

**Minutes  
Throop Borough Council  
Special Monthly Meeting  
Thursday, June 8, 2000  
(Following the 6:30 p.m. special monthly work session)**

**The meeting opened with the Pledge of Allegiance.**

**A moment of silence will be observed in remembrance of Governor Robert P. Casey.**

**ROLL CALL:**

**Members Of Council:**

Joseph Keyasko-P

Vice President - Anthony Chrzan-P

George Marushock-P

President - Joseph Barone-P

James Barnick-P

Robert Mraz-A

Thomas Lukasewicz-A

**Mayor** - Stanley Lukowski-P

**Controller** - Daryl Menichetti-A

**Solicitor** - Attorney Louis Cimini-A

**Treasurer** - Lenore Dolan-P

**Announcements:**

- An Executive Session was held this evening at 5:30 p.m. with Atty. Doug Blazey regarding Throop vs. Gould.

**Audience comments on tonight's agenda:**

There were no audience comments on tonight's agenda.

**1. Motion by Barnick**

**Seconded by Chrzan**

To reimburse the Throop Booster Club \$1,000.00 for the payment they made to Scott Zilla for 200' of chain link fence, materials and labor. This is in regards to the motion that was passed by council on April 25, 2000, *to repair the damaged fence at the Washington Street Park and to install approximately two hundred twenty five feet (225') of fence at the Little League Complex in the area of the Center Street entrance.*

Barnick-Can we add on to this Mr. Chairman, also to please to ask them to notify the insurance company to get reimbursed for the damages that occurred on this?

Barone-Yes.

All in favor

Motion carried

**2. Motion by Chrzan**

**Seconded by Barnick**

To direct the Borough Solicitor, Louis A. Cimini to develop and advertise an ordinance to accept the approximately 48 acres of land known as the Eddy Creek Refuse Bank.

On the question:

Marushock-On the question Mr. President, do we have documentation that the mine fire had been fully extinguished so that the Borough would not assume any liability.....(tape unclear)....of that site?

Barone-I don't know if we have any documentation on that or not.

Marushock-I think that should be necessary before we assume ownership of that site, we don't assume a liability.

Barnick-Mr. Chairman, I would say that he'd work on that to make sure.

Barone-Yes.

A discussion took place and everyone spoke at once.

Keyasko-Joe, before (tape unclear) develops there, who's going to be responsible (tape unclear) for getting it out?

Barnick-The mines, the mine people are responsible for any mine fires.

Keyasko-When you buy it, are you going to be responsible?

Barnick-The mine people from DEP are responsible for all mine fires throughout.

A discussion took place.

Chrzan-I call the question.

Three in favor-Chrzan, Barnick, Barone

Two Abstain-Keyasko, Marushock Motion carried

**3. Motion by Barnick**

**Seconded by Chrzan**

To adopt Throop Borough Resolution # 29 of 2000, a resolution entering into an agreement with Throop Volunteer Hose Co. # 3 Rescue 27 authorizing the President of Council to sign the required forms in order that Hose Co. # 3 may enter into a lease purchase agreement to replace the SCBA (self-contained breathing apparatus). There is no financial obligation on the borough's part.

All in favor

Motion carried

**4. Motion by Barnick**

**Seconded by Chrzan**

To approve Leeward's Application for Payment # 6 - Boulevard Project - \$266,942.81 (Approved by Frederick C. Spott & Associates, Borough Engineer).

On the question:

Marushock-Mr. President, do we the solicitor's opinion on this for approval?

Barone-I don't think so.

Marushock-The Borough Engineer, that was all, that was sufficient?

Barnick-Sure.

Three in favor-Chrzan, Barnick, Barone

Two abstain-Keyasko, Marushock Motion carried

**5. Motion by Barnick**

**Seconded by Chrzan**

To approve Leeward's Application for Payment # 3 - Crawford Court Phase II - \$56,725.25 (Approved by Frederick C. Spott & Associates, Borough Engineer).

On the question-

Barnick-On the question, Mr. Barone, a reason, you don't have the information, that is not a reason to abstain on voting. There is only two reasons to abstain.

Chrzan-The Borough Code states that, you've got to follow the Code.

Barnick-When they abstain, it is neglect of your duty as an official of this Borough. That's outright neglect under Section 901 of the Borough Code, to seek (tape unclear) vacate. I think we need to further look into that.

Marushock-Again, Mr. President, I am questioning the question, do we need the solicitor's approval on that?

Barone-No.

Marushock-I don't have a professional opinion on that, I will abstain on that motion.

Three in favor-Chrzan, Barnick, Barone

Two abstain-Keyasko, Marushock Motion carried

Barnick-I just hope the people out there in the town realize that these guys don't want to vote for another.....work that's getting done on their sewer lines. I hope they realize that come election.

