

**Minutes
Throop Borough Council
Monthly Meeting
Monday, June 30, 2003
7:00 p.m.**

The meeting opened with the Pledge of Allegiance.

“God Bless Our Troops and the Coalition”

ROLL CALL:

Members Of Council:

Anthony Chrzan - **P**

James Barnick - **P**

Vice President- Thomas Lukasewicz - **P**

President-James Mellody Jr. - **P**

George Marushock - **P**

Daryl Menichetti - **A**

Joseph Barone - **P**

Mayor - Stanley Lukowski - **P**

Solicitor - Attorney Louis Cimini - **P**

Treasurer - Lenore Dolan - **P**

Administrator/Secretary - Elaine Morrell - **P**

Announcements:

Congressman Paul Kanjorski - Meeting, Thurs., July 3, 2003 at 3:00 p.m. in Throop regarding the Marjol Battery Site. Congressman Kanjorski will view the Marjol Site (not a tour) and then meet at the Municipal Building.

Garbage Collection for Friday, July 4th is re-scheduled to Monday July 7th. All other collections (garbage & recycling) remain the same.

Mayor’s presentations:

Jerry Commodario - The grateful community of Throop extends the very best to you on your retirement after many years of dedicated and vigilant service. Your prolific service as Emergency Coordinator for the community not only has been a great inspiration to all borough citizens but has aided our community in becoming one of the more safe towns in Northeastern Pennsylvania.

Audience comments on tonight's agenda: None

Lenore Dolan addressed council on behalf of the Girls Little League Softball Program. Both teams are doing fairly well and possibly would go to districts. To defray some costs they wanted to hold a coin drop.

Council Comments:

Barnick discussed the recent article in the newspaper regarding the Throop v. Gould litigation. He made note of the absence of a reporter tonight but still wanted to straighten out some things with the newspaper and for the record related to the article. He was not in agreement with the settlement and did not vote for the original agreement proposed. (Chrzan stated he did not vote for it either.) Why did the article come about six months later? The figure spent was more like \$500,000 - not the \$800,000 reported, and there were involved besides the litigation fees. It cost the borough extra to get all the information needed for the lawsuit. It was not known at the time because it was executive session material, litigation.

Council did what it thought it had to do to get the job done but to be criticized and make this town look bad, he thought was ridiculous. Also, when the settlement was voted on there was plenty of opportunity for comments to be submitted and heard, not six months later to throw dirt in everybody's face.

Barnick would add a motion this evening to rescind the authorization of the borough solicitor with regard to the appeal of the landfill assessment (to join the Mid Valley School District). The borough would benefit, regardless of joining in the appeal and wanted the solicitor to work on the zoning issue now.

He commented on the Cow Flop, the fireworks were great and the South Valley Avenue Project was beautiful.

Joe Barone wanted Catherino Drive opened and said a meeting would be held with Martarano. Mayor Lukowski voiced his opposition to the opening of Catherino. Barnick commented the street really needed to be open, especially since everyone saw what happened with the South Valley Avenue Project.) He is against widening Franko Street and didn't feel there was enough room to do so. He commended William (Billy) Hazleton for the job he did with regard to the bus accident that happened. He was the only officer from Throop on the scene and wanted to thank the Dickson City, Dunmore and Olyphant police departments for their assistance.

1. Motion by Chrzan

Seconded by Barnick

To accept the zoning report, landfill inspector's reports and the minutes of the May 22, 2003 Council Meeting.

All in favor

Motion carried

TREASURER'S REPORTS:

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

2. Motion by Chrzan

Seconded by Barone

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

Unpaid bills: "Items for Payment"	\$69,179.98
Paid bills: (6/1/03 - 6/20/03)	10,607.13
Grand total	\$79,787.11

Keystone Landfill Credit	\$9,248.52
Home Program	1,936.30
Revenue Report	\$101,729.93

On the question:

Marushock: In regards to the items for payment for the month of June, 2003, **I will be voting against the elected officials' portion of the Blue Cross, Blue Shield bill, against the borough solicitor's fee of \$6,250 for the month of June, against the Elliott, Reihner, Szedkowski & Egan invoice in the amount of \$8,006.11. I will be abstaining due to a possible conflict of interest with the Tom Hesser Ford invoices and I will abstain from the Get Well Basket from Nibbles & Bits from my recent injury. Barnick requested a total, final bill from Blazey. A discussion took place, everyone speaking at once.**

All in favor, Lukasewicz abstain from
Tellie & Coleman, Barnick & Marushock,
except as noted

Motion carried

3. Motion by Chrzan

Seconded by Barnick

To pay all the employees of Throop Borough.

