

**Minutes
Throop Borough Council
Monthly Meeting
Monday, November 25, 2002
7:00 p.m.**

The meeting opened With the Pledge of Allegiance.

ROLL CALL:

Members Of Council:

Anthony Chrzan - **A**

James Barnick - **P**

Vice President- Thomas Lukasewicz - **P**

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

George Marushock - **P**

Daryl Menichetti - **P**

Joseph Barone - **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 Thur., Nov. 21, 2002 at 6:30 p.m.regarding personnel and legal matters.

Dec. 7, 2002 - Santa Train - Eagle Hose Company, Dickson City - Come at 1:00 and enjoy pizza, orange juice, cookies, face painting and arts & crafts. Santa arrives at 3:00 p.m.

Official Comments:

Marushock introduced Motion #26 as follows: *To send correspondence to Berkheimer & Assoc. against sending tax returns to India for processing.* He had an article from the Pocono Record (newspaper) in which Berkheimer, who is the earned income tax collector for the Borough of Throop, sending 10% of their returns to India for processing due to a heavy workload. He indicated he was in total disagreement with this, with so many Americans being out of work and security having a few gaps in it already and did not want to see any returns sent overseas for processing with social security numbers and personal information that they would have access to.

Dolan announced Dec. 7, 2002 at the Eagle Hose Company was free to Throop residents.

There were no audience comments on tonight's agenda.

Addressing Council: Matt Cortazar, President, Throop Community Ambulance:

We, as a group, have been fighting a long, hard road since you had all taken office years ago and it's been an upward battle and we've made a decision to turn our service from a basic life support ambulance to an advanced life support ambulance which would be putting paramedics on our trucks 24 hours a day, 7 days a week. This would ensure a quicker response time for the residents of Throop, within two minutes. They don't have to wait another three or five minutes for an ALS truck to come from Dunmore, Peckville, or the City of Scranton. This will ensure an ambulance within your two minutes of the call into Comm. Center. I'm pretty sure you're going to have questions to ask of us.

Barone responded by saying he has a lot questions to ask but I didn't think they should be now but thought there should be an executive session. *Cortazar asked him, for what?* Barone said because of everything he's been hearing about the ambulance (building) and he did not know if any of it was true but again said he thought there should be an executive session first.

Barnick asked if the paramedics the ambulance were putting on were trained, certified and qualified and if everything was up to snuff. *Cortazar said everything was, by the State of Pennsylvania's Department of Health.* Barnick asked if they were paid. *Cortazar said, yes.* Barnick asked if they were paid by the ambulance. *Cortazar's response was inaudible.* Then he asked if they were covered under their own workers' compensation. *Cortazar response was, they would have their own compensation.* Barnick asked, then you have your own so we (the borough) could drop you?

Cortazar said they were not going to be totally paid, they were going to be volunteer also. The paid department would go through their staffing facility with their workmen's comp. and also their unemployment (through the staffing facility). He indicated the volunteers that would be running after 11:00 p.m. would be covered under the borough unless the borough wanted out of that point. Barone asked if there were both paid and volunteers and *Cortazar responded, yes.*

Barnick asked about liability, if they have their own liability and that the borough has the liability for anything that occurs within the borough. *Cortazar responded, yes and that's right.* Barnick mentioned who's to say, when these guys (ambulance) are out there working, what worker's comp. they would be covered with. *Cortazar responded it would be under their compensation.*

Barnick asked if there were any contracts signed with hospitals or others or any currently in the works to be signed. *Cortazar said no contracts were signed at the time but that was something they were working on.*

Barone asked if anyone was transported out of Marian Community in Carbondale. *Cortazar said it didn't matter if they did, it could be a resident of Throop or Dickson City.*

Barone wanted to know what happened to Throop, who would take care of (cover) Throop, if they got called to Mount Pocono. *Cortazar's response, that's what the other community ambulances are here for.*

Barnick asked if they would have paramedics on board (no response). Barone indicated again he thought there should be an executive and Menichetti asked why. Why shouldn't the public know what's going on. Barone said he was not against the ambulance.

Cortazar said they were trying to make their service better. He said the last time the ambulance met with council they gave council a letter. The letter said they've been quiet for too long and he thought the quiet usually go unseen and buried so they've regrouped. They want to show the town what

they're made of and they were doing it for the benefit of the town. He stated there are not a lot of locations in Lackawanna County that have a dedicated ambulance service 24 hours a day, 7 days a week. Carbondale was one of them and the City of Scranton did not have one as big as they were. Barone told Cortazar he was all for the ambulance services but was not worried about Carbondale or Scranton, just the Borough of Throop. He said if the ambulance did have the contracts he heard about with Mount Pocono, Kids Peace, Friendship House, and Marian Community, although he did not know how true it was, he wanted to know who would take care Throop.

Cortazar told Barone the ambulance would take care of Throop.

Barone then asked if people would be manned at that building every day and Cortazar responded, yes.

