

Minutes
Throop Borough Council
Monday, February 27th, 2017
Special Work Session/Meeting 6:00 p.m.

The meeting opened with the Pledge of Allegiance.

“God Bless Our Troops and the Coalition”

ROLL CALL:

Members of Council:

Wayne Williams - P

Vince Tanana - P

Richard Kucharski-**President - P**

Charlene Tomasovitch - P

David Repchick, **Vice President - P**

John Musewicz -

Bob Magliocchi -

Solicitor - Louis A. Cimini -

Mayor - Frank Shimkus - P

Assistant Treasurer - Lenore Dolan - P

Secretary - Renee O'Malley - A

Chief Clerk/Treasurer -Robin Galli - P

Announcements:

Work Session/Meetings:

* The March mid month work session/meeting will be held on Mon. Mar. 13th, 2016 at 6:30 p.m.

* The March monthly work session/meeting will be held on Mon. Mar. 27th, 2017 at 6:30 p.m.

Audience comments on tonight's agenda:

Denise Brown, Phillips St: Questioned what is trying to be done with Motion #13 that's been tabled tonight.

Tomasovitch: She put them on and they weren't supposed to be on.

Repchick added that these are on hold.

Brown: inaudible.

Magliocchi: Anti nepotism. Basically we take out our power of hiring family members, cousins, friends.

Brown: So any jobs at the civic center they would actually have to put an application in

Magliocchi: And they can't be related to us. That's they whole purpose of it.

Brown: So nobody related to anybody on the board, council can be hired for any jobs?

Magliocchi: Throughout the borough not just the civic center.

Tanana: Or appointed on any boards.

Brown questioned already employed.

Repchick/Magliocchi: grand fathered in.

Attorney Cimini: Just so you know at the next meeting it will be presented as a motion to advertise the ordinance. It will then be advertised and if everyone is ok with it on council it will be voted on to be adopted at the end of month meeting. It will be published and you'll have the opportunity to review it once council releases it.

Brown: Thank you.

Jim Barnick, George St.: Question on correspondence and I know you have a motion on to accept correspondence. After reading Dunmore's story in the paper regarding the Keystone landfill's violation with leachate. Why was it never addressed here?

Repchick: I didn't see it.

Barnick: I came up a got it through Renee with a right to know.

Tomasovitch: We said it at the last meeting. That there was a violation.

Barnick: I never heard that.

----- It may have been the meeting before that.

Tomasovitch: No it was last meeting.

Barnick: But this was January 26th. The letter came here and the violation was October 1st.

Repchick: That's a good question.

Tomasovitch: I don't know.

Barnick: How is that possible and why isn't the council doing something about it because this was leachate into Eddy Creek. Which Eddy Creek goes down into the mines. And they're saying that they vacuumed it up? Who's going to verify that it is vacuumed up when it is down in the mines?

Repchick: Yea it's already in Old Forge.

Barnick: How can council take any action if you're getting a letter 4 months later?

Repchick: I totally agree with you. I wasn't aware of that.

Barnick: This is ridiculous. Something has to be done. You got to stop this and control the situation up there. You're going to have 45 years of this landfill having violations.

Repchick: I agree.

Tanana: We just got he incident report today in our packets.

Barnick: Anyone else would be fined and you'd have a notice right away.

Repchick: Lou we should send something.

Attorney Cimini: Just so everyone is aware in addition to what Mr. Barnick said; I did speak to their chief counsel last week who had Roger Bellas on the phone, this investigation is not closed from DEP's perspective. It's an open investigation. Keystone has additional reporting to satisfy DEP. That's as of Thursday afternoon.

Barnick: But as of 4 months later. Do you think anything is left in that mine after the storm we just had. It's gone. It's down the Lackawanna River to wherever and you had no notice of it in October.

Repchick: You're right. We need to get on top of it. I totally agree with you.

Attorney Cimini will ask Roger Bellas

Repchick: Yea I would like to have an answer to that too, why we found out so after the fact. I have to agree with him. That's not right.

Barnick: Eddy Creek comes out at the bottom down here past schoolside. So that's affecting everybody down in that area. Down into the Lackawanna River.

Repchick: I would like to see something sent and get on top of that Lou. He's absolutely correct.

Attorney Cimini : Yes

Kucharski: Dunmore had the same issues and questions.

Repchick: They should. I didn't know about it.

Barnick: You should actually send a Resolution to DEP saying you want notification within 24 hours. Immediate notification of any violations. They owe you that. They are the ones permitting this landfill to go.

