

Minutes
Throop Borough Council
Public Hearing
regarding the request to vacate east extension of Ash St.
Monday, February 26,2001
following the 6:30 p.m.
Public Hearing for the HOME Program Grant

No minutes, a transcript will be provided by Renick Reporting.

Pledge of Allegiance.

ROLL CALL:

Members Of Council:

Joseph Barone

James Barnick

Anthony Chrzan

President - Thomas Lukasewicz

Robert Mraz

Vice President - George Marushock

Joseph Keyasko

Mayor - Stanley Lukowski

Solicitor - Attorney Louis Cimini

Controller - Daryl Menichetti

Treasurer - Lenore Dolan

Administrator/Secretary - Elaine Morrell

Comments by individuals requesting the vacating of the east extension of Ash Street:

Audience comments on the request to vacate the east extension of Ash Street:

Councils/Borough Officials comments on the request to vacate the east extension of Ash Street:

Closing comments:

Extension of Ash Street. Do we have to submit to the borough another petition to vacate the Eastern Extension of Ash Street and go through this process all over again? (Everyone spoke at once.)

Lukasewicz-What would be his recourse?

Cimini-I think you have two. One would be to appeal the decision that was rendered here this evening. Number two, if you're going to, any, if you want to file another petition yes, you would need another hearing. You'd have to go exactly what you went through this evening (inaudible).

Dolan-(inaudible) eventual appeal, the decision that they gave tonight.

Cimini-Well that's something you, I don't which is to your advantage but if you're going to file another petition going to be another hearing and another vote or appeal the decision (inaudible).

Cimini-There is (inaudible) in the Borough Code where the council could bring a petition for the vacation of the street rather than.....(everyone spoke at once.)

1. Motion by Marushock

Seconded by Keyasko

To accept police reports, zoning report, landfill inspectors' reports, minutes of the January 29th and February 8th Council Meetings and to forward to landfill inspectors' reports to the Solicitor for his review and response.

On the question:

Marushock-I have communication before us from our landfill inspectors Stanley Gongliewski and Ronald Bukowski. One thing they're recommending the disposal of 200 tons per month of asbestos containing waste originating from an industry, I believe, in Columbia County.

Mayor-That's hospital waste.

Marushock-No, sir. This is a separate thing that Bukowski did receive and I think it was denied. We also have in our packet that we just received this evening regarding disposal at the Keystone Landfill of hospital waste which would be generated by Valley Hospital in Ridgewood, New Jersey to the amount of 1,000 tons per month. I am against this being disposed at our landfill with the close proximity in regards to the residential homes and everything that we have here. Since when, I don't know, that asbestos become non-hazardous. I know for a fact that asbestos is a cancer causing agent. As far as the others it's so called infectious waste which would be generated by a hospital again, I will be against that being disposed at that facility.

Lukasewicz-Mr. Cimini, could you review those two requests from the landfill and address them with the landfill to see if they are acceptable under the DEP restrictions for the landfill?

Mayor-You know, last month, now we have infectious waste and all that. Last month it was (inaudible) and I argued that point. When fly ash was to be disposed of at what was then known as the Empire Landfill, there was a big hullabaloo and we're going to arbitrarily accept fly ash, infectious waste. I think we better take a closer look at this thing and a closer look at these things in the future.

Lukasewicz-It says it is not believed to represent any threat to the integrity of the landfill liner system, collection system, or leachate system.

Mayor-What does that mean? That's very general, has it been tested?

Lukasewicz-I know there's been a lot of requests to dispose certain items similar to this throughout the year and usually the landfill inspectors make the borough aware of it but this is the first I could remember something as bizarre as these items that are coming into the landfill.

Mayor-(inaudible) we had fly ash last month. Where's it all going to stop?

Marushock-As far as I know, that landfill's not permitted to accept any hazardous waste. I don't think there's a landfill in Pennsylvania licensed to accept anything hazardous. According to these papers right

here they're saying it's not hazardous but (inaudible) asbestos become non hazardous with any extent of it especially when you're talking 200 tons per month. I find it very much unacceptable for the people of Throop.

Lukasewicz-Mr. Cimini, you'll review that?

THE TAPE WAS CHANGED.

Six in favor-Barnick, Chrzan, Marushock, Mraz, Keyasko, Luksewicz
One against-Barone Motion carried

TREASURER'S REPORTS:

Lenore Dolan, Treasurer read the treasurer's reports and the totals of the paid and unpaid list of monthly bills.

2. Motion by Barnick

Seconded by Barone

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

Treasurer's Reports:

Unpaid bills:	\$ 90,262.74
Paid bills:	18,250.95 (02/01-02/15)
AOL deduction	26.95
Grand total	108,540.64
Keystone Landfill credit:	14,116.05 (As of 02/19)
Home Program*	5,699.00

*The Home Program for the month February paid out no money in grants. The only money paid out was to Marvin Brotter for admission and rehab service for January, 2001 after progress inspection, which amounted to \$1,180.

The checkbook balance if all items for payment are approved tonight will be \$1,521,219.72. The balance if all motions tonight are approved (the only motion not taken into consideration were the two landfill inspectors which would be \$1,000) excepting those two would be \$23,392.83. If everything is approved, we will have (counting the \$1,000 difference) \$1,496,826.89.

The draw-down at Keystone 3.5 million interest free loan, after the 12th draw down of \$433,200.00 that we received on February 15th the balance left to take is none. We will paying our first payment of \$700,000 to Keystone, due date 04/01/01, I will list this in my items for payment next month. The check will be dated March 26th for payment.

On the question:

Marushock-I'll be voting against the Civic Center expenses with the exception of what was billed on the First Bankcard. I'll be against Mr. Cimini and Mr. Shevchik's portion of the Blue Cross/Blue Shield bill. I will be against the solicitor's fee submitted by Mr. Cimini for the amount of \$6,450.00 for the month. I will be voting against the Gannett-Fleming invoice in the amount of \$26,744.53. I will be voting against Attorney Michael Goffer's bill, and I believe that is it.

A discussion took place why Marushock was against Mr. Shevchik's Blue Cross and why he's voted against him every month. Marushock felt there was a problem with the management of that facility.

All In favor, except Marushock, as noted and Keyasko,
against Mr. Cimini's Blue Cross/Blue Shield. Motion carried

3. Motion by Chrzan Seconded by Mraz

To pay all the employees of Throop Borough. This includes the weekly & monthly payrolls.

On the question:

Barnick-The only one I'll be voting against is the Chief's. We still haven't had an Executive Session and I think there is some favoritism being played with the part-timers, especially ones that got seniority, thank you.

All favor, except Barnick, as noted and Marushock, against
the Treasurer and Mr. Shevchik Motion carried

A discussion took place over voting against the Treasurer and Mr. Shevchik's. It was mentioned that Jamie is doing a good job, to keep it up, and the audience gave him a round of applause.

CORRESPONDENCE:

Barnick-Mr. Shevchik asked me to read this out and it was given to all councilmen Thursday night (Mr. Barnick read the letter) concerning incidents at the Feb. 8th meeting. He then read a letter from Jack Dolan, Chairman, Planning Commission regarding Throop Proposed Sidewalk Project and a discussion took place. The Boulevard Project and sidewalks were also discussed along with beautifying the borough, paving assessments, and sewer projects.

4. Motion by Chrzan Seconded by Barnick

To accept the correspondence as read or posted.

All in favor Motion carried

CONTROLLER'S REPORT.

Daryl Menichetti, Controller, was absent. The controller's report was not read.

**5. Motion by Barnick Seconded by Chrzan
To table Motion #5**

To accept the Controller's Reports and Financial Statements.

On the question:

Chrzan-I'd like to know when is she going to come to the meeting?

Marushock-Just to let the panel know, I believe that she has medical tests or something and that's why she can't be present at tonight's meeting.

All in favor Motion tabled

6. Motion by Chrzan

Seconded by Marushock

To authorize Robert Bernosky, Engineer to survey the east extension of Ash Street.

All in favor

Motion carried

7. Motion by Chrzan

Seconded by Barnick

To authorize the quarterly payment in the amount of \$750.00 from the assets of the Police Pension Plan to P.M.P.S., Michael Cummings.

All in favor

Motion carried

8. Motion by Barnick

Seconded by Chrzan

To approve payment for the sum of \$4337.15 to Pumping Solutions for repairs to the Vaughn St. Pump Station.

On the question:

Barnick-This is another reason why we need to get together on this line going through Olyphant because this is pumping stations on Vaughan Street and (inaudible) and it's going to help to the whole South Valley Avenue Project, all those people with our own separate line. I just hope it continues forward, I spent a lot of time on this.

Marushock-I realize a substantial amount was spent on the pumping solution for the pumping repairs however it's a needed project to be done at this time and also by doing this it would increase the value of the pumps for sale when the South Valley Avenue Project is completed.

We should be able to recover some of this money from the sale of those pumps.

Keyasko-I think we should go all the way up to Keystone Propane and open the mountain up for development.