Cortazar told Barone that apparently he was talking to somebody and he thought he had been talking to some other people outside of the ambulance organization.

Barone responded, well, it had to come from his organization if it's true. He said he didn't know and asked Cortazar to tell him.

Barnick asked if his intention as Cortazar indicated was signing the contracts and Cortazar responded they (the ambulance) were looking into it.

Barnick said, but according to the Deed, that is signed to that association (the ambulance assn.) and specifically states that it is for the Throop residents or it reverts back to the borough. *Cortazar responded yeah and that's right, but said, nope, read it again, Mr. Barnick, about reverting back to the borough.* Barnick said, oh, he did read it. *Cortazar told him to keep reading it because their lawyer already told them what they're capable of doing.*

Barnick said he was glad his lawyer did but he didn't feel the same way, he was sorry, and that he had beat other lawyers before. *Cortazar responded, okay, that was his opinion, and then he asked Barnick, okay, like, what are you threatening me? And not to threaten him.* Barnick said, no, he was just telling him something to face and said again, please, I'm not going to threaten you. I'm going to tell you the way I feel about it. He said he did not like to see calls being made outside the borough and then our own people being missed. He didn't ever want to see that happening.

Cortazar said they were trying to make this so there are no missed calls in the borough and they were not here to play with anybody over anything. He said there has been talk about ambulance wars like in the 1980's and 1990's but they were not out for that. He said they were here to do a job and whether they keep competition against another ambulance service or not, that's too bad.

Barnick asked how many ambulances are available right now. Cortazar said there were two, one with QRS (Quick Response Truck) that is currently in Dunmore. Barnick then asked if they were paid 24 hours a day to be over there and Cortazar responded yes and that you have to be licensed by Pennsylvania to have a paramedic on your truck (ambulance). Barnick asked if there was one present during the day now and Cortazar said they did not. They were strictly volunteer right now which is just basic licensing but were shooting for a date of Dec. 15.

Menichetti had observed Lackawanna Ambulance parked in the Methodist church parking lot for hours at a time and wanted to know if they permission to park there because that was private property. Cortazar said not that he knew of and that's between Lackawanna and whoever the owner of that (property) is. He then said he didn't want to point fingers at any professional services but that they were here to take care of our residents who have a membership with of our ambulance service. He indicated if they go on a call and they're the basic life support ambulance for Throop and the

people are being taken out from underneath them from another company, then those people would be robbed of their membership rights, especially those on Medicare. That's why built-in agreements are made, so they don't get the higher bill from an outside company. This is something they were trying to protect because it is going on. It's going on big time and they were going to stop them. Barnick asked if they were also collecting from their insurance and Cortazar responded, right. Barnick then asked, And you're taking donations? Cortazar said it was not taking donations, it is called a membership. *A short discussion took place with regard to donations and membership.* Cortazar: Yep. No, it's not taking donations, Mr. Barnick, it's called a membership. Marushock asked if the ambulance does have some operating expenses and Cortazar responded, absolutely and that as he said at one other council meeting, there's 210 calls the fire department runs compared to the 700 or 800 that the ambulance run a year and have totally different expenses. Barone read part of the Deed and Cortazar brought up Act 45. A discussion took place. Another ambulance representative addressed council telling them that all they were doing was making the service better than what is provided now. Barnick asked if they were going to guarantee that what is required for ALS, they are going to be on the call and that they would guarantee that they were not going to miss a call in this town on ALS? Cortazar said he could not guarantee that and Barnick asked why, if they were developing this plan? The ambulance representative explained the way Lackawanna County has the system set up, how the system tells everything and how the whole system works. A discussion took place about when an ALS call comes in to the Lackawanna County Communications System. Marushock thought the wording of the Deed/Agreement had to be redone because the contract was written before 911 was ever placed in effect. A short discussion took place with regard to Mutual Aid. Menichetti said it was a Deed, he was talking about a deed. Cortazar said they are still providing an ambulance service for this town and whether they bring in another provider or not, they'd still be serving this town. Barnick asked if they were looking for permission or approval and Cortazar said they were looking for support from our council, not so much permission because the last time there were some hard feelings and they didn't want those hard feelings this time. This time they decided to bring it to council's attention to let everyone know exactly what they were doing. They were looking for support of the council instead of an argument or even a legal fight. The Mayor asked why did they buy the ambulance (2nd one) without coming through council and stated now they were coming in here apologizing and asked why again and did they think they were fair. Cortazar said he didn't say he was apologizing, they work hard, they're volunteers and do this on their own free time. What they needed, they needed fast and did what they had to do. He added, the ambulance they had was outdated, old, and on the way to the hospital it had stalled with a patient. He didn't want to be responsible and was sure the borough didn't want to be responsible if anything happens to that patient. Barone said they didn't even come to the council and ask when they knew they were getting this ambulance a month or two months ahead of time. Menichetti asked why they were doing this right now and Barone said that's why he wanted to talk in Executive Session, but nobody seemed to want it. There was a lot but he didn't want to bring it up at a public meeting. He again said he didn't have anything against the ambulance but he would vie for the public until the situation was straightened out. *A discussion took place about improvement in the ambulance service.* The Mayor said they didn't have to tell us they were

