right. But you've got to advertise it and then you have to vote on the Ordinance.

Rocco-Yeah, but what about that open sewer or drain line. That's acceptable?

Barnick-According to him.

Rocco-Huh?

Barnick-According to him it's acceptable.

Rocco-Where do you ever see an open drain line? It only draws mosquitos and everything.

Barnick-Rocco, I'm just going by what.....(both spoke at once, inaudible).

Lukasewicz-I'm sorry Rocco, what was that about?

Rocco-If we're going to accept everything, if everything's up to par, then are you going to be responsible for that open drain line? (Inaudible.)

Lukasewicz-The open, the opening....

Mayor-If that would be Bob Bernosky's recommendation, why don't you talk to Bob Bernosky?

Lukasewicz-For one thing, that open drain line is actually on the borough right of way.

Rocco-But they didn't put that in?

Lukasewicz-They put it in but it's put in on the borough's right of way that.....

Rocco-And you're, you're responsible.

Lukasewicz-.....the borough can maintain and do whatever. It's anticipated that in the springtime where they seeded everything? It's starting to hold pretty good, I don't think.....

Rocco-Yeah, it's holding good.

Lukasewicz-It seems to, you know, we'll see this winter but in anticipation of what's there, in the springtime Robbie and Bobby? discussed having a game plan to come in there and try to contain it solid-er with maybe with like a crown (inaudible) or whatever, but the borough will be maintaining I believe it's what? Twelve feet, ten, twelve feet?

Barnick-Twelve feet we have.

Lukasewicz-Ten or twelve feet from the road going towards Tiffany Estates. The borough will start to maintain it and do whatever is needed and if any of those lots are sold, when the individual does make the cut, they would have to do whatever to contain it so that it wouldn't cause any problems.

Rocco-Yeah, but how about the driveways? When they have driveways, all the water coming down with no drain.....

Lukasewicz-It's going to have to be done in such a way as proposed by the plans of the developer or recommendations of the Planning Commission if there are any problems that.....

Rocco-Well, who's going to be responsible for it? If we have, you know, a lot of water running and.....

Barnick-That's not part of this.

Lukasewicz-No, it's not part of this. What's that Rocco?

Rocco-For drainage, but when they put in driveways and everything. That water's going to come down there pretty fast. There should be storm drains down there on that side. It's all right now the grass.....(both spoke at once, inaudible) it's holding now but when they start cutting for driveways and everything. Who's going to be responsible (inaudible)?

Lukasewicz-It's going to have to be addressed by every one of the owners when they do the cuts and then the borough, it's in the borough's right of way, so if we have to do something to put in...

Rocco-Well, shouldn't they be in before you, uh.....

Lukasewicz-....something to retain, Pardon?

Rocco-Shouldn't they be put in before you accept them? The roads and everything? That should, that would be his responsibility.

Lukasewicz-It was discussed and it was evaluated, all of council was down there and we met on site with the engineer and participants from Tiffany and whomever that was involved, and it seems that what they did, I guess that it was acceptable....

Rocco-Yeah, right, now it's good.

Lukasewicz-Yeah.

Rocco-Sure, (both speaking at once) because it seems like it's going to work but when they put in the driveways.

Lukasewicz-....Further on will have to be worked by the borough. They proposed what they proposed to the Planning Commission and the Planning Commission basically accepted everything at the time of their proposal so without anything else being proposed, they're off the hook down there.

Rocco-Cause I think you better get them off the hook being that....

Lukasewicz-No, they are off the hook.

Rocco-They're off the hook? (Both spoke at once, inaudible.)

Lukasewicz-Evidently, they are off the hook and now it's the borough's responsibility to do whatever.....

Rocco-Okay, just so something is done so when this happens, we need storm drains....

Lukasewicz-The borough.....

Rocco-.... to be put in there.

Lukasewicz-All right.

Rocco-It seems like you're going to need it.

Lukasewicz-And we all understand that we have to do something to contain it and we will do it proper. We will do whatever we have to do to contain it.

Rocco-I just it'd be better to have it done before hand because it is going to need it.

Barone-If I'm not mistaken, Mr. Bernosky already put them in there for storm drains there.

Rocco-He did. It was supposed to be put in for storm drains. I know he told me he did so I don't know what the change is. That has to be done.

Lukasewicz-The storm drains as were talked about and proposed would have to go across two lots that have already been sold in Tiffany Estates and there's no way they could do what was proposed.

Barnick-Well, with that you're only picking up the water that.....

Lukasewicz-You're only picking up water that's off the borough street.....

Barnick-It's the borough street right now, that's what we were talking about now.

Rocco-Yeah, but I'm talking about driveways. Well, what about when you put those driveways in?

