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THROOP COUNCIL
THROOP, PENNSYLVANIA

IN RE: REGULAR MONTHLY MEETING

JANUARY 30, 2006

7:00 P.M.

THROOP MUNICIPAL BUILDING
436 SANDERSON STREET
THROOP, PENNSYLVANIA

COUNCIL MEMBERS:

THOMAS LUKASEWICZ, PRESIDENT
JAMES BARNICK, VICE PRESIDENT
JOSEPH BARONE
CINDY JOHNSON
JOHN MUSEWICZ
ANTHONY CHRZAN
MAYOR STANLEY LUKOWSKI
LOUIS CIMINI, ESQUIRE, SOLICITOR

Mark Wozniak
Official Court Reporter

1 thing I want to announce is that there was an
2 executive session held this evening for
3 personnel matters and litigation.

4 The first item, Stanley, you'd like
5 to make a presentation this evening?

6 MAYOR LUKOWSKI: Okay. This is for
7 the best decorated home during the Christmas
8 holiday. We've been doing this for a number
9 of years. It was started by John Pocius. A
10 wonderful, wonderful gentleman who is no
11 longer with us. And the winner is the
12 Kausmeyer family. It was a beautiful display
13 that they had on. They deserve all kinds of
14 accolades.

15 MR. LUKASEWICZ: Thank you, Mayor.
16 We'll begin with audience comments on
17 tonight's agenda. We have 12 on the printed
18 agenda and then we have -- there will be
19 additional motions on. So we'll have a total
20 of 21 motions. We'll take audience comments
21 on any of the 21 motions.

22 MRS. MORRELL: Jenny Miesko Doyle,
23 she and her attorney were going to address
24 council at the work session. The attorney is
25 not here but Jenny wanted to address council.

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1 (Whereupon the Pledge of Allegiance
2 was recited.)

3 MR. LUKASEWICZ: Elaine, roll call.

4 MRS. MORRELL: Ms. Johnson?

5 MS. JOHNSON: Present.

6 MRS. MORRELL: Mr. Barnick?

7 MR. BARNICK: Here.

8 MRS. MORRELL: Mr. Lukasewicz?

9 MR. LUKASEWICZ: Present.

10 MRS. MORRELL: Mr. Chrzan?

11 MR. CHRZAN: Present.

12 MRS. MORRELL: Marushock is absent.

13 Mr. Musewicz?

14 MR. MUSEWICZ: Present.

15 MRS. MORRELL: Mr. Barone?

16 MR. BARONE: Here.

17 MRS. MORRELL: Attorney Cimini?

18 MR. CIMINI: Present.

19 MRS. MORRELL: Mayor Lukowski?

20 MAYOR LUKOWSKI: Here.

21 MRS. MORRELL: Mrs. Dolan?

22 MRS. DOLAN: Here.

23 MRS. MORRELL: Ms. Sullivan?

24 MS. SULLIVAN: Present.

25 MR. LUKASEWICZ: Okay. The first

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1 MR. LUKASEWICZ: All right, before
2 we go into audience comment on the agenda
3 items.

4 MS. DOYLE: Attorney Cimini, they
5 tore our house down and said it would only
6 cost \$3,000.

7 MR. LUKASEWICZ: Who did?

8 MS. DOYLE: Attorney Cimini. He
9 said he would get the lowest price, not to
10 worry about it. And yet we got a bill for
11 \$6,000. I can't pay that.

12 MR. LUKASEWICZ: All I could
13 remember, I know it was an eyesore in the
14 community for a long time, and the borough
15 stepped in and we did whatever we needed to
16 properly have it taken down. There was, I
17 believe, some contamination in it that had to
18 be addressed accordingly so it wouldn't
19 contaminate the surrounding homes of the
20 citizens. That was taken care of. There was
21 many fees that we --

22 MR. CIMINI: Robbie has all the fees
23 listed.

24 MR. LUKASEWICZ: -- encountered with
25 the whole situation and it's around \$6,000?

1 MR. CIMINI: Sixty-five.
 2 MS. DOYLE: The gentleman across the
 3 street, he did quite a bit of it on his own,
 4 four dumpsters, cut down the trees and cut
 5 down the fence.
 6 MR. LUKASEWICZ: The thing is the
 7 borough expended a certain amount of money,
 8 and all we're looking for is to recoup the
 9 funds that we spent to take care of an eyesore
 10 and a hazard to the people in the surrounding
 11 area. We don't want any more money besides
 12 what we paid. Actually, the \$6,600 or
 13 whatever it is should be considerably more if
 14 we were to incorporate all of the legal fees
 15 and other items into it. In the past I don't
 16 believe we've ever reduced these fees for
 17 anyone else. We've always settled with people
 18 for an amount that was expended during the
 19 project.
 20 So I don't believe there's anything
 21 we can do for you. It's only my opinion. I
 22 don't know if anybody else wants to speak.
 23 MS. DOYLE: Well, why would he quote
 24 one price and then double it?
 25 MR. LUKASEWICZ: Who quoted it?

1 at this junction is wanting to get their
 2 \$6,600 back. That will be addressed when the
 3 house is sold.
 4 MR. CIMINI: The money is in escrow
 5 now, I believe.
 6 MR. LUKASEWICZ: The money is in
 7 escrow. Once we receive the monies we will
 8 satisfy the liens and move forward. I don't
 9 think there's anything we can do for you,
 10 ma'am. There isn't anything else I can do,
 11 ma'am.
 12 We're going to go to audience
 13 comments on the agenda. Whoever wants to
 14 address council, try to address the concerns
 15 to me and I'll try to answer it if I can.
 16 Someone from council will help me. I would
 17 like to refrain from discussion between people
 18 in the audience back and forth over it.
 19 (Frank Galli, Kossuth Street,
 20 inquired about the cost of the investigation
 21 of Cindy Johnson.)
 22 MR. LUKASEWICZ: The dollar amount
 23 at this time I don't know. We're going to
 24 move for a resolution this evening and see
 25 what happens with that. From there, address