improving the service because the officials can get that from Lackawanna County. They did, in fact, about a year ago (the response time). Cortazar said he could go over and run it up on the computer too. *A discussion took place, focusing on the terrorist attacks on Sept. 11 and having an Executive Session. Barnick indicated there is an identifiable complaint, according to the deed it council be an identifiable complaint by this council. Cimini said he would look into if there's a threat that this property would be reversed back to the borough for a violation of the deed. A discussion took place with regard to water damage, \$15,000 worth, a broken pipe, how long the water was laying there and circumstances concerning the broken pipe. Barone discussed complaints he received and Menichetti thought people should be direct those complaints to the ambulance. Barone said he knew where the ambulance was but where were the drivers.*

Cortazar asked Barone if he ever volunteered for the ambulance and thought he would not know how hard it is to get a certification. Barone said that was not the point. He then asked how many members did the ambulance have, active. Cortazar responded, probably 25. Barone asked with 25 why they couldn't get three to be there all hours of the day. Cortazar asked Barone if he worked, Barone responded, not anymore, and Cortazar said they all work. *A discussion took place with regard to volunteers, in general. A discussion took place with regard to an incident involving a child got hit by a car crossing the street near the borough building and all the circumstances surrounding that incident.*

Mellody asked Barone to make a list of the questions he had for the ambulance and asked Cimini to check on the deed.

Gail Ercoli, Civic Center Director, asked if council had any questions with regard to the center. Dolan asked if the beverage report was handed in. Ercoli said it was not done because she had not closed out the machines from the park but she would get it in to the treasurer.

1. Motion by Lukasewicz

Seconded by Marushock

To accept the zoning report, landfill inspectors reports and the minutes of the October 28th and November 14th Council Meetings.

On the question:

Marushock: In regards to the landfill inspector reports, we have a letter dated Nov. 6, 2002 that the landfill will be accepting 1,500 ton of lead contaminated soil. It says a one time basis. With all the money that we're spending to fight Marjol, is this something we want to accept? in addition to the other things that have come in?

Mayor: I think it's a slap in the face. *Marushock agreed.* I really think it's a (slap), at this stage?

Marushock: There's something wrong. There's definitely... *The Mayor said something is absolutely wrong and Marushock continued,* It says the DEP but, however, when we had a meeting over at the Civic Center with the DEP, they told me point blank that they're not allowed to accept any contaminated soil, radioactive, contaminated soil. It's a municipal waste dump, not a hazardous waste dump. If this hazardous from the site where it's being removed, okay? Where does a magic wand come out in front of that stuff and clean it up and say for disposal here in the Borough of

Throop? *Morrell asked if it said it's non-hazardous waste.* Marushock: It's from the landfill inspectors, *(Marushock read part of the report)* The material to be disposed of is lead contaminated soil. *He continued reading the report.* The amount to be disposed of is 1,500 tons on a one time basis. Being approved by DEP, we find this to be acceptable. Now, that's one thing, however, we have asbestos contaminated soil, we have hospital waste from a facility in New Jersey at the rate, I think, 1,000 tons per month being disposed here. Evidently, someone don't care. We're spending millions of dollars to fight Marjol And with our County Commissioners, majority commissioners, just now to approve the budget, pass the 2003 budget for our county, they're taking money set aside for landfill cleanups in the future, \$2,000,000 at that, and put it in the county fund to balance the budget for 2003. I think we need to consider what we're doing. *The Mayor said this could be used against us. Everyone was speaking at once. The Mayor asked what was the matter with the people up there, accepting lead contaminated soil and Marushock agreed. The Mayor said this is bad, really, really, bad and that something better be done about it.*

Mellody asked what control do we have over this and Marushock said he did not know but at a meeting with DEP they said that stuff is not acceptable. He said he was sure there were other people in the room that were present. Morrell explained that residual waste is not classified as a hazardous waste and that's what that is and he would have to meet with Keystone Landfill and probably DEP if you have anything against accepting residual waste. *Marushock said we've accepted other stuff previous to this.* Morrell continued, telling him we have never accepted anything classified as hazardous waste. Not ever. Marushock said he understands, however, this was hazardous at the site where it's being generated from and asked why they didn't just leave it where it came from. Morrell said, no, it's residual waste, non hazardous waste. *Everyone was speaking at once.* Morrell continued: I'm just trying to tell you. If you don't want residual waste, I'm sure you would have to talk to the landfill. See if something could be done between the landfill and DEP. Probably DEP, because DEP allows residual waste in a municipal landfill. I'm not saying that I think we should get lead contaminated soil or anything like that, I'm just trying to tell you that it's classified as a residual waste, non hazardous. That's all I'm trying to state.