Barnick-We don't know what the driveways are going to create or where the driveways are.....

Rocco-Well, where's that water going to go?

Lukasewicz-It's going to go down hill, of course,

Rocco-If it's going to go any place it's going to go.....

Lukasewicz-.....and you'll have to adjust each one as the driveways are cut then.

Marushock-Wasn't the runoff at that site supposed to be in that retaining pond?

Rocco-No, not.....

Lukasewicz-The only thing that was supposed to go into the retainage pond is what is going into there now and what was proposed and accepted by the Planning Commission.

Barnick-And recommended by the engineer.

Lukasewicz-And recommended by the engineer.

Marushock-So probably before we have any construction along the end of that road, we're going to have to extend them sewers, the pipes, before any development takes place along that road going down Sanderson Street towards the uh.....

Rocco-Response inaudible, few speaking at once.

Lukasewicz-What we're going to have to look at, the borough's going to have to look at it and come up with a game plan or if it's going to be a dedicated storm system or if it's going to be open drainage, it will be allowed to dissipate naturally onto the road or whatever. It's going to have to be addressed, yes.

Marushock-Well, what's there now? That open pipe that he's talking about.....

Rocco-But this open pipe is laying on top of the hill as you go in.

Marushock-.....below the drain in the road, so we're going to have to run a pipe parallel to the road to carry that further down the hill and if it's not dumping into the road causing any problems further down.

Barnick-That pipe takes only a quarter of a road, right there, where a hump used to be that we got.....(inaudible, few spoke at once.)...take that hump out.

Marushock-But as development takes place and we have impervious cover there, we're going to have more of a water flow down there, correct? I mean, right now we can see it taking hold....

Lukasewicz-You don't, like Jimmy said you don't really know what you're going to have until the individuals get into those lots and....(Rocco speaking at same time, inaudible)....describes how they want to contour the lot, they have to work within what's there but they're still, depending on the type of house, they're going to have to contour so it so it might take some of the water on site and dissipate naturally onto to what's there.

Rocco-That open drain is something different.

Lukasewicz-As it comes down you're going to have to address it accordingly. You can't just go in and try to put a whole system in because it's going to be depending on what they do with their lots.

Marushock-Yeah, but aren't we going to have to put some type of piping in there so that the (inaudible) coming off the road into their property, they're going to be crossing over the borough right of way, the (inaudible) in existence now, okay, they're going to cross over the borough right of way which is right.....

Lukasewicz-If it's the borough's right of way then the borough has the right to do whatever....

Marushock-But we're going to have to put some piping in because (inaudible) driveway and....(both spoke at once, inaudible)....where's the water going to go?

Lukasewicz-You don't know what you're going to need until it comes time to do it so it now looks like you've got to work it as one, as the lot is proposed, you're going to have to work with that lot to design around it as it's coming down.

Marushock-Yeah, but I mean for a lot of (people) the lower level first, you're going to have to.....

Lukasewicz-Well, they're just going to have to realize that they be aware of what you're doing. By putting in a driveway because if the borough has to come back, we're going to rip it up. It's our right of way to do whatever we have to do.

Chrzan-I think Mr. Dolan, he have something to say about it?

Jack Dolan, Chairman, Throop Planning Agency-Tommy, I was down there with Bob Bernosky, with Palumbo, with Andy Summa. The majority, if any, water coming off that property, it's down at the lower corner where that house is sitting on the hill there. Ninety percent (90%) of the water coming out, right there at that corner where that guy built that wall. If need be, that would be the only place Bernosky said you'd put a storm drain in and if not then we'd shoot it across the street. (Few spoke at once, inaudible). Now, like he's talking about building houses there, you don't really have to put the cart before the horse. You can't say, you might have to do nothing for ten years.

Lukasewicz-We're going to have to address it and them lots might not be sold for, you know, they might be some of the last ones to go. (Few spoke at once, inaudible.) So we're going to have to address that and come to.....Okay, Rocco, anything else?

Andy Lisko, 205 Sanderson St-Pertaining to this here, what you're talking about. (Few spoke at once, inaudible.) Now, there's no crown on there. Any water that comes on to that road only goes to the far side of the road. Nothing is going to come down on the side of the road where the new homes are, nothing. It all goes to one side of the road, my side of the road, and being the last, the only house on there on that side next to Rocco's house there, we get the brunt, nobody else. Only two homes involved here. I, for one, I'm tired of it. I've got \$1,200.00 worth of driveway dams there that I can't fix that I'm still getting a problem and I, I can't pay for it again.

Marushock-That was part of the problem that I was trying to address here.

Lukasewicz-Yeah, I know, I know there's a problem.

Lisko-Okay, well, I can't say.....

Lukasewicz-It comes down the road and (both spoke at once, inaudible)....