On the question:

Marushock: **I will voting against the \$500 per month maintenance fee for the Washington Park ballfield and against the \$1,000 per month treasurer's salary.**

All in favor, Marushock, except as noted

Motion carried

4. **Motion by Chrzan**

Seconded by Barnick

To accept the correspondence as read or posted.

All in favor

Motion carried

ADMINISTRATOR'S FINANCIAL REPORTS:

5. **Motion by Barnick**

Seconded by Chrzan

To accept the Fund Statement, Budgeted Revenue & Expense Statement and Loan Balance for the month of May, 2003.

General Fund Checking Account	\$672,390.24
General Fund Petty Cash	200.00
Payroll Checking Account	6,778.77
Civic Center Account	250.00
Civic Center Petty Cash	250.00
FNCB Escrow Acct. Throop vs. Gould	201,223.01
Sunny Day Fund CD's	2,333,416.89
Home Program State Grant	1,936.30
Civic Center After School Program	500.00
South Valley Ave. Grant	64,515.11
Warsaw Playground	28,306.22
Liquid Fuels Account	134,328.36
Fund Statement Grand Total:	\$3,445,878.00
(Interest Free) LOAN Balance: Keystone Sanitary Landfill, Inc. (Two payments in the amount of \$262,500.00 each will be paid during the next two quarters, 2003.)	\$1,925,000.00

All in favor

Motion carried

6. Motion by Lukasewicz

Seconded by Barnick

To amend the following motion passed on May 22, 2003:

To accept the proposal from Pennsylvania Paper & Supply Company for the sum of \$2,200.00 to re-coat the civic center gym floor.

The amended motion is as follows:

To accept the proposal from Tom Gazoo for the sum of \$2,200.00 to re-coat the civic center gym floor. (Half down to start, \$1,100.00, balance on completion.)

All in favor

Motion carried

7. Motion by Barnick

Seconded by Chrzan

To authorize Spott & Associates to inspect the Meade St. Sewer Project when necessary. (The Meade St Project is the CDBG project. The Borough Engineer, Spott & Assoc. is the engineer for the project.)

All in favor

Motion carried

8. Motion by Chrzan

Seconded by Marushock

To authorize Tom Lukasewicz to change his vote on the Tellie & Coleman invoice that was included on the May list of bills. Mr. Lukasewicz would like to abstain from paying their invoice.

Five in favor - Chrzan, Barnick, Marushock, Barone, Mellody

One abstain - Lukasewicz

Motion carried

9. Motion by Barnick

Seconded by Chrzan

To purchase 3 picnic tables and 6 benches for the Washington Street Park

On the question:

Barnick: You're going to receive three bids from three different companies for these tables and benches? Are we going to try to match what we've got there? *Elaine indicated she would obtain three bids but the recommendation was to go with the same as used in the newer parks, not wood.*

All in favor

Motion carried

10. Motion by Barnick

Seconded by Lukasewicz

To amend Ordinance # 9 of 1992 "Nuisance Ordinance" amend only Section 2 (n) (5e) - Weeds or uncultivated vegetation which are over one (1) foot tall. Amend to within 5 days abate the nuisance. The current ordinance states 10 days.

On the question:

Marushock: I have a problem with this because this law is not being enforced fairly. There are some individuals who received letters with a weed problem and some need to go before a magistrate. *Inaudible, mentioned turning the other head.*

Chrzan: The zoning officer said he's trying to get to everybody and he can only do so much.

Barnick: And he only works limited hours too, so.

Marushock: I understand that but I feel we need to treat everyone fairly.

Barnick: We send these letters out, then you have to follow up on the letters, then you have to file it in court, then they go cut it and then they let it go again. It's not different people. It's the same people every year doing the same thing over and over. *He indicated he didn't like the allowance to get a foot high. He thought a foot was pretty high.*

Mayor: He's one of the most conscientious people I think I've ever met, really.

A discussion took place.

Four in favor - Chrzan, Barnick, Lukasewicz, Barone

Two against - Marushock, Mellody

Motion carried

11. Motion by Chrzan

Seconded by Barone

To ratify the \$200.00 check to Gail Ercoli towards expenses for the Summer Camp Program and to issue her an additional check in the amount of \$300.00 for Summer Camp.

All in favor

Motion carried

12. Motion by Chrzan

Seconded by Barnick

To adopt Throop Borough Resolution # 9 of 2003 re-appointing Frank Galli to the Civil Service Commission for a 4 year term.

On the question:

Barnick asked if they had an annual meeting and if the minutes/report were up to date as required by law. Everything should be kept in order/proper.