Repchick: I agree with that. And then they aren't doing anything when there is a problem.

All talking at once.

Attorney Cimini: The letter is dated January 26th. Someone said we got it today.

Barnick: I guess it was brought up last meeting. I don't remember hearing it.

Tanana: We just got the full incident today.

Cimini: So we'll pass a resolution to DEP that we have to know in 24 hours.

Repchick: Yes. I'm all for it. Put it on as a motion.

Barnick: Maybe you should include Dunmore ask them if they want to sign on the resolution with you.

Repchick: Maybe someone can give them a call. That's a good idea. Both Municipalities involved.

Attorney Cimini: Will contact Dunmore solicitor tomorrow and ask him for next meeting. In the meantime I will call Lance & Mr. Bellas.

1. Motion by Williams

Seconded by Musewicz

To appoint Frank Shimkus as Mayor, to fill the remainder of the term expiring Jan. 2018.

All in favor

Motion carried

Mayor Frank Shimkus was sworn in.

Applause.

Kucharski: The reason that I, as Lou outlined at the beginning, as President of Council, when the Mayor resigned I was considered to be acting Mayor therefore I wasn't allowed to vote as a member of council or run the meeting. Now that we have a Mayor, and again Congratulations, let's move on.

BID OPENING: BRUNO DRIVE SANITARY SEWER EXTENSION

NAME OF BIDDER	BID AMOUNT	BID BOND/CERTIFIED CHECK
Greenland Const., Inc. 8908 Clearfield-Curwensville Hwy P.O. Box 287 Clearfield, PA 16830	\$239,039.00	Yes
James T. O'Hara, Inc 205 Old School House Road Covington TWP, PA 18444	\$149,170.00	Yes
Sikora Bros Paving, Inc. 110 Nevel Hollow Road Hunlock Creek, PA 18621	\$166,700.00	Yes
Site Services Group, LLC 36 Hickory Ln Springbrook Twp, PA 18444	\$192,512.50	Yes
Leeward Construction, Inc. 9 Collan Park Honesdale, PA 18431	\$171,155.00	Yes
Artistic Excavating, Inc 944 Underwood Rd. Olyphant, PA 18447	\$184,428.00	Yes
Pioneer Construction Co. Inc 3298 Lake Ariel Hwy. Honesdale, PA 18431	\$170,398.00	Yes
Wayco, Inc. 198 O'Connell Road Waymart, PA 18472	\$147,831.83	Yes

2. Motion by Repchick

Seconded by Musewicz

To accept the bids received for the Bruno Drive Sanitary Sewer Extension and to award the bid to the lowest, most responsible bidder with favorable recommendations of the Engineer, Solicitor and Street Commissioner.

All in favor

Motion carried

BID OPENING: SANITARY SEWER REPAIRS

NAME OF BIDDER	BID AMOUNT	BID BOND/ CERTIFIED CHECK
Greenland Const., Inc. 8908 Clearfield-Curwensville Hwy P.O. Box 287 Clearfield, PA 16830	\$91,115.00	Yes
James T. O'Hara, Inc 205 Old School House Road Covington TWP, PA 18444	\$132,595.00	Yes
Sikora Bros Paving, Inc. 110 Nevel Hollow Road Hunlock Creek, PA 18621	\$82,010.00	Yes
Artistic Excavating, Inc 944 Underwood Rd. Olyphant, PA 18447	\$99,222.00	Yes
Pioneer Construction Co. Inc 3298 Lake Ariel Hwy. Honesdale, PA 18431	\$113,750.00	Yes

3. Motion by Repchick

Seconded by Musewicz

To accept the bids received for the Sanitary Sewer Repairs Project and to award the bid to the lowest, most responsible bidder with favorable recommendations of the Engineer, Solicitor and Street Commissioner.

All in favor

Motion carried

4. Motion by Tanana

Seconded by Musewicz

To accept the monthly zoning reports and the minutes of the Jan. 30th and Feb. 13th, 2017 council meetings.

All in favor

Motion carried

Treasurer and Assistant Treasurer Reports:

5. Motion by Repchick

Seconded by Musewicz

To accept the treasurers' monthly reports as posted and to pay the monthly bills against the borough as posted and/or printed on the agenda.

Unpaid bills: "Items for Payment"	\$41,804.87
Paid bills:	\$102,072.62
General Fund Revenue Report (includes transfers from GF MMKT TO GF CK)	\$779,831.55
Civic Center Revenue Report	\$15,781.79

All in favor

Motion carried

6. Motion by Musewicz

Seconded by Repchick

To pay all the employees of Throop Borough.