Lukasewicz-Eventually it will be.

All in favor

Motion carried

9. Motion by Chrzan

Seconded by Barnick

To advertise for bid for the demolition of Throop Hose Co. # 2's hall/old building located at 200 Boulevard Ave.

Lukasewicz-This has gone before the Board of Hose Co. #2 and they are in favor of tearing the building down. Okay and this motion would be that the borough would pay for the expense of the demolition.

On the question:

Barnick-I'd like to just ask if they can re-use or auction off whatever's in that building that's of good use. I know there's a lot of stainless steel and sinks and things like that, right ? I'm sure this is not going to help them a whole lot, just by doing this, but....

Everyone spoke at once, a discussion took place.

All in favor

Motion carried

10. Motion by Chrzan

Seconded by Barone

To allocate \$500.00 to each of the landfill inspectors, Stanley Gongliewski and Ronald Bukowski toward the lodging and expenses to attend the Advanced Training Course for Host Municipality Landfill Inspectors in Harrisburg. Mr. Gongliewski is scheduled to attend the March 19, 20 & 21 session and Mr. Bukowski is scheduled to attend the June 4, 5 and 6th session.

On the question:

Barnick-Just so everybody knows, this is required. We've a letter in an envelope from DEP, this is a requirement that they have to have in and I know they will provide receipts and stuff for whatever the expense.

Marushock-That they do turn in receipts and any unspent amount of money be refunded back to the borough.

All in favor

Motion carried

Barnick-In reference to that motion, I'd like to make a motion to add a sub-category, authorize that alternate inspector can increase his hours to 40 hours for that week, or for that three days.

11. Motion by Barnick

Seconded by Chrzan

To authorize the landfill inspector that is not attending session work as many hours as needed to sufficiently cover the landfill.

All in favor

Motion carried

12. Motion by Barnick

Seconded by Chrzan

To adopt Throop Borough Ordinance # 6 of 2001, an ordinance amending Ordinance # 11 of 1995, the pave cut ordinance. The ordinance will affect the time frame on road cuts (utility cuts) in regard to the paving requirements for utilities.

All in favor

Motion carried

13. Motion by Barnick

Seconded by Chrzan

To approve the initial budget of approx. \$15,000.00 for Special Environmental Counsel, Douglas Blazey, to file for Petition for Review of EPA Final Decision Regarding Marjol Battery Site Remediation.

On the question:

Marushock-We had this as a motion before, I believe at the last meeting, however, we didn't put a dollar cap on it. I believe in the discussion we were going to in a price range of \$5,000 and right now it's already jumped up to \$15,000.

Lukasewicz-A proposal was sent back to Mr. Blazey and he budgeted (inaudible).

Barnick-I am not about to give in, we went this far, we've got to keep going here a little bit and use politics as best as possible. That's the only way you're going to beat them. Hopefully with this

ombudsman, he's going to do a lot.
Lukasewicz-Hopefully, this will be money spent well.

Six in favor-Barone, Barnick, Chrzan, Mraz, Keyasko, Lukasewicz
One against-Marushock Motion carried

14. Motion by Chrzan Seconded by Barnick

To grant the request by Throop Booster Club to purchase infield topping for the fields at the Little League Complex.

On the question:

Morrell-Can we get infield topping for Washington Street Park, if necessary?

Chrzan-Put it in for the both of them.

Lukasewicz-I thought they were going to address that separately.

Chrzan-Put it in for the both of them.

Morrell-If they need it.

Lukasewicz-Well, we'll get enough that it can be used wherever.

Barnick-I see a quote out there, \$3,999.

Lukasewicz-Is that okay, Tony, to put it in at \$3,999? It will be used for the both fields.

All in favor Motion carried

15. Motion by Barnick Seconded by Chrzan

To advertise for bid the South Valley Ave Sanitary Sewer Project, Engineer, Frederick C. Spott & Associates, as per the requirements in the federal grant documents. The USEPA grant award is not to exceed \$200,000.00.

On the question:

Barnick-This is a well needed project and I remember people swimming in some sewage there on South Valley Avenue.

Lukasewicz-Is that all ready to go? Are the specs all ready to go? Is it all designed and ready to go?

Barnick-It was 90% when I talked to him a little over a week ago. Everything's ready to go and there's also going to be pipe laid in across the road so we don't have to go for another PennDOT permit (inaudible), if we do get that sewer line going through there which will divert all the sewage away from all the properties and down to the interceptor.

Lukasewicz-Do you remember how many homes are (inaudible) 80 or something?

Barnick-From Stannic Street, Marion Circle, all the way down.....

A discussion took place, everyone spoke at once.

Barnick-I think a thank you should go to Don Sherwood. A special thanks, \$200,000 - and we have to match some of this but the \$160,000 or almost \$200,000, it was real big help. A lot of work involved, a lot of phone calls.

Keyasko-He was a good help on Marjol, too.

All in favor Motion carried

16. Motion by Barone

Seconded by Chrzan

To approve payment to Frederick C. Spott & Associates for invoices dated 2/19/01 and 2/21/01 for the sum of \$5,008.50.

On the question:

Barnick-I'll vote for everything on the bill except for pertaining to sidewalks. I think it should go in the sewers.

All in favor, except Barone, Barnick, excluding anything related to sewers, not sidewalks Motion carried

17. Motion by Marushock

Seconded by Keyasko

To delete Louis A Cimini, Solicitor from the Borough's Blue Cross Blue Shield group health insurance plan. As per the letter dated January 26, 2001 from Eric L. Dove, Vice President, Blue Cross of Northeastern PA, independent contractor's, including 1099 contractors are not eligible for coverage on the group plan. Mr. Cimini can pay for the insurance for the next few months until he finds a suitable insurance company.

Lukasewicz-Spoke to Mr. Cimini and mentioned the letter came forward and it was reviewed at the work session and that's why the motion was on.

On the question:

Barnick-If this is going to take effect immediately, I mean, I think you should give him a little time as far as insurance. (Inaudible) This letter just came out, we weren't even aware of this.

A discussion took place, everyone spoke at once.

Barone-I think we should get a representative, like Elaine said, have them discuss, tell us the ins and outs of everything.

Lukasewicz-Can we include in the motion that if Mr. Cimini wants to pay for it out of his own pocket for this month, to still be included onto for this month or next month until he finds a suitable insurance? Is that agreeable?

Five in favor-Barnick, Marushock, Mraz, Keyasko, Lukasewicz
Two against- Barone, Chrzan Motion carried

18. Motion by Barnick

Seconded by Chrzan

To approve payment to Elliott, Reihner, Siedzikowski & Egan for invoice dated 2/16/01 for the sum of \$12,314.18.

Lukasewicz-Again, this is for the lawyers, legal counsel, in regards to Gould.

Six in favor-Barone, Barnick, Chrzan, Mraz, Keyasko, Lukasewicz
One against-Marushock Motion carried

Barnick-I'd like to make one comment. We're out here fighting this Marjol thing. Do you think Gould is

not watching these type of votes? Do you think that they're stupid? When they see you voting against the environmental counsel itself, Mr. Marushock, what kind of message do you think they're getting? You get a couple of more votes like that against an environmental counsel's bills, and you give them, all they need is one more, and it's a done deal. It's so hypocritical. You stand over there saying you're against all this, you've got to fight. You've got to fight, period.

Marushock-I do so because I believe, right now, this whole decision is in the hands of the ombudsman. We're paying out, I think tonight there's like \$26,000 from the geologist and this, and not a shovel full of contamination has been removed. That's my problem with what we're spending in lawyers fees, they're the ones getting rich, and the site is remaining untouched. (Everyone spoke, a discussion took place.)

19. Motion by Keyasko

Seconded by Marushock

To grant permission to VFW Boulevard Memorial Post 7251 to plant an Eisenhower Green Ash Tree at the Boulevard Veterans Memorial. This tree is the designated as the commemorative tree for World War II. A ceremony will be held on Memorial Day.

All in favor

Motion carried

20. Motion by Barone

Seconded by Barnick

To approve payment to Commonwealth Roofing Co. Inc. for the sum of \$1,733.00 for repairs to the municipal building roof.

On the question:

Barone-They did a good job, all the leaks stopped?

Morrell-As far as we know, yes.

All in favor

Motion carried

Lukasewicz-To direct the DPW to salt and plow the Ash Street Extension.

Barnick-I will make that motion to provide borough services for the Ash Street Extension, that'll cover everything. if there's potholes, if it's whatever.

Lukasewicz-Can I ask you a question? Do you want to wait to see where the survey is so we know if we're pushing it on someone's property or whatever, just we it don't cause problems? That's not a concern then? (Inaudible) in too deep.

Barnick-I would say so. I mean, these people took care of it for how many years?

Chrzan-Thirty five.

21. Motion by Barnick

Seconded by Chrzan

To direct the DPW to provide borough services for the Ash Street Extension from this point on.