Chrzan-Most of you people from the Boulevard, this is what's holding everything up.



On the question:

Marushock-On the question, Mr. President, the one thing I'm questioning is the Borough being responsible for private hookups, I realize that we are obligated to run the line to the property or whatever, I am questioning the legal responsibility of the Borough inside the....(tape unclear)....making the final hookup. I (tape unclear) set the precedent here, I understand it's got to be done, but the borough is doing the internal hookup (tape unclear) inside to residents.

Barnick-Now, Mr. Chairman, they were hooked up prior. It was the borough's cause, that caused every property to keep on getting flooded. The borough wants to fix that, you run a new line in, what do we do, charge another sewer hookup from there? Then we start all over.

Marushock-I'm not trying to get a re-hookup fee for this permit, I'm just asking you for the, are we entitled to, inside of that residence, is to be borne by the borough, is that legal?

Barnick-Or we could be liable for a \$130,000.00 lawsuit ....(tape unclear)..... Warsaw.

Keyasko-Jim, couldn't we have, at least sign, if anything, any damages to the house or something, happens? We got sued before, you know. We're going to have to open up the sewer line. Get a release number three, that's all.

A discussion took place.

Chrzan-Put in there, Jim, what's the big deal? Put in there, condition of a release, what's the big deal?

All in favor

Motion carried

Marushock (with the release by the property owner)

**9. Motion by Barnick**

**Seconded by Chrzan**

To contact Commonwealth of Pennsylvania Unemployment Compensation to change our status for the unemployment from reimbursable employer to contributing employer.

All in favor

Motion carried

**Audience comments:**

John Sholcosky, 146 Brick Street, lower Throop-Concerning the sewer project, I'm having a problem with one neighbor that pulling a vehicle onto my sidewalk. (Tape unclear), they landscaped it, they thought.....over it. Now it's about, I got like an inch deep, 8-10 inches wide, about seven-eight inches deep. So, I'm going to see Leeward tomorrow, I'm going to ask them, those guys, they're nice, they'll come over and they'll do it, they'll re-sod, refill, but I mean, I have to do this every day? Like these guys to have to chase them (tape unclear) but I'm going to tell the neighbor that to park on the street, but not on the sidewalks, not to destroy my property, that's all.

Chrzan-What's the address down there?

Sholcosky-one four and six.

Barnick-When you're talking to Leeward tomorrow, could you ask them maybe to put a horse there for temporarily until the grass starts to pick up a little bit, for a few days.

Sholcosky-I can ask them but he has cones up there, where they have the sewer breaks in there, now he has cones there, they're talking on the other side, next to Mary's. (Tape unclear) is my other neighbor on the other side (tape unclear).

Unknown-The problem I have is, I'm wondering why did they raise that road so high? Now what they did, at the last meeting I mentioned the problem I have at my property in back of me, I never noticed what's going on in the front. My road, the road is even now, it's back even with my sidewalk. When they raise it another inch the road is going to be higher than my property, I am going to get water on the low part of that road. Now, in front of my new garage when they put the concrete in they put like a slope so the water is running from my driveway into to the street. It can't run into the street now because the street is higher than my driveway, I have a gully at a curb in front of my new driveway.

Chrzan-Did you talk to the engineer down there when they were doing it?

Unknown-No, I didn't see anybody, they came, they went, that was it. I need someone to look into this because this road is higher than my property and I am going to get flooded, I know this. I have a brand new house down there with a finished basement, as I say I'm in the lowest part of the road, so I'm sure I'm going to get water.

Barnick-We can get the engineer to look at it.

Barone-What's your address again?

Unknown-141 Pine. Thank you.

Bob Lokuta, 200 Phillips Street-I'd like to pickup on the word Mr. Marushock likes to use, accountability. The 1998 audit that was done of the borough, who did it?

Marushock-I don't know.

Bob Lokuta-I'm not talking to you, Mr. Marushock, I'm talking to Mr. Barone.

Barone-The 1998 audit?

Lokuta-Yes.

Barone-There wasn't one for 1998.

Lenore Dolan-Yes.

Barnick-Yes there was.

Lokuta-Was that done by an outside firm, was that done by a controller, who was that done by?

Barone-Was it Fagnani?

Chrzan-He's a professional, Fagnani. Fagnani, right?

Lokuta-My question is.....

Barnick-You mean for '98 or for '97?

Lokuta-For '98, for the fiscal year of '98.

Barnick-Fagnani.

Morrell-Bernie Fagnani, yes.

Lokuta-Did the controller do one also?

Barnick-Supposed to.

Lokuta-All right, my question to, I have to include both to be fair, why wasn't the problem we're experiencing over at the Civic Center picked up in that year? If we expended the money for an outside auditor and we have a controller, we had two audits done, why wasn't that problem picked up in 1998 when it existed? And we have proof that it existed.