All in favor

Motion carried

13. Motion by Chrzan **Seconded by Barnick**

To adopt Throop Borough Resolution # 10 of 2003 re-appointing Tony Amico to the Throop Borough Planning Agency for a 2 year term.

On the question:

Barnick commended Tony Amico for a good well done and the time he served and discussed the need to go forward with projects such as Scranton Craftsmen, the Mid Valley School District Field House Project and Rinaldi.

All in favor

Motion carried

14. Motion by Chrzan **Seconded by Marushock**

To adopt Throop Borough Resolution # 11 of 2003 re-appointing Nick Rocco to the Throop Borough Planning Agency for a 2 year term.

All in favor

Motion carried

15. Motion by Chrzan **Seconded by Marushock**

To accept Larry Hartshorn's resignation from the Throop Borough Zoning Hearing Board, June 9, 2003.

All in favor

Motion carried

16. Motion by Barone **Seconded by Marushock**

To adopt Throop Borough Resolution # 12 of 2003 appointing Walter Rakosky to the Throop Borough Zoning Hearing Board for a 3 year term effective immediately. (Mr. Rakosky will replace Larry Hartshorn.)

All in favor

Motion carried

17. Motion by Barone **Seconded by Lukasewicz**

To adopt Throop Borough Resolution # 13 of 2003 re-appointing Joseph Palumbo as an alternate member of the Throop Borough Zoning Hearing Board for a 3 year term.

Five in favor - Barnick, Lukasewicz, Marushock, Barone, Mellody

One abstain - Chrzan

Motion carried

18. Motion by Chrzan

Seconded by Marushock

To authorize one of our landfill inspectors to work on Friday, July 4, 2003 from 5:00 a.m. to 8:00 a.m. (The change of schedule is due to the holiday.)

On the question:

Barnick: Mentioned the change in hours at the landfill and asked Elaine to get more information.

All in favor

Motion carried

19. Motion by Barnick

Seconded by Chrzan

To adopt Throop Borough Resolution # 7 of 2003, adopting the Emergency Operations Plan. William Tarby is the Emergency Management Coordinator. The EOP will be submitted to Lackawanna County.

All in favor

Motion carried

20. Motion by Chrzan

Seconded by Marushock

To adopt Throop Borough Resolution # 8 of 2003, Cooperation Agreement with LCRA for the Warsaw Section Ollendike Street Storm Sewer Extension Project.

All in favor

Motion carried

21. Motion by Marushock

Seconded by Barone

To table Motion #21, as follows:

To accept the proposal from Joseph J. Vidal & Sons for the sum of \$1,895.00 for security cameras at the Washington Street Park. A 30 % deposit is required to start the work, \$568.50.

All in favor

Motion tabled

22. Motion by Barnick

Seconded by Chrzan

To authorize payment to P.M.P.S. in the amount of \$812.50 from the assets of the Police Pension Fund. (This is the final installment for the existing contract.)

All in favor

Motion carried

23. Motion by Marushock **Seconded by Mellody**

To advertise for bid the Borough Insurance Package and the Workers Compensation and Heart & Lung Policies.

All in favor

Motion carried

24. Motion by Marushock **Seconded by Barnick**

To confirm that all hourly employees should punch out for their lunch breaks.

Five in favor - Barnick, Lukasewicz, Marushock, Barone, Mellody

One against - Chrzan

Motion carried

25. Motion by Barnick **Seconded by Barone**

To authorize payment # 1 in the amount of \$30,330.00 to Scranton Craftsmen, Inc. for the Keystone Detention Basin Outlet Replacement Project as recommended by the Borough Engineer, Frederick C. Spott & Associates.

Five in favor - Barnick, Lukasewicz, Marushock, Barone, Mellody

One abstain - Chrzan

Motion carried

26. Motion by Barnick **Seconded by Barone**

To authorize final payment in the amount of \$3,370.00 to Scranton Craftsmen, Inc. for the Keystone Detention Basin Outlet Replacement Project as recommended by the Borough Engineer, Frederick C. Spott & Associates.

Five in favor - Barnick, Lukasewicz, Marushock, Barone, Mellody

One abstain - Chrzan

Motion carried

27. Motion by Barnick **Seconded by Barone**

To approve Scranton Craftsmen's Change Order # 9 regarding the S. Valley Ave. Sanitary Sewer Project. This is an increase of \$6,500.00, as recommended by the Borough Engineer, Frederick C. Spott & Associates.

Five in favor - Barnick, Lukasewicz, Marushock, Barone, Mellody

One abstain - Chrzan

Motion carried

28. Motion by Barnick

Seconded by Barone

To approve Scranton Craftsmen’s Change Order # 10 regarding the S. Valley Ave. Sanitary Sewer Project. This is an increase of \$2,074.00 as recommended by the Borough Engineer, Frederick C. Spott & Associates.