All in favor

Motion carried

22. Motion by Keyasko

Seconded by Marushock

To adopt Resolution #3 of 2001, a Resolution with regards to the Home Program.
(The motion is posted on the Bulletin Board and was not read).

On the question:

Barnick-I just ask that you be abstained from voting on this because you're one of contractors in the Home Program.

Lukasewicz-I don't think I have to abstain on it, Jimmy, because I want the Home Program coming to Throop.

Barnick-But you are a contractor.

Lukasewicz-Okay, well listen, I am contractor on the list but whenever any individual from this town did call me, I told them that I would not be able to do the work. So I'm going to vote for it because I want to see it come into the town. I have no intentions of doing any work, it's unethical to do any work. I've already spoken to.....

Everyone spoke at once.

Lukasewicz-Because I do work in other towns. But this is prepared throughout the area and I've done this work throughout the area for many, probably fifteen years. So Jimmy, I will be voting for it but I have no intentions of doing any work in town.

All in favor

Motion carried

Lukasewicz-There were some concerns from Mr. Brotter if we would use the same list.

23. Motion by Barnick

Seconded by Barone

Stay with the same original list for the Home Program Grant.

All in favor

Motion carried

24. Motion by Barone

Seconded by Chrzan

Direct the Solicitor to prepare an Ordinance for one-way on Cambria Court and Cameron Court, from Line Street to Simpson.

On the question:

Barnick-Traffic study by Chief and Street Commissioner, possibly public hearing.

All in favor

Motion carried

THE TAPE WAS CHANGED HERE. TAPE #2 STARTS:

25. Motion by Keyasko

Seconded by Marushock

To reinstate Chris Granza to the Police Department.

On the question:

Lukasewicz-First of all on the question, Mr. Mayor, do you have any concerns in regards to this?

Mayor-None at this point. I think let's make amends. Time to make amends and furthermore, Chris frequently works on weekends (inaudible), a lot of people you know are off for one reason or another so everybody deserves a second chance in life and why not.

Mraz-I still got a question on this, in this type of meeting, I would have liked to have seen it brought in an Executive Session or something. In other words, we're talking personnel. I just would wish we could tab Everyone spoke at once, a discussion took place.

Chrzan-Last year the Mayor promised us he'd knock a few people off if we put two regulars on, we put two regulars on, it cost us eighty something thousand dollars a year more and he still wants to put more on.

Mayor-Listen, I didn't ask for the regulars. (A discussion ensued.)

Chrzan said he wanted to know why he didn't lay some of them off if he put two more regulars on and the Mayor responded they have been. Chrzan said no, they haven't, Mayor.

Mayor- We're down to about seven people from fourteen in less than a year.

Chrzan-You're talking 80 hours a week, Mayor, that's a lot of money going out and they're getting 18 hours overtime. Overtime is about \$40 an hour. Go ahead, spend the money, I don't care.

Mayor-I will challenge you to check any police department in this area and see who, in the constraints of their budget, is accurate.

Chrzan-Go ahead, Jessup has 4,000 - we have 4,000 - they have three regulars, we have six.

Mayor-That is another matter.

Everyone spoke at once.

Barnick-First of all, it supposed to be done, the part timers list was supposed to be reduced. There's a proxy of eleven. Whether you seven or whether you use two, which I've noticed according to the schedule, there's two that gets most of the hours, favoritism, the other ones don't get called, first of all, so now we're going to have another one here to call. Secondly, you're going to be providing vests, you're going to be providing ammunition, qualifications, uniforms, for another officer. Now you're talking eleven plus six, eighteen, nineteen police officers for 4,000 people plus a grant of \$135,000 washed right down the drain. Sorry, I will voting against it.

Mraz-Asked the Mayor if he talked this over with the Chief, what was his feeling.

Mayor-Yes, positively and to hire him, rehire him.

Mraz-Part time, right? (Everyone spoke at once.)

Five in favor-Barone, Marushock, Mraz for with the Mayor's recommendation and the Chief's recommendation, if I could cover the Chief's word from the Mayor, Keyasko, Lukasewicz

Two against-Barnick-And nothing against the person

Chrzan-Nothing against the person Motion carried

26. **Motion by Marushock**

Seconded by Barone

To have the Attorney General, the Auditor General, and the FBI do a complete thorough investigation of the Civic Center from the day of opening to the present date, February 26, 2001. A complete investigation involving all activities and employees at that facility with no interference.

On the question:

Barnick-Whether you want to believe it or not, it was everybody's responsibility right here.....

Lukasewicz-That's right, I said that a long time ago.

Barnick-That kid runs that place over there excellent and more programs and more time has been put in by him over there, developing programs for kids. Golfing and everything else and you're just going to keep on badgering and harassing and picking on this kid.

Mraz-There was a letter that was stated about that, it was so vague, previously, about a month ago that we had a letter from the D.A. Now the investigator, I forgot his name, said by all means, Jamie was (inaudible) exonerated.....

Barnick-Exonerated, and that should be made public. He was exonerated.

Mraz-I wish it would get that because the letter was too vague and it didn't give any credit to Jamie to say how he helped out into the matter and was on his own doing anything that they needed or wanted him to do.

Chrzan-And he passed the polygraph.

Barnick-I also met with Mr. Jarbola down there and he expressed to me how he wasn't even a target, how he volunteered for everything, every question, I mean, it just makes me sick already.

You had a loss, accept it, own up to it. You're responsible right here, period.

Lukasewicz-You're right, Jimmy, every one of us, I said that primary reason, I said it was a sad situation for everybody in Throop, all the elected officials.

Everyone spoke at once, a discussion took place.

Morrell-Who is the person or persons that will be working along with these people?

Chrzan-They'll do their own investigation. You don't worry about.....

Morrell-Who is going to be allowed to answer the questions, talk to them, whatever.

Everyone spoke at once.

All in favor

Motion carried

Mayor's Comments:

Forgive me for my enthusiasm about the sidewalk project but this thing has been in the middle for a number of years. It has nothing to do with the other projects, nothing whatsoever.

Marjol, big meeting here on Friday and we got some assurances. Now here's what they want to do, they want to cap the entire site. Here's about one acre of the site that is capped right now. How do you think it's going to look over say ten acres? What do you think it's going to look like? The Mayor showed pictures and discussed the batteries dumped at the site the possible mine fire, the snow and the bare spots, Office of Surface Mining coming up and saying there is no mine fire.

The Mayor then clarified the money (with reference to hiring full-time police officers) the Borough didn't pursue a grant and that there was no grant at that time. We have the proof, we have the whole package, the grant did not come until after those two officers were hired, whatever they say, and I will show you the paperwork and asked that people not make up things.

Official Comments:

Barnick-Just in general, speaking of Gaynor Cawley, he informed me at this Marjol meeting that he did get the Borough \$45,000 for a storm water project and I think it should go towards Warsaw because we'll putting some money in for that. As long as you use it in coordination with a project. We've got \$45,000

from Gaynor Cawley's office for storm water projects.

The Mayor and Lukasewicz agreed that Representative Cawley has done a great, great, job.

The Mayor asked where the infectious waste talked about previously was coming from. Someone responded New Jersey.

Barone-Discussed the letter that was read from Jamie Shevchik and could anyone be done about that.

Lukasewicz-Mentioned Jamie answered and would do what he had to legally.

Snooky Shevchik-You're her boss.

Lukasewicz-Every person that's elected here, I'm not her boss. She's an independent elected official, she's a borough official, I'm not her boss.

Someone mentioned that the borough is responsible for her actions.

Barnick-Mentioned that there is one thing that could be done, that is to abolish the position.

Lukasewicz-I'd feel more comfortable with it that way, to have a record of it.

27. Motion by Barone

Seconded by Barnick

To hire an independent auditor and abolish the position of Controller.

Lukasewicz-Question for Attorney Cimini. Legally, what has to be done to abolish (inaudible).

Lukasewicz-The Borough Code specifically states what you can have and what you can't have and how you do and whatsoever and it I'm not sure how you can do it.....(everyone spoke at once.)

Mraz-What is it going to cost, are we concerned with what's the cost of having one...

Lukasewicz-Well you have to remember we had a controller at a salary and somebody reduced that salary, one quarter of the salary, and it's kind of hard to even get someone in to do the job for that amount now or get anybody to even run for that position now because of the way it was handled.

Keyasko-And don't forget you got to hire an auditor to get them by the end of March.

Lukasewicz-The Borough Code says the controller does the audit. That's how it's done by the Borough Code.

Everyone spoke at once. The point of who does it for the money, the controller is legally bound to do the audit as per the Borough Code (tape inaudible) so even though if you were to abolish her position she would still stay in there until her term expires.

Barnick-If there's a conflict, I mean, what else you going to do?

Barone-'Cause you have to hire an auditor anyway, and I don't think she can perform a third audit of the Civic Center.

Lukasewicz-I'll say that personally I'm not going to vote to get rid of a controller because I think this controller was a good way and it was for years and years and years....(everyone spoke at once). The influx of bad politics over the last seven or eight years has really causing a controller tradition to really deteriorate. Besides from what's happening with her over there....