1 MS. DOYLE: Attorney Cimini.
 2 MR. CIMINI: For the record, I
 3 didn't quote any one price. I'm not in the
 4 business of demolishing homes.
 5 MR. LUKASEWICZ: You had no detail
 6 what it was going to cost. We ran into a lot
 7 of situations that had to be addressed as we
 8 encountered them.
 9 MR. CIMINI: Mr. Chorba demolished
 10 it.
 11 MR. LUKASEWICZ: Mr. Chorba
 12 demolished the property and we were able to
 13 take it to the landfill, I believe, basically
 14 for pennies. So actually you received a
 15 pretty good deal to get a house torn down for
 16 that amount of money and everything and
 17 everything remediated. If you had to do it on
 18 your own you would have expended thousands and
 19 thousands and thousands of dollars. Probably
 20 two or three times that amount at least.
 21 MS. DOYLE: My brother paid \$750 to
 22 get an injunction not to tear the house down
 23 on Monday. Tuesday the house came down.
 24 MR. LUKASEWICZ: I don't know about
 25 that. All I can say is I believe that council

1 it accordingly.
 2 Anyone else in that row? Next row?
 3 The next row? The next row?
 4 (Bette Goreschack inquired about Bob
 5 Bernosky and School Side Estates.)
 6 MR. LUKASEWICZ: That motion this
 7 evening is to have Mr. Bernosky do whatever is
 8 necessary in whatever capacity is needed to
 9 finish School Side Estates. If he has to do
 10 anything for the planning commission, yes, he
 11 will be at the planning commission. What we
 12 did, at the beginning of the year we had Spott
 13 as our engineer for all projects, and when we
 14 discussed this situation with Spott &
 15 Associates they felt that it would be in the
 16 best interest financially of the borough,
 17 instead of bringing them on and going through
 18 the whole process of School Side Estates, it's
 19 probably in the best interest of the borough
 20 to retain Mr. Bernosky in this one situation.
 21 Just for that one issue.
 22 Anyone else in that row? Next row?
 23 In the back? Going towards the open doorway?
 24 (Brian Finnigan inquired about the
 25 ordinance regarding the ambulance.)

MR. LUKASEWICZ: Attorney Cimini will have to research whatever is necessary. In the interest of the borough and myself it will be done properly.

In the open doorway? Coming down on the left?

(Bob Bolus, Sanderson Street, inquired about the resolution concerning Cindy Johnson.)

MR. LUKASEWICZ: There's a resolution on this evening to send to the proper agencies to see if it can be moved forward. What I can do for you, I can show you a copy of the resolution. Other than that at this junction in time I won't elaborate on it at all. There's a resolution that will be voted on.

(Mr. Bolus asked who was paying the costs of the litigation.)

MR. LUKASEWICZ: At this junction in time the borough has hired attorney Bill Jones to proceed.

MR. BARNICK: At \$125 an hour.

MR. LUKASEWICZ: This was voted on probably a month or so ago.

1 it by a resolution. Once the resolution is
2 acted on or not acted on, then attorney Bill
3 Jones will proceed accordingly as he
4 prescribes is in the best interest of the
5 borough of Throop. I'm not a lawyer, Bob, and
6 you're not. That's all the answers that will
7 be given this evening. It's a legal
8 question. I'm not a lawyer. Attorney Bill
9 Jones is not here this evening. If you want
10 to contact him and get answers from him, feel
11 free. I'm not going to answer for him. There
12 is no answer at this point.

13 (Mr. Bolus asked what would happen
14 if Ms. Johnson sued the borough and
15 prevailed.)

16 MR. BARNICK: No comment. You don't
17 understand. No comments, Bob.

18 MR. LUKASEWICZ: Bob, you're asking
19 me a question. I told you at this junction in
20 time there's no comments. Do you have any
21 other questions for me? Bob, I answered your
22 question in regard to that motion. Do you
23 have any other questions on the agenda? We're
24 moving forward. Anything else?

25 (Mr. Bolus inquired as to the cost

(Mr. Bolus inquired about the basis of the litigation.)

MR. LUKASEWICZ: The basis of the investigation or whatever, there's been many concerns of citizens at meetings requesting to know where a certain counsel person resides in the borough of Throop, and with that in mind we've moved forward to hire Bill Jones to do whatever is necessary and he'll do whatever is necessary. I don't want to elaborate any further than that to jeopardize the borough. It's self-explanatory. I'll give you copies, if you read it yourself.

(Mr. Bolus asked if the borough would be paying the legal fees of Ms. Johnson.)

MR. LUKASEWICZ: No comment. Simple as that. No comment.

MR. BARNICK: No comment. Do you understand that?

MR. LUKASEWICZ: No comment at this time. We have a lawyer working on behalf of the borough of Throop and its citizens regarding this situation and that is being addressed. And the first step is to address

1 of the new DPW building.)

2 MR. LUKASEWICZ: We'll speak on that
3 at a later date. All right, Bob. Anything
4 else? That's all we're go to answer on that.
5 Continuing on. Your comments have been
6 taken.

7 (Mr. Bolus commented about the
8 residency issue of Mr. Lukasewicz.)

9 MR. BARNICK: That was straightened
10 out by a judge.

11 MR. LUKASEWICZ: Bob, there was a
12 judge that determined my residency. You
13 wasted money, you wasted time, and you're just
14 sour grapes over the whole issue. Okay, Bob?
15 Sour grapes. Bob, if you want to contest my
16 residency, go ahead and try again. Go ahead
17 and try again, Bob. Try again.

18 All right, we'll proceed with the
19 agenda as prepared this evening. Motion
20 number one, to accept the zoning report and
21 the minutes of the November 14, November 16
22 and November 29, 2005 council meetings.

23 MR. BARNICK: I'll make it.

24 MR. BARONE: I'll second it.

25 MR. LUKASEWICZ: Motion by Barnick,

1 second by Barone. On the question? Roll
2 call, please.

