

Minutes
Public Hearing - CDBG - 2000 Allocations
Throop Borough
Monday, January 31, 2000
6:30 p.m.

ROLL CALL:

Members Of Council:

Joseph Keyasko-P
Anthony Chrzan-P
George Marushock-P
Vice President - Joseph Barone-P
President - James Barnick-P
Robert Mraz-A
Thomas Lukasewicz-P
Mayor - Stanley Lukowski-P
Controller - Daryl Menichetti-A
Solicitor - Attorney Louis Cimini-A
Treasurer - Lenore Dolan-A

Ernie Cicilioni - Lackawanna County Redevelopment Authority:

This is the first of two public hearing for use of the 2000 CDBG fund allocations for the Borough of Throop. There is a modification to go over and a resolution to be adopted. The modification will transfer \$18,772.24 in the Storm Sewer System line item from the Bellman St. Storm Sewer Project to create the Warsaw Section Storm Sewer Project. Mr. Cicilioni discussed the 2000 allocation. Mr. Cicilioni distributed copies of the "Needs Assessment" for council to review and update. He said basically it's a wish list, they are not automatic projects that have to fall under the guidelines.

John Szczepaniak, Borough Engineer explained the Warsaw Project Storm Sewer Project.

A discussion took place.

Hearing adjourned.

**Minutes
Throop Borough Council
Monthly Meeting
Monday, January 31, 2000
7:00 p.m.**

The Meeting opened with the Pledge of Allegiance.

ROLL CALL:

Members Of Council:

Joseph Keyasko-P

Anthony Chrzan-P

George Marushock-P

Vice President - Joseph Barone-P

President - James Barnick-P

Robert Mraz-P

Thomas Lukasewicz-P

Mayor - Stanley Lukowski-P

Controller - Daryl Menichetti-P

Solicitor - Attorney Louis Cimini-P

Treasurer - Lenore Dolan-P

Announcements:

James Barnick:

Reminder to everyone the Snow Ordinance, again, no snow in the street is allowed this causes hazardous conditions for people and vehicles. Try to pile it, keep it from the street.

Wednesday, February 2, 2000 - Ed Karpovich, Lacka. County Treasurer assigned a representative to sell Dog Licenses at our Municipal Building from 10:00 a.m. until 3:30 p.m.

The winners of the "Best Decorated Homes" for Christmas 1999 are:

Mr. & Mrs Chris Mazzucca & Mr. & Mrs. Francis Hughes

Thursday, February 10, 2000 at 6:30 p.m. - Special Monthly Work Session followed by a Special meeting for general purposes.

I would like to announce the approval of the Grant for Booster Club at the Little League field, from Waste Tires, and DEP funding. The Grant in the amount of \$73,011.00 will be used to construct a fitness trail with fitness stations and improve the existing ballpark.

Bob Bernosky, Engineer explained the Storm Water Project with respect to Line, Wanda and Edgar Streets. It should be advertised and bids should be open the 10th of February.

There were no audience comments on tonight's agenda.

Opening of the bids for the Crawford Court Phase II (including Meade Street and 400 block of George St S.R. 2007) Sanitary Sewer Project.

The grand total of all bids is \$323,329.00, including six alternates.

NAME	ADDRESS	AMOUNT OF BID	TOTAL BASE
Pioneer Construction	Sturges	\$323,329.00 (includes six alternates) as follows: 1. \$ 6,400.00 2. \$ 8,900.00 3. \$10,663.00 4. \$76,198.50 5. \$ 6,366.00 6. \$ 2,898.00	\$211,903.50 10% Bid Bond Attached
American Asphalt	Shavertown	\$310,171.80 (includes six alternates) as follows: 1. \$ 6,510.00 2. \$ 9,966.00 3. \$10,230.60 4. \$63,542.65 5. \$ 5,387.30 6. \$ 2,716.70	\$211,818.55 10% Bid Bond Attached
Leeward Construction	Honesdale	\$205,027.48 (includes six alternates) as follows: 1. \$ 7,970.00 2. \$ 7,839.98 3. \$ 7,754.00 4. \$51,045.75 5. \$ 3,913.50 6. \$ 1,620.50	\$124,883.75 10% Bid Bond Attached

Mr. Marushock-I have several different vendors, Freddie Battaglia is the sporting goods

Mrs. Dolan - What do you two do, get together, he just asked me that?