Five in favor - Barnick, Lukasewicz, Marushock, Barone, Mellody
One abstain - Chrzan (family member works there) Motion carried

29. Motion by Barnick

Seconded by Barone

To authorize payment # 1 in the amount of \$185,911.88 to Scranton Craftsmen for the S. Valley Ave. Curbs & Sidewalks Project, as recommended by the Borough Engineer, Frederick C. Spott & Associates.

On the question:

Barnick: Maybe the Times could go down there and take a picture of that and do a story on that, something positive. The only thing that’s missing there is the sidewalk from the middle of the ridge to.....at a bare minimum get the borough guys out there with the backhoe and clean that area so there’s a walkway right through.

Lukasewicz: Like they did a couple of years ago.

Chrzan: They did a beautiful job. Let’s see if we can finish that, we should.

Five in favor - Barnick, Lukasewicz, Marushock, Barone, Mellody
One abstain - Chrzan Motion carried

30. Motion by Chrzan

Seconded by Barnick

To reimburse the following employees for prescriptions:

Charles Reed \$148.39
David Dozack \$125.72

All in favor Motion carried

31. Motion by Chrzan

Seconded by Barone

To eliminate Monday’s Summer Recreation Program at Woodlawn Street Park due to the lack of shade and the bees.

On the question:

Marushock: I will reluctantly vote to support this but because of the issues that were brought up, the

shade problem at the site, and the children stung by the bees. We need to eliminate this program at that site right at this time. *Inaudible.*

Barnick: I'm going to abstain on any one of these motions because I don't think it should have ever changed from the Washington Street Park. It just made it harder on everyone else.

Barnick said he couldn't see going from park to park and moving from place to place.

Barone: This was only a trail test.

Chrzan: They (people) don't know where to go.

Marushock: It's posted.

Few speaking at once. A discussion took place.

Five in favor - Chrzan, Lukasewicz, Marushock, Barone, Mellody

One abstain - Barnick

Motion carried

32. Motion by Chrzan

Seconded by Barone

To schedule Monday's Summer Recreation Program at Washington Street. Park.

On the question:

Marushock: The same as last time, I'm reluctant.

Five in favor - Chrzan, Lukasewicz, Marushock, Barone, Mellody

One abstain - Barnick

Motion carried

33. Motion by Chrzan

Seconded by Marushock

To install one or up to two speed bumps on the first block of Clarion Court, on a trial basis.

On the question:

Barnick: Keep in that motion on a trial and error basis. *Barnick said he read the memorandum from the solicitor and understood the liability and everything.* He asked what you do if a kid is playing in the yard and these cars shoot down at 45, 50 or 60 miles per hour. There was no way to stop them.

Lukasewicz: It is a liability problem.

Atty. Cimini stated there is a liability issue but he was not saying don't put them in. Just understand the liability.

Few speaking at once, a discussion took place.

Four in favor - Chrzan, Barnick, Marushock, Barone

Two against - Lukasewicz, Mellody

Motion carried

34. Motion by Barone

Seconded by Chrzan

To approve a "Letter of Credit" for Throop Hose Co. # 1 in the amount of \$55,000.00. (Hose Co. # 1 applied for a \$550,000.00 grant for a new ladder truck and a letter of credit in the amount of 10% is needed.)

On the question:

Chrzan: That's only if they need it.

All in favor

Motion carried

35. Motion by Chrzan

Seconded by Marushock

To table Motion #35, as follows:

To accept the "Agreement of Sale" between Greenview Development Inc. and the Borough of Throop. The seller, Greenview Development Inc., agrees to sell and convey to the Buyer, Borough of Throop, a portion of the "Village Square Tract" consisting of approximately 10 Lots, (Lot No.'s 103 through 111, inclusive and Lot B) inclusive of that portion of Charles Court (Allegheny Court) on the Village Square Tract adjacent thereto, being approximately 3.5 acres. The purchase price is One Hundred Thousand (\$100,000.00) Dollars. Any and all liens or fees owed to the Borough regarding planning and engineering fees, subdivision fees and paving assessments, etc will be deducted from the \$100,000.00. Upon closing or immediately thereafter the Seller shall make a charitable donation in the amount of \$25,000.00 to the Throop Borough.