3 MRS. MORRELL: Ms. Johnson?

4 MS. JOHNSON: For.

5 MRS. MORRELL: Mr. Barnick?

6 MR. BARNICK: For.

7 MRS. MORRELL: Mr. Lukasewicz?

8 MR. LUKASEWICZ: For.

9 MRS. MORRELL: Mr. Chrzan?

10 MR. CHRZAN: For.

11 MRS. MORRELL: Mr. Musewicz?

12 MR. MUSEWICZ: For.

13 MRS. MORRELL: Mr. Barone?

14 MR. BARONE: For. All in favor.

15 Motion carried.

16 MAYOR LUKOWSKI: Tom, you had an
17 announcement, now. Don't forget. First item.

18 MR. LUKASEWICZ: Okay. Ed

19 Karpovich, Lackawanna County treasurer,
20 assigned a representative to sell dog licenses
21 at the Throop Municipal Building at 436
22 Sanderson Street on Thursday, February 2,
23 2006, from 10 a.m. until 3:30 p.m. Thank you,
24 Stanley.

25 Next we'll have the treasurer and

1 MRS. MORRELL: Mr. Musewicz?

2 MR. MUSEWICZ: For.

3 MRS. MORRELL: Mr. Barone?

4 MR. BARONE: For.

5 MRS. MORRELL: All in favor. Motion
6 carried.

7 MR. LUKASEWICZ: Motion number
8 three, to pay all the employees of Throop
9 Borough.

10 MR. CHRZAN: I'll make the motion.

11 MR. LUKASEWICZ: Motion by Mr.
12 Chrzan.

13 MR. MUSEWICZ: I'll second.

14 MR. LUKASEWICZ: Second by Mr.
15 Musewicz. On the question? Roll call,
16 please.

17 MRS. MORRELL: Ms. Johnson?

18 MS. JOHNSON: For.

19 MRS. MORRELL: Mr. Barnick?

20 MR. BARNICK: All except for
21 abstaining on my daughter's pay.

22 MRS. MORRELL: Mr. Lukasewicz?

23 MR. LUKASEWICZ: For.

24 MRS. MORRELL: Mr. Chrzan?

25 MR. CHRZAN: For.

1 assistant treasurer reports.

2 MRS. MORRELL: The unpaid bills and
3 the items for payment as of this date, as of
4 January 30, \$67,737.49, and the paid bills
5 from the last special meeting until today are
6 \$86,723.97, and the revenue report as prepared
7 by Lenore Dolan for the month of January is
8 \$776,556.47, and all the bills are posted.

9 MR. BARNICK: I will make that
10 motion.

11 MR. LUKASEWICZ: Motion to accept
12 the treasurer's report and pay the monthly
13 bills against the borough as posted, motion by
14 Mr. Barnick.

15 MR. BARONE: I'll second.

16 MR. LUKASEWICZ: Second by Mr.
17 Barone. On the question? Roll call, please.

18 MRS. MORRELL: Ms. Johnson?

19 MS. JOHNSON: For.

20 MRS. MORRELL: Mr. Barnick?

21 MR. BARNICK: For.

22 MRS. MORRELL: Mr. Lukasewicz?

23 MR. LUKASEWICZ: For.

24 MRS. MORRELL: Mr. Chrzan?

25 MR. CHRZAN: For.

1 MRS. MORRELL: Mr. Musewicz?

2 MR. MUSEWICZ: For.

3 MRS. MORRELL: Mr. Barone?

4 MR. BARONE: For.

5 MRS. MORRELL: All in favor except
6 as noted by Mr. Barnick. Motion carried.

7 MR. LUKASEWICZ: Motion number four,
8 to accept the correspondence as read or
9 posted.

10 MR. CHRZAN: I'll make it.

11 MR. LUKASEWICZ: Motion by Tony.

12 MR. BARONE: I'll second.

13 MR. LUKASEWICZ: Second by Joe. On
14 the question? Roll call, please.

15 MRS. MORRELL: Ms. Johnson?

16 MS. JOHNSON: For.

17 MRS. MORRELL: Mr. Barnick?

18 MR. BARNICK: For.

19 MRS. MORRELL: Mr. Lukasewicz?

20 MR. LUKASEWICZ: For.

21 MRS. MORRELL: Mr. Chrzan?

22 MR. CHRZAN: For.

23 MRS. MORRELL: Mr. Musewicz?

24 MR. MUSEWICZ: For.

25 MRS. MORRELL: Mr. Barone?

MR. BARONE: For.

MRS. MORRELL: All in favor. Motion carried.

MR. LUKASEWICZ: Motion number five, to accept the fund statement as of December 31, 2005, as on the printed agenda. Motion?

MR. BARNICK: I'll make it.

MR. LUKASEWICZ: Motion by Barnick. Second?

MR. BARONE: I'll second it.

MR. LUKASEWICZ: Second by Barone.

On the question? Roll call, please.

MRS. MORRELL: Ms. Johnson?

MS. JOHNSON: For.

MRS. MORRELL: Mr. Barnick?

MR. BARNICK: For.

MRS. MORRELL: Mr. Lukasewicz?

MR. LUKASEWICZ: For.

MRS. MORRELL: Mr. Chrzan?

MR. CHRZAN: For.

MRS. MORRELL: Mr. Musewicz?

MR. MUSEWICZ: For.

MRS. MORRELL: Mr. Barone?

MR. BARONE: For.

MRS. MORRELL: All in favor. Motion

MR. LUKASEWICZ: Elaine, motion number seven, was there a bank that we had at this time for the best available rate --

MRS. MORRELL: I'll get it at the best available rate.

MR. LUKASEWICZ: To purchase a Sunny Day Fund CD in the amount of \$64,073.19, and it would be purchased at the bank with the best available rate. This represents ten percent of the quarterly landfill check. Motion?

MR. MUSEWICZ: I'll make that motion.

MR. CHRZAN: I'll second.

MR. LUKASEWICZ: Motion by John, second by Tony. On the question? Roll call, please.

MRS. MORRELL: Ms. Johnson?

MS. JOHNSON: For.

MRS. MORRELL: Mr. Barnick?

MR. BARNICK: For.

MRS. MORRELL: Mr. Lukasewicz?

MR. LUKASEWICZ: For.

MRS. MORRELL: Mr. Chrzan?

MR. CHRZAN: For.

carried.

MR. LUKASEWICZ: Motion number six, to authorize payment to Joseph Ferraro Pumping Solutions in the amount of \$4,990 for work at the Vaughn Street pump station.