Marushock: And, again, there are other things that have come in there and like I said, at the site where this is being generated from it's got to be removed for a reason. Cause evidently it is hazardous. Somewhere between the point of origin and the landfill, okay, evidently it becomes not hazardous. Morrell indicated maybe he should speak with Joe Dexter and/or Mr. Louis DeNaples. Marushock: We need to have the situation addressed. *Barnick told him to call him up.*

Marushock: I believe that the people learned to accept the municipal waste. But anything such as this, I'm sure that people, when they find out about this, will be up in arms.

Morrell: We have been accepting residual waste in that landfill from the beginning. Just about the beginning of the landfill.

Marushock: Right. But something like this, I don't like to accept.

Barone: Well, the DEP accepted it and said it was okay.

Marushock: But we, as not questioning and not objecting, evidently this is going to come back and bite us.

Barone: Not if the DEP is the one. *The Mayor told Barone it was the DEP that got us into this mess.*

All in favor

Motion carried

TREASURER'S REPORTS:

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

Dolan: The Revenue Report Includes \$3,688.98 from the Civic Center.
The checkbook balance as of today, which includes the payroll, is \$641,875.22.
If all items for payment (\$103,412.47) are approved tonight, the balance will be \$538,462.75. If all motions (\$14,206.92) tonight are approved, the ending balance this month will be \$424,255.83

2. Motion by Lukasewicz

Seconded by Barone

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

Unpaid bills:	\$103,412.47
Paid bills:	\$150,785.47
Grand total	\$254,197.94

Keystone Landfill Credit:	\$5,574.61
Home Program	\$8,670.70
Revenue Report	\$70,426.19

On the question:

Marushock: For the month of November, 2002, I will be voting against the Atlantic Environmental (bill) in the amount of \$10,946.43 which, I'm assuming is through Doug Blazey. I'll be against the elected officials portion of the Blue Cross/Blue Shield bill, against the Scartelli Law Firm in the amount of \$6,250, against Gannett Fleming in regards to an amount of \$22,598.49 and I'll be abstaining from an invoice with Prime Med due to a possible conflict of interest. *Marushock questioned the treasurer about two items for payment for prescriptions (for full time officers) \$1,000 each. Dolan explained it was their maximum and there were receipts for both of the items.*

Barnick: Yeah, just, I'm against the one on health insurance for the council.

**All in favor, Marushock, Barnick,
except as noted**

Motion carried

3. **Motion by Barone** **Seconded by Menichetti**

To pay all the employees of Throop Borough.

All in favor

Motion carried

4. **Motion by Barone** **Seconded by Marushock**

To accept the correspondence as read or posted.

All in favor

Motion carried

ADMINISTRATOR'S FINANCIAL REPORTS:

5. **Motion by Lukasewicz** **Seconded by Marushock**

To accept the Fund Statement & Budgeted Revenue & Expense Statement for October, 2002.

General Fund Checking Account	\$784,820.67
General Fund CD's	-0-
General Fund Petty Cash	200.00
Payroll Checking Account	3,825.06
Civic Center Account	250.00
Civic Center Petty Cash	250.00
Sunny Day Fund CD's	2,229,817.93
Home Program State Grant	8,670.70
Community Revitalization (20-192-0947)	-0-
Civic Center After School Program	500.00
Warsaw Playground	28,025.61
Liquid Fuels Account	67,344.99
Grand Total	\$3,123,704.96

All in favor

Motion carried

6. **Motion by Barone** **Seconded by Lukasewicz**

To reimburse Marc Murcko \$275.52 for prescriptions.

All in favor

Motion carried

7. **Motion by Marushock** **Seconded by Menichetti**

To allocate \$7,500.00 to the Throop Community Ambulance Association. This represents ½ of the budgeted allotment.

Four in favor - Lukasewicz, Marushock, Menichetti, Mellody

**Two against - Barnick, Barone, against until he finds out
what's going on over there**

Motion carried

The following motion was tabled:

8. **Motion by Lukasewicz** **Seconded by Marushock**

To authorize Ron Yanoski, Merrill Lynch, to increase the stock allocations in the Police Pension Fund to the minimum investment policy as per Resolution # 32 of 1996, equities should not exceed sixty percent (60%) and fixed income securities shall not exceed forty percent (40%). The investment manager has the discretion to deviate from this philosophy by no more than ten percent (10%).

Lukasewicz: I'll make the motion but it should be minimum investments.

On the question:

Barnick: I don't know if you realize since April 26, 2001 how much this fund has lost, and it's been going down and down. I suggested the last time to change the allocation. Now, you've lost almost \$500,000 since this recession, since March of last year or so. It was up to like 1.4 million dollars, you're down to \$938,000. in this month, and you took another big loss this last quarter. You're going to keep staying in stocks. It's not their money, it's the police money, it's the DPW money, for their retirement and you're playing with it.

