

**Minutes  
Throop Borough Council  
Monthly Meeting  
Tuesday, March 27, 2001**

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

**ROLL CALL:**

**Members Of Council:**

Joseph Barone-P

James Barnick-P

Anthony Chrzan-P

**President** - Thomas Lukasewicz-P

Robert Mraz-A

**Vice President** - George Marushock-P

Joseph Keyasko-P

**Mayor** - Stanley Lukowski-P

**Solicitor** - Attorney Louis Cimini-P

**Treasurer** - Lenore Dolan-P

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

**Announcements:**

- An Executive Session was held on Tuesday, March 13<sup>th</sup> at 6:30 p.m. with Attorney Doug Blazey to discuss legal matters regarding the Marjol Battery Site and to discuss a contract regarding Throop's proposed sewer line through Olyphant Borough.
- An Executive Session was also held on Monday, March 19, 2001 at 6:30 p.m. to discuss Throop's proposed sewer line through Olyphant Borough and Scranton Craftsmen, proposed contracts.
- Today, Tuesday, March 27<sup>th</sup>, 2001 a Surplus Food Distribution was held at the Throop Civic Center. Tony Chrzan coordinated the distribution and thanked the DPW for their help. He mentioned there should have been more people from Throop and there was a lot of food left over.
- The Special Monthly Work Session followed by Meeting for General Purposes for the month of April is rescheduled due to Holy Thursday. The meeting will be held Wednesday, April 11<sup>th</sup> beginning at 7:00 p.m.
- The Annual Children's Easter Party/Easter Egg Hunt will be held on Saturday, April 7<sup>th</sup> at 12:00 p.m. at the Washington Street Park for children ages 10 years old and under. In case of bad weather it will be held on Sunday, April 8<sup>th</sup> (same time).

- An Easter Dance will be held Friday, April 20<sup>th</sup> at the Throop Civic Center for Grades 3-8 from 7:00 - 9:00 p.m.
- The garbage schedule for Holy Week, April 8 - April 14, 2001:  
*All collection routes are changed to one day in advance of the normal collection day.*  
*Please note there are no changes in the recycling schedule.*

**Audience comments on tonight's agenda:**            **None**

**OPENING OF BID PROPOSALS FOR APPOINTED INDEPENDENT AUDITOR:**

Name of Bidder	Address	Bid Amount
Parente Randolph, PC	600 Linden St., Scranton	\$ 8,000.00 Fee for Services Additional: \$ 120.00/Hr.Partners/Manager \$ 80.00/Hr.Sr. Accountants \$ 60.00/Hr.Staff Accountants
Alfred A. Jordano, CPA	436 Spruce St., Scranton	\$ 4,250.00 Fee for Services If Significant Time is Necessary, Additional: \$ 25.00/Hr.
Murphy, Dougherty & Co.	215 W. Market St., Scranton	\$11,000.00 Fee for Services If Additional Services Needed: \$ 60.00/Hr.

**1. Motion by Barnick**

**Seconded by Chrzan**

To accept the bids for the position of appointed independent auditor and refer the bids to the borough solicitor for review and recommendations.

On the question:

Marushock-Reviewing what we have here, proposals before us this evening, what I thought would be a cost savings certainly does not look that way at this time. I don't know why we had to abolish that position of Borough Controller. By doing so, have taken the right away of the citizens of Throop to elect a controller of their choice. By sitting here and just making the appointments, this case has proven in the past that if someone does an audit and the borough has not been satisfied with the results that are inside that audit, they've replaced them, they'll ask them to come back again. An audit should be an independent financial watchdog of this community. Again, by doing this and accepting these bids this evening we're going to exceed cost far over what we were paying by having an elected controller. Barnick-Contrary to what Mr. Marushock is saying and what he has said here, I see a bid in here for \$4,250 and \$25 an hour. Now, for the year of 2000 which we've never received an audit yet for the year,

our controller was paid \$7500.00. Secondly, there was also an independent audit done to ensure that her books were proper for the state and everything else that's approximately, what was it, \$5000? Including another fraud audit at approximately \$5000? Thank you. Now, cost savings, I'm looking at approximately \$10,000 savings. So contrary to what you're saying here, we're saving about \$10,000 in this position and we'll have a certified public, licensed accountant doing our books. A discussion took place.