MR. BARNICK: I'll make it.

MR. LUKASEWICZ: Motion by Barnick. Second?

MR. BARONE: I'll second it.

MR. LUKASEWICZ: By Barone. On the question? Roll call.

MRS. MORRELL: Ms. Johnson?

MS. JOHNSON: For.

MRS. MORRELL: Mr. Barnick?

MR. BARNICK: For.

MRS. MORRELL: Mr. Lukasewicz?

MR. LUKASEWICZ: For.

MRS. MORRELL: Mr. Chrzan?

MR. CHRZAN: For.

MRS. MORRELL: Mr. Musewicz?

MR. MUSEWICZ: For.

MRS. MORRELL: Mr. Barone?

MR. BARONE: For.

MRS. MORRELL: All in favor. Motion carried.

MRS. MORRELL: Mr. Musewicz?

MR. MUSEWICZ: For.

MRS. MORRELL: Mr. Barone?

MR. BARONE: For.

MRS. MORRELL: All in favor. Motion carried.

MR. LUKASEWICZ: Motion number eight, to appoint Maurice Menichetti as assistant fire marshal as per the recommendation by the members of Throop Hose Company number two.

MR. BARONE: I'll make it.

MR. MUSEWICZ: I'll second.

MR. LUKASEWICZ: Motion by Barone, second by Musewicz. On the question?

MR. BARNICK: Yeah, on the question, he's got to come up and get sworn in as fire marshal.

MAYOR LUKOWSKI: Yes.

MR. LUKASEWICZ: Roll call?

MRS. MORRELL: Ms. Johnson?

MS. JOHNSON: For.

MRS. MORRELL: Mr. Barnick?

MR. BARNICK: For.

MRS. MORRELL: Mr. Lukasewicz?

1 MR. LUKASEWICZ: For.
 2 MRS. MORRELL: Mr. Chrzan?
 3 MR. CHRZAN: For.
 4 MRS. MORRELL: Mr. Musewicz?
 5 MR. MUSEWICZ: For.
 6 MRS. MORRELL: Mr. Barone?
 7 MR. BARONE: For.
 8 MRS. MORRELL: All in favor. Motion
 9 carried.
 10 MR. LUKASEWICZ: Motion number nine,
 11 to authorize payment to Elliott, Greenleaf &
 12 Szidkowski, attorney Douglas Blazey, in the
 13 amount of \$108.50. Motion?
 14 MR. MUSEWICZ: I'll make that
 15 motion.
 16 MR. LUKASEWICZ: Motion by John.
 17 Second?
 18 MR. BARNICK: I'll second it.
 19 MR. LUKASEWICZ: Second by Jimmy.
 20 On the question? Roll call.
 21 MRS. MORRELL: Ms. Johnson?
 22 MS. JOHNSON: For.
 23 MRS. MORRELL: Mr. Barnick?
 24 MR. BARNICK: For.
 25 MRS. MORRELL: Mr. Lukasewicz?

1 MR. LUKASEWICZ: For.
 2 MRS. MORRELL: Mr. Chrzan?
 3 MR. CHRZAN: For.
 4 MRS. MORRELL: Mr. Musewicz?
 5 MR. MUSEWICZ: For.
 6 MRS. MORRELL: Mr. Barone?
 7 MR. BARONE: For.
 8 MRS. MORRELL: All in favor. Motion
 9 carried.
 10 MR. LUKASEWICZ: Motion number 11,
 11 to grant permission to Mid Valley School
 12 District to use the Washington Street baseball
 13 field for their newly instituted fall 2006
 14 junior high school soccer program. Mr. James
 15 Carrier will schedule the use of the field.
 16 MR. MUSEWICZ: I'll make that.
 17 MR. CHRZAN: I'll second.
 18 MR. LUKASEWICZ: Motion by John,
 19 second by Tony. On the question? Roll call.
 20 MRS. MORRELL: Ms. Johnson?
 21 MS. JOHNSON: For.
 22 MRS. MORRELL: Mr. Barnick?
 23 MR. BARNICK: For.
 24 MRS. MORRELL: Mr. Lukasewicz?
 25 MR. LUKASEWICZ: For.

1 MR. LUKASEWICZ: For.
 2 MRS. MORRELL: Mr. Chrzan?
 3 MR. CHRZAN: For.
 4 MRS. MORRELL: Musewicz?
 5 MR. MUSEWICZ: For.
 6 MRS. MORRELL: Mr. Barone?
 7 MR. BARONE: For.
 8 MRS. MORRELL: All in favor. Motion
 9 carried.
 10 MR. LUKASEWICZ: Motion number ten,
 11 to grant permission to Mid Valley School
 12 District to use the Washington Street baseball
 13 field for the 2006 Baseball season. Mr. James
 14 Carrier will schedule the use of the filed.
 15 MR. MUSEWICZ: I'll make that
 16 motion.
 17 MR. LUKASEWICZ: Motion by John.
 18 MR. CHRZAN: I'll second it.
 19 MR. LUKASEWICZ: Second by Tony. On
 20 the question? Roll call, please.
 21 MRS. MORRELL: Ms. Johnson?
 22 MS. JOHNSON: For.
 23 MRS. MORRELL: Mr. Barnick?
 24 MR. BARNICK: For.
 25 MRS. MORRELL: Mr. Lukasewicz?

1 MRS. MORRELL: Mr. Chrzan?
 2 MR. CHRZAN: For.
 3 MRS. MORRELL: Mr. Musewicz?
 4 MR. MUSEWICZ: For.
 5 MRS. MORRELL: Mr. Barone?
 6 MR. BARONE: For.
 7 MRS. MORRELL: All in favor. Motion
 8 carried.
 9 MR. LUKASEWICZ: Motion number 12,
 10 to send a letter to Pa. DEP regarding the fact
 11 that Lackawanna River Basin Sewer Authority
 12 informed the borough of their intent to
 13 undertake the Act 537 special study nutrient
 14 removal feasibility study.
 15 MR. BARNICK: I'll make it.
 16 MR. BARONE: I'll second it.
 17 MR. LUKASEWICZ: Motion by Barnick,
 18 second by Barone. On the question? Roll
 19 call, please.
 20 MRS. MORRELL: Johnson?
 21 MS. JOHNSON: For.
 22 MRS. MORRELL: Mr. Barnick?
 23 MR. BARNICK: For.
 24 MRS. MORRELL: Mr. Lukasewicz?
 25 MR. LUKASEWICZ: For.