Menichetti: Well, he says the resolution states you have to have that.

Barnick: A resolution can be changed.

Menichetti: So we have to change the resolution because....

Barnick repeated: The resolution can be changed. But they're playing with their retirement fund. When we were up to 1.4 (million), we go down to 1.2 (million). Now you're down to \$938,00. I brought this up the last time. As I said, it should have been changed to more into safe investments. They just upped the interest rates again. I mean, how much do you want to lose? How much do you want to lose before you start paying, the borough has to start paying back in here? It's not right. I mean, he's your advisor, fine. But you're not going to change my mind. I suggested it the last time. That's a lot of money lost.

Mayor: It is. That fund grew so fast and now look at it.

Barnick: You've got a year to date yield here of minus 13.73% (-13.73%). Minus 13%, almost 14%. End of that quarter it was..... *The tape was changed here. The new tape started with Marushock mentioning the administrator of this plan. Morrell said he's not the administrator of the plan, referring to Ron Yanoski. Barnick then said he is not (the administrator of the plan).*

Marushock: Okay, he is the representative of Merrill Lynch, okay, who oversees the plan, all right? The way he explained it to us, I'm sure that every one here who has any investments in stock or interest in anything else, would know that nothing was secure after 9/11 (09/11/01).

Barnick: He explained the same thing as the last time, Mr. Marushock. The same thing he said the last time when I suggested to change it.

Marushock: No, he didn't. This motion this evening (will) correspond with the resolution that was in place for the balance of stocks, *inaudible, stating he thought we were only changing 5% because the minimum investment to make all this coincide with the resolution that's on the books.*

Barnick: And you're going more into stocks? *Marushock replied, yes. Barnick asked him again, if he was going into more stocks and Marushock stated, that's the way the resolution is reading. Barnick stated, you're investing more. Marushock said, the stocks have been rebounding, as per his (Yanoski's)..... Barnick stated, rebounding? What are you talking about, rebounding? What are you talking about. Marushock indicated, that's through September. That's through the third quarter of 2002. Barnick said, I hope they're rebounding and Marushock said, I hope so too.*

Barnick: But you, you would rather take that risk with their money? *Marushock: No, but I, we.....*

Barnick: You're going to take that risk? *Marushock:efficiently as possibly. I don't want anybody to lose money.* Barnick: Well, then why are you taking the risk? Put it in a safe, safe investment. *Marushock: Is that what you want to do? Save it all up.....*

Barnick: I suggested that last time and nothing happened either. And then it went down another \$142,000. *Marushock: So who is, what you're suggesting is then take it all out, put it into..*

Barnick: You've got an advisor here. You don't have nothing here that tells you (that) you should do something? *Marushock: Yes. And we met with the gentlemen.* Barnick: But, you're (going to) meet with him because a resolution says, we're going to leave it like this. You have the power to change a resolution. *Morrell stated Ron Yanoski did say that council has the option of changing the resolution. Barnick stated, anytime. Menichetti asked what Barnick suggested it was changed to and Barnick replied, he was not suggesting anything. He's the advisor, you should ask him (Yanoski). Menichetti said, well, he advised us to do this and Marushock said, this is following his advice.*

Barnick: Go right ahead with it then. I will be voting against.

Menichetti: And If we don't take his advice....

Barnick: I will be voting against. I voted against last time and I'll vote against this time. I will not play with their money.

Mayor: Do it for three months and if it's another deficit, get out, and get out fast. *Barnick told the Mayor it's at a deficit since March, 2001. The Mayor continued: I know it. That fund was so great, it doubled in ten years. Morrell said she believed the money is down from when the borough first went with Merrill Lynch (in 1998). She asked Barnick if that was correct and Barnick replied it was and that the beginning balance (in one report) was 1.86 million and said we were lower. He said it had been up to 1.4 million but it slid right down in the last year.*

Morrell: Council does have to remember that we do not deposit any money into the police pension fund, we do into the non-uniform, but council must remember when the report is done and the

municipal, the minimum municipal obligation is stated if there's any, than council is responsible to put that money in. You know, contribute to the fund.

Menichetti: Well, he says we were still over funded. *Morrell stated he says we are over funded, definitely over funded and Barnick replied, that's not the point.*

Menichetti: Well, no one had a crystal ball, Jim.

