

Minutes
Throop Borough Council
Monthly Meeting
Thursday, May 25, 2000
(Meeting followed the 6:30 p.m. work session)

The meeting opened with the Pledge of Allegiance.

ROLL CALL:

Members Of Council:

Joseph Keyasko-P

Vice President - Anthony Chrzan-P

George Marushock-P

James Barnick-P

President - Joseph Barone-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:

- An executive session was held this evening a 6:00 p.m. to discuss personnel issues.
- The American Legion will conduct Memorial Day Services at the Veterans Monument in front of the municipal building on Monday, May 29th at 10:30 a.m.
- The Veterans of Foreign Wars Post 7251 will conduct Memorial Day Services at the Veterans Monument in the Boulevard on Monday, May 29th at 1:00 p.m.
- Thursday, June 1st at 7:00 p.m. a Special Work Session/Meeting regarding the Boulevard Project and a discussion on sidewalks will be held. All Boulevard/Lower Throop Property owners are asked to attend.

Audience comments on tonight's agenda:

Larry Hartshorn, Dimmick St. (Former DPW employee) Commented on the motion to terminate Doug Walsh.

Hartshorn-Did anyone check on why this man is doing this and why he was hired by this borough?

Barone-It was already discussed, Larry, at the Executive Session.

Hartshorn-Well, give me an answer.

Barone-I can't give you an answer, it's personnel.

Hartshorn-You can't give me an answer?

Barone-No.

Hartshorn-Joe, do you know how Dougy was originally hired in this borough?

Barone-No, I don't.

Hartshorn-Dougy was originally hired for three days a week on the garbage. You go back to the contract, I got the contract, it's in....I got it in my thing over there, and I will be in here fighting for Dougy, I'll tell you guys right now. Because he's being harassed by one member that was hired here, lower in his seniority, he's being harassed by him. And nobody's ever protected Dougy because you know he's slow.

Barone-I don't know anything about that, Larry.

Hartshorn-Well, somebody should have looked into it before you do this termination job.

Barone-That it? Anybody else?

1. Motion by Lukasewicz

Seconded by Marushock

To accept the treasurer's report, police reports, zoning report, landfill inspectors' reports, minutes of the April 25th, May 1st, and May 11th Council Meetings.

All in favor, except Keyasko is against the Treasurer's Report
Motion carried

MONTHLY BILLS.

Lenore Dolan, Treasurer read the totals only of the list of bills.

2. Motion by Lukasewicz

Seconded by Mraz

To pay the monthly bills against the borough.

All in favor, except Marushock is for all the bills except the Civic Centers but he is for the floor machine.

Motion carried

3. Motion by Lukasewicz

Seconded by Barnick

To pay the monthly employees.

All in favor

Motion carried

CORRESPONDENCE:

4. Motion by Barnick

Seconded by Mraz

To accept the correspondence as read or posted.

All in favor

Motion carried

CONTROLLER'S REPORT.

Daryl Menichetti, Controller read the monthly controller's report.

5. Motion by Lukasewicz

Seconded by Marushock

To accept the Controller's Reports and Financial Statements.

Six in favor-Keyasko, Marushock, Barnick, Mraz, Lukasewicz, Barnick
One against-Chrzan

Motion carried

Lenore Dolan-Can I say something? Can we have permission to call Compudata? Because the error that occurred, had to do with a voided check. That was beyond our control. Our system here there telling me, goes back to the date that it was issued, but my question is, what's going to happen at the end of the year when our expenses that end up in December are forwarded to retained earnings, what if we have to void a check come January or February, how we doing to do it?

Barone-What do you want to do?

Dolan-Well, I'd like to ask Compudata, I think Compudata should be in on this, I think that's a poor system. I think that's terrible that it goes back to the original date.

Menichetti-Why don't you post the month, then that check will be voided, it goes back to the month issued.