Someone stated that's a major conflict, someone responded no it isn't, and someone else responded major.

Marushock-Maybe we should have that done independently (inaudible)

Bill Shevchik-She interfered there too. She interfered there (everyone spoke at once). She did. There's a major conflict, her nephew's involved in this. That's what you've got to consider.

Marushock-Okay, we can address that issue.....(everyone spoke at once).

Lukasewicz-This is on the question for council. Elaine, there was a motion and there was a second but right now the discussion's for council.

Barone-Unless you want to wait to get an opinion from the solicitor. Because I know.....

Everyone spoke at once.

Lukasewicz-Me, personally....I'm ready to vote now.

Barone-In the Borough Code it says if you hire an independent auditor that position is automatically abolished.

Lukasewicz-At the end of her term (everyone spoke at once). It says it will be abolished when she's done with her term. It doesn't say that....

Keyasko-And whoever runs for it next year.....

Lukasewicz-I will be voting against getting rid of the controller. Irregardless of what's happening there, that conflict is not influencing the way I'm voting. The way I'm voting is because I think the controller position has properly worked for years and years and years.....

Shevchik-Except for now.

Lukasewicz-and politically there's been problems, it's an election year, she has to run, maybe someone will run for the position and it'll be, I can't tell you what's going to happen but I believe the controller is a good position for the borough. I believe internally a controller will do a good job if you have the right person to do the job. Joe, do you understand where I'm coming from? If you have the right person who's going to be right here, hands on, you're not going to have some outside person coming in to do something that's going.....

Everyone spoke at once.

Three in favor-Barone, Barnick, Chrzan

Four Against-Marushock, Mraz, Keyasko, Lukasewicz against for reasons
stated

Motion failed

Barnick-What are you going to do to stop this harassment?

Lukasewicz-Legally they have avenues to stop the harassment. Legally they reported it to the police, legally they followed it up with a letter to council, legally you said you're going to get a lawyer, do what you have to do. I can't do anything for you legally.

Mraz-And we made a motion for the FBI and Auditor General.....

Lukasewicz-And yes, we did all that we can do. Irregardless of if you believe me or not or my reasons for it, I voted because that's the way I believe.....

Barone-Elaine, are you going to send a letter to the Attorney General and the....

Morrell-I'd like to talk to Louie to see how to word that.

Chrzan-I've got something to say. Joe, are you finished?

Barone-Yeah, go ahead.

Chrzan-I don't want to bring in the FBI or the Attorney General. Jamie, could you move over to your left or to your right a little bit? I inquired about that hole in the wall there. It was accidentally punched and I want to know when it's going to be fixed.

Lukasewicz-That's a good word, accidentally punched.

Chrzan-Well that's what he stated, it was accidentally punched.

Lukasewicz-That's a good word. You stated it, accidentally.

Chrzan-He said that at the last meeting. I want to know when it's going to be fixed. That's damage to public property.

Lukasewicz-Okay, when a policeman goes out and the car gets in accident, accident, is that the word you used, Tony, accident?

Chrzan-Turn it into the insurance company.

Lukasewicz-An accident is an accident. Have you ever done something irregardless of whatever and, it

was an accident.

Chrzan-Tommy, I never punched a wall like that and left a hole in it.
Everyone spoke at once, a discussion took place.

Audience Comments:

Jim Mellody-As to the letter Mr. Barnick read, that's not exactly the way it came down but that's (inaudible). Now to move on to better things, the only thing I was questioning is the year 2000 and no other year. No other thing, just the year 2000. But since you're going to have the investigation, that's fine by me.

Frank Galli-609 Kossuth Street in Throop-I'd like to know why every Tuesday I have to go according to the morning paper and have to read the comedy show that goes on here over that Civic Center. Could somebody please explain to me why this man is constantly badgered, why you won't for his salary, why you won't vote for insurance. I'd like to know because everything he did over there has been nothing but positive. It's all been positive. I'm there every day. I see the children of Throop there every day. I see the senior citizens of Throop there every day, taking and using this facility. I see people from all over the area come to this facility and use this facility and commented what a beautiful place we have here, how proud we should be and yet tomorrow morning when they open up the paper Mr. Palfrey's going to have in there, once again, Mr. Shevchik's name. He's going to be labeled again and it makes it seem like is Mr. Shevchik doing his job over there or is he not doing his job. I personally think he is doing his job and I'm sure there's a lot of people in this audience that think he's doing his job.

Barone-I think he's under paid. (Round of applause from audience.)

Galli-I mean, Ged, there's a lot of good things going there and there's numerous things going there, there's kids there every day, the after school program, there's parents there that can't afford to go pay the cost of day care where they could afford to pay day care there. What more do you want out of them? He has a budget over there, he's always been within his budget, he's never gone over his budget, he's never, there's never been a situation where like the police department, they have a budget they have to abide by, so the DPW yet we don't harass the chief, we don't harass the street commissioner, yet we constantly harass Mr. Shevchik. It's just like one of the (inaudible) within the borough. Okay, that civic center is being run, it's being run very well and there should be no reason to harass this man. Now unless you can tell me why you're voting against him, you don't have to if you don't want to, I mean, if you want.....

Marushock-My reason is, first of all we had a confirmed \$8500 deficit with the soda account. There's a boxing match where (inaudible) money missing. (Everyone spoke at once, stating "wrong".) Problems existed under Mr. Shevchik's reach, okay. They got out of control. The \$8500 for one was confirmed over about 27 months. If you figure that out, that's like \$300 a month almost just on the soda machine alone. Like I say, the boxing match, that's a whole different issue. When you look at what was purchased out of the borough general fund, what was coming back in, you're general fund and stuff, there's discrepancies there. Okay? I can't say that Mr. Shevchik took, I'm not saying that, I don't want to insinuate that, however, he was the man in charge. The borough officials put him there to be in charge of that place, that he would be the one to answer all the questions and take full responsibility for that operation, okay, as far as (inaudible), but he was our man over there to run that place and make sure that everything ran smooth and somewhere something fell through the gaps. It happened under his leadership. That was my problem, sir.

Galli-Geddy, I understand, all right that Jamie's in charge of it, okay, Jamie is not in charge of it per se like the chief is in charge of his police department or Robbie's in charge of the DPW. He's got a board that he has to answer to, they take control of the thing. He doesn't have the power or as you say, to be the

guy in charge. He just, the receipts and everything comes through one board that is appointed by council to take care of that place. Even though I'm sure through the years, I can guarantee you that there's probably been accidents that happened over with the DPW or the police department when things were missing over there and yet nobody was ever, ever badgered over there about it or at the DPW end of it. Marushock-One other thing that's bothering me is that I'm told of a burglary, a break-in (inaudible), it was never reported to Throop Police Department, why not? That's questions that are in my head and I'm telling you why I'm voting the way I am. (Everyone spoke at once.)

Galli-And I understand and now that there's going to be an FBI investigation, right?

Marushock-We all welcome it.

Galli-Which everybody is in agreement with all right, then until that investigation is done then you should vote every month for his salary and his, cause in America you are proven innocent until proven guilty, right? So then every month now until that report comes out you should vote yes for his salary and his benefits. (Round of applause from audience)

Galli-If there's going to be an investigation by the FBI...He's an innocent person just like I or you or anybody else and he deserves that much (inaudible) as an elected official in this town.

Marushock-Right. The fact that right we have confirmed with the \$8500 okay, that's one thing like I say, I just have a problem voting for (inaudible). The senior citizen is a super operation one of...(everyone spoke at once).

Galli-One more time and I have to make it go back to the Mayor. Mayor about Marjol, I brought this up before, it's got to take every one of you guys going, I mentioned about the National Media, the National Media's not going to come to you until you go to them. It's only two hours (inaudible) to New York City, get a bus, get people, go to New York City. March in front of ABC, NBC, or whatever and then they'll start recognizing hey, there's a problem in Throop. (The Mayor's response was inaudible.)

Keyasko-You said that's a beautiful building over there, right? I think it's a beautiful building. When it was built that guy voted against everything for that building.

Chrzan responded by saying he didn't, Keyasko said yes, he did. Chrzan said he was wrong and Keyasko said he voted against veterans. Everyone spoke at once.