A discussion ensued. Civic Center supplies for \$477.00 what was that for?

Mrs. Dolan-There might be ten, fifteen items to that.

Mr. Marushock-I have another one here the Bud Vase, flowers for Roxanne.

Mrs. Dolan-That's ok now, right?

Mr. Marushock-No, I'm questioning that.

Mrs. Dolan-Well that's when she was in the hospital.

Name-Was this proper use of public funds?

Mr. Barnick-Wow, that's low.

Mr. Marushock - This is what I'm questioning.

A discussion ensued.

Mr. Marushock-Civic Center it was \$178.00, Canada Dry, again, how many cases, what did we buy? How many bottles?

Mrs. Dolan-That is where the Controller comes in, she looks at the bills before she pays them. And she does. We cannot list them individually and I don't know of one accounts payable program that can list them all individually.

Mr. Marushock-Here's several I am questioning. Here's Home Depot, one shelf, a shelf unit for the Civic Center.

Mrs. Dolan-You are questioning all the Civic Center. The bills are all here.

Mr. Barnick-Spend some time in the borough and go look.

Mr. Marushock- Here we have a clutch adjustment to the amount of \$294.81- that's a reasonable amount???

A discussion ensued.

Mr. Marushock questioned Wilkes Barre Truck.

Mr. Keyasko questioned calibrating the VASCAR. What car?

A discussion ensued.

Roll call:

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

1 against - Marushock Motion Carried

4. Motion by Chrzan Seconded by Barone

To pay the monthly employees.

6 in favor-Barnick, Barone, Chrzan, Mraz, Lukasewicz, Marushock

1 against-Keyasko Motion Carried

CORRESPONDENCE:

Mr. Barnick-read the letter from Chief of Police, Chief Furiosi, requesting purchase of video recorder/monitors. In conjunction with this letter, Mr. Barnick would like to see the same outside the borough building.

Mayor Lukowski-This is long, long, overdue.

Mr. Chrzan-You are right, Mayor.

9. Motion by Chrzan

Seconded by Marushock

To accept the Annual Settlement for the year 1999 submitted by Adam F. Nosak, Tax Collector.

On the question:

D. Menichetti-I would like to say I went over Mr. Nosak's accounts and they were all in order.

All in favor

Motion carried

10. Motion by Marushock

Seconded by Keyasko

To grant permission to the Mid Valley School District to use the Washington Street Park Field for the 2000 baseball season with the condition that the damaged fence is repaired. (As per past practice, a certificate of insurance is to be submitted to the borough. James Caria is responsible to schedule the field. Schedules are to be worked around any work that may be done to the field.)

On the question:

Mr. Barnick-Rob (Kalinowski), you met with them the other day and you ran into more problems, right?

Mr. Kalinoski-They more or less told me that there is other damage to the fence and was that damage caused by the school? I could not say it was. I didn't visibly see the School District damage but, from what I understand, the Borough witnesses, in the area they showed me does appear like it's pushed from the inside out. The other areas appeared like they (were pushed) from the outside in.

Mr. Marushock-Didn't we resolve this problem that we had in question with the School the other night?

Mr. Kalinoski-I met with them the next morning, the meeting ended and I was more or less told that they didn't feel it was their responsibility. I did speak to School Director, Mr. Barone, that afternoon, and he had indicated to me he was going to go up there and look at the fence.

Chrzan-The question is, the fence isn't fixed?

Mr. Barnick-No.

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

One Against-Chrzan

Motion carried

Mr. Barnick - I went up the school last week, trying to get information on salaries and stuff like that. Our own superintendent tells me it was their intentional action to delay me, and not find it. He said go through the minutes. I said I am not asking for specific stuff. Intention not to find the stuff, that I can't find out the salaries of some of the teachers up there. Could you imagine that? I hate to see the tax increases coming in June, I hope it doesn't happen but I foresee it.