Dolan-My question is at the end of the year what are we going to do when there's something there..(tape unclear).....retained earnings.

Barone-You call Compudata.

Dolan-Could we have permission to look into that?

Barone-Yes.

Dolan-Thank you.

6. Motion by Barnick

Seconded by Chrzan

To ratify the purchase of the police car at a total cost of \$28,144.00. (This will be a three year lease.) To purchase the Ford Warranty Program with 100,000 Miles and \$50.00

Deductible for a cost of \$2,895.00 .

All in favor

Motion carried

7. Motion by Lukasewicz

Seconded by Mraz

To authorize the quarterly payment to Pennsylvania Municipal Pension Services in the amount of \$750.00 for the Police Pension Fund from the assets Fund.

All in favor

Motion carried

8. Motion by Barnick

Seconded by Lukasewicz

To adopt Ordinance # 15 of 2000, an ordinance establishing designated parking spaces for senior citizens at the Throop Borough Civic Center and fines for violations of said ordinance. (A fine in the amount of \$50.00.)

On the question:

Mraz-There's parking spaces you have for senior citizens, there's also an ordinance for the handicapped, right?

Barnick-That's how it is.

Marushock-I believe we have a grace period for church services, and discussed this previously. I don't know how we're going to enforce that but, (tape unclear) that's the way we worded it.

Unknown-Saturday services over there?

Chrzan-The Mayor will take care of that.

Everyone spoke at once.

All in favor

Motion carried

9. Motion by Mraz

Seconded by Barnick

To donate a \$50.00 bond the Sixth Grade Class at Mid Valley. (Cost \$25.00)

All in favor

Motion carried

10. Motion by Barnick

Seconded by Marushock

To authorize the controller to transfer \$21,586.70 from the "Sanitary & Storm Sewers" budgeted line item G.L. # 436-68000 to "Hose Co. # 3" budgeted line item G.L. # 411-50003 for their Rescue Unit to purchase an imaging camera as approved by council on May 1, 2000.

On the question:

Barnick-Personally, I think it's good to have at least one in town.

Mraz-That includes all the options, right?

Barnick- I think you can get extra options.

Mraz-All the necessary options.....they presented at the.....two weeks ago or three weeks?

Response - Yes

All in favor

Motion carried

11. Motion by Keyasko

Seconded by Lukasewicz

To ratify the DPW Teamsters Local 229 Union contract, effective date March 24, 2000.

On the question:

Lukasewicz-The contract, everything that was included up until the additional two items and to include the increases to the pension and the additions to the life & disability insurance (52 wks).

Barone-I'll be honest with you, I'd like to go back in as Mr. Cummings said, and negotiate more. Barnick-I would definitely like to see that.

Barone-I want to negotiate more, there's a few things I don't understand before I commit myself I want to see that the DPW gets a fair contract and I want to see the borough get a fair one. So I recommend I go back to the negotiating a little bit more.

In favor-Keyasko, Marushock, Lukasewicz

Against-Chrzan, Barnick, Mraz, Barone (Barone against with more negotiation)

Motion failed

12. Motion by Barnick

Seconded by Chrzan

To submit contract back into negotiations for reconsideration.

All in favor

Motion carried

13. Motion by Barnick

Seconded by Chrzan

To authorize two members of the Civic Center Committee to attend the "Community Service for Children 2000 Annual Provider Recognition Dinner" at a cost of \$20.00. One individual is at no cost.

On the question:

Chrzan-Where's the dinner, Joe?

Morrell-It's in Bethlehem.

Chrzan-Okay, well add in there about expenses for gas and everything and else.

Barnick-Whatever the normal is.

Bob Lokuta-We don't want it, just, we don't want it.

Chrzan-What do you mean, you don't want it?

Chrzan-You don't want gas money?

Lokuta-We don't want gas money, we want to go and pay for the one ticket, we're thrilled.

Chrzan-Pay for your own meals.
Barnick-Pack a lunch.