1 MRS. MORRELL: Mr. Chrzan?
 2 MR. CHRZAN: For.
 3 MRS. MORRELL: Mr. Musewicz?
 4 MR. MUSEWICZ: For.
 5 MRS. MORRELL: Mr. Barone?
 6 MR. BARONE: For.
 7 MRS. MORRELL: All in favor. Motion
 8 carried.
 9 MR. LUKASEWICZ: Motion number 13 is
 10 a motion to prepare and advertise an ordinance
 11 to designate Dickson City Ambulance as the
 12 main provider for the Throop community.
 13 MR. CHRZAN: I'll make it.
 14 MR. LUKASEWICZ: Motion by Tony.
 15 MR. BARONE: I'll second.
 16 MR. LUKASEWICZ: Second by Joe. On
 17 the question? Roll call.
 18 MRS. MORRELL: Ms. Johnson?
 19 MS. JOHNSON: For.
 20 MRS. MORRELL: Mr. Barnick?
 21 MR. BARNICK: For.
 22 MRS. MORRELL: Mr. Lukasewicz?
 23 MR. LUKASEWICZ: For.
 24 MRS. MORRELL: Mr. Chrzan?
 25 MR. CHRZAN: For.

1 MR. MUSEWICZ: For.
 2 MRS. MORRELL: Mr. Barone?
 3 MR. BARONE: For.
 4 MRS. MORRELL: All in favor. Motion
 5 carried.
 6 MR. LUKASEWICZ: Motion number 15 is
 7 to retain Bob Bernosky, the engineer, to
 8 finish the engineer work for the School Side
 9 Estates development, and he will bill
 10 monthly.
 11 MR. BARONE: I'll make that.
 12 MR. LUKASEWICZ: Motion by Joe.
 13 MR. BARNICK: I'll second.
 14 MR. LUKASEWICZ: Second by Jimmy.
 15 On the question? Roll call.
 16 MRS. MORRELL: Johnson?
 17 MS. JOHNSON: For.
 18 MRS. MORRELL: Mr. Barnick?
 19 MR. BARNICK: For.
 20 MRS. MORRELL: Mr. Lukasewicz?
 21 MR. LUKASEWICZ: For.
 22 MRS. MORRELL: Mr. Chrzan?
 23 MR. CHRZAN: For.
 24 MRS. MORRELL: Mr. Musewicz?
 25 MR. MUSEWICZ: For.

1 MRS. MORRELL: Mr. Musewicz?
 2 MR. MUSEWICZ: For.
 3 MRS. MORRELL: Barone?
 4 MR. BARONE: For.
 5 MRS. MORRELL: All in favor. Motion
 6 carried.
 7 MR. LUKASEWICZ: Motion number 14 is
 8 to direct attorney Cimini to acquire an
 9 ambulance -- a review of the title, title
 10 search for the ambulance property adjacent to
 11 the borough building.
 12 MR. BARONE: I'll make it.
 13 MR. LUKASEWICZ: Motion by Joe.
 14 MR. BARNICK: I'll second.
 15 MR. LUKASEWICZ: Second by Jimmy.
 16 On the question? Roll call, please.
 17 MRS. MORRELL: Ms. Johnson?
 18 MS. JOHNSON: For.
 19 MRS. MORRELL: Mr. Barnick?
 20 MR. BARNICK: For.
 21 MRS. MORRELL: Mr. Lukasewicz?
 22 MR. LUKASEWICZ: For.
 23 MRS. MORRELL: Mr. Chrzan?
 24 MR. CHRZAN: For.
 25 MRS. MORRELL: Mr. Musewicz?

1 MRS. MORRELL: Mr. Barone?
 2 MR. BARONE: For.
 3 MRS. MORRELL: All in favor. Motion
 4 carried.
 5 MR. LUKASEWICZ: Motion number 16
 6 will be to advertise for civic center help.
 7 It will be the position of a child
 8 care/monitor.
 9 MR. BARONE: I'll make it.
 10 MR. LUKASEWICZ: Motion by Joe.
 11 MR. CHRZAN: I'll second it.
 12 MR. LUKASEWICZ: Second by Tony. On
 13 the question? Roll call, please.
 14 MRS. MORRELL: Ms. Johnson?
 15 MS. JOHNSON: For.
 16 MRS. MORRELL: Mr. Barnick?
 17 MR. BARNICK: For.
 18 MRS. MORRELL: Mr. Lukasewicz?
 19 MR. LUKASEWICZ: For.
 20 MRS. MORRELL: Mr. Chrzan?
 21 MR. CHRZAN: For.
 22 MRS. MORRELL: Mr. Musewicz?
 23 MR. MUSEWICZ: For.
 24 MRS. MORRELL: Mr. Barone?
 25 MR. BARONE: For.

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1 MRS. MORRELL: All in favor. Motion
 2 carried.
 3 MR. LUKASEWICZ: Motion number 17
 4 will be a motion to have Spott & Associates
 5 bid bank stabilization and, I believe,
 6 sedimentation removal for the Keystone
 7 Industrial Park catch basin.
 8 MR. BARNICK: I'll make it.
 9 MR. LUKASEWICZ: Motion by Jimmy.
 10 MR. BARONE: I'll second it.
 11 MR. LUKASEWICZ: Second by Joe. On
 12 the question? Roll call, please.
 13 MRS. MORRELL: Ms. Johnson.
 14 MS. JOHNSON: For.
 15 MRS. MORRELL: Mr. Barnick?
 16 MR. BARNICK: For.
 17 MRS. MORRELL: Mr. Lukasewicz?
 18 MR. LUKASEWICZ: For.
 19 MRS. MORRELL: Mr. Chrzan?
 20 MR. CHRZAN: For.
 21 MRS. MORRELL: Musewicz?
 22 MR. MUSEWICZ: For.
 23 MRS. MORRELL: Mr. Barone?
 24 MR. BARONE: For.
 25 MRS. MORRELL: All in favor. Motion