Barnick: I understand that but yet, you do, with a safe investment. You get a guaranteed rate back, no matter what. *Few speaking at once. Morrell mentioned it made her a nervous wreck for a long time now and she had mentioned it to council. Barnick mentioned Merrill Lynch involved with the City of Scranton and seeing something in the paper. He thought Scranton was maybe suing them, something with their pension. Morrell said she didn't know why we have to have the money into stocks if the account is over funded now. We didn't need to try to earn a big investment, a big turnover. Barnick said he didn't see any reason to. Just keep it safe and ensure it's right with the cost of living. The Mayor said in three more months it could lose a lot more money.*

Lukasewicz: Jimmy, let me withdraw my motion and why don't you try to set up a meeting for the middle of the month, and we can discuss it further. *Lukasewicz told Barnick he was pretty intense on this and Barnick said he's just saying it's wrong. Both were speaking at once.*

Lukasewicz: I'd like to table it, yes, until the next meeting, the middle of the month meeting. A discussion took place. Ron Yanoski, Merrill Lynch, and Michael Cummings, Administrator, would be requested to attend the next meeting.

All in favor

Motion tabled

9. Motion by Lukasewicz

Seconded by Barone

To authorize Robert Kalinoski, Street Commissioner, and Louis Cimini, Solicitor, to develop an agreement with Carl Riotta, Gangi Pizza, 407 George Street to authorize the DPW to repair the collapsed storm drain pending a signed release (Hold Harmless) from Carl Riotta pending the opinion of the solicitor. (This storm drain connects to a 6" line as per Street Commissioner, Robert Kalinoski.)

On the question:

Menichetti: I didn't think we had to discuss doing this. I know we brought it up and.... *Lukasewicz, inaudible, mentioned a hold harmless agreement.* Menichetti continued: Well, this is authorizing them to repair it, right? *Lukasewicz responded, yes.*

Marushock: I mean, this is on private property. Are we setting a precedent that we are going to be doing *inaudible*, private property? *Lukasewicz: Well, if it rectifies the problem that we have there, I believe it's justified at this time inaudible, not that you're setting a precedent. It's a problem that needs to be fixed.* Marushock: I agree to the problem but I don't feel the borough should be.....

Menichetti: Did anyone speak with Mr. Riotta? No one? I think we should contact him before we go ahead. *Barnick/Menichetti speaking at once, inaudible.*

Lukasewicz: In other words, it was discussed at the work session to try to get it in motion. This way Atty. Cimini can contact him and tell him that council is looking at... *Barnick said, this has been a problem area for a long time.* Lukasewicz continued: What we're trying to do is just get the process moving and if he wants it done. Barnick: You know, the other thing that comes with this

whole harmless clause, is it going to be with perpetual care? *Marushock: There's a lot to be looked at.* Lukasewicz: Then that will have to be discussed before you get done Atty. Cimini will advise us of the situation.

Barnick: Or we just change the motion to authorize Robert Kalinoski to develop an agreement with him. In order to repair it. Let them get an agreement together. Hey, once it's signed, fine.

Menichetti: To authorize Robert and the Solicitor. Barnick: And repair it with the Solicitor's opinion, once that agreement's signed. Lukasewicz: It's basically the same thing. I'd have no problem with that.

Barnick: I mean, only once it's done. Lukasewicz: Yeah, it's the same thing.

Barnick/Lukasewicz speaking at once. Barnick: And are you excluding the perpetual care on this?

Few speaking at once. Cimini: Robbie and I, we're going to have to meet with him.

Lukasewicz: Yeah, they're going to have to meet with him and try to work.....

Barnick: But are you going to be paying (make payments) this for the next 100 years?

Few speaking at once.

Lukasewicz: Well, you're going to find out what Mr. Riotta wants. If he wants perpetual care then you don't do it. But what we have to do is get it started. *Cimini said him and Robert would meet.*

Marushock: I believe before we finalize this that we should have an agreement going to go forward *inaudible*, review the agreement and vote on the agreement as it is presented before us, *inaudible*.

Barnick: I think I trust our Solicitor.

Lukasewicz: Yeah, I trust Robbie and the Solicitor to come up with and get the other report back to get it going. *Few speaking at once, indicating just leave at it is.*

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

One against - Marushock

Motion carried

10. Motion by Barone

Seconded by Marushock

To adopt Throop Borough Resolution # 24 of 2002, re-appointing Anthony Amico to a three year term as a member of the Throop Planning Agency. The new term will expire January 3, 2006.

On the question:

Barnick: Yeah, anybody contact him? He's still interested, right?

Morrell: Yes, he is interested.

All in favor

Motion carried

11. Motion by Marushock

Seconded by Barone

To reimburse Charles Reed and Eric Viola \$50.00 each for the cost of their physical exams as was stated to them by the Civil Service Commission at the time of the testing. (The individuals hired would be reimbursed.)

All in favor

Motion carried

Motion #12 failed, as follows:

12. Motion by Lukasewicz

Seconded by Menichetti

To adopt Throop Borough's Tentative Budget for 2003 in the amount of \$3,575,343.89.

On the question:

Marushock: Looking at the budget that we have before us, I have to vote against it just because we definitely need to do some belt tightening and we're not really addressing this budget.