All in favor

Motion carried

14. Motion by Barnick

Seconded by Chrzan

To approve Pioneer Construction Co. Inc Change Orders 1 through 8 for the Line Street Storm Water Project for a total decrease in cost of \$9,120.00.

All in favor

Motion carried

15. Motion by Barnick

Seconded by Chrzan

To authorize payment to Pioneer Construction Co. Inc in the amount of \$6,578.70 for final payment for the Line Street Storm Water Project.

All in favor

Motion carried

16. Motion by Mraz

Seconded by Barnick

To authorize payment to Pioneer Construction Co. Inc in the amount of \$3,375.00 for repairs to the sanitary sewer on Magyar Street. (This was the lowest proposal received.)

All in favor

Motion carried

17. Motion by Barnick

Seconded by Chrzan

Motion to reject the bid from Wyoming Sand, the bid being too late to submit as per the review and opinion of the borough solicitor.

All in favor

Motion carried

18. Motion by Barnick

Seconded by Chrzan

To accept the bid proposal from American Asphalt for the sum of \$174,234.59 for the Street Paving Program 2000 as per the recommendations of the Frederick C. Spott & Associates, Borough Engineer, Louis A. Cimini, Solicitor and Robert Kalinoski, Street Commissioner.

All in favor

Motion carried

19. Motion by Barnick

Seconded by Chrzan

To accept the bid proposal from Pioneer for the sum of \$73,547.75 (Base Bid and Alternate 1) for the Pendel Court Sanitary Sewer Improvement Project as per the recommendations of the Frederick C. Spott & Associates, Borough Engineer, Louis A. Cimini, Solicitor and Robert Kalinoski, Street Commissioner.

All in favor

Motion carried

20. Motion by Barnick

Seconded by Chrzan

To direct the Police Chief and Street Commissioner a request to PennDOT to conduct a traffic study on the corner of Charles and Sanderson Street within the next thirty days.

All in favor

Motion carried

21. Motion by Barnick

Seconded by Chrzan

To amend the Zoning Ordinance regarding fences around pools as per the recommendation of the Zoning Officer.

All in favor

Motion carried

22. Motion by Barnick

Seconded by Chrzan

To amend the Zoning Ordinance to change the three foot fence requirement to four foot fence (general fencing).

All in favor

Motion carried

23. Motion by Barnick

Seconded by Chrzan

To authorize the Street Commissioner to solicit bids for a sanitary sewer hookup at 523 Meade Street.

All in favor

Motion carried

24. Motion by Barnick

Seconded by Chrzan

To authorize the purchase of infield topping for the parks as needed.

All in favor

Motion carried

25. Motion by Barnick

Seconded by Chrzan

To submit a request to the Borough Planning and County Planning Agencies for their

review regarding the curative amendment for John Kearney with a response time of thirty days.

All in favor

Motion carried

26. Motion by Chrzan

Seconded by Mraz

To send a letter to the U.S. Census Bureau requesting an immediate meeting with the senior officials no later than sixty days to ensure the actual physical count.

All in favor

Motion carried

27. Motion by Chrzan

Seconded by Barnick

To obtain unemployment compensation through the state or PSAB as a contributing employer.

All in favor

Motion carried

28. Motion by Barnick

Seconded by Chrzan

To ratify the submission of the application for the Universal Cops Grant.

All in favor

Motion carried

29. Motion by Barnick

Seconded by Chrzan

To authorize the solicitor to prepare an ordinance in regards to false alarms going off in businesses.

All in favor

Motion carried

30. Motion by Chrzan

Seconded by Barnick

To waive the \$2,500.00 reimbursement from the Booster Club for the engineering fee in regards to their grant application in exchange for the borough to pay the street lighting for two years.

All in favor

Motion carried

31. Motion by Barnick

Seconded by Chrzan

To have the Controller check into the paving liens and collecting of fees.