Andy Hegedus, 417 George Street, and I operate a business down there. I have a crisis, and I call it a crisis, been going on since I bought a building at 301 and 303 George Street which is a business, in a business district. (Tape inaudible) and what's happening now is I'm getting a stand off. I was elected, I've attended meeting, I know the what a stand-off is but I wouldn't make that comment but I call it a stand-off (inaudible). If somebody don't like you it's a stand-off and that's my opinion. I'm going to be like everybody else, I can state my opinions here and I give you credit, Mr. Lukasewicz, for trying to run the meeting but some of the characters you have here, I don't see how you could run it. But I'm going to tell you something, I've operated a store 25 years in Throop, that's an accomplishment in this town, big time. Look around, you see any other businesses? No, there's very few. Very few ever want to come here. The one that's put in this town recently which I want to comment on that, after objections by a lot of taxpayers, they signed a petition, a legal petition, they never had a hearing, they never had anything. They got wiped right off the map and I feel that I am discriminated on, on my business. Because I want it on the record because I know people that live next door to me don't know that I'm moving, Junior's Discount Tobacco, 417 George Street to 303 George Street. I talked to two businessman today and they say, that's new stuff Andy. We complained about the parking situation but we never knew that you were moving there. I said well you're the only people that maybe didn't know but I said I'll get it out in public and I hope it's in the newspaper. Because most people, I've been here three times know. I've had a lawyer since September. An official letter was sent to the Chairman, Mr. Barone, I call it being ignored because he would not meet with me with my attorney, with the solicitor, or anybody. Now it's fallen in you hands

and now it's more serious because it's been delayed like everything else gets delayed. But I hate coming to a public meeting because I know what they are, they're fiasco's here. That's all I call them. I hope to never have to come anymore. I'll have to be represented with my legal counsel. I'm not in a position to come up here and act like a dope where everybody can analyze what I'm saying but I'm going to tell you something, since I've owned that building, it's over a year, I have lost a lot of money. My first tenant came to a meeting here, was laughed out of here, I call it. They were going to pay me \$900 a month and a two year lease so you add that up, everybody could figure those numbers out, that's a lot of money (inaudible) to lose. I was told all this stuff by the zoning officer, well you could do this, appeal it, appeal it. Those people don't want to appeal it. They said Throop's a joke. We read about them all the time. They located that business that they want to have here that (inaudible). They're out (inaudible) everyday and they didn't have to be crucified by some of these people on the council and the by the zoning officer. I respect his position but I think this book here, it was written for one guy in Lackawanna County and I ain't going to mention his name but that's the way I feel about it. Any guy that's tried to come to this town and abide by this book is a joke but if you have (inaudible) grandfather rule, I'm a grandfather but I don't see one of those rules. That's a joke it is. Oh, he's under the grandfather rule, Mr. Hegedus. Oh, somebody moves out of there, nobody can move in there. Over the last couple months here people have been moving out of this place, another guy's moving that place, I'll ask somebody about it, I don't know, I don't know. He's, I guess he's under the grandfather rule. Well I'd like to know what page that's on, that grandfather rule. I'd like the zoning officer or his companion there to tell me what page it's on 'cause I want to have my lawyer and myself read it, grandfather rule. I came here to a work session and I know I dumped it on you and you said, Andy, give me until the 26th. Well, that's today, alright? Because I don't want to spend money on the legal...(inaudible), I spent \$30,000 remodeling to fit this book here, this book, and after I get my situation settled I'm going to come around and ask you about some of these other businesses, why they don't go by this book because this book is made for certain people, that's what I call it. I don't care who don't like me after this meeting. I came to the meeting and was told, oh, you came to the meeting, you raised hell. Another councilman told me, you're a lucky man, you're a lucky man. I guess I am lucky, I've succeeded in business in Throop, I am lucky, but I want to tell you something. I would request that this motion that I want be voted on. If it's tabled and this here, I feel that I have to take a legal recourse because if you have (inaudible) and add up the money I've lost, I've lost a lot of money, and I have two tenants within the last month that have refused to rent my store, one of my stores, because they said, uh-oh, how come you can't use the parking lot and I told them PennDOT approved it, they approved it in August, it's been on the record since August. The only hold up, who everybody knows it, what the hold up is, they know all about it, the council knows all about it and it's a simple hold up, it's very simple. And there's one thing I want to say, there's no where in this book that tells the businessmen in Throop that he has the rights to the streets of Throop, if it is, I have to know the page that's on also because I cannot find it in there. I found out that the streets belongs to the people that want to use it every day. You have a vehicle, you can do whatever you want with the damn thing. There was people here recently at a work session and I was talking to them and I told them my side of the story, it's a shame to live with it. Now, I'm going to ask you one more time. Do you have anything officially in writing from any of those people? Is there anything on the records here in writing?

Lukasewicz-When you're finished I'll address the whole issue. (Both spoke at once, inaudible.)

Hegedus-Well it's a point I want to know because it's important because I want to know who my accusers are, I'm entitled to that. If there's no accusers, there's nothing in writing, I would like you to take a vote.

Lukasewicz-Okay, I like how you said it early on in your conversation how it was dumped on me. Yes it was and I told you we would do something by tonight.

Hegedus-Right.

Lukasewicz-Okay, I've addressed it to the best of my ability and I've addressed it to the best of legal counsel and I have a letter from him today that he can forward to you in regards to it. The best way that I find suitable to handle this situation is that our next meeting is scheduled for the 8th of March, correct Elaine? (Elaine Morrell responded yes.)

Lukasewicz-Before the actual meeting starts on March 8th, you will have a public hearing with a stenographer and it will be in regards to your parking situation and your request to have an access into your parking lot on George Street. At that time, you used the word accusers, at that time, I don't mean that they're accusers but if anyone has a concern in that immediate area, any homeowner, any business owner, any whatsoever, they could come here and I guess they're going to be accusers that night. That's the word that was used but anyway, they'll be at a public hearing where everyone can make their comments known and then when that public hearing is finished, the board's been cleared, they'll be a vote taken by council. And that will be done by public hearing on March 8th. Now I don't know if you could wait two more weeks.....

Hegedus-(Inaudible) lose a tenant next week when I tell him that? Are you going to cover that loss?

Lukasewicz-That I can't address right now, I don't know how to address that to you....(everyone spoke at once).....situation to address is what's right for everybody in that immediate area and I feel that the public hearing, on the advice of our solicitor, is the best way to handle this situation and that will.....start at 6:15. 6:15 March 8th, if you want to bring your lawyer, you might as well bring him that night, that's when we'll do what we have to.

Hegedus-I won't answer yes or no until I talk to my attorney.

Lukasewicz-Well, it's scheduled, a meeting has been scheduled. That's the only way I know how to handle it, Mr. Hegedus.

Hegedus-No, it's not the right way to handle it, it isn't. I feel, my personal (inaudible) is, is that why weren't other people held to this test, why are you putting me to this test? That's my own personal opinion. Why do I have to suffer this?

Everyone spoke at once.

Cimini-I spoke to your lawyer today and he agreed to have the hearing.

Hegedus-No he didn't. No, I talked to him also.

Cimini-Yes he did.

Hegedus-No, he agreed with you, I didn't agree with it. You told him what you wanted but he didn't agree until he said he would talk to me. I know how lawyers cover, I know that when they (inaudible) client's that they agree.

Cimini-It's in your best interest to have a public record of any comments that were made. It's in your interest, not my interest, yours.

Hegedus-Why would it be when other people haven't been denied, why do I have to suffer his, that's what I call it. Why do I have to have people get mad at me when it's a simple matter, PennDOT told me it was a simple matter to put the parking on the other side of the street, what is wrong with that? Why wouldn't council vote for that? That's a simple matter.

Lukasewicz-Hopefully those concerns would be addressed at that public hearing.

Both spoke at once.

THE TAPE WAS CHANGED HERE.

Debbie Shevchik, Harriet Street-What I don't understand is during the whole investigation with the D.A., you didn't want to pay his salary, you didn't want to pay his benefits. He still worked there, he still did his job, he's still doing it now, I don't understand that, well what's the reasoning behind that?

Marushock-I believe by me voting for his salary and everything I would be supporting him.

Barnick-You should be.

Marushock-I'm not supporting him in his management position over there.

Shevchik-Wasn't it, apparently what the D.A. stated in the letter wasn't good enough.

Marushock-No, it was not because not everything was addressed.

Shevchik-Not everything was, what exact wasn't addressed?

Marushock-The uh, the (inaudible) the whole thing.

Shevchik-Well, what is the purpose of holding, not wanting to pay him, that I don't understand. Is that going to make that \$8,500 appear? Are you going to feel better about that? Or what you're saying really is, you found yourself judge and jury and made him guilty of the whole situation. Do you know what it's like to have people come and approach you after every one of these meetings about the name Shevchik in the paper? And then I'm compelled to turn around and tell them the truth.

Marushock-Unfortunately, Debbie, as a public employee, a public official, you're.....

Shevchik-That's right, he's a borough official, he should be paid, he should be covered, so what you're doing is you're trying (someone coughed, inaudible).

Marushock-No, no. We have a confirm that there's \$8500 missing out of the soda..the case is still unresolved.

Shevchik-But you also got the letter from the District Attorney, didn't you, that's he's cooperating 100% in that investigation. -Am I right, when he did take the polygraph, I don't know, I wasn't here at the time, did you actually ask if there was a witness present?

Marushock-Yes, I did.

Shevchik-Now, I don't understand that, even you know that he cannot walk into the D.A.'s office and take a polygraph by himself. That's a common sense thing. Why would you possibly ask that?

Marushock-That I did ask. I had the right to ask that.