11. Motion by Chrzan

Seconded by Mraz

To adopt Throop Borough Resolution # 16 of 2000, a resolution authorizing the vice president's signature on all borough accounts in absence of the president of council.

On the question:

Mr. Marushock-Is this to rescind motions #28 through 37, which we voted on at the January 3, 2000 meeting? It would probably be necessary because at that meeting we authorized the signature to replace any of the three that were on there now. Is that correct Mr. Cimini, is that, do we need a legal opinion on this?

Mr. Barnick-Didn't we already put him on?

Mr. Cimini- I don't know.

Mr. Marushock-My understanding was when we voted on that at the Jan. 03 meeting, we were using the Vice President's signature to supercede any of the other three signatures that were on there.

Mr. Barnick-No, you are wrong again.

Mr. Marushock- That was the way it was explained.

A discussion ensued.

Mr. Cimini-It is for all Borough accounts.

All in favor

Motion carried

Mr. Lukasewicz-Had to leave meeting at 7:50 pm. I told Jimmy (Barnick) I had to leave.

12. Motion by Marushock

Seconded by Keyasko

To adopt Throop Borough Resolution # 17 of 2000, a resolution authorizing Lackawanna County to submit a modification of the 1998 CDBG Grant transferring \$18,772.24 from the Bellman St. project to the Warsaw Section Storm Sewer Project.

All in favor

Motion carried

13. Motion by Chrzan

Seconded by Mraz

To adopt Throop Borough Ordinance # 6 of 2000, a Debt Ordinance. The Borough of Throop entered into a Host Community Benefit and Settlement Agreement with Keystone Sanitary Landfill, Inc. The agreement provides for a \$3.5 million dollar interest free loan from Keystone Sanitary Landfill, Inc. to the Borough of Throop to be used for the construction and improvement of municipal storm sewers, sanitary sewers and public streets. The loan requires a minimum draw down of \$700,000.00 per year, the \$3.5 million to be paid within five (5) years of the anniversary date of the first draw down. In the year 2000 the Borough of Throop will begin its initial draw down of the \$3.5 million dollars of which \$700,000.00 is payable one year from the anniversary date of the draw down followed by four (4) equal installments of \$700,000.00 per year.

On the question:

16. Motion by Chrzan

Seconded by Barone

To adopt Throop Borough Ordinance # 9 of 2000, an ordinance establishing the qualifications and duties of the controller.

On the question:

Mr. Marushock-Mr. Chairman, is this in accordance with the Borough Code?

Mr. Barnick-As far as I know, we adopt the laws.

Mr. Marushock-The Borough Code is very vague.

Mr. Barnick-Exactly. That's why we adopt the ordinance establishing the position of Controller.

Mr. Marushock-However, sir, I cannot see our current solicitor defining this, I feel he would be biased in doing so.

Mr. Barnick-Feel the way you want to feel, Mr. Marushock, but let the vote begin.

Mr. Marushock-I also would wonder if this would affect her current term.

Mr. Barnick-No it doesn't, unless we adopt policy and then it still doesn't affect it.

(Inaudible)

Roll call:

Four in Favor-Barone, Barnick, Chrzan, Mraz

Two Against-Keyasko, Marushock

Motion carried

Mr. Barnick-Just so you understand, the public, the ordinance that originally established the Controller's position was burned in the 1973 fire at the Borough Building.

Mrs. Morrell-In the late 60's, I believe.

Mr. Marushock-I thought we didn't know what happened to it?

Mr. Keyasko-Who said it was burned in the fire?

Mr. Barnick looked at Elaine.

Mrs. Morrell-We can only assume that it was burned because they are not here.

Name-We took the books out of there.

Mrs. Morrell-They're not here.

Name-Well, we took them out of the building.

Mr. Barnick-Whatever.

A discussion followed.

Mrs. Morrell-We have a few books from the 50's, one from the 40's and one 35, I think, and that's it. That's it.

Mr. Marushock-The current Controller, Daryl Menichetti, was voted in by General Public over your party candidate by a margin of better than 2 to 1.