Six in favor-Keyasko, Chrzan, Barnick, Mraz, Lukasewicz, Barone
One against-Marushock Motion carried

32. Motion by Barnick Seconded by Chrzan

To accept the proposal from Bill Kobesky to repair the fence at the Washington Street Park at a cost of \$375.00.

All in favor Motion carried

33. Motion by Chrzan Seconded by Barnick

To accept the proposal from Scott Zilla to replace approximately 250 feet of fencing at the ball field at the Washington Street Park at a cost of \$1,200.00.

All in favor Motion carried

Motion by Lukasewicz Seconded by Mraz

To terminate Douglas Walsh as DPW employee effective immediately.

On the question:

Keyasko-(Tape is unclear).

Marushock-Mr. Hartshorn brought some information tonight that we weren't aware of in our discussion previously. Also,.....(unclear) for another employee which I was not aware of.

Barnick-How about we table this, for right now.

Marushock-This other information came into the picture tonight.

A discussion took place. (Unclear)

Barnick-We'll need some kind of a report back.

Marushock-ASAP.

Barnick-You talk to him, Larry, personally.

Marushock-Would it be possible to have this information before our meeting that is scheduled for June 1st or is it just for sidewalks?

Morrell-That was just sidewalks.

Motion withdrawn by Mr. Lukasewicz & Mr. Mraz.

34. Motion by Barnick Seconded by Marushock

To table Motion #34 *To terminate Doug Walsh as DPW employee.*

All in favor

Motion tabled

35. Motion by Barnick

Seconded by Chrzan

To authorize the solicitor to develop an ordinance for condemnation in regards to the Warsaw Project for the scope of the entire project.

All in favor

Motion carried

36. Motion by Barnick

Seconded by Chrzan

To ratify the request to PP&L requesting two poles and two street lights be installed on Cypress Street

All in favor

Motion carried

37. Motion by Barnick

Seconded by Chrzan

To accept the resignation from Attorney James Mulligan in reference to case Throop Borough vs. Thomas and Maryann Lukasewicz.

Six in favor-Keyasko, Chrzan, Marushock, Barnick, Mraz, Barone
One Against-Lukasewicz

Motion carried

38. Motion by Barnick

Seconded by Chrzan

To appoint Attorney Michael R. Goffer as special counsel in reference to the case of Throop Borough vs. Thomas and Maryann Lukasewicz and also to include Lackawanna County as a defendant.

On the question:

Mraz-Did he say he was going to go on with it other than dragging it out like the last one did with the Borough for over a year?

Barnick-I believe he should.

Marushock-I'd like to see another proposal other than just the one we had before.

Chrzan-You go look for them then.

Some of the tape is unclear. A discussion took place.

Lukasewicz-The lawsuit that was filed by Mulligan, what will happen, that will be withdrawn and now there will be new one, including.....

Barnick-No, he's just going to take over.

Lukasewicz-Are you going to include the county now to.....
 Barnick-Hopefully now as an additional defendant.
 Lukasewicz-Is that standard procedure?
 Cimini-Yeah, there are procedures to add at this.....(unclear).....to a lawsuit. What's going to happen is.....
 Lukasewicz-.....now they want to.....
 Cimini-Procedurally there should be a withdrawal of appearance and entered....new appearance and then requests to add an additional defendant.
 Lukasewicz-You know, I hate to say it, but if the borough is..(unclear)...the county first and not after me. I hate to see.....
 Barnick-Hey, I'm doing what I see is right here. It should have never been sold as the Throop Borough's land, period, PERIOD.
 Chrzan-While you were in office.
 Lukasewicz-Tony, I bought it in 1991 prior to me being in office, so what did you just say?
 (Lukasewicz, Chrzan, and Barnick spoke at once)
 Barnick-What was the action required?
 Lukasewicz-(unclear).....with what Tony?
 Chrzan-I shouldn't even say stuff, I would never do what you did.
 Barone-It's getting late, let's go.