Lisko-Eventually, when somebody else puts a driveway in or does a house, that don't go that way, that's not the way you go. You address the problem before, not after.

Marushock-That's what I tried to address just a while ago.

Lukasewicz-Up, up above okay, before you get to the bend in the road from where that pipe is now going towards the cemetery, the road is twisted to the left. So, as you come down the hill before you make the bend the road is tilted towards the development so the water goes onto the development. Then as you start coming into the bend, it comes across the road and it comes down like Andy said directly on that side, all the way down, okay? What you probably need right in front of his house are some catch basins. Is that where it.....

Lisko-I don't care where they put it. Put a different road in, put some of the water.....(few spoke at once, inaudible).

Lukasewicz-You can't start a system from all the way up the top of the hill because some of it naturally goes onto Sanderson Street.... (few spoke at once, inaudible). We have to go down there and look at it and come up with a game plan.

Rocco-(inaudible)....my house and his.

Lukasewicz-We'll put on a motion to have the Borough Engineer, Fred Spott & Assoc., are more familiar with the sewage workings and the storm workings that are existing on Sanderson Street and Bellman Street right now. They were in with that when it was all done and I think they had pretty much stuck to storm and sanitary so I would think that probably it would be best to have them continue. It's only my opinion, you know, Mr. Bernosky does certain things and I'd like to see Fred Spott, to have Fred Spott & Assoc. review and to come up with a recommendation to council of how to proceed with this problem. And when we meet with Fred Spott & Assoc. we'll bring the concerns of where it comes, how it travels over and where it comes, the concerns in front of Mr. Lisko's house and the concerns where it comes out of (inaudible) before the first house on the left.

Morrell-On Sanderson Street?

Lisko-Also, the people that are buying these properties should be aware of the problems. Not going in to somebody and some homeowner would put in a driveway or do this or that and find out he's having a problem, right? And he's never known that he's liable for it.

Lukasewicz-I would assume that there's rules or whatever concerning the driveway cuts and where and how they can be put through the development plans? Betty, are you, it usually is. (Goreschak inaudible.) Lukasewicz-There usually is. I don't know if there is or not but you would believe a development similar to that, any road cuts that have to go in for driveways or whatever, there's usually something contained in that plan...(few spoke at once, inaudible), they've got to be made aware. They have to be made aware.

Lisko-That's the house, you know, they just put a house.....

Lukasewicz-They have to be made aware.

Lisko-They just put the new house down there and the water, he doesn't have his driveway in and the water pours out, it's pushing.....(few spoke at once, inaudible).

Lukasewicz-That lot there is not...

Lisko-That's just a little problem...

Lukasewicz-That lot isn't Tiffany Estates (few spoke at once), look at that, there's some concerns about the rocks coming on the road down there to the first house, that's up to Planning?

Jack Dolan-Council made an Ordinance back two/three years ago that anybody that built a new house, they had I forget how many days, 180 days or something, that they had to put sidewalks in all the way through their property and that was (inaudible, few spoke at once).

Lukasewicz-Isn't there something about sidewalks?

Rocco (Dominick)-Yeah, there's something, an Ordinance, when you build a new house you've got to put new concrete sidewalks in.

Lukasewicz-There's something we'll have, Elaine, search that please so we know. Okay, but Andy, what we'll do, we'll get a motion on this evening to have him look at it and come up with a game plan, a recommendation to council and once he makes his recommendation then we'll authorize him to proceed with the actual design and we'll go forward.

Rocco-Could we meet with him when he's down there?

Lukasewicz-Sure. (Few spoke at once.)

Lukasewicz-The storm water goes down, I believe, Sanderson Avenue (inaudible, few spoke at once).....drain and goes into down near Andy's house but the problem that you might come about, when the river gets really high, you've got to take the water, right? So if you put more (inaudible, spoke at once).

Bid Opening: 400 Center Street Sanitary Sewer Project

Lukasewicz-First thing will be the opening of the bids we received from Linde. How many received, Elaine, which ones?

Morrell-Four.

Lukasewicz-Linde, Sikora, Pave, Inc. and Scranton Craftmen came in late, so we won't be able to accept theirs.

Morrell-Yes, came in late.