Four in favor-Barone, Barnick, Chrzan  
Two Against-Marushock, Keyasko

Motion carried

**OPENING OF BID PROPOSALS FOR THE DEMOLITION PROJECT OF THROOP HOSE CO. #2 HALL:**

Name	Address	Bid Amount
Buranich Enterprises, Inc.	2421 Bald Mountain Rd. Clarks Summit, PA 18411	<b>\$20,022.83</b> <b>Bid bond attached</b>
Douglas Bros., Inc.	RD#1, Box 42 Athens, PA 18820	<b>\$24,948.00</b> <b>Bid bond attached</b>
Shea Industries	90 College Ave., PO Box 493 Factoryville, PA 18419	<b>\$10,900.00</b> <b>Bid bond attached</b>
Stillwater Environmental Services, Inc.	H-C 62, Box 578A Honesdale, PA 18431	<b>\$7,100.00</b> <b>Bid bond attached</b>

**2. Motion by Barone**

**Seconded by Marushock**

To accept the bids for the demolition of Throop Hose Co. # 2's hall/old building located at 200 Boulevard Ave. and to refer them to Louis Cimini, Solicitor, Fred Spott & Assoc., Borough Engineer, and Robert Kalinoski, Street Commissioner, for review and recommendations.

On the question:

Barnick-In reviewing the costs, some are real high but some are decent. Were all of them provided that it's going to be free dumping at the landfill, or do you know, with the specs?

Lukasewicz-Personally, I don't know but if Robert was here, I think he prepared the specs.

Barnick-I looked at some of the last demolition bids and some of them are homes and they all came in less than the \$7100.

A discussion took place, everyone spoke at once.

Four in favor-Barone, Marushock, Keyasko, Lukasewicz

Two against-Barnick, Chrzan,

Motion carried

**3. Motion by Chrzan**

**Seconded by Barone**

To accept police reports, zoning report, and landfill inspectors reports.

On the question:

Barnick-The police reports, does that include the monthly time sheets and schedule for part-time police.  
Lukasewicz-I believe it would be all police reports.

Barnick-I just have a question why one officer was not put on for the month of April and I want to refer back to a Resolution, #4, it was part of an agreement that was made out and passed by all of council.  
(Mr. Barnick read Resolution #4). A discussion took place.

All in favor, except Barnick, against  
the police reports

Motion carried

**TREASURER’S REPORTS:**

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

**4. 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.

Treasurer’s Reports:

Unpaid bills:	<u>\$776,987.51</u>	
Paid bills:	<u>38,528.55</u>	
AOL deduction	<u>26.95</u>	
Grand total	<u>815,543.01</u>	
Keystone Landfill credit:	<u>14,116.05</u>	As of 03/16/01
Home Program	<u>4,989.58</u>	As of 03/15/01

Please note, the \$700,000 due to Keystone Landfill is included in the unpaid bills figure. The Home Program for the month of March paid nothing out from the grant. They just paid Marvin Brotter his administration fees which were for February and Rehabilitation progress inspection, which amounted to \$740.00. The checkbook balance, which is the general account, if all the items for payment are approved and all motions tonight plus some utilities that were due, the checkbook balance will be \$675,328.01. The only other figure that has to come out of the total I just gave you for the month of March will be payroll, the last payroll. Like I said before we’ll be repaying our first payment of \$700,000 to Keystone which is due April 1<sup>st</sup>. The balance at Keystone left to pay will be \$2,800,000.

On the question:

**Marushock-I’ll be voting against the items for payment in March, 2001 for the Civic Center with the exception of the First Bankcard which is a Visa in the amount of \$321.46, I’m in favor of. I’ll be voting against Attorney Cimini if he’s still on the Blue Cross plan and....(Someone indicated Attorney Cimini was no longer on the bill) He’s off all together? (Someone replied yes.) Okay. I will be against Attorney Cimini’s fee in the amount of \$6,250 for the month of March, against Gannett Fleming’s invoice for the amount of \$22,752.40, against Attorney Michael Goffer’s invoice, and I believe that’s it.**

All in favor-Marushock, except as noted and Lukasewicz,  
abstain from Attorney Goffer’s bill

Motion carried

**5. Motion by Chrzan**

**Seconded by Barone**

To pay all the employees of Throop Borough. This includes the weekly & monthly payrolls.

All in favor-except Marushock,  
against Mr. Shevchik

Motion carried

**CORRESPONDENCE:**

**Elaine Morrell read letter from John Dolan dated March 9, 2001 pertaining to the Ash Street Extension. (Council previously requested this letter be read.)**

**6. Motion by Barnick**

**Seconded by Chrzan**

To accept the correspondence as read or posted.

Five in favor-Barone, Barnick, Chrzan, Marushock, Lukasewicz  
One against-Keyasko

Motion carried

**The following Motion was withdrawn:**

**Motion by Barone**

**Seconded by Chrzan**

To sell this property to John Dolan at fair market value (Ash Street Extension).