Barone-(Unclear)

Lokuta-I think, both audits were flawed and inaccurate, they both were flawed and inaccurate.

Chrzan-I think we've got to be careful on the answers, Joe, because it's under investigation with the D.A.'s office.

Lokuta-No, we're talking 1998, Tony, we're not talking '99.

Chrzan-That's included though, Bob.

Barnick-That's included.

Chrzan-That's included, so you got to be careful.

Lokuta-Well, I'm talking about the audits that were done. They're flawed and inaccurate because they did not address everything, all the assets of this borough, all the fiscal problems of the borough, and the fiscal management of the borough, they didn't address it. So there, Mr. Marushock, there's accountability, everybody makes mistakes, Mr. Marushock.

Marushock-I was not here in 1998.

Lokuta-Everybody makes mistakes. Everybody is human.

Marushock-I understand, but when it comes to money, I want.....accountability of every dime of public money that's in this building.

Lokuta-And we are going to be looking for an accountability of you, sir, for your performance as one of our councilmen, we will be looking for that accountability.

Marushock-You're entitled to that.

Lokuta-And believe me, right now it's not that great.

Marushock-That's your opinion.

Lokuta-Well, I know that for a fact, because you vote against everything that's good for this town.

Marushock-I told you I will not give you a rubber stamp for that Civic Center, no matter what it means, and I refuse to do so.

Lokuta-I'm glad your feelings are like that, but you should never vote for not going for the money for the Boulevard Project, those people need sewers and you're against it.

Marushock-I voted with the reason.....

Lokuta-You're against it, sir.....

Marushock-.....that I'd like to have a professional opinion on that, which I am entitled to a professional opinion.

Lokuta-You're against them getting their sewer project down there and it's free money.

Marushock-I am not against that.

Lokuta-Yes, you are sir.

Marushock-No.

Lokuta-Yes, you are.

Marushock-I'm against the way it was funded.

Lokuta-You're against it.

Marushock-I'm against the way it was funded, I'm not against the sewer project, get your facts straight.

Lokuta-Accountability, we will be taking an accountability check of you periodically.

Marushock-You don't know what you're talking about.

Lokuta-Yeah. I'm talking about? I think you ought to sit there and take a good look at yourself, sir. Trust me.

Marushock-You know, that's another thing while we're on this subject. You as the zoning officer.....

Lokuta-Assistant Zoning Officer, sir, get your facts right.

Marushock-Your behind a lot of the residents of this town, you ought to look at your own property, sir, I'll bring pictures to verify what I'm saying on George Street.

Barnick-You don't have garbage trucks down there, do you?

Chrzan-You don't have garbage trucks down there in your yard, do you?

Everyone spoke at once and tape is unclear.

Jack Dolan-Getting back to that \$1,000.00 that you were going to pay the Booster Club back, I think the borough could see if they can get something done at the entrance over by the cemetery there, maybe block that off with some of those Jersey barriers before they get in there?

Marushock-That would be a good suggestion.

Dolan-I talked to John Musewicz about an hour ago and he said they did a job on the fence, they cut down about four posts and stole three more today. So they did quite a job the past two nights. Everyone spoke at once and tape is unclear.

John Stoffey, 238 Bellman Street-Mr. Marushock, you're saying you're voting against the way the money was funded for the project on the Boulevard, right? So in other words, I'd like to know what you're going to do for this town, you're an elected official, tell me what you're going to do so far? What are you going to do? What did you do, let's put it that way.

Marushock-Right now? Right now, I'm probably in here five months.

Stoffey-Six months.

Marushock-Six months.

Stoffey-Yeah, but the six months you're here you criticize everything, you criticize everything that's done in the town, am I right? The sewers down there, you criticize the Civic Center over there, the way, the way it's operated, the way everything is run, it's all for the kids, you criticize the Warsaw Playground because you don't want the playground, you criticizing this, I mean, what, just please tell me what you're expected to do as a councilman, what do you expect to do?

Marushock-I believe I have an obligation to the people to provide financial accountability. We cannot go in here, spend money like it's no bottom to the barrel because the well is gonna run dry and again, I'm standing firm on my commitment.....

Stoffey-What do you mean the well's going to run dry, you mean to tell me the borough is going to go bankrupt?

Marushock-A possibility exists at the rate that you're spending, yes.

Stoffey-Oh, the borough's going to go bankrupt?

Barnick-Geez.

Marushock-The possibility exists.

Stoffey-Do you know that.....

(Stoffey and Marushock spoke together, tape unclear.)

Stoffey-Do you know that your property taxes are only four mills or could you could go to County Court of Pleas and raise it up to thirty?

Marushock-It's going to be.....

Stoffey-Do you know what thirty mills is? Times your assessment on how these properties, and everything.