General Fund Petty Cash	200.00
Payroll Checking Account	5,870.22
Civic Center Account	250.00
Civic Center Petty Cash	250.00
Sunny Day Fund CD's	1,939,991.04
Home Program State Grant	8,989.95
Community Revitalization (20-192-0947)	40,230.15
Civic Center After School Program	500.00
Warsaw Playground	27,401.77
Liquid Fuels Account	1,372.84
Grand Total	\$3,522,746.74

All in favor

Motion carried

TREASURER'S REPORTS:

Lenore Dolan, Treasurer, read the treasurer's reports and the totals of the paid and unpaid monthly bills: It gives us a grand total of \$125,668.52. Now I want to bring to the council's attention that the check that I cut back in June which was Motion #19, which we had a certified check for the Comm. of PA. for \$147,134.75 was returned back to us and we redeposited it. The Home Program only paid out \$350.00 to residents and contractor and there was no money paid out for rehab service. Now, the checkbook balance as of today is \$267,432.54. If all the items for payment are approved tonight the total will be \$216,535.30. Now, if all motions tonight are approved, now some of the motions which you received an attached sheet, which have to do with some officers uniforms and whatever that we had to add in....

Morrell-That's that additional list of bills in tonight's packet.

Dolan-It's on the additional list of bills that I was talking to before, they amount to \$76,124.99. We will have in our general fund, if everything is accepted, approximately \$140,410.31.

Morrell-What was that total, Lenore?

Dolan-The total of the bills?

Morrell-The additional list because then I have it wrong.

Dolan-The additional list, yeah, it's \$76,124.99.

Morrell-Oh, that included the motions, okay.

Dolan-That's all the motions.

Morrell-Thank you.

Dolan-And that's all the motions, that's why your paper is the last one you just received.

Lukasewicz-Thank you, Lenore.

7A. Motion by Chrzan

Seconded by Barone

To adopt Throop Borough Ordinances # 1 through 5 of 2002. The ordinances are as follows: re-enacting a realty transfer tax, occupational tax, wage tax, and re-enacting a tax on assessed valuation, setting salaries and bonds relating to officials. The taxes remain the same.

Ordinance # 1, the tax rate on assessed valuation of the Borough of Throop for the year 2002, shall be as follows, for general purposes, the sum of four (4) mills on each dollar of assessed valuation.

Ordinance # 2, the wage tax ordinance, originally enacted in 1947 and re-enacted every year thereafter, imposing a tax of one (1) percent on wages, commissions, etc. earned by the residents of the Borough of Throop, and also, on income earned in the Borough of Throop by non-residents of the Borough of Throop, with one half (½) of said tax to be distributed to the Mid Valley School District by the tax collecting agent designated by the Borough of Throop.

Ordinance # 3, the occupation tax, originally enacted in 1967, imposing a tax of ten (\$10) dollars per person gainfully employed in the Borough of Throop with five (\$5) of that tax to be distributed to the Mid Valley School District by the agent designated by the Borough of Throop for the collection of taxes.

Ordinance # 4, the realty transfer tax, originally enacted in 1968 and every year thereafter, imposing a tax of one-half (½) of one (1%) percent.

Ordinance # 5, the salaries and other compensation and the bonds of the borough officials be fixed as follows: Council - \$1,875.00 per year, Mayor - \$2,500.00 per year. Treasurer's bond - \$300,000.00, Tax Collector's bond \$521,405.00.

All in favor

Motion carried

Lukasewicz-We'll have a 7b (Motions), there's some money that came in and there's changes that need to be made to the Budget, that need to be reflected for next year. Elaine, can you comment on those?

Morrell-The changes to the Tentative Budget that was adopted was to delete on Page Two, the Certified Check from PennDOT was returned the other day, so we're going to delete that line of \$147,134.75 and then on Page Ten we had an expense listed for that same amount of money under Sanitary & Storm pending the PennDOT check return. The other change will be the balance carried forward into the new year. It was \$1,350,000.00 - we are going to be carrying \$1,450,000.00. That additional \$100 we're going to put on the expense line to increase the Marjol line from \$200,000 to \$300,000.

Lukasewicz-Additional \$100,000?

Morrell-What did I say?

Barone-You said \$100.

Morrell-Oh, \$100,000. Sorry.

Lukasewicz-Does someone want to make Motion #7B?

7B. Motion by Barone

Seconded by Chrzan

To accept the changes to the Tentative Budget that was adopted as follows:
To delete line on page two, certified check from PennDOT, \$147,134.75

Lukasewicz-(both speaking at once, inaudible)...we want to have it investigated and see what can be done with it.

Barnick-That was from Sanderson to Dunmore, I think. (Inaudible)with all the problems on George, (inaudible) park any way we want.

Lukasewicz-All right, Elaine, check for sure. Get the proper letters out that need to be sent out and see if we can get some response. Ask for some immediate responses within say ten (10) days. And this way if we don't get a response we can just send out another letter. Do it this way so we can get on and it will be on in the year, all right?

10. Motion by Chrzan

Seconded by Barone

To reimburse Elaine Morrell \$415.92 for the cost of health coverage for 2001 in lieu of the borough's BC/BS coverage.