On the question:

Barone-Said this road will never be used by the Borough.

Marushock-We've also received communications from the adjoining property owner that if we extend that courtesy to Mr. Dolan that the adjacent property owner will be interested in this thing also. We're kind of opening a can of worms because, I mean, there's a lot of other properties throughout the town and now we're going to be setting a precedent here and I don't think liquidating any of that property there, especially this time with the pending sewer projects and everything, we have plans for that area. It's not a time to liquidate any of that property.

Chrzan-The land leads to no where. It belongs to Mr. DeNaples and Mr. DeNaples wants to give it up. What else can you ask for?

Marushock- It's an asset of the borough at this time.

Everyone spoke at once, tape inaudible.

Barone-If any other position like that arises and if the street a similar situation like his, I would be glad to sell it to the people who wanted it.

Barnick-I did a lot of reviewing last night in reference to this to see if the borough was right or they could be liable, I really think it needs to go into an executive session because number one, when that street was ordained, there's a certain way to ordain it according to the Borough Code. It's called laying out the street so, apparently when that street was ordained in 1982 and this carport's been there since God knows when, this street was laid out without a proper survey and it was laid right through a house so you really need to get into an executive session and it's about real estate and I think you need to think twice about what you're doing here because there's, this borough could be liable.

7. **Motion by Chrzan** **Seconded by Barnick**

To approve payment for the sum of \$125.00 to Postmaster (Olyphant) for Permit Fee #47.

All in favor Motion carried

8. **Motion by Chrzan** **Seconded by Barone**

To approve payment for the sum of \$500.00 to Pumping Solutions, Invoice 02/16/01, for Vaughn Street Pump Station (refurbish 2nd grinder pump).

All in favor Motion carried

9. **Motion by Keyasko** **Seconded by Barone**

To approve payment to Frederick C. Spott & Associates for invoices for the period 02/07/2001-03/09/2001 for the sum of \$8,095.50.

On the question:

Barnick-I'm going to vote for his bills but the only thing I question is the design of the sidewalks right now. I don't think it's the right time for the sidewalks, especially all the sewer projects that are going on and plus additional backups and the possibility of the Eddy Creek Project going on. I just think it's, I'm sure he did the work but I'm going to vote for him doing to the work but **I'm against the design of the sidewalks at this time because they're all old sewers.**

Chrzan-My question is, I was approached by a couple of people that want to know how come the people in the Boulevard have to pay for sidewalks but the people on Sanderson Street don't have to pay, from the Civic Center to the red light. I don't understand it. I'd like you to explain that. A lot of people are from the Boulevard. They want the people down there to pay for them but not the people up here.

A discussion took place.

Lukasewicz-We unanimously voted to put money into the budget this year to do the sidewalks.

Chrzan-Well you know, I feel sorry for the people in the Boulevard.

Luksewicz-Just because there's some sidewalks going to get done up here doesn't mean that the sidewalks cannot be done in the Boulevard area.

A discussion took place.

All in favor-Barnick and Chrzan,  
except the design of the sidewalks Motion carried

10. **Motion by Chrzan** **Seconded by Barone**

To approve payment to Elliott, Reihner, Siedzikowski & Egan for invoices for February, 2001 for the sum of \$15,165.39.

On the question:

Marushock-When we originally looked at this thing they were talking somewhere between five and ten thousand dollars and we put that on as a motion (inaudible) all of a sudden it's escalated to \$15,165.39. I

believe Mayor, correct me if I'm wrong, of this amount there's about \$3800 for photocopying charges? Mayor-No, not photocopying. Duplicating services, whatever that means.

Marushock-Duplicating, yeah, whatever that means. Duplicating services in the amount of \$3800 plus dollars. This is way out of hand, way out of hand. (Everyone spoke at once.)

Barnick-Instead of making a mockery out of him, you should call him and ask him about his bills. I mean, I normally do but I didn't call him up because I don't have a question. He's been hired to protect this borough as far as this Gould situation and when I heard that tonight, Mr. Lukasewicz was here, our executive session material is coming out into public, by whom.

Marushock-After it was revealed what the price is, not before.

A discussion took place about executive session matters, everyone spoke at once.

Five in favor-Barone, Barnick Chrzan, Keyasko, Lukasewicz

One against-Marushock

Motion carried

**11. Motion by Chrzan**

**Seconded by Barone**

To allocate \$1500.00 to Jamie Shevchik, Civic Center Director, for the Annual Children's Easter Party and Easter Dance. An itemized report must be submitted to the Borough within 60 days of the events.