All in favor

Motion tabled

36. Motion by Barone

Seconded by Lukasewicz

To adopt Throop Borough Ordinance # 7 of 2003, Providing for Increasing the Debt of the Borough of Throop, \$1,550,000.00. for the Purpose of Providing Funds for Capital Projects. The loan will be from First National Community Bank at 3.85% interest for 10 years. A complete copy of the ordinance is posted on the bulletin board. Any changes must have a "Super Majority" vote, and meet any legal requirements. The Capital Projects are as follows:

a.	Land	\$ 100,000.00
b.	Salt Shed & DPW Garage	\$ 400,000.00
c.	Eddy Creek Sewer Project	\$ 600,000.00
d.	Eddy St., Franko St., Delaware St. Sewer Project	\$ 200,000.00
e.	South Valley Ave. Sidewalks	\$ 250,000.00

On the question:

Mellody: The money, you said the money's spent elsewhere?

Lukasewicz: It should not be spent elsewhere.

Barnick: It should not be (spent elsewhere) unless there's a super majority.
A discussion took place. Cimini addressed issues with council regarding project and using the money elsewhere, which would be a problem.

Marushock: I'm against because I cannot see putting the Borough of Throop in the hole for 1.5 million dollars. We have problems meeting the debts we're involved in right now.

Four in favor - Chrzan, Barnick, Lukasewicz, Barone
Two against - Marushock, Mellody

Motion carried

37. Motion by Barnick

Seconded by Chrzan

To issue a check in the amount of \$98.44 payable to DCED for the submission of the loan documents to the state.

Four in favor - Chrzan, Barnick, Lukasewicz, Barone
Two against - Marushock, Mellody

Motion carried

38. Motion by Barnick

Seconded by Barone

To rescind the motion to give authorization to borough solicitor to participate in the landfill appeal assessment with the Mid Valley School District.

On the question:

Note: There were no audience comments on this motion.

Lukasewicz: To withdraw. We're going to get the money anyway.

Barnick: I explained the reasons why. We're just going to fight dead against the wall continuously there now, if you've followed this whole situation all the way up to the way it's going. Hopefully Mid Valley wins but I don't want to join in and have to pay a whole bunch of money defending this.

All in favor

Motion carried

39. Motion by Barone

Seconded by Barnick

To increase Art Tetreault, Assistant Zoning Officer, up to a maximum of 34 hours per week, temporarily, for the summer.

On the question:

Chrzan: He's doing a heck of a good job, too. *Barnick agreed.*

All in favor

Motion carried

Audience Comments:

Renee Turaski, Blvd. Ave. -What could be done with absentee landlords and the use of rental addresses as their home addresses (where they do not reside). Zoning officers or police officers could not get hold of them or get after them. She requested more patrol from the day shift in lower Throop.

Officer Reed, Dimmick St. - Discussed absentee landlords, checking in on the elderly during the summer/winter months and thanked anyone on council responsible for appointing Gail at the civic center. His two grandchildren go to the center, he thought she should be commended for her job.

Susan Shortz, Franko Street - With regard to the article with regard to the Throop v. Gould litigation and in response to Mr. Barnick's earlier comments, she wanted to clarify some issues. After reviewing the invoices from the attorney she had concerns with regard to the phenomenal amounts paid. The purpose of the lawsuit was to recoup money the borough spent on engineers and she thought that did not happen and it was wrong. A major concern was Paragraph 3 in the agreement the wording gave away a lot more than just the right to sue again to recoup engineering costs, namely any future fights with Gould. She stated she was not blaming council if that was the feeling and didn't mean it to be an insult but just wanted the views known. She discussed issues with the Sunshine Act regarding Executive Sessions. She thought the attorneys led council to believe the judge was saying this was best way to go and you needed to accept this. She felt Blazey represented us inappropriately and as a result had hurt the borough. Any monies reported came off the invoices.

Barnick reiterated council did the best they thought. just to waste the money. This was a precedent setting case and nobody knew how it was going to go to recover the fees. He said again there was plenty of opportunity to appeal and they should have hired an attorney to do so. What's done is done and you can't cry over spilled milk but the borough should not be portrayed in a negative manner six months later. He said when the attorney held an Executive Session, he held it for litigation purposes. If there was any violation of the Sunshine Act, he would be the first one to say there was.

Joe Keyasko, Kossuth St. - Said he told the attorney in 1999 to file against Gould with regard to the Ordinance the borough has and to give them 30 days or enforce the \$300 a day fine after the 30 days. It still isn't filed. That would have been a nice piece of change. It's there (the lead), there's no question in the world, it's there.

Dave Morrell, 315 George Street - Mentioned in the prior months he had requested speed bumps for Clinton Court.

The meeting was adjourned.

Elaine Morrell, Administrator/Secretary

Minutes by Christina Sullivan, Asst. Secretary