Two Abstain-Keyasko, Lukasewicz
 Four in favor- Chrzan, Barnick, Mraz, Barone
 (Mraz in favor that it may be expedited as quick as possible and not like the last one)
 One against-Marushock Motion carried

39. Motion by Barnick Seconded by Mraz

To reimburse Jamie Shevchick \$17.15 for the sales tax he paid out of his own pocket.

On the question:

Keyasko-What was that money for?

Morrell-When there were purchases made, I believe through Petty Cash, I'm not sure, Jamie, was it for the Easter party?

Barnick-A couple people were acting human, Joe, and they made a mistake and paid the sales tax.

Morrell-When they went and made purchases they paid sales tax and Jamie took it out of his own money and reimbursed it to the borough so Council feels as though Jamie shouldn't have done that, that it...

Barnick-It happens.

Morrell-To give him back the seventeen dollars.

Six in favor-Keyasko, Chrzan, Barnick, Mraz, Lukasewicz, Barone
 One against-Marushock Motion carried

AUDIENCE COMMENTS:

Dominick Rocco-About that four foot fence.

Barone-What about it?

Rocco-Is that for above ground pool, in ground pool?

Barnick-(unclear)...You know how you put a fence around your yard?

Rocco-I thought.....swimming pool.

Barnick-No.

Rocco-You don't need one above ground, right?

Morrell-That's why we did two separate motions, the first one was in reference to the swimming pools and the second motion was in reference to just fence, property fence.

Larry Hartshorn-I'm back on my road again. Rinaldi right, you should get him to get his stuff out to the road.....(unclear).....land, save you a lot of money. That's all his garbage down there, that's red ash and stuff, tell him to get it out of there. Give me permission to open the road, I'll load it myself. I'll get a loader from K.C. Jones, go down and open the road so I can get in my yard. Then I'll take all the responsibility of the insurance or whatever damages, I want a road to my yard so, I got my boat in somebody else's yard, I got a car in another yard, I can't get in my backyard, can't park out front, there's a fire hydrant.

(Someone spoke on the tape, unclear, and then a discussion took place.)

Bob Lokuta, 200 Phillips Street-First off I'd like to thank council for the acquisition of the machine to clean the floors over in the Civic Center. Feedback from the maintenance guys, fantastic. I think if you go over and you take a look at the floors you're going to see a dramatic difference. So I'd like to thank you for that, okay. This is the second month that I've tried to get some answers from this article that's in the paper and our controller seems to leave before audience comments. So I'm going to be forced to go through Freedom of Information Act and get this. If I can't get it here, peaceably, then we'll do it that way. I think it's horrible that we don't get a chance to address our questions to the elected officers. This is ridiculous. I'll do it through the courts and I'll get the information that I want and it'll be over with, but I think some kind of ground rules should be made that we are given the opportunity to address all elected officials and we're not. I mean, this is two months in a row.

Mraz-When we do roll call, does everybody, do you question everybody for roll call, Elaine?

Morrell-At the beginning of the meeting?

Mraz-Correct.

Morrell-Yes.

Mraz-Well then how could somebody leave before a meeting is ended?

Barnick-(unclear)

Mraz-You know what I'm saying? The meeting isn't over.....I mean, I mean, plain and simple, I don't know, you're addressed for attendance, then you have to.....

Menichetti-Do you have a problem?

Mraz-No, I just have a question.

Menichetti-I can only sit here so long. I'm sitting here.....

Mraz-You're part of the meeting.

Barone-We're also sitting here too.

Menichetti-Why don't you adjourn already? It's time to go home.

Barone-Because we're not finished yet.

A discussion took place.

Mraz-Back to legalities, if you take roll call somebody leaves in between a meeting before the meeting's over.

Unknown-Unless they're excused.

Lukasewicz-I don't know, I guess you....excused.