**All in favor except Musewicz
abstained on his daughter, Tomasovitch
on father and husband, Williams
on son and daughter**

Motion carried

7. Motion by Tomasovitch

Seconded by Musewicz

To accept the correspondence as read or posted.

All in favor

Motion carried

8. Motion by Repchick

Seconded by Musewicz

To accept the Fund Statement, Budgeted Revenue & Expense Statement as of Jan. 31st, 2017 as posted and/or printed on the agenda.

Fund Balances:	
General Fund Checking Account - FNCB	\$58,632.26
General Fund Performance Money Market - FNCB	\$1,523,389.24
Civic Center Account-FNC	\$603.49
General Fund Petty Cash	\$300.00
Payroll Checking Account-FNCB	\$40,293.80
Sunny Day Fund MMKT CK Acct-FNCB	\$3,005,431.20
Sunny Day Fund CD's	\$4,203,886.51
Liquid Fuels Account - FNCB	\$309,497.28
Fund Statement Grand Total:	\$9,142,033.78

All in favor

Motion carried

9. Motion by Repchick

Seconded by Williams

To reimburse \$35.00 to Lisa Caines for Basketball Registration due to medical reasons.

All in favor

Motion carried

10. Motion by Tomasovitch

Seconded by Repchick

To reimburse William Shevchik in the amount of \$40.25 for clearances needed for Civic Center employment.

All in favor

Motion carried

20. Motion by Repchick **Seconded by Tomasovitch**

To secure Dunmore Pest Control for 2017.

All in favor

Motion carried

21. Motion by Repchick **Seconded by Tomasovitch**

To accept all of the easements filed in the Charles Street Sanitary Sewer Project.

No audience comments on this motion.

All in favor

Motion carried

Official Comments:

Musewicz thanked Joe Tropiak for his interest in both the council vacancy and the Mayor vacancy. Appreciate your interest and Thank you and we welcome Frank.

Old Business:

Kucharski explained our action list which contains issues brought up and waiting further council action. I will make it a point to ensure this is discussed every meeting and make sure everything is followed up on to move the borough forward. However I said we would do it under old business but after I gave it some thought it made more sense to talk about this in the work session rather than under old business to allow for more discussion but also in the event we have to put on a motion to pursue any of these actions. Tonight we were side tracked with the Mayoral appointment and some other issues so we did not have an opportunity to talk about this but I guarantee we will talk about it at the next meeting. I met with Renee one day last week and we eliminated 28 things that were complete or duplicated. A lot of these things we just want to follow up on to make sure they have been taken care of. By doing that we will eliminate even further. We can keep it to a manageable number and be able to address the issues much more efficiently.

Attorney Cimini added that with the Bruno Drive bid opening there are at least 3 or 4 that will be taken off and the anti nepotism policy will be gone.

Tomasovitch questioned if we still need a zoning alternate.

Kucharski: I spoke to Bob and he said Bob Kokinda will be coming in on the March 27th meeting to talk about updating the Zoning Ordinance which is 17 years old and severely outdated. I also asked

that he give us a recommendation for an alternate for the zoning hearing board.

Attorney Cimini: I believe Jessup has recently started the process of updating their ordinance so I have a call into their solicitor to see who responded to their bids and what the prices were. I think they are doing an overhaul of their subdivision and zoning. So we will get a good feel because probably the same people will respond.

Audience Comments:

Joe Tomasovitch, 650 Sanderson St.: I don't know if it is appropriate but there were discussions about the schoolside park. There has been discussions right along about the Borough taking over the streets. That has to do with Scranton Craftsmen. Is there any way possible that we could, any kind of way we can have a discussion with Mr. Kosik. Maybe we could work something out with him or maybe he would want to somehow work a deal out.

Tomasovitch/Kucharski: He gave us \$10,000.00.

Repchick: It's already done.

Kucharski: We accepted the streets contingent on the 3 conditions. I saw that the letter of credit was ____, now have the other issues been addressed?

Attorney Cimini: Robert was supposed to meet with the manufacturer of the product to repair the 48 inch line. There was some correspondence back and forth. I don't know if Robert actually met with them. Robert was going to sign off on the fix in general if the manufacturer said yes it would work. I think it happened but not sure. I will ask Robert first thing tomorrow.

Kucharski questioned if there is an action required of us or just once those things are done it is automatically improved?

Tanana: Did he get back to you with the change because of the purchase of those lots where Champion Circle extended down past that new house. There was an extension that now will not be.