Shevchik-But why? Tell me why you asked that? All right, you do have the right, but would you explain to me why you have asked such a question. Did you think he went to a machine and put a quarter in and took a polygraph test?

Marushock-I knew better than that.

Shevchik-And gave the results to the D.A.? Then why would you ask something like that, Geddy? I mean, you know, I took you for a smarter person than that.

Marushock-When everything that's happened over there unfortunately, Jamie's taking the heat for all the activity that happened.

Shevchik-Unfortunately, Jamie is taking all the heat.

Marushock-However, that is his position. He is the Civic Center Director, I believe, is his title and he is the one who literally has to answer for everything that happens, good or bad. I give him credit, it's a beautiful building, I'm not taking that.....

Shevchik-But you still fill that (coughing heard, tape inaudible) should not be paid or his insurance because.....

Marushock-I believe so, yes. That's where I'm standing.

Shevchik-But he should still be there doing his job?

Marushock-No, I believe he should be replaced, that's my opinion.

Shevchik-Oh, do you really? Why? Why, Ged?

Marushock-Because of the activities (tape inaudible).

Shevchik-Even though he has not been accused of anything, you feel he should be replaced. You alone feel he should be (inaudible). Could I (inaudible) Mr. Mraz? Do you feel that way, Mr. Mraz or Mr.

Keyasko, do you feel that way?

Keyasko-What's that?

Shevchik-That he should be replaced?

Keyasko-I didn't say that.

Shevchik-I know you, I'm asking you, how do you feel about that?

Keyasko-I have no problem.

Shevchik-Does anyone else feel that way?

Everyone spoke at once.

Lukasewicz-(Inaudible).....I'm just as guilty as anybody.

Shevchik-You know what.....

Lukasewicz-It happened and I'm sad it happened.

Shevchik-Excuse me, Tommy, you know I haven't been here at these meetings, I'm sick and tired of it, I'm fed up with the humiliation. You're humiliating that kid. Every time you have a meeting here people are approaching me, I actually find myself telling people that you's are crazy. What else do you want me to say?

Chrzan-Not all of us, Debbie.

Shevchik-Well, no but I have to find myself telling them the intelligence of this council and what actually what is going on. (Inaudible) I told him don't worry about it because word of mouth is way better than the paper and believe me, I intend to get it out. (The audience applauded.)

Marushock-That's your opinion. You do what you have to do. I cannot restrict you from.....

Lukasewicz-I can understand where you're coming from. I'm not the mother but you're a mother and I can understand how your son, well, you don't want to see this is in the paper. If it was my son's name in the paper I'd be, I'd be furious.

Shevchik-Well not only that Tom, there's nothing to back his accusations.

Lukasewicz-Enough is enough. Enough is enough. I don't know how to stop it. I've been trying to say to everybody to stop it, you know (inaudible). What should have been stopped already, now we continued it on again because now we're going to have the FBI and the whoever else and what good is that going to do?

Shevchik-But you know what, Tom, if that's going to prove to Mr. Marushock (inaudible) that, that is going to end. You know what, let it go. Let them bring them in.

Lukasewicz-Do you know what that's going to look like in the papers when it says now Throop wants the FBI in, it's not going to look good for anybody.

Shevchik-You know what Tom? At this point, it's got to be left without a double. Even for Mr. Marushock, if he's got that doubt in his mind and this is the way it's got to be handled, I have not doubt in my mind he's done everything possible to help the DA, everything possible. The DA don't tell you that. That is not enough for him and if it's not enough, you know what? I don't want this town left with a doubt.

Lukasewicz-Sincerely, whatever, I understand. It's a rotten situation.

Marushock-Can I add to that?

Shevchik-I don't want anyone in this town, it was enough to put it constantly in the paper, not that he was accused, but (inaudible) everyone knew they were pointing the finger and now I want....enough is enough.

Lukasewicz-I know the feeling, I know that feeling oh, too well. I understand it oh, too well, believe me.

Barone-You know Tommy, you were wrong, we wanted this finished, we all....(inaudible) they're the ones that are keeping it going, not us.

Lukasewicz-Joe, I'm here by myself. I can only speak for myself. I'm independent of everyone.

Everyone spoke at once and a discussion took place.

Thomas Tylenda, 172 Harriet Street-Roughly about nine months ago I was standing right here and I told you's about sidewalks and the paving of the road and putting in the sewer (inaudible) never said anything about the sewer but I'm glad it's in because I used to flush my toilet twice for nine years. I'm

not saying that it was good or bad but I'm going to tell you about my sidewalk. I can't walk up the sidewalk when it snows or like the last the couple days it was so slippery, I got to get out there and throw salt on it. I have a snow blower that when I start it by the garage it goes right sideways right out to the road. Now I want to know, I asked you's when I was here, that I wanted that man to tear that sidewalk up and I was going to pay for it. I didn't want anybody to pay for it before but they come out with this, they were going to put, put \$25 down and we'll (inaudible), they wanted \$196 dollars for something that I don't own. Next, I want to know where that Rob is because I have three forms that I said please take this down, you've got their equipment, I want it tore down. I have 22" from the top of my sidewalk to the bottom of the road.

Lukasewicz-And it's never been like that before?

Tylenda-No and the street commissioner come up and they tore, I guess, now I wasn't there, but it's 6-8" lower (inaudible) in front of my house. You can't step off the sidewalk, you can't park your car (inaudible). I want to know what's going to be done.

Lukasewicz-I'll tell you what I'm going to do. Elaine, could you put a motion on (inaudible) by the contractor that this situation that has been caused by the contractor to the residents in lower Throop be addressed and rectified to his satisfaction prior to the final payment being awarded to that contractor that did the job. I'd be in favor of that completely because I remember him here telling us about the boards that you had to put to get in and out and they said, don't worry about it, I'll take care of it, I remember it and you're a victim. I know the situation.

Barone-The foreman told me that they were going to do it for nothing.

28. Motion by Chrzan

Seconded by Barone

Letter to be sent to contractor, sent tomorrow, want a response within 3 days, to address response to Lukasewicz. *From Elaine's notes: To notify contractor to rectify the problem.*

On the question:

Keyasko-Will they do the work now?

Lukasewicz-No, to address it when the weather is fixed, but that it will be addressed and we're not going to make the final payment. He caused it and that's it.

All in favor

Motion carried

Lukasewicz-I just want to know will that be okay? As soon as I get the letter from him in three days I'll show you the response from him and we'll keep on it until we get, they were wrong what they did to it.

Barone-I think you ought to put in there also one of the foremen told us they were going to do it for free.

Lukasewicz-No, we have your word for it.

Barone-Because I was witness, I was there.

Bette Goreschak-On that landfill inspectors report, did we say that was red-bag infectious?

Lukasewicz-It doesn't say anything about red bag but that's a good question to ask.

Goreschak-If it says infectious it should be in a red bag.

Lukasewicz-If it says infectious.

Goreschak-Yes, it should be in a red bag with infectious.

Lukasewicz-It says processed infectious, whatever that means.

Both spoke at once.

Lukasewicz-Mr. Cimini is going to look into those two issues and address the reasons/problems tomorrow.

Joseph Rogue, 531 Edgar Street-I'd like to know if there is an ordinance for the garbage, the public garbage, to keep their garbage on their property for (inaudible). You did report it to the policeman, right? They did go up and stop them, right, then they turned around and started to do it again. So is their an ordinance or law they could stop putting stuff on people's property.

Lukasewicz-There is a complete garbage ordinance. If you want to come up tomorrow, Elaine will have a copy for you to review. I don't know how all the specifics off hand (inaudible).

Rogue-Is there a law or is there an ordinance?

Lukasewicz-It's an ordinance which describes the law.

Rogue-And you tell the policemen they're supposed to stick by that, right?

Lukasewicz-It should be followed. Come up tomorrow, Elaine will give you the ordinance and you could see which specific you're talking about and then....

Rogue-I have another complaint. Eight years ago I had, my wife and I put a complaint in about the water company and like Junior said, it's a stand off. To me it was a stand off, it's a trophy for you. Now, there's two fire plugs on each corner, one here and one across the street. Now if a fire truck comes and decides to get down there for a fire, they hook up to my fire plug. I found out it's a dummy. They're coming up painting it, mind you. Taxpayers painting it, it's a dummy I was told. Then they said if they're going to run for election it was going to be done.

Lukasewicz-There's no dummy there because.....(both spoke at once). I remember the situation when we put the new one in and we left the old one there. We did that because, at the recommendation of Robbie and the recommendation of the fire department, it was not problem leaving two good operable fire hydrants.

Mr. Rogue said that's not what he was told, he did not know that, he thought it was a dummy.

Lukasewicz told him, no, they are operable, there is not problem with leaving two in one area and it was not a dummy.

(At 9:30 p.m. - George Marushock left meeting.)