Marushock-It (tape unclear) to see, Mr. Stoffey, at the end of this year when you start formulating the budget for the year 2001. What I project right now it's either going to be a tax increase or a cutback in services at the rate of spending that we are currently at.

Barnick-Oh.

Stoffey-Do you think that if they didn't have the money, they wouldn't, I mean, you're saying that the borough is overspending, is that what you're saying?

Marushock-Yes.

Stoffey-In other words, you're trying to tell me that we're over spending?

Marushock-Yes.

Stoffey-Well how do you arrive at the numbers?

Marushock-Right now I'm looking for the end of June that I can come before you people and say

okay, we're halfway through the year, here's our budget, tell us where we are, where are we.  
Stoffey-Then tell us where we stand.

Marushock-Where are we.

Chrzan-I think that's the controller's job.

Stoffey-Well, that's not your job to do that.

Marushock-She can do that, she could do it now.

Stoffey-Well, see, that's where you're wrong, that's not your job to do that.

Everyone spoke at once.

Marushock-I have....information, sir, that I can attest.....

Stoffey-Yeah, but you shouldn't even mention that, 'cause you have nothing to do with that, that's the controller's job, that's why we have a controller.

Marushock-(Tape unclear) and I would know where we are.

Stoffey-See, but that's the problem with you, you're worrying about how much money you're spending, right, which the controller's supposed to take care of that, right, and you're not doing your job for the borough, and you're an elected official.

Marushock-What do want me to do, what do you want me to do?

Stoffey-I have no idea, I'm not up there sitting there.

Marushock-Huh, you want me to do something, but you don't know what you want me to do, is that is?

Stoffey-That's like Mr. Barnick's (tape unclear) different projects, different things around the town, there's bad sewers, this or that, you should get out and like, you know, talk to the people see what's wrong, and that's what a councilman does.

Marushock-I was involved with Robbie the other day on a sewer project.

Stoffey-You should get (tape unclear), so they can call you every day.

Marushock-My point.....

Stoffey-Like these people get called every day, they get a lot of phone calls.

Everyone spoke at once.

Barone-I have a question. You're so worried about the borough going broke, why is it you're only picking on the Civic Center?

Marushock-I'm not only picking on the Civic Center.

Barone-Every week you come in here picking on the Civic Center, that's it.

Marushock-.....this year projected to lose, operating.....

Barone-There.

Everyone spoke at once.

**(Mr. Keyasko stepped out of the meeting momentarily.)**

Joseph Roque - What is the standard measurement from the curb to end of the sidewalk as far as the borough owns? In the Boulevard section? There's a pole for a marker for somebody else's land and it got back to me that another person that it's on borough's land, not to bother them.

Now if it's on borough's land, shouldn't it be (tape unclear) on the borough's land? It's the homeowner that has it on the borough's land. (Everyone spoke at once.) But they're saying it's on borough's land, not to touch it. In order not to touch it, it's the borough that (tape unclear) control, but it's really on his land and he wants to take it out of there and there's other people that saying borough's land. It's really on his land.

Mayor-It's usually five feet.

Mr. Roque-I measured seven.....the pole.

Everyone spoke at once.

Unknown-146 Brick Street, lower Throop.

Barone-I'll have Robbie check on it for you.

Barnick-I'd like to make a motion.

**10. Motion by Barnick**

**Seconded by Chrzan**

Motion for \$100.00 reimbursement for Jamie for overpayment.

Three in favor-Chrzan, Barnick, Barone

One against-Marushock

Motion carried

Barnick-The second motion I'd like to make is:

**11. Motion by Barnick**

**Seconded by Chrzan**

To remove Gavigan as the auditor for the borough general fund accounts and obtain other quotes.

On the question-On the question, Mr. Chairman, is this because the audit we have has come back not in your favor, sir? Is that why you want to make a change now?

Barone-No.

Barnick-No, because the auditor was influenced by several phone calls of this borough. Mr. Marushock you are one.

Marushock-I made (tape unclear) yesterday, that if the audit was going to be released, (tape unclear) obtain a copy of it.

Barnick-So, and the D.A.'s office was notified about it.

Marushock-I understand that you made a phone call that a copy be sent to the President, is that correct, sir?

Barone-No, I made the call.

Marushock-I was told it was Mr. Barnick.

Barone-I made the call, and it's illegal, (tape unclear) for Daryl to call, and the detective will get back to you and that's the end of the case.

Marushock-That was the end of the information that I gave him, I did not try to influence his (tape unclear).

Three in favor-Chrzan, Barnick, Barone

One Against-Marushock

Motion carried

Motion by Barnick

Seconded by Chrzan

To adjourn

Meeting adjourned.

Minutes by Christina Sullivan

Assistant Secretary

Elaine Morrell

Administrator/Secretary