All in favor

Motion carried

**12. Motion by Chrzan**

**Seconded by Barone**

To authorize Elaine Morrell, Administrator, to pay DPW employees unused hours for unused sick pay, at the rate of one days pay for each two days of unused sick days, as per the Union Contract.

All in favor

Motion carried

**13. Motion by Barone**

**Seconded by Barnick**

To adopt Ordinance #7 of 2001, an Ordinance Abolishing the Position of the Elected Controller, repeals Ordinance No. 9 of 2000 Establishing the Job Duties and Responsibilities of Elected Controller, and Establishes the Position of Appointed Independent Auditor.

On the question:

Marushock-As I spoke earlier this evening, by doing this what we're doing is taking the voting opportunity away from the citizens of Throop (inaudible) appointing an independent auditor. Again, if there's something in the audit that they don't like they can just refuse to do business with them in the future.

Chrzan-That's not true what you said. (Barnick & Chrzan both stated together, she resigned.)

Marushock-I know she did but because we appointed someone else that opportunity was up there.

Keyasko-We had thirty days to try to appoint a controller, why didn't we try?

Barnick-It was taken to a vote.

Lukasewicz-Why didn't we try? For one thing, Joe, who for one thing, the position was downsized from the seven thousand some odd dollar a year to eighteen hundred and some dollars.



**19. Motion by Barnick**

**Seconded by Chrzan**

To deny and/or approve all zoning applications in writing, to also include complaints made by residents in writing.

All in favor

Motion carried

**20. Motion by Chrzan**

**Seconded by Barnick**

To accept the plans for the Bellman Street playground (with the elimination of tennis court and addition of swings as needed), pending Planning Agency approval, and authorize for advertisement for bid.

On the question:

Barnick-I think it's a good thing, it's about time you got a playground down there. They had one years ago but I hope they can move this quick.

Lukasewicz-Well hopefully if the planning commission moves on it fast, this can be put out to bid within a few short weeks.

Barnick-If anybody had the opportunity to check the Warsaw Playground, that thing turned out excellent.

Chrzan-The people up there are happy.

All in favor

Motion carried

A lengthy and detailed discussion took place with regard to Motions 21-26.

**21. Motion by Marushock**

**Seconded by Keyasko**

To reject Olyphant's proposal as prepared by C.J. Mustacchio and any and all amendments thereto contingent upon fair market value appraisal of the easement property.

All in favor

Motion carried

**22. Motion by Marushock**

**Seconded by Barnick**

To authorize the solicitor to develop an ordinance to condemn the property necessary for the sewer easement through the Olyphant property to move forward with the condemnation of the land needed that is owned by the Borough of Olyphant in order to move forward with the Eddy Creek Sewer Project.

On the question:

Barnick-Just the last thing for him to negotiate an easement prior to this developing the ordinance and to include in this ordinance advertisement.

All in favor

Motion carried



Lukasewicz-Just so I understand, Mr. Cimini, you will work on this as quick as possible so that we don't hold up Scranton Craftsmen. Do what you have to do on the condemnation as quick as possible.

**27. Motion by Barnick**

**Seconded by Chrzan**

To adopt Resolution #7 of 2001, Authorizing the Board of Commissioners of Lackawanna County to submit an application for Federal Fiscal Year 2001 for Community Development Block Grant Program Funds in the amount of \$116,123.00 in regards to the Warsaw Section Storm Sewer Improvements.

On the question:

Barnick-I hope this project gets rolling as quick as possible up there, especially with what happened in the past, it's needed.

All in favor

Motion carried

**28. Motion by Chrzan**

**Seconded by Barnick**

To grant the Throop Booster Club permission to use the Washington Street Field for the purpose of the Sr. and Jr. Little League teams to play and practice in the 2001 season.

All in favor

Motion carried

**Mayor's Comments:**

I want to talk about the Census, Tony you mentioned 10 above 4,000 - below that we don't get any grants, that's the disturbing factor. We thought we researched this thoroughly but in the 1990 Census there were 400 homes that were missed. We researched this thoroughly and still came out with the population, 4,010 as opposed to 4,070 in 1990.

The other thing is WYOU called today and they want to do a special on Throop and they're doing this on a number of communities in Lackawanna County so anyone here that wants to participate in that, they'll be an interview-type tomorrow at 1:00 p.m. You can be here and give your opinion on some of the finer points of Throop but some of the hindrances such as the zip code. Certainly when you're losing recycling monies, you're losing wage tax monies, you're losing population, the whole bit.