Lukasewicz stated Marushock had to go to work, Lokuta objected to him leaving, saying he had questions. Lukasewicz told everyone he could not tell an individual to stay, if he had to go to work, there is nothing he could do. Lokuta said it was not fair to us and Lukasewicz responded, he could not tell the man to not go to work. Keyasko asked what was the matter with people, the man had to go to work. Lokuta said he abuses everybody in this town and Keyasko said he didn't care who he's talking about, he's got to go to work.

John Sholcosky, 146 Brick Street-I have an emergency, I have a bad furnace, it's oil, and I was told that I can't get gas if I wanted to get gas I couldn't get it for five years. Now, I know you amended one ordinance, does that pertain.....

Lukasewicz-We amended an ordinance (inaudible) cut, whenever, yes. And if you want.....

Everyone spoke at once and a discussion took place, they if they had to re file with the Home Program and the response was if there was one on file, they didn't have to but they should call Brotter's office tomorrow.

Lukasewicz-Can I address one thing, Bob? Now, the man said he had to leave to go home. For whatever reason, I can't tell him to stay here (inaudible). I just wanted to address that.

Everyone spoke at once.

Bob Lokuta, 200 Phillips Street-The questions I wanted to bring up, and Mr. Marushock brought the issue out when he mentioned the break in over at the office at the Civic Center. I wanted to debate that with him and maybe get his facts and tell him what the truth of the matter was. Now, I'm going to make a

request to council. Being that we're getting short changed here because the man has a commitment, I would like council to give me and whoever else would like to address council tonight, as far as Mr. Marushock is concerned, the courtesy of doing it at the beginning of the next meeting on March 8th. I think we're entitled to that, Tom, I mean, the man.....we have to have our day in the sun.

Lukasewicz-I have no problem, I'll ask him and, Mr. Cimini, I'll run it past you because the man has legal rights. (Both spoke at once) I'm not standing up for anybody, I'm just telling you what I'm going to do. I'm going to ask him if he's agreeable to it for one thing and then I'm going to ask Mr. Cimini the same, if it's agreeable for me to ask this individual to do that, Okay? I'm not here to badger somebody, I'm not here....And if he's agreeable to it, I have no problem with everyone addressing him prior to the other meeting.

Lokuta said they weren't badgering, Lukasewicz told Bob he's going to do it properly and Bob responded all right.

Lokuta-You used the word badger. What has the, Jamie Shevchik gone through? What has the committee gone through over there? If that's not badgering and whatever, I don't know what it is. Now the other question that I.....

Lukasewicz-....your concerns are with Mr. Marushock, not with me. I have no problem....

Lokuta-The other question I would like to know. Now, you guys voted to have the FBI and whoever come in here. I want to know, is he going to accept their findings? Because if he.....

Lukasewicz-I think he said he was going to accept whatever that was....

Lokuta-I'd like the people to hear that. Because if you remember....

Lukasewicz-I think he said that, you did say that, right?

Lokuta-Listen, Tom, I have a point I'm making here. I have a point. When the district attorney indicated that Jamie passed the test that he was given with no questions asked, Mr. Marushock said he did not trust the results of that test, you remember?

Barnick-Yes, he did.

Lokuta-And the last question I asked Mr. Marushock that night was, do you trust yourself? And I think the tapes will bear out, he said no. So now I would like to know if we have all this investigation and wherever the chips fall, is he going to accept it? That's the question, that's a valid question.

Everyone spoke at once, a long discussion took place, major point of discussion, rights.

John Stoffey, 238 Bellman Street-I'm going back to Mr. Marushock, again. I'm just going to explain to the people, I want them to know what type of person he is. Since he's in office, Mr. Marushock, what did he do for the borough. Number one, zero. Number two, the Marjol, he said was going on twenty years, okay, he wasn't around here nineteen years of it to fight it. He's only around here one year. The one year that he was around, he just voted against paying \$15,000 for Doug Blazey and Fleming, anything to do with Marjol to take care of it. If that costs a million dollars to take away, it's going to cost a million dollars, it's going to be gone, okay? Here he's at a meeting with Arlen Specter, Don Sherwood, and it was over there and they had the councilman, would you speak, well he got up and said yeah, okay, I'm in total complete of taking it away but yet he comes back over and he votes against the guys who were fighting against it so you tell me if the guy's got brains or not, he doesn't have no brains because he doesn't know what he's doing. The only thing he's worried about is the civic center, the money missing over there because a person was caught breaking in an office. I don't want to mention a name because I'll get sued, okay, but the reason why Jamie didn't do anything about that person, I'm going to tell you why. He was his friend, they were good friends, he says well let it fly and that's what happened. That was his fault for not doing that and now it bit him in the ass and that's what happened. I'm just telling you what happened there because we found out about it, okay? But that's the situation right there and I'm tired of it too, he's my relation, I'm tired of him getting always in the paper, in the paper, in the paper. I don't if this is

politically, if the other guys, or the minority, if you're running, if you have nothing to talk about, you're going to bring the civic center in, you're going to bring the sidewalks, I'm for the sidewalks but I'm for doing infrastructure first like everybody else wants to do. If you have bad sewer lines and everything, check the whole street, see if the sewers are bad. If the sewers are not bad, fine, put your sidewalks in but then, too, you've got people down the Boulevard that paid. You know, down there, like the Mayor says, well you didn't put it in the contract. Well the contract was big enough, it's like two and half million dollars or whatever it was down there. You're talking another maybe two million dollars to put sidewalks in down there, if you could do the whole streets. You're talking streets that are, you know, they're far, they're not short. You're talking about going around utility poles, fire hydrants, there's a lot of work digging everything up (inaudible) the water lines are there. I mean I'm in favor of sidewalks, I've always been, you know but you've got to do your infrastructure in the town first. I think that's more important. That's all I've got to say, thank you.

Paul Zilla-As you know Yellow Freight, the land up there is all for sale, all right? Now, could we curb it if another trucking outfit comes in, could we curb them before they get in there?

Lukasewicz-Mr. Cimini, do you want to address that?

Cimini-Yeah, I don't the answer to that but I (inaudible) to meet with Robert.

Zilla-All right, how about the fines against them? There's over \$40,000 in fines, everybody's crying about money here, why don't you go and get it.

Cimini-The lawsuit's filed in the Court of Common Pleas.

Zilla-How about the one they pled guilty to? Don't they pay that fine automatically?

Cimini-They appealed that.

Zilla-They plead guilty and then they appealed it?

Cimini-They appealed it.

Zilla-Appealed a guilty plea?

Chrzan-They didn't plead guilty. What did they plead, insanity, or what? Okay. How about the ordinance on zoning, can we change it? Tommy Lukasewicz (inaudible) over a year and they can run a fleet of trucks all night over there, now that doesn't make sense.

Cimini asked him if he wanted the ordinance changed, Lukasewicz said the ordinance can be changed, and Zilla responded sure he wanted it changed, he's sick and tired of that noise up there.

Zilla-Everybody acts like Yellow Freight just come in town, like you never heard of them before.

Cimini-No, you should be very proud. They're moving because of you.

Zilla-They're not moving because of me. There's another outfit might come in behind them.

Cimini-Yes, they are.

Zilla-Now, first thing I heard about is the grandfather. Shoot the god-damned bastard already, I don't need a grandfather. I never even saw my grandfather. I'm sorry, I'm sorry. Okay, here's some more, here's some more, all right? Now, years ago the people on Cypress Street had a problem, all right? They were getting flooded out. Gombar's house is getting flooded out, all right? I came to council meetings, I complained. Nobody did anything. I told them the back of my house was like a river and that water was all running down Cypress Street running in Gombar's yard so what did they, they called the borough, the borough comes up. They take Mrs. Gombar's sandbags, they go down, they helped clean out Gall's cellar, whoever was down there. So I told Joe Gall, I said, Joe, that water's coming down from behind my house so he came up and he watched it. What are we going to do? So they decided everything and called Bob Mellow and I said I'd call Gaynor Cawley, all right? Now, that problem was solved by me, not you guys, by me. I did it. I called Gaynor Cawley and I pled with him and they did a darn good job. I called Gail Repchick, I says, Gail, I says, is your mother's house still getting, no, no, everything is fine there, right? Gall's, everything is fine down the road. Now why couldn't we do that before? I'm going through the

same thing with Yellow Freight here. Now, in the back of Yellow Freight, you've heard of the Western Nile Virus, right? There's a pond on that road that never dries up, it's there year round and it's stagnant water. Somebody's going to get hurt there someday, just let me know about that. I may even call the Times and have them come up and take a picture and have something should be done, all right? Now everybody's talking about sidewalks. In 1962, in that area, they made Cypress Street a one-way street coming down, all right, they put sewers in and put a new road in. They busted the sewer putting the road in, my sewer. I went through eight years of agony, ask Larry. Eight years of agony with Pete Kucharsky and his crew. I called Roto-rooter, I don't know how many times. So before Pete (inaudible) you know I called Roto-rooter, he says we'll have Roto-rooter go up and check it out. I says I already had Roto-rooter. He said what did they say. I said they told me it was blocked out at the spur. You know what he says to me? What the hell do they know. Now that was nice, all right?