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1 carried.
 2 MR. LUKASEWICZ: Number 18 is a
 3 motion to donate \$200 to the Boy Scouts of
 4 Throop.
 5 MR. CHRZAN: I'll make it.
 6 MR. LUKASEWICZ: Motion by Tony.
 7 MR. MUSEWICZ: I'll second.
 8 MR. LUKASEWICZ: Second by John. On
 9 the question? Roll call.
 10 MRS. MORRELL: Ms. Johnson?
 11 MS. JOHNSON: For.
 12 MRS. MORRELL: Mr. Barnick?
 13 MR. BARNICK: For.
 14 MRS. MORRELL: Mr. Lukasewicz?
 15 MR. LUKASEWICZ: For.
 16 MRS. MORRELL: Mr. Chrzan?
 17 MR. CHRZAN: For.
 18 MRS. MORRELL: Mr. Musewicz?
 19 MR. MUSEWICZ: For.
 20 MRS. MORRELL: Mr. Barone?
 21 MR. BARONE: For.
 22 MRS. MORRELL: All in favor. Motion
 23 carried.
 24 MR. LUKASEWICZ: Motion number 19
 25 will be to direct and pay Compu-data to

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1 reinstall accounting program VAM that was
 2 deleted from the borough computer at an
 3 approximately cost of \$500.
 4 MR. MUSEWICZ: I'll make that
 5 motion.
 6 MR. LUKASEWICZ: Motion by John.
 7 Second?
 8 MR. BARNICK: I'll second.
 9 MR. LUKASEWICZ: Second by Jimmy.
 10 On the question? Roll call, please.
 11 MRS. MORRELL: Ms. Johnson?
 12 MS. JOHNSON: For.
 13 MRS. MORRELL: Mr. Barnick?
 14 MR. BARNICK: For.
 15 MRS. MORRELL: Mr. Lukasewicz?
 16 MR. LUKASEWICZ: For.
 17 MRS. MORRELL: Mr. Chrzan?
 18 MR. CHRZAN: For.
 19 MRS. MORRELL: Mr. Musewicz?
 20 MR. MUSEWICZ: For.
 21 MRS. MORRELL: Mr. Barone?
 22 MR. BARONE: For.
 23 MRS. MORRELL: All in favor. Motion
 24 carried.
 25 MR. LUKASEWICZ: Motion number 20

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1 will be to send to the Department of General
 2 Services for Federal Surplus the list of
 3 authorized representatives. The
 4 representatives will be Councilman Chrzan,
 5 Robert Kalinoski, Jerry Barone, and Mary Ruth
 6 Tanner. Motion?
 7 MR. MUSEWICZ: I'll make that
 8 motion.
 9 MR. LUKASEWICZ: Motion by John. It
 10 has to be done by resolution. Jimmy, you're
 11 going to second?
 12 MR. BARNICK: Yes.
 13 MR. LUKASEWICZ: Roll call.
 14 MRS. MORRELL: Ms. Johnson?
 15 MS. JOHNSON: For.
 16 MRS. MORRELL: Mr. Barnick?
 17 MR. BARNICK: For.
 18 MRS. MORRELL: Mr. Lukasewicz?
 19 MR. LUKASEWICZ: For.
 20 MRS. MORRELL: Mr. Chrzan?
 21 MR. CHRZAN: For.
 22 MRS. MORRELL: Mr. Musewicz?
 23 MR. MUSEWICZ: For.
 24 MRS. MORRELL: Mr. Barone?
 25 MR. BARONE: For.

1 MRS. MORRELL: All in favor. Motion
 2 carried.
 3 MR. LUKASEWICZ: Okay. Now, this
 4 will be motion number 21. It will be, again,
 5 by resolution, and it will be the
 6 corresponding number as needed. Elaine, could
 7 you read that?
 8 MRS. MORRELL: Resolution of the
 9 borough of Throop. Whereas, the council of
 10 the borough of Throop is charged with
 11 responsibilities providing for the health,
 12 welfare and safety of its residents,
 13 (collectively referred to as "welfare"); and
 14 Whereas, the council is made up of
 15 seven members, each of which has a vital role
 16 in the general welfare of the borough; and
 17 Whereas, residence in the borough
 18 is a necessary and required qualification
 19 under law to hold the office of council person
 20 to receive compensation; and
 21 Whereas, it is incumbent upon
 22 council to insure its members are serving
 23 according to the law and public funds general
 24 welfare is being properly attended; and
 25 Whereas, it has come to the

1 Adopted this 30th day of January,
 2 2006.
 3 MR. LUKASEWICZ: Thank you, Elaine.
 4 Motion?
 5 MR. MUSEWICZ: I'll make that
 6 motion.
 7 MR. LUKASEWICZ: Motion by John.
 8 Second?
 9 MR. BARONE: I'll second.
 10 MR. LUKASEWICZ: Second by Joe. On
 11 the question? Roll call, please.
 12 MRS. MORRELL: Ms. Johnson?
 13 MS. JOHNSON: I'll abstain.
 14 MRS. MORRELL: Mr. Barnick?
 15 MR. BARNICK: For.
 16 MRS. MORRELL: Mr. Lukasewicz?
 17 MR. LUKASEWICZ: For.
 18 MRS. MORRELL: Mr. Chrzan?
 19 MR. CHRZAN: For.
 20 MRS. MORRELL: Mr. Musewicz?
 21 MR. MUSEWICZ: For.
 22 MRS. MORRELL: Mr. Barone?
 23 MR. BARONE: For.
 24 MRS. MORRELL: Five in favor, one
 25 abstained. Motion carried.