All in favor

Motion carried

11. Motion by Chrzan

Seconded by Barone

To allocate \$5,000.00 to the Interboro Library Capital Campaign Fund. This represents the first payment of the five annual payments as per Resolution # 15 of 2001.

All in favor

Motion carried

12. Motion by Chrzan

Seconded by Barone

To continue lawsuit Throop v. Gould, Civil Action #3-Civil00-2015.

Four in favor-Barone, Barnick, Chrzan, Lukasewicz

Three against-Marushock, Mellody, Keyasko Motion carried

13. Motion by Chrzan

Seconded by Keyasko

To have the Borough Solicitor, Louis Cimini, file a complaint for declaratory and injunctive relief against Christine Todd Whitman in her capacity as Administrator of the United States EPA and also to allow Atty. Cimini to enjoin additional legal counsel as needed.

On the question:

Barone-All the work this man has, is he going to be able to handle this?

Lukasewicz-I would assume that.....

Keyasko-He's going to get help.

Lukasewicz-Joe, I would assume that he'll be able to handle it and he'll get the help that he needs, the strong legal counsel that he needs to help him. Mr. Cimini, is very able and I'm sure he'll get the right people to enjoin him to do this properly. And also so everyone knows, the County of Lackawanna has verbally made a proposal to Atty. Cimini that they will contribute \$25,000 towards this effort.

Barnick-Back on the question.

Lukasewicz-Yes, Jim.

Barnick-Authorizing him to do this, I mean, you know it comes down to the President of the United States, you can't do this, you can't do that. I mean, I don't think it's right, you know, that's what we have a Congress for and I really feel that if the Representatives and the Senators wanted to back us up, they'd be out there and they'd demand hearings to Congress, they have enough political pull or is that the reason that they're disseminating our whole district, cutting it up into all different parts so they don't have to deal with a problem like this? I really feel the Representatives and Senators are the ones that should be handling something like this and demanding hearings immediately, not for a borough to be spending large amounts of money who have other issues and other projects that got to be done.

Keyasko-The borough and the county, Jim.

Barnick-And county.

when we have other issues and other projects that got to be done.

Keyasko-You're forgetting about the county, Jim.

Barnick-I didn't count it. I asked the county.....(few spoke at once, Keyasko response inaudible).

Lukasewicz-You're right, Jimmy. It's a shame that we have to do the work of the representatives that are there to represent us that aren't doing their jobs.

Barnick-They were there, sure, they're always here.....

Lukasewicz-.....pay our money that could be used for this borough that we need to fight their fight.

Barnick-They're at our meeting, they're all in support and everything else. I watched Senator Santorum come up one time (inaudible) it was a joke, but I don't see them fighting (inaudible) and they would be demanding, how many times we were over there with hearing and meetings, that they were going to have a hearing, they're going to demand hearings with congress. Not one hearing was held (inaudible). I'm sorry, I can't vote for this and use the borough's money with regard to the sewers that are needed and streets and all this other. Not (inaudible).

Marushock-Also with any comments Mr. Barnick made regarding this motion, one other thing open ended here, we don't even have a final cost on this. We have a commitment I guess through the county in the amount of \$25,000...

Mayor-\$50,000.

Marushock-\$50,000 (few spoke at once, inaudible) but we need Atty. Cimini to get outside costs (inaudible, everyone spoke at once). Again, why should we be doing (inaudible) federal government at the county and the borough's expense.

Lukasewicz-On the question, the bottom line is that I think everyone should be seeing here, the battle has just been started. The EPA made their decision, Gould has made their decision, and we're backed against the wall and this is the time to fight with whatever we can fight with. We've spent almost a million dollars for this fight already, If we have to fight with another \$25,000, another \$2,000, another \$200,000, another \$300,000, Gould has to know the people of Throop and their representatives want the best clean up for Throop. We can't stop now. If we stop now, you're giving in. They have to know we're going forward. We're going to fight them right to the end and if we fight them to the end and we lose, then we can only blame the government and legal system for not doing what was right. (Mayor and Lukasewicz spoke at once)....we have to go forward and fight. This is our last chance.

Mayor-About Senator Specter, did send - there is remarks in the newspaper were rather seething over this whole situation so you have to thank him for that (few spoke at once, inaudible).

Lukasewicz-I don't want to spend money that we need for Throop but.....

Barnick-I mean, he's got remarks in the newspaper, yeah. What good are they? Why not have

hearings? He has the power, he's got what? Twenty years in Congress or whatever. Command the hearing, he could do it, he's got the clout. Sherwood's got the clout. How many terms he have in now, he's on his second term over there with.....Santorum's on his second term. They all got clout, why aren't they using it?

Lukasewicz-Jimmy, you see that new letter today?

Barnick-Yeah, I seen it.

Lukasewicz-You didn't see Sherwood's name on there, did you?