Mr. Barnick - Do we care?

A discussion ensued.

Mr. Barone - She should show good faith to the people. They are the ones who elected her.

Daryl Menichetti-Mr. Barone, I would like to know what I am not doing?

Mr. Barnick-You're out of order Mrs. Menichetti.

Daryl Menichetti-Too many times he said I'm not doing my job, tell me what it is I'm not doing.

Mr. Barnick-In an article today the PSAB won't even talk to her. Hostile actions.

Mrs. Menichetti-That is because our solicitor talked to her and told her that.

A discussion followed.

Mr. Keyasko-Tell me something, I'd like an opinion. Does the Borough of Throop supercede the State?

Miss Menichetti-The Constitution of the Commonwealth of Pennsylvania. Where does it say that you can take someone out of office by passing an ordinance, an elected official. You are going against the Constitution of the State, the Commonwealth of Pennsylvania. Because according to the Constitution, you can also remove people by certain things, and do you want me to read them? You can only remove by impeachment in the general. Well, first I'll read the whole thing. Ms. Menichetti read it in it's entirety.

Mr. Barnick-You failed to look at one thing, it's called the Borough Code, where it says "the Controller position can be abolished by the Borough Council".

Mrs. Menichetti-It also says it takes 2/3 vote to do it.

A discussion took place.

Mr. Barnick - Wrong!

A discussion took place on the letter from Shelly Houk PSAB, in regards to the controller.

Ms. Menichetti commented on her conversation with Ms. Houk. Daryl told her they are trying to amend her duties. Shelly said it's a natural assumption. Daryl asked what's a natural assumption. You don't say a natural assumption when you're talking about codes and laws. Daryl said she probably mistook her frustration for hostility.

A discussion continued.

Roll call:

Four in Favor-Barone, Barnick, Chrzan, Mraz

Two Against-Keyasko, Marushock

Motion carried

17. Motion by Chrzan

Seconded by Barone

To advertise proposed Throop Borough Ordinance # 10 of 2000, an ordinance to protect the public health, safety and welfare within the Borough of Throop from the storage or disposal or maintenance of any facility that contains stored and/or disposed of hazardous wastes or substances without the appropriate federal or state permit or authorization or in violation of any federal or state order or requirement.

On the question:

Mr. Barnick-There was an amendment to the draft copy, failure to pay the fines will result in jail term.

All in favor

Motion carried

18. Motion by Chrzan

Seconded by Mraz

To authorize Leeward Construction to install 4 fire hydrants at a cost of \$250.00 each in conjunction with the Boulevard Sewer Project.

All in favor

Motion carried

19. Motion by Chrzan

Seconded by Marushock

To grant permission to the Throop Booster Club to use the Washington Street Park and pavilion for their Annual Cow Flop on Sunday, July 2, 2000. (Tents with stakes will not be allowed on paved areas. There are underground conduits throughout the field and along the walking track.)

All in favor

Motion carried

20. Motion by Mraz

Seconded by Marushock

To sponsor the fireworks display at the Annual Cow Flop on July 2, 2000, not to exceed \$5,000.00. (The Booster Club is requested to obtain proposals for the fireworks display.)

On the question:

Mr. Marushock- This year the Booster Club Members said they will solicit price quotes from other people. Dickson City lowered their cost to their borough and we may reduce the cost the borough. We may not use the full \$5,000.00. Mr. Dolan said the other day, there's a possibility of getting something for \$3,700.00.

Mr. Barnick - It's not to exceed \$5,000.00.

All in favor

Motion carried

21. Motion by Mraz

Seconded by Marushock

To approve the extra hours for the police and DPW during the snow storm/bad weather.

On the question:

Mr. Mraz - They did a heck of a job.

Mr. Barnick - Yes they did.

Mr. Chrzan - The street commissioner deserves a little credit to.

All in favor

Motion carried

Mrs. Morrell - We get people from outside of Throop and commend us on how good our roads are. Most particular the people coming from Scranton going to Penn State or the industrial park every year we get calls that our roads are the best. Thank you to our guys.