1 attention of council one of its members, Cindy
 2 Ann Blanchard Johnson, is believed to have
 3 moved from the borough.
 4 Now, therefore, be it resolved by
 5 the council of the Borough of Throop as
 6 follows:
 7 a. The president of council or such
 8 other officer of the borough as directed by
 9 the president, is authorized to forward
 10 correspondence, substantially in the form of
 11 exhibit A and B hereto attached, to the
 12 district attorney of Lackawanna County and the
 13 Pennsylvania Attorney General seeking the
 14 undertaking of a quo warranto action against
 15 Cindy Ann Blanchard Johnson.
 16 b. That in the event the district
 17 attorney or the attorney general decline to
 18 undertake a quo warranto action the council
 19 directs attorney William T. Jones to undertake
 20 all legal and/or equitable action on behalf of
 21 council of the Borough of Throop and its
 22 members joining therein against Cindy Ann
 23 Blanchard Johnson pertaining to removal from
 24 office for failure to reside within the
 25 borough at all times during her term.

1 MR. LUKASEWICZ: All right. That
 2 concludes the agenda. Stanley, anything at
 3 this time?
 4 MAYOR LUKOWSKI: No, nothing at this
 5 time.
 6 MR. LUKASEWICZ: All right. At this
 7 point we'll turn it over to the audience for
 8 new business. Stanley, if I may ask you, the
 9 resolution that we just passed, number 21, are
 10 you in agreement with that?
 11 MAYOR LUKOWSKI: Yes.
 12 MR. LUKASEWICZ: Thank you. We're
 13 going to turn it over to the audience for new
 14 business. We'll start in the front and work
 15 our way back. I'll try to answer the
 16 questions. If I can't I'll ask for help from
 17 someone on council.
 18 (Frank Galli, Kossuth Street,
 19 commented on the need to get water to the
 20 park.)
 21 MR. LUKASEWICZ: We addressed that
 22 earlier at the work session. It was approved
 23 to be done years ago and Mr. Kalinoski is
 24 going to do whatever is necessary to get it
 25 there for you.

1 (Mr. Galli inquired as to whether
 2 Ms. Johnson lives in the borough.)
 3 MR. LUKASEWICZ: The same as I
 4 indicated to Mr. Bolus earlier. I'm not going
 5 to answer any questions.
 6 Anyone else in that row? Next row?
 7 Next Row? Next row?
 8 (Bette Goreschack inquired about
 9 whether some residents live in Dunmore or
 10 Throop.)
 11 MR. LUKASEWICZ: Elaine Morrell has
 12 contacted a certain authority that's needed to
 13 contact up there and we're waiting for lists
 14 from them to verify if, indeed, people do not
 15 reside. Elaine and attorney Cimini are
 16 working on that and we should have some
 17 answers hopefully by the middle of the month.
 18 MAYOR LUKOWSKI: That should be
 19 checked carefully. I think over the years
 20 we've lost a lot of money. By rights, the
 21 borough that picked up this money should have
 22 forwarded it to Throop.
 23 MR. LUKASEWICZ: Anything else?
 24 Next row? Standing in the back row, towards
 25 the open door?

1 (Jack Dolan, South Valley Avenue,
 2 inquired about tax sales. Mr. Dolan also
 3 inquired about back taxes of Mr. Bolus.)
 4 MR. LUKASEWICZ: It's not for us to
 5 address that issue. Going on towards the open
 6 doorway?
 7 (Christine Hartshorn inquired about
 8 the program being deleted from the borough
 9 computer.)
 10 MR. LUKASEWICZ: I have no idea what
 11 happened back there and I'm sure it's being
 12 investigated. At some junction in time there
 13 will be a determination if, indeed, anything
 14 did happen.
 15 (Christine Hartshorn also inquired
 16 about the salary of Ms. Sullivan.)
 17 MR. LUKASEWICZ: I believe \$13.50 an
 18 hour. What you have to remember, Christina
 19 Sullivan worked diligently for this borough
 20 for a long period of time, and when she was
 21 brought back she was basically started up
 22 again exactly where she left off.
 23 (Ms. Hartshorn inquired about the
 24 procedure in the borough handbook.)
 25 MR. LUKASEWICZ: We'll have to look

1 into that.
 2 (Ms. Hartshorn asked if Ms. Sullivan
 3 was in the union.)
 4 MR. LUKASEWICZ: Yes, she is. The
 5 same union as the DPW guys are in. There's no
 6 need to discuss this in an open forum. She
 7 was hired, she was put into the union as
 8 personnel and that's that.
 9 (Ms. Hartshorn asked if Mrs. Morrell
 10 was in the union.)
 11 MR. LUKASEWICZ: Yes, she is.
 12 (Ms. Hartshorn inquired if Mrs.
 13 Morrell and Mrs. Dolan were bonded.)
 14 MR. LUKASEWICZ: Were they bonded?
 15 I don't know. I don't know. I have a lot of
 16 faith and a lot of trust in these
 17 individuals.
 18 (Ms. Hartshorn asked why the
 19 microphones were not being used.)
 20 MR. LUKASEWICZ: Why are we not
 21 using the microphones? I don't know.
 22 Everyone can hear quite well.
 23 MR. BARNICK: There's seats empty
 24 over there.
 25 (Ms. Hartshorn inquired about the

1 procedure for appointing councilmen.)
 2 MR. LUKASEWICZ: Christine, anything
 3 else?
 4 (Ms. Hartshorn commented that Mr.
 5 Chrzan was voted out by the taxpayers.)
 6 MR. CHRZAN: I wasn't voted out.
 7 MR. BARNICK: What happened over the
 8 last two years was a slap in the people's
 9 face, what went on in the borough offices for
 10 two years straight, the destruction that was
 11 done.
 12 MR. LUKASEWICZ: Christine, the only
 13 person that has complained in open forum so
 14 far about this issue has been you. There has
 15 not been any complaints raised to me or anyone
 16 else directly.
 17 (Ms. Hartshorn informed council she
 18 had a petition of names against Mr. Chrzan.)
 19 MR. LUKASEWICZ: That's your
 20 opinion. I had no problem voting to put
 21 Mr. Chrzan back in.
 22 MR. BARNICK: He attained more votes
 23 from when he lost than they got from when they
 24 ran against --
 25 MR. LUKASEWICZ: Anything else,

1 Christine? All right. Continuing on, on the
 2 left? Coming down?
 3 (Bob Bolus, Sanderson Street,
 4 discussed Mr. Dolan's comments and his own
 5 personal property and trailers parked on his
 6 property. Mr. Bolus asked is Ms. Johnson
 7 would be represented by attorney Cimini.)