Barnick-No.

Lukasewicz-You see that, Stanley? Why isn't Sherwood's name on that Congressman's list today?

Mayor-I don't know. (Few spoke at once, inaudible.)

Lukasewicz-Some of the Senators that are representatives have been fighting with us, there names are on that list there.

Barnick-Getting back to this, getting back to the previous motion that we passed. The county wants to go in on this, why aren't they going in on the settlement? Can we find out? Why they're not coming in on a partial? Because everything that was done was them fees with our Gannett Fleming's work and everything else, that was not only for Throop. That was for Dickson, that was for Olyphant. Where is the county at?

Mayor-That's what I told them at the meeting. You have Dickson City, you go over to the bank there where we have that 48 acres of land? You look down, there is the county building with the voting machines. (Few spoke at once, inaudible).

Lukasewicz-Why don't you make a motion to request the county to provide legal assistance to the Borough of Throop in our continuous battle against Throop v. Gould, Civil Action No. 3Civil-00-2015. Let's make that motion, a separate motion to request that they stand firm with us and do besides the talk, give us the money to help fight. We have to fight, why won't they help us? All right? So we're going to have that motion also but the motion that's on the floor right now is the one to have Attorney Cimini file for the relief against Christine Todd Whitman.

Barone-Wait, Louie? I just want to say I have all the confidence in the world in you. I just don't want to see you get over loaded because there's other things that need to be done in the town, too.

Chrzan-Well, I'm sure he'll get help, Joe.

Barone-Okay.

Lukasewicz-Roll call.

Four in favor-Barone, Chrzan, Keyasko, Lukasewicz

Three against-Barnick, Marushock, Mellody Motion carried

Lukasewicz-Jimmy, would you like to make a motion to have the county contribute financially to the pending litigation that we have before us now and scheduled for June of this year in court with Judge Conaboy, Civil Action No. 3Civil-00-2015?

Barnick-To provide a response.

Lukasewicz-To provide a response and to provide financial assistance to this Borough of Throop.

14. Motion by Barnick

Seconded by Chrzan

To request to have Lackawanna County to join to aid the Borough of Throop financially

in the ongoing fight with the Marjol Battery Site.

Lukasewicz-On the question. Yes, Joe?

Barone-Maybe we could have the county, let them get after Specter and them guys, they probably have more interest than we do.

Lukasewicz-Whatever it's going to cost us to continue this fight, let them come up with money. Don't forget about Throop.

Barone-Let them get a hold of the politicians in Washington.

Lukasewicz-That's right. Give money to Throop to fight, we're fighting for all of Lackawanna County, like you said Stanley. Dickson's right there, Olyphant's right there, Scranton's right there, the Lackawanna....

Barnick-The river.....

Lukasewicz-.....River.

Mayor-I mean, after all. You know, the United States went to war in Afghanistan. What did they do? They called upon their allies.

Lukasewicz-Where are our allies?

Mayor-We don't have any out there.

Barnick-This is like a legal terrorism right here in town here.

Lukasewicz-It sure is. It's an illegal toxic landfill.

Keyasko-Well, first of all....

Barnick-It's like a legal terrorist act, you know. I mean, you've got the AlQueda that's.....

Mayor-I want to know....

Barnick-Then you've got....

Mayor-I want to know.....

Barnick-DEP, EPA.....

Mayor-.....how the federal government.....

Barnick-and they're directing Gould what they're going to do.

(Three spoke at once, inaudible.)

Barnick-.....and they, the government's going to ship all this food and stuff over for these people and can't take care of their own people here.

Lukasewicz-Roll call on the motion to have the County enjoined financially to aid the Borough of Throop.

Barnick-With a response.

All in favor

Motion carried

Lukasewicz--You already did that then to amend the budget.

Morrell-But the other one that we need there is #15 that the Borough must be contacted if any research is needed by Gannett Fleming. You says you wanted a motion on that.

Lukasewicz-Okay, yeah because as of current they're to the point of where their research is sufficient for the investigation and needed for our legal fight right now and then any additional work contact the Borough first.

Marushock-What is this motion?

Lukasewicz-Motion is to notify Gannett Fleming that if additional research is needed to provide information in our fight against Gould, that when it is requested from them, we be notified to approve their request.

15. Motion by Barnick

Seconded by Chrzan

To notify Gannett Fleming if additional research is needed to provide information in our fight against Gould with regard to the Marjol Battery Site, when it is requested, the Borough of Throop be notified to approve any request.

On the question:

Barnick-On the question, back to that #. I'll only be hoping they provide subpoenas and propose all the people involved that are necessary (inaudible) I mean, the whole layout in the ground, what they're involved in this whole, all the suggestions they made, everything they were ever involved with, with this site and why they did they take over the site (inaudible). What kind of money they made on the side. I want to know everything and I hope (inaudible).