The other thing, Mr. Burke is Waste Manager of EPA, about having a one on one meeting with them on Friday. You know, this bothered me somewhat. I initially agreed but said I said no, I can't do that. Any such meeting with a high ranking EPA official regarding the Marjol situation should be done, as always, in an open forum. So I called back and said no, I would not participate in such a meeting.

A discussion took place with regard to the tentatively scheduled meeting with EPA, Mr. Lukasewicz had also been contacted. Susan Shortz addressed council and discussed the possible meeting.

A discussion took place with regard to a request by the Throop Booster Club for help with the Throop Little League field.



signer or second party to the title of the truck. Lukasewicz asked the solicitor the amount of debt to be paid around \$98,000.00. Barnick asked why throw up the \$98,000.00 instead of taking the 2% loan. Last payment due was June, 2000, monthly payment of \$650.00 per month. The Hose Co. has a seven year loan on the engine. It's about \$40,000 a year with two or three to go. Everyone spoke at once. Hose Co. representative said it would take one year for loan. Lukasewicz said they would look into it in the next two weeks, by April 11<sup>th</sup> and make a decision and that Lou Cimini would contact the company and say they would make a decision by then.

### **Motion by Chrzan**

### **No Second**

The Borough will pay off the loan that Throop Hose Co. #2 has on the fire truck. The Hose Co. will be the #1 title holder on the truck but the borough would have first lien holder. The Hose Co. #2 will not be able to sell the fire truck.

Chrzan-I don't like to be bringing this up all the time but that wall was damaged over there, borough property, the man's admitted damaging it. The police department didn't do anything about it, if that isn't fixed right, I'm going to go to the magistrate and file a complaint. A discussion took place, someone fixed the wall, the man damaged it and he wants it fixed and asked if he was going to fix it and he was going to file a complaint.

The tape changed here.

### **Audience Comments:**

Dominick Rocco, 110 Sanderson Street-Time to clean the river bank.

Larry Hartshorn, Jr., 125 Pancoast Street-Discussed the Boulevard Project, mentioned it was a disgrace down there and said a meeting with the property owners should be held.

Jim Shepard, Leeward Construction was in attendance. He discussed the sidewalks and felt the problem was the twenty five cents a square foot of just an overlay of one inch, Leeward felt that was not the way to do the job but that was all the money that was allotted and the borough pushed for that. Everyone was pointing fingers at Leeward and he felt the borough and Leeward should have got together more on that. Hartshorn, Jr.-Said he was not talking about the blacktop, but a concrete sidewalk put in for an elderly person that had to come out.

Lukasewicz-Asked Palfrey to advertise if any citizens affected by any problems with the Boulevard Project would contact the borough prior to the meeting on April 11<sup>th</sup>. Any concerns with the way the project done and this way they could be addressed on April 11<sup>th</sup>.

Jim Shepard, Leeward Construction-Discussed bricks used to make grade at the top of the inlet and being informed that's not allowed in the contract, as per the contract. He said brick is approved in PennDOT specifications and it's approved by contract. A discussion took place, Lukasewicz asked him to contact engineer, Spott, directly. He requested someone from Leeward be present at the April 11<sup>th</sup> meeting.

John Snell, Sanderson & Oleckna Street -Asked council for help with water from Tiffany Estates leaving dirt and mess on Sanderson. The water was supposed to be channeled down to the holding pond. He was also concerned with the safety of children with regard to the holding pond. He said he wanted to clarify

something from a previous meeting, for the record. The only permit he issued to Mr. and Mrs. Dolan was for his addition on the left hand side, the east part of his building. That's the only permit he issued. Lukasewicz-Mentioned there are still storm drains that still has to be put in there and requested Lou Cimini to address the issue of storm retention.

Barnick-Questioned if anything is going to be done with the police situation and discriminating against one police officer, taking his hours away and wanted an answer now so he can proceed.

Lukasewicz-Asked the Mayor if there was any answer for Barnick.

Mayor-The Mayor asked if Barnick would go with the Chief and him after the meeting to straighten it out.

Barnick-Replied he didn't want to go on his own. He then questioned what was going to be done about the wall.

Everyone spoke at once.

Chrzan-Asked who tried to fix it up and said it had to be a borough employee, it looked terrible.

Barnick-Said they expended some time doing it because the holes were filled.

Lukasewicz responded the Mayor would look into it.

The meeting was adjourned.

Elaine Morrell, Administrator/Secretary

Minutes by Christina Sullivan, Assistant Secretary