I dug the yard, I did everything I had to do to prove that, that spur was busted out on the road, still nothing. We're going to get a camera, put it down the sewer, George, young Marushock's father was there at the time and Hughes. If it wasn't for Hughes, him, what was Frank's name?

Frank and George Marush, nothing would have been done up there. So that was another problem, all right? Now they're talking about sidewalks. They put the state road in and ripped all the sidewalks out, they took two feet of our property, there's no sidewalks up there, they come over as far Dunmore Street, they put handicapped walk ways in where they, (inaudible). Now where I live, there's no sidewalks from Cypress Street to (inaudible) but there's no sidewalks there. There's no sidewalks on Dunmore Street from the (inaudible), you go down, we put our own sidewalks, we put a two foot sidewalk in. Now, if Gaynor Cawley, I guess I'm going to have to do that too. You give Gaynor Cawley a call and you tell him what the state did and I guarantee you Gaynor will do something about it, that's all I got to say. I didn't see anybody write anything down so I guess this is just a bag of wind that blew off.

Larry Hartshorn-I'm going back to the Boulevard (inaudible). We love what you done down there, Tommy, don't get me wrong, the sewers and, but, you're not only going to check Tommy's (Tylenda) but you better have them people go out and check the rest of them because they done a piss poor job, I'm telling you. If you go down there the people will tell you about it and I think they should be there before you give them any more money. Like you said, make them make the repairs.

Lukasewicz-There's a lot of problems....(everyone spoke at once)...lots of problems.

Hartshorn-And you guys are talking a bout this one and that one and going into Olyphant (inaudible), down in Olyphant with the sewers. Guys, get together, you guys up there. Get together and go down and do something for the borough, get that line put in down there. I mean, let's do something firm. You've got Vaughn Street, you do away with these pump stations that's costing you money now and I know you can get a share out of the schools for, they're going to have to get hooked to it. Chorba's going to get....you know what happened by not going down there the last time, Chorba got like \$40,000 for that stuff, you know, out of the school. But this is something you bet you got to get together guys and do that down there for them people, they suffered a long time down there.

Barone-Your right Larry, that should be first preference.

Hartshorn-They suffered a long time down there. We were down there many a night and day down there, good thing Dolan's father put a trap drain in because they had it in their house every day. About the police, you're hollering about the police. Why did somebody say up there we have to buy them a uniform, you have to buy him a vest, I think the man had it already. He worked here once before didn't he, Mayor? He's got all this stuff, right? The Mayor responded that's right and he's working for Dunmore right now too. Hartshorn proceeded, exactly, so it's not costing no money to put him back where he was before. I mean just like you said, everybody deserves a chance in life and I know people that got choices and they shouldn't be saying things like that. They got breaks in their life so they should give other people breaks.

Dominick Rocco, 110 Sanderson Street-A year ago I brought up about that fence around Tiffany Estates at the holding pond. You said give him three more weeks, it's already a year. Two months ago there was a vote taken to send him a letter and have them correct it in three days. What happened?

Cimini-I spoke to the lawyer, I sent them a letter and I got a letter back from Andy Summa that they were putting up some, I think it was plastic fencing and they were going to put a fence up.

Everyone spoke at once.

Lukasewicz-If they don't do it....

Cimini-Do you want to do it and bill them?

Lukasewicz-Yeah. If they don't do it tell him that.....

Everyone spoke at once, tape inaudible.

Lukasewicz-It's got to be done, Joe. Some poor kid gets in there it's going to be our end. Elaine, can we put a motion on that Mr. Cimini has to send another letter certified and correspond with him as soon as possible and get a reply within.....

Cimini-Five days?

Lukasewicz-Yeah, if we give him five days and then after a period of five days if he hasn't made arrangements to erect that fence the borough should just go in and put it up, whatever we have to do, get the individuals that put the fences up for the borough and just do it and bill them. Because that's long enough already.

29. Motion by Barone

Seconded by Mraz

To authorize Louis Cimini, Solicitor, to send certified letter to Tiffany Estates with a response time of 3 days to erect a fence around the holding pond or the Borough will erect the fence and bill Tiffany Estates.

All in favor

Motion carried

Rocco-What about the storm drains on the hill?

Lukasewicz-That we've addressed in a letter to him and that we're going to address, about the storm issues, again. Louie, if you could look into the planning, the descriptions (both spoke at once). How long of a period of time does he have to actually not put them in. Check that so we know how to proceed.

Rocco-Yeah, because the engineer, they agreed to it.

Lukasewicz-Rocco, I agree with you 100% but you what? I'm going to be the bad guy again that's against Tiffany Estates....

Everyone spoke at once.

Rocco-One other thing. Do you know why we can't put out cardboard with the recycling?

Barnick-It's not one of the items.

Lukasewicz-No, we have to decide which items the borough's going to collect.

Barnick-You could take it down personally.

Rocco-Yeah but I mean, why can't the borough pick it up?

Barnick-The borough doesn't collect that. There was only three items and whatever that they originally....

Lukasewicz-The borough can change whatever items they pick up but it seems that's.....

Morrell-You need to schedule a day or days and men to do that.

A discussion took place, everyone spoke at once.

Bob Federovitch-With that program.... We want to find out about a ramp with this program, right, but can

we do that tonight, she waited all night to sign in for that or whatever.

Lukasewicz asked him if his wife was okay and that he was sorry.

Morrell-I don't believe I have any (applications). Marv mentioned earlier that he has applications at his office and you have to fill out an application.

Everyone spoke at once.

Lukasewicz-You know what, there is an organization that does just ramps free of cost. Because I know in Jessup somebody wanted me to give a price on that. I forget what the organization is but there is an outside agency out there that actually does do them by specs, free of charge.

-I've got to go through zoning and everything though, right, to get a special permit?

Lukasewicz-Well, I don't know how it's done but I know in Jessup to accommodate these people they put one in from the sidewalk.

Morrell-I do believe you have to go through zoning and get a permit. I remember that.

Everyone spoke at once, tape inaudible.

Bob Lokuta said he would check into some information tomorrow and he may have regarding the same.

Bob Federovitch-One other item. They paved that sidewalk, the alleyway behind Coppernick Street and they billed us, right? They never asked us if we wanted it paved but I never paid it, nobody else paid for it yet. Are we obligated even though we never.....

Lukasewicz-Has anybody paid for their's behind their houses?

Morrell-Not in that area. We had several people for this alley pay but not one person from the alley where Bob lives.

Lukasewicz-So technically I think they do have to pay?

Morrell-Yeah, we're in the process of going over that....

Federovitch-Even though we never asked for it?

Barnick-Yeah, it's done by the Borough Code.

Joseph Hudak--I've been there since 1958 and my neighbor put up a fence on my property a foot and a half on one side and a foot on the other side and I've been up here so many times (inaudible), nothing was done about it. They said it was a federal.....

Lukasewicz-A civil matter?

Hudak-Yes.

Lukasewicz-Bob (inaudible) how it stands right now?

Lokuta-It's a property dispute between two residents and the borough doesn't get involved in property disputes.

Everyone spoke at once and a discussion took place.

Mr. Hudak-On Saturday I put up four pickets on my fence in front of my house and he ripped it out, the guy next door. The officer was down there, am I right or am I wrong? And I also had my land surveyed and he also pulled out my pegs. Is he allowed to do that? (Everyone spoke at once.) I had a lawyer.....

Barnick-That's a police matter here, that's criminal.

Lukasewicz-If he rips out your pegs.

Hudak- He took my pegs out, I got one stuck in the ground right now.....

Everyone spoke at once.

Lukasewicz mentioned Mr. Hudak should come up and talk to the Chief or the Mayor.

Hudak-The neighbor also has a swimming pool on the property and the fence is 16" away from the fence that's on his property. He was putting the back flush of water onto his property and there's a spot.

Lukasewicz-Asked him to come up and speak to Lokuta or Kalinoski.

Jack Monahan-Did the Borough or Mr. Kalinoski ever get together with the PennDOT engineer for

Sanderson Street where there's not a catch basin, there's not even a storm sewer and the road is pitched.
Lukasewicz-Mr. S. will look at and address.

Everyone spoke at once.

Jamie Shevchik, 131 Harriet Street-I wanted to address Mr. Marushock but I'll do it again at the next meeting. I just want to make this for the record. It was mentioned earlier that it is the controller's job to audit the civic center.

Lukasewicz-No, I said it's the controller's job to audit the borough books by a certain period of time every year. She has to audit the books.

The tape ended here.

From Elaine's Notes:

Shevchik-The controller did not do her job with regards to prior audits.

Dolan, Jack-The treasurer's reports are submitted monthly and questioned why Marushock did not want to sign for his wife's job.

Bill "Snooky" Shevchik-Conflict of interest, Daryl Menichetti.

The meeting was adjourned.

Minutes by Christina Sullivan, Assistant Secretary

Elaine Morrell, Administrator/Secretary