22. Motion by Chrzan

Seconded by Barone

To issue a check for the sum of \$1,200.00 to Jamie Shevchik, Civic Center Director to pay the coaches \$100.00 each and helpers \$50.00 for the Throop Civic Center Baseball Camp.

On the question:

Mr. Marushock-Can we get a receipt from the individuals who are being paid this money?

Mrs. Dolan-There is, it was given to you in your packet.

All in favor

Motion carried

23. Motion by Barone

Seconded by Marushock

To approve payment to the National School Safety Center in the amount of \$1,190.00. This represents ½ of the cost of the training for our four full time police officers from September 1999. Lackawanna County will pay ½ the cost.

All in favor

Motion carried

24. Motion by Chrzan

Seconded by Marushock

To table the following motion:

To approve payment to Pioneer Construction Company for the sum of _____ for the extra work associated with the George St. Project (800 block of George).

All in favor

Motion tabled

Mr. Kalinoski commented on the following motion. The proposal does not include the memorial at the Washington St. Park. This memorial is at the municipal building. Additional review and discussion is needed.

25. Motion by Chrzan

Seconded by Mraz

To table the following motion:

To accept the lowest proposal for the sum of \$2,090.00 from Joseph J. Vidal & Sons, Inc. for electrical work at the municipal building and at the memorial at the Washington St. Park as per the street commissioner's specs and borough's request. (Richard Mellow's proposal was for the sum of \$2,470.00.)

All in favor

Motion tabled

Mr. Kalinoski will review the proposals and advise council.

26. Motion by Marushock

Seconded by Keyasko

To confirm that Leeward Construction is abiding by Addendum No. 2, Section 11, Temporary pavement restoration on the Boulevard Project.

All in favor

Motion carried

27. Motion by Chrzan

Seconded by Mraz

To authorize Bob Lokuta to attend "The Basic Course for Zoning Officials" on March 16, 23 & 30 at 6:30 p.m. in Bloomsburg at a cost of \$55.00 plus mileage.

All in favor

Motion carried

28. Motion by Chrzan

Seconded by Mraz

To authorize the Borough Solicitor to intervene and defend the actions brought on by the TPOA in regards to the 1989 & 1999 Agreements between Throop Borough & Keystone Sanitary Landfill, Inc. and the membership inconsistencies.

On the question:

Mr. Marushock-Has the TPOA forwarded any money to help us in our legal suits with Gould or our settlements with the landfill?

Mr. Chrzan - They sued us.

Mr. Marushock - So we got no money from them whatsoever?

Mr. Barnick - They sued us.

All in favor

Motion carried

29. Motion by Chrzan

Seconded by Barone

To appoint Christina Sullivan-Grippio as assistant secretary at \$8.00 per hour for a maximum of 34 hours per week.

On the question:

Joe Keyasko-You had a secretary there you laid off you got a court case pending? What happens if the Court says put her back?

Mr. Barnick-Wrong answer. At-will employee. Also, we had a person on light-duty that we had in here for almost six/seven months.

Mr. Keyasko-I know you did.

Mr. Barnick-Exactly.

Mr. Keyasko-What were you paying the person on light-duty?

Mr. Barnick-Whatever the union contract was.

Mr. Keyasko-You were only paying her, the other person, \$7.00 right? So you are going in the hole everyday.

A discussion took place.

Mr. Marushock-I seen an application for employment on this individual. I believe she is a resident of Mr. Chrzan's, which is just down the street.

Mr. Barnick - A resident of Mr. Chrzan's?

Mr. Marushock - I'm sorry, a neighbor of Mr. Chrzan's

Mr. Chrzan-So's the Mayor.

Mr. Marushock-I'm asking why we didn't advertise and put this up for exposure to the newspaper and other applicants throughout the town?

Mr. Chrzan - I call the question.

Mr. Marushock-We call the newspaper for everything else why not do that give the townspeople a chance to be our borough secretary?