All in favor

Motion carried

Lukasewicz-#15 (16) will be a letter to the Jefferson Township and to the DEP in regards to the interceptor line that is proposed to come down and connect into Dunmore. Reference must be made to clarify that hook ups be allowed for the Borough of Throop in regards to the area around Keystone Propane.

Chrzan-I'll make that motion.

Lukasewicz-And also that the fees from the Planning Commission and the engineers involved in this be forwarded to the Borough.

16. Motion by Chrzan

Seconded by Barone

To submit a letter to Jefferson Township and DEP with regard to the proposed interceptor line. Reference must be made to clarify that hook ups be allowed for the Borough of Throop for the area around Keystone Propane and all fees from the Planning Agency and engineers involved must be paid to the Borough. An official response must be made within 10 days or the project will hereby be in full suspension.

Mayor-(Inaudible) nothing, or it's suspended. Nothing happens.

Lukasewicz-And we want an official response within what? 10 days, Elaine? No, that was just, never mind. But we should get an official response within 10 days from both parties.

All in favor

Motion carried

Lukasewicz-Okay, #16 (17) would be:

17. Motion by Chrzan

Seconded by Barnick

To develop and advertise an ordinance for the acceptance of roads and sewers from Tiffany Estates as per the recommendation of Bob Bernosky, the engineer who was involved with the project.

All in favor

Motion carried

Lukasewicz-Okay, just wish everybody a Merry Christmas.....
Morrell-We have another one.

18. Motion by Chrzan

Seconded by Barone

To have the Borough Engineer, Fred Spott, review and come up with recommendation(s) regarding the storm water problems on lower Sanderson Street.

All in favor

Motion carried

Lukasewicz-Elaine, was there anything else?

Barnick-Yeah, we got to get a meeting with Mustacchio, Lou? We gonna get a meeting with Mustacchio any time soon here? (Response inaudible.)

Lukasewicz-We're still waiting for him to provide the as built.

Barnick-You know, why don't you just file a....

Lukasewicz-You have to.

Barnick-(inaudible) The heck with the meeting, it's not working.

Lukasewicz-Yeah, because we gave them how long now?

Cimini-Two week.....

Barnick-Motion to (inaudible), that's all.

Lukasewicz-Just do what you have to do.

Cimini-Okay.

Lukasewicz-Okay, Jim, just wish everybody a Merry Christmas and a safe holiday.

Morrell-Gail Ercoli, our Civic Center Director is here. Did you have any questions regarding the Civic Center, or?

Lukasewicz-Just for the people in the audience, this is Gail Ercoli, our new Civic Center Director. She's been there the past week, it's probably about ten days now.

Ercoli-Right.

Lukasewicz-She's doing a wonderful job.

Ercoli-Well, thank you. I want to know if anybody on the Council has any kind of questions?

Lukasewicz-I believe at this time everything is running smoothly.

Barnick-Just.....(inaudible).

Lukasewicz-Give you a chance to get.....(inaudible)....

Ercoli-Okay, I just wanted to know.

Lukasewicz-Okay, thanks for coming. Okay, we'll turn it over to the audience for new business.

Audience Comments:

Susan Shortz, Franko Street-Addressed council, very inaudible but with regard to Marjol.

Lukasewicz-Can't stop now, Susan, right? I.....(Susan responded no)...I'm in a bad spot because we spent so much and we've got to spend so much more and **THE TAPE WAS CHANGED**

HERE AND STARTED:

Lukasewicz-That, that's right. (inaudible.)

Shortz-This is the meeting they had set.

Lukasewicz-Is that the one you were supposed to attend?

Shortz-And EPA was not cooperative about the people attending the meeting (inaudible). Today a final letter was sent out again with the group signatures from all over the United States by the supporters of the ombudsman to get these senate and congressional hearings in January and for EPA to attend, including Whitman and ..(few spoke at once, inaudible, a discussion took place).

Dominick Rocco, 110 Sanderson St.-I was wondering if council's considering adopting an ordinance like Carbondale has on nudity and bookstores and stuff like that. They claim there's no loopholes or nothing in that.

Lukasewicz-Well, there is.....

Rocco-The one they have is supposed to be real.....

Chrzan-I want to open one.

Lukasewicz-Can you check with Robbie Kalinoski of what is permitted and not permitted as per the current zoning laws and if need be to start to prepare an ordinance where we can restrict such acts. Want to do it by motion, guys?

Rocco-If you want, I could get the exact ordinance that Carbondale has. They claim there's no loopholes or nothing in it. I can get it if you want.