Barnick: Just on the question, I think I have to agree with Mr. Marushock. I think there needs to be a lot to be adjusted in there. It needs to be gone through with a fine tooth comb. We just don't have the money. What you're looking at here is a lot of, you can't have nothing going on for the year, *inaudible*, you don't have the money. There's areas you could squeeze in here and you're going to lose the 48 acres, too.

Three in favor - Lukasewicz, Menichetti, Mellody

Three against - Barnick, Marushock, Barone

Tie Vote

Mayor - Against

Motion failed

Lukasewicz, *inaudible*, mentioned before moving forward (discussion on Motion #12).

Marushock: We need to sit down and squeeze some numbers. We do. It's the only way around it. If you look at this..... *Menichetti said there was a meeting last week and nobody said anything. Few speaking at once.* Lukasewicz: Let's sit down and squeeze these numbers. Stan, are you going to be here? *The Mayor replied, yes. He said to look at it, it's the same as last year and that there are no cuts.* Lukasewicz continued: Okay, where would you like to cut, Stanley? I'd like to know what you'd like to cut. *The Mayor replied, we'll look at it.* Lukasewicz: Where are we going to cut? The police? Where are we going to cut? The DPW? The Civic Center? The Mayor responded, we'll see, item by item, and discuss it.

Menichetti: I did that. It's pennies. It comes out to pennies, really.

Mellody asked about advertising to have a budget meeting. Elaine replied, yes, if you were going to have a special budget work session. Mellody said yes, a special budget work session.

Marushock: Do we have to have this approved by a certain date, too?

Morrell: You have to have it advertised ten days, available for public inspection ten days before your final adoption. And final adoption has to be done before the end of December.

Marushock: I'm sorry, but somewhere we've got to get serious. We've got to give this some consideration and do some number crunching, *inaudible*, and looking at what our income from the landfill, *inaudible*, because what we've spent in Marjol this year, it's.... *Morrell said, killed us.*

Marushock: Killed us. And as Mr. Barnick says about the 48 acres, that's the second year in a row (that) the majority here voted to commit \$250,000 to that 48 acres. We missed the first year commitment and we missed the second year commitment.

Menichetti: How are we going to get the money?

Marushock: We don't have it. I was against that 48 acres as I've spoken before, with all the veins (mine) there but there's proof. I mean, I would like, I would definitely, in a situation like this it's better it happens now then after we commit a million dollars and then end up losing it because we cannot make our future commitments.

A discussion took place with regard to the budget and meeting for same.

13. Motion by Barnick

Seconded by Marushock

To adopt Throop Borough's Tentative Liquid Fuels Budget for 2003 in the amount of \$135,000.00.

All in favor

Motion carried

14. Motion by Barnick

Seconded by Marushock

To authorize payment in the amount of \$4,856.40 to Turner Hydraulics parts and labor to repair the packmaster.

All in favor

Motion carried

15. Motion by Marushock

Seconded by Menichetti

To advertise Throop Borough Ordinances # 1 through 5 of 2003 for adoption at the special monthly meeting on December 12, 2002. The ordinances are as follows: re-enacting a realty transfer tax, occupational tax, wage tax, and re-enacting a tax on assessed valuation, setting salaries and bonds relating to officials.

Ordinance # 1, the tax rate on assessed valuation of the Borough of Throop for the year 2003, shall be as follows, for general purposes, the sum of four (4) mills on each dollar of assessed valuation.

Ordinance # 2, the wage tax ordinance, originally enacted in 1947 and re-enacted every year thereafter, imposing a tax of one (1) percent on wages, commissions, etc. earned by the residents of the Borough of Throop, and also, on income earned in the Borough of Throop by non-residents of the Borough of Throop, with one half (1/2) of said tax to be distributed to the Mid Valley School District by the tax collecting agent designated by the Borough of Throop.

Ordinance # 3, the occupation tax, originally enacted in 1967, imposing a tax of ten (\$10) dollars per person gainfully employed in the Borough of Throop with five (\$5) of that tax to be distributed to the Mid Valley School District by the agent designated by the Borough of Throop for the collection of taxes.

Ordinance # 4, the realty transfer tax, originally enacted in 1968 and every year thereafter, imposing a tax of one-half (1/2) of one (1%) percent.

Ordinance # 5, the salaries and other compensation and the bonds of the borough officials be fixed as follows: Council - \$1,875.00 per year, Mayor - \$2,500.00 per year. Treasurer's bond - \$300,000.00, Tax Collector's bond \$521,405.00

Four in favor - Lukasewicz, Marushock, Menichetti, Melody

Two against - Barnick, Barone

Motion carried

16. Motion by Barone

Seconded by Lukasewicz

To allocate \$2,200.00 for the basketball referees for the 2002-2003 youth basketball leagues. (One-half of the allotment, \$1,100.00 check to be issued to the civic center director now and the second half as soon as she needs it. (The referees will sign receipts and they will be submitted to the borough.)

On the question:

Marushock: Inaudible, did not think the referees should be paid in cash but by check.