8 MR. CIMINI: If my obligation is to
 9 council and I have to represent Ms. Johnson, I
 10 will do so to the best of my ability. If she
 11 wants to get her own counsel, that's fine. If
 12 she wants to discuss this with me and my
 13 obligation is to this council, then I will
 14 live up to my obligation. I have no problem
 15 with that. Is she wants to meet me tomorrow,
 16 I'm going to be there at 9:30. Anytime you
 17 want to discuss this, I'm more than willing to
 18 talk to you and represent you, if I have to.

19 (Mr. Bolus offered to pay for the
 20 private legal fees of Ms. Johnson. He also
 21 commented about Mr. Chrzan being previously
 22 charged with wiretapping.)

23 MR. CHRZAN: Why don't you repeat
 24 that, Bob?

25 MR. BARNICK: You pay your taxes,

1 believes or whatever, I'm sure he has facts in
 2 place to move forward.

3 (Mr. Bolus questioned the reason for
 4 hiring attorney Jones.)

5 MR. LUKASEWICZ: I would say the
 6 record will show for itself, Bob. Simple as
 7 that. The record will show for itself.
 8 Things that have transpired throughout the
 9 borough of Throop in regard to her situation,
 10 we'll do whatever is necessary to prove the
 11 case. If it's proven she lives in Throop,
 12 Bob, fine.

13 (Mr. Bolus suggested that council
 14 may be opening itself up to litigation.)

15 MR. LUKASEWICZ: Let it be.

16 MR. BARONE: Come on, let's get on
 17 with this, will you? It's the same thing over
 18 and over. You're like a broken record. If
 19 you had a brain -- you're as dumb as -- if you
 20 would be more for people instead of picking on
 21 them you'd be better off.

22 MR. BOLUS: If you weren't so
 23 stupid --

24 MR. LUKASEWICZ: All right, stop.

25 MR. BARONE: I'm sick of listening

1 you come back here to speak.

2 MR. LUKASEWICZ: Bob, please. Bob,
 3 no. One second. You address me. One second,
 4 please. One second. I would only ask that we
 5 could refrain from any of this past only for
 6 one reason, Bob. I'm here for the borough of
 7 Throop business. What someone has done in the
 8 past or whatever is irrelevant to Throop
 9 business at this point today. Please.

10 (Mr. Bolus asked about justification
 11 for the litigation against Ms. Johnson.)

12 MR. LUKASEWICZ: I'll answer it very
 13 simple. Attorney Bill Jones is well versed in
 14 this type of litigation or the case or
 15 whatever we want to call it, and his
 16 procedures to follow on behalf of the borough
 17 was to do what we did this evening. That's
 18 all I know. Whatever he tells me to do, he's
 19 the lawyer, he's versed in this situation,
 20 that's what I'll do. I won't do anything that
 21 he says we should not do. Believe me, if he
 22 says this is the proper channel to follow, on
 23 the advice of him being the lawyer for the
 24 borough of Throop I'll accept his response as
 25 what I should do. The reasoning for why he

1 to your crap.

2 MR. LUKASEWICZ: All right, stop.
 3 Quiet.

4 MR. BARONE: Go back to Scranton
 5 where you belong.

6 MR. BARNICK: Joe, please calm
 7 down.

8 MR. LUKASEWICZ: Calm down.

9 MR. BOLUS: I own more in Throop
 10 than you do.

11 MR. BARONE: You do like hell. I'm
 12 sick of that man already.

13 MR. LUKASEWICZ: You're finished?
 14 Continuing on. Quiet. --

15 MR. BARONE: Your name is ruined in
 16 this town.

17 MR. BARNICK: Joe --

18 MR. BOLUS: I could care less. Do
 19 you pay my bills?

20 MR. BARONE: This guy is nothing
 21 but a --

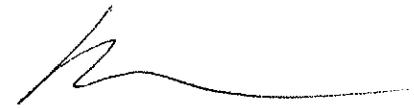
22 MR. BOLUS: Shut up.

23 MR. LUKASEWICZ: Joe, are you
 24 finished? Enough is enough.

25 MR. BARONE: We answered his

1 question 15 times.
 2 MR. BOLUS: Then you should learn to
 3 answer it, you incompetent fool.
 4 MR. LUKASEWICZ: Stop, Bob.
 5 MR. BOLUS: I'm not taking insults
 6 from an individual who's paid by the taxpayers
 7 to address this issue.
 8 MR. BARONE: Then why don't you pay
 9 your taxes, then.
 10 MR. BOLUS: Don't worry about it.
 11 MR. BARONE: I am worried because
 12 poor, old people in this town got to pay and
 13 you don't. Who the hell are you?
 14 MR. LUKASEWICZ: Bob, you've had
 15 your opportunity. Guys, stop continuing on
 16 this. Moving on?
 17 (Daryl Menichetti, North Street,
 18 asked for the definition of a resolution.)
 19 MR. LUKASEWICZ: A resolution is a
 20 legal document of the governing body to
 21 proceed forward in a situation similar to
 22 this. It's got more standing than a basic
 23 motion. It's got more governing standing.
 24 (Ms. Menichetti inquired if Robert
 25 Hegedus was given 30 days' notice as per

1
 2 CERTIFICATE
 3
 4 I hereby certify that I attended the foregoing
 5 proceeding, took stenographic notes of the same, that
 6 the foregoing, consisting of 46 pages, is a true and
 7 correct copy, done to the best of my ability, of same
 8 and the whole thereof.
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Mark Wozniak
 Official Court Reporter

1 borough ordinance.)
 2 MR. LUKASEWICZ: At this junction in
 3 time the borough is negotiating to move
 4 forward with Mr. Hegedus' dismissal.
 5 Continuing on? Motion to adjourn?
 6 MR. BARONE: Motion.
 7 MR. LUKASEWICZ: Second. Meeting is
 8 adjourned.
 9 (Whereupon the meeting was
 10 adjourned.)
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