Lukasewicz-If you can get it, give it to Elaine and she'll forward it, just to prohibit open nudity and activities similar to like the kind stopped in Carbondale has. At that one bar that.....Okay, Rocco, are you finished?

Rocco-Yes, Merry Christmas, everybody.

Andy Lisko, 205 Sanderson Street-I was wondering if Atty. Cimini got information on how the access and construction of a dyke work.

Cimini-Mr. Lisko, I can tell you this past month that we had a meeting in the borough building with myself, John Szczepaniak, the Borough Engineer, and Robert Kalinoski. We then obtained some maps, made numerous calls to DEP and then made a visual inspection of the property. I don't know if you were home that day but myself and John Szczepaniak and Rob Kalinoski made a visual inspection of the property. Our inspection concluded that are actually five ordinances on the dyke itself and I think one of them is including yours, and if one fence has to come down, they all have to come down. I think that Mr. Lukasewicz' is probably the least obstructive in that it is the only one that I saw with posts and (inaudible) can easily be remedied. There's two chain link fences that would be much more of a problem in that.....(inaudible)...I don't know who owns the other properties but we have, I had to make copies of the deeds today. I was supposed to meet with Robbie Kalinoski but he wasn't feeling well. We have to wait for some calls back from DEP and we have the deeds (inaudible) and then meet with John Szczepaniak also.

Lisko-I hope you're aware now, I'm talking those people that (inaudible) that signed these papers at the time.

Cimini-When you say these papers, the deed?

Lisko-It's if they still own the property. But they were set some rules that the Army Corps. of Engineers installed.

Cimini-Right, we have calls into them also.

Lisko-I'm, and you're talking about homeowners rights. I think you're, you're mixing them up.

Cimini-Well, we'll have a final answer for you.

Lisko-If you take your stance you're taking right now and you look across the river, you don't see a fence on the Dickson side and there's a reason for it. Because they were told they couldn't put them. Now, these same people come over, want to walk their dogs or we go over there, there's no fencing there, they come over here, they can't walk. Now you want, the Borough has a large hurricane fence up for ATV's, fine, just put an opening in there so for people can, to walk through. I don't care. I know there's (inaudible) for ATV's.

Cimini-We're going to have another meeting in the next week or two with Rob and with the Borough Engineer and we're hoping at that time that we receive calls from the Army Corps. and from DEP.

Lisko-But if all the fences go down, all well indeed. There shouldn't be any. I'll take mine down if that's the case.

Cimini-Understood.

Lukasewicz-Atty. Cimini, just for the record. I haven't been involved in this?

Cimini-No.

Lukasewicz-And just so everyone knows I haven't been involved whatsoever.

Lisko-Excuse me, Mr. Cimini. Did you say that mine was blocking the, blocking the.....

Cimini-No, I didn't say it was blocking. I said if the definition that we're using are fences on the dyke, then yours would be on the dyke and would have to be moved.

Lisko-Okay.

Bette Goreschak, Meade Street-Tom, on Motion 11 (wrong motion #), Interboro Library Capital Campaign Fund, what is that (inaudible) 2001. Because we pay library taxes with our real estate taxes. Is this the same thing?

Lukasewicz-The borough, exactly, but this is in addition to that. The Borough of Throop and several other boroughs and municipalities close to where the new library will be built, it should be close to Senator Mellow's park.....

Goreschak-Oh, up that way.

Lukasewicz-...They, to get funding from the government, you have to have (inaudible) additional boroughs that their residents use the library, also contribute to it and it would be beneficial in the process of required more federal funds, state or federal, whatever, funds for the library. So the Borough of Throop, along with these other boroughs have made a financial commitments for several years, this is the first installment.

Goreschak-But who's that \$25,000.....

Lukasewicz-The Borough of Throop has agreed to pay \$25,000 towards the construction of the new Inter borough Library and we would do it in five payments, \$5,000 a year for the next....

Goreschak-Is every borough assessed with an amount?

Lukasewicz-Every borough is still assessed but this is in addition to that borough that wanted to contribute above and beyond your assessment that you get with your library taxes.

Goreschak-...(inaudible) library tax, but realty tax...

Lukasewicz-Yeah, this is in addition, this is in addition to it where the borough felt it would be beneficial to their residents that would use this library.

Goreschak-Thank you.

Marushock-I'd like to thank Mr. Keyasko for all his years of service to the Borough of Throop.

Dolan-Oh, Jesus.

Marushock-(inaudible) active borough council member, and in all your future endeavors.

Keyasko-I'll be back.

Mayor-Ditto, ditto, yeah.

The meeting was adjourned.

Lukasewicz-Merry Christmas, everyone.

Morrell-Merry Christmas, everyone.

Elaine Morrell, Administrator/Secretary

Minutes by Christina Sullivan, Assistant Secretary