Barone-I know every other council member or anybody that left before the end of the meeting, they excused themselves. Except this one. You want to ask her a question, Bob?

Lokuta-I'll do it through the courts.

Barone-Okay.

Lokuta-I mean, if I can't get an answer like from everybody else, I'll do it through the courts and I'll get my answer that way in a reasonable amount of time.

Barone-Anybody else?

Lokuta-And it will be coming, the request through the courts will be coming, let me tell you.

Barnick-Unbelievable.

Jack Dolan-I made a call to Rocco Valvano and a call to Dale Mecca and told them to stop working down there and explained the situation to them, they will be up to see you tomorrow with a check. He said he just go the letter day before yesterday.

Kalinoski-He still can't do anything until he has his.....(unclear).

Dolan-Well, (unclear)

Kalinoski-He won't have it tomorrow, I told him I won't even get to it till Tuesday.

Unknown-How about the change of the plans, too (unclear.)

Marushock-You did say he did submit the plans?

Mayor-How did he change the plans?

Kalinoski-Parking areas.....(tape unclear).

Mayor-These are major things.

A discussion took place.

Mayor-(Tape unclear)..Rinaldi....remain in a state of limbo?

Barnick-He filed an appeal.

Mayor-He filed the appeal?

A discussion took place.

Cimini-I tried to explain to him, that the issue of whether or not the planning fees are paid versus developing that property are two separate issues so you can't mix them, I said you have to pay (unclear) fees and then you can go on with the development, he seems, he wants it combined both, he wants to go on with the development but not pay the planning fees. So I said you have, we have to reach some type of an agreement. He's using that as an argument that the borough doesn't want him to go through with the development because we're giving him a hard time with planning fees, I can't get it through his head that it's two separate issues.

Barnick-No, because prior to a couple a years ago when we took over it was a free ride.
Cimini-Yeah, he's using....

Barnick-.....free ride.

Cimini-He said to me today, you know that they were kind enough to let the borough use their property for rent free for whatever, I don't know what you have on there, that's his argument, why can't you relinquish, why can't you take the whatever property you've been using in exchange for the planning fees and let them go on with their development.

Morrell-Why doesn't he give us that piece of property?

Marushock-.....said a few years ago he was given a free ride, I was on the planning at that time and I know he resents.....

Barnick-Did he give you a check?

(Everyone spoke at once.)

Cimini-He also made a comment today that the planning fees were waived, waive the planning fees.

(Everyone spoke at once.)

Cimini-Yes, he said someone waived the planning fees.

Barnick-Oh yeah, right.

Chrzan-He said that? He said that they waived the planning fees?

Barnick-I hope we don't find a motion on that.

(Everyone spoke at once and a discussion took place.)

Dolan-One thing Rinaldi said at that hearing was he wants to divide that project into three phases. He only wants to pay a bond on the first phase.

Barnick-No, later on, Jack, he said he five phases.

Dolan-Well, whatever, he only wanted to put a bond on the first phase and I told him, I said, we just had Mr. Palumbo come up with one hundred twenty thousand dollars for his whole project, I said (unclear) pay aon the first phase now all of a sudden you quit. He said well, maybe, maybe something will happen tomorrow. I said yeah, maybe nothing will, I said you better be here to pay for the whole thing.....pay.....nothing.

Jamie Shevchick-I'm over there in the Civic Center, could we look into something for maybe the bikes, park, some kind of bike rack?

Barnick-.....(unclear)....two years ago.

Lenore Dolan-Well, we did have one.

Morrell-We had one and it was.....

(Everyone spoke at once.)

Barnick-It was sent back.

Chrzan-Jamie, you have permission from the.....get one tomorrow.

Motion by Barnick

To adjourn.

Meeting adjourned.

Seconded by Chrzan

Minutes by Christina Sullivan, Assistant Secretary

Elaine Morrell
Administrator/Secretary