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

30. Motion by Chrzan Seconded by Mraz

To authorize Marvin A. Brotter, Planning Consultant to apply for a grant through the Department of Environmental Protection's (DEP) "Growing Greener Program" only condition upon securing the 48+ acres of land, Eddy Creek Refuse Bank.

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

31. Motion by Barone Seconded by Chrzan

To reimburse Stanley Gongliewski, Host Municipality Landfill Inspector \$190.96 for boots and rain gear. (He did bring in a receipt.)

All in favor Motion carried

32. Motion by Chrzan Seconded by Mraz

To obtain bids for surveillance cameras (cameras & monitors) in the police department cell and other areas that will be determined as necessary.

All in favor Motion carried

33. Motion by Chrzan Seconded by Barone

To authorize the Borough Solicitor and Borough Engineer to condemn necessary land for storm sewer improvements and bank restoration.

All in favor Motion carried

Official comments:

George Marushock questioned the specs on the Peterbilt Truck and the bids. He said we spent \$8500.00 more. He also commented on the plow.

A lengthy discussion took place with council and Mr. Kalinoski. The other bids did not meet the requirements in the specs.

Mr. Marushock will review the specs and bids.

Mr. Keyasko to Mr. Lokuta, Assistant Zoning Officer. Mr. Keyasko questioned his complaint regarding the trailers on Jack Dolan's property. Mr. Lokuta said they are grand fathered.

34. Motion by Barone

Seconded by Chrzan

To authorize the Borough Solicitor to take the necessary action to recover the borough's right-of-way at Sanderson & Oleckna Sts.

On the question:

Mr. Keyasko - What does it concern?

Mr. Barnick - The area of Oleckna & Sanderson Sts.

Mr. Keyasko - About what?

Mr. Barnick read the motion.

Mr. Chrzan - Wasn't there a map or something?

Mr. Barnick - Yes

Roll call:

5 in favor - Keyasko, Chrzan, Barone, Mraz, Barnick

1 against - Marushock

Motion carried

35. Motion by Barone

Seconded by Chrzan

To replace George Yontos with Ron Bukowski as Landfill Inspector as of 02/07/2000.

On the question:

Mr. Chrzan - He's retiring I believe, isn't he?

Mr. Barnick - Sometime this year.

Mr. Marushock - Has a background check been done on that individual? Would that be necessary for a borough pre-hiring?

Mr. Barnick - Inaudible

Mr. Mraz - He went to school for the landfill training?

Mr. Barnick - Yes

Roll call:

Four in favor-Barnick, Barone, Chrzan, Mraz

Two against-Keyasko, Marushock

Motion carried

Mayor Stan Lukowski:

Mayor Lukowski commented on the following:

The Census.

PAWC survey

Cable tv

Beautification Committee

Council:

Mr. Barnick - We are working with Mr. Rinaldi, Village Square. By April they hope to be moving dirt.

Mr. Mraz commented on the gas station at the intersection of Dunmore & Center Sts. He was concerned with contamination and it's a dangerous situation.

The Peterbilt truck was discussed.

Audience comments:

Jack Dolan, 941 S. Valley Ave. - Mr. Dolan commented on VASCAR, Mericle Development check and the 48 acres of land.

Dominick Rocco, 110 Sanderson St. - Mr. Rocco commented on the 3.5 million dollar loan. And the landfill agreement.

Mr. Marushock asked Mr. Lokuta to check un-licensed vehicles and illegally parked vehicles.

Bette Goreschak, Meade St. - Mrs. Goreschak questioned an opening on the sewer authority.

Bob Lokuta, Civic Center Committee Chairman - Mr. Lokuta commented on the civic center operation, expenses and budget.

Mr. Marushock questioned the elevator pit at the civic center and the recent water problems.

John Stoffey, Civic Center Committee Member - Mr. Stoffey welcomed council members to attend their meetings. He said Mr. Barone & Mr. Barnick attends. Mr. Stoffey also commented on the 3.5 million dollar loan.

Donna Barnick, 203 Adams Ct. - You don't take the time to read everything.

Motion to adjourn.

Meeting adjourned.

Elaine Morrell
Administrator/Secretary

Christina Sullivan assisted with the minutes.