Attorney Cimini: That was done through Jack.

Tanana: Right but he did submit it and you are ok with the rewording?

Attorney Cimini: I think it has been submitted but I don't think Jack signed off on it yet but it has been submitted. I will have a conference call with Rob and Jack in the morning.

Galli questioned if we were going to do anything with #34 in the packet. With Ron Green?

Kucharski: Actually Ron Green submitted a letter indicating that he would be willing to rescind his resignation and accept the position of EMS coordinator.

Attorney Cimini: It would be a motion to appoint him as the coordinator again if that is what council wants.

22. Motion by Repchick

Seconded by Musewicz

To appoint Ron Green as EMS coordinator. He has 6 months to get his certifications.

On the question:

Tanana: Now with the updated rules it has to go to county right?

Andy Hegedus: It has to go to the State. What you'll have to do now that he does not have the certifications to handle the position as he told us in that session, I would say that you have to appoint him and give him a time frame to get those classes because he will not get appointed by the Governor, it goes to the county, to PEMA and then to Governors office for approval and he will not get that approval without those 2 certifications of ICS 300 & 400. I think you should make your motion with the contingency that you give him a certain number of months to get that certification. I would say 6 months. The hardest is finding the classes. They are 48 hour classroom. Three days each. I told him that night don't resign. But now that he did he puts himself in a position that he doesn't have those qualifications. Not saying that he can't do it but he doesn't have those 2 pieces of paper that allow him to do it now based on the State. Maybe Ricky Barbolish can get a class here. The state guidelines say he has to have ICS 300 & 400. It is an easy class and everyone passes but you have to put the time in.

Attorney Cimini: He submitted a letter rescinding his resignation to Council. Now it sounds like it is important that he has the certification needed. So if we rescinded his resignation and put him back to where he was before we are not getting someone that has the up to date certifications.

_____: I think we should reach out to him to see if he is interested.

Attorney Cimini: You can pass a motion that pending certification. But can he serve in that capacity in the meantime? What so we do if there is an emergency Wednesday?

_____: We would call the county.

Kucharski: The county would've been inundated last Saturday. So again he stepped up.

Hegedus: I am appreciative of what he did and I support him 1000% and we all do. He put himself in this position the other night.

Kucharski: Was able to serve previously and he didn't have those 2 certifications.

Hegedus: Until something happens.

Repchick: He's still supposed to have them.

Hegedus: I will help him to get the classes. He may have to go out of town for one or whatever.

Musewicz: Think he needs a formal letter or can you reach out to him?

Hegedus: I will reach out to him tomorrow.

Kucharski: Lou can you reach out to him.

Attorney Cimini: So if a motion was passed this evening contingent upon his approval of his 2 certifications in the interim you are saying that he cannot serve

Hegedus: I will talk to Barbolish and we will get him on. The county would approve it. I'm not speaking for Barbolish but we would go to bat for him.

Attorney Cimini: But if council passes a motion starting tomorrow he can still serve?

Hegedus: I would think so. I'm not 1000% sure.

Kucharski: Lou between you and Andy can you get that together.

Attorney Cimini: I can. I don't know how comfortable you feel if there is a situation that he is needed before the next meeting at least we know we have someone. We have to get approval from the county?

Hegedus: Yes.

Attorney Cimini: So at least we can tell the county that we appointed somebody and they have 6 months to get their certification and then you can rest easy knowing

Hegedus: It might be 3 months before he gets approved by the governor

Kucharski questioned how many years has he been serving in that capacity?

Hegedus: 2013

Kucharski: Again we were put in a situation. It was very convenient to have him step up to the plate.

Attorney Cimini: If you pass a motion this evening appointing him and giving him 6 months to get his certification then we call him tomorrow and he says either A. Yes I am interested in getting the certifications and we get county approval that he is ok until he gets the certifications; or he says no that's too much work at which point we have to appoint or get someone for the next meeting. At least you have someone if the county says it is ok for the next 2 weeks.

Tomasovitch: His thing just read that he is willing to return to the position. It didn't say he wanted to rescind it.

Attorney Cimini: Right we already accepted his resignation. So we would have to appoint him.

**All in favor except Tomasovitch
abstained until she finds out that
it is ok with the county**

Motion carried

Kucharski: If I can just make a suggestion, Wayne maybe at some point that is convenient for you and Frank, you guys can get together and you can bring him up to speed of where we are at and some of the issues we've been fighting and trying to get addressed.

The meeting was adjourned.

Meeting Minutes by Renee O'Malley
Borough Secretary