Dolan: They keep a running tab on who they are.

All in favor, Marushock, as noted

Motion carried

17. Motion by Barone

Seconded by Barnick

To authorize \$1,200.00 for the "Lunch with Santa" at the Civic Center. (Purchases will be made with purchase orders and the credit cards.)

All in favor

Motion carried

18. Motion by Barone

Seconded by Marushock

To authorize \$250.00 for new Christmas Decorations for the civic center. (Purchases will be made with purchase orders and the credit cards.)

On the question:

Barnick: I know we bought tons in these past few years. You don't have enough over there? *Barone said they've more to put up yet.* Barnick: I know, but we bought tons of these decorations in the last few years. I can't see why the maintenance men can't go through them. *Barone: I guess some went bad.* Barnick: Yeah, but sometimes it's a master bolt and it takes out a whole set. That's all it takes is time, they're sitting over there, they've been sitting over there anyway, and just take the bulb, and test the bulbs and you'll get a whole system working there. *Both speaking at once.* I mean, these guys do it over here, DPW, with all the pole fixtures. They go through them each year. Change the bulbs, they've got to be changed and everything else.

Joe Barone mentioned proper storage of the decorations in the upstairs room.

Mayor: You know, as it is the community really looks beautiful, though, *inaudible.*

Menichetti inaudible.

**Five in favor - Barnick, if they're needed, Marushock, Menichetti,
Barone, Mellody**

**One against - Lukasewicz, "There's my first
budget cut".**

Motion carried

Barnick: This Motion 17, the one for Santa, can we make sure that the Throop kids are taken care of and they don't walk out of there with a sad face? I don't want to see that happen again. *Few speaking at once, inaudible.* Barnick: People from all over the county came down for this last thing. Dolan: Well, we just got invited to Dickson's free so we can't, we can't tell them... Marushock: What we need to do is publish it, publicize this, that it is for Throop residents only. Dolan: But you can't, but you can't say that. You can't say that. *Barone/Marushock speaking, inaudible.* Barnick: Why not? Dolan: You can't say that. Well, didn't Dickson City just invite you? Barnick: I'm sorry, some of the kids in the borough here are.... Dolan: I know, but Dickson City Council just came up and invited you. Barnick: Oh well. They got more money. They got..... *Dolan: I guess they do.* Barnick: They're developing their land. We don't have the money. Morrell: What about when you have grandchildren from another town? *Marushock inaudible, few speaking at once, laughing.* Morrell: Do I leave my baby home? Dolan: Tommy said that's the second cut.

19. Motion by Barone

Seconded by Marushock

To authorize \$25.00 reimbursement to each of the following CC Staff Members for the CPR and First Aid Class:

Ann Marie Stoffey	Jennifer Gongliewski
Carol Kaushas	Lauren Leombruni
Marissa Tomasovitch	Thomas A. Lukasewicz
Michael Kulick	John Pollack
Daniel Nelson	David Devereaux
Matt Orr	

On the question:

Menichetti: Yeah, if they fail that course do we still pay for it?

Dolan: Nobody failed it though, Daryl, so I don't know. They all passed it.

All in favor

Motion carried

20. Motion by Marushock

Seconded by Menichetti

To authorize Ralph Savitski to return to work at the Civic Center effective November 30, 2002 as per the doctor's slip allowing him to return to work full duty without restrictions. (Mr. Savitski said he will return on Monday, December 2, 2002.)

All in favor

Motion carried

21. Motion by Lukasewicz

Seconded by Barnick

To authorize Richard "Dick" Fuhr to work as part time temporary help with the borough during the absence of David Dozack. The hourly rate is \$7.00 per hour. (Mr. Fuhr will continue to work at the civic center next week at the \$9.29 rate until Mr. Savitski returns and at the borough building at the \$7.00 rate. Beginning December 2nd Mr. Fuhr will work at the municipal building until Mr. Dozack returns to work.)

All in favor

Motion carried

A discussion took place with regard to the floor care maintenance. Morrell mentioned Mr. Savitski has a prior commitment scheduled for months ago and would not be able to attend (a memo with regard to same enclosed in tonight's packet). Council asked if Teddy Warney would be attending but Morrell did not hear anything from him. Council said one of the two had to attend, one had to be qualified for the floor. Dick Fuhr would be attending but would not be over at the Civic Center all the time. The director would also attend. Marushock mentioned an incident that happened at the center and that the training is being provided so that future incidents would not happen. Dick Fuhr would attend and would know how to care for the floors.

22. Motion by Lukasewicz

Seconded by Mellody

To rescind the following motion from the November 14, 2002 Special meeting, Mr. Dave Cheplick did accept the job:

In the event David Cheplick does not accept the position, to appoint Randy Hebden, Charles Street, for part time temporary help to work with the DPW (Department of Public Works) during the absence of a full time employee. (The Teamsters Union is in agreement.)

All in favor

Motion carried

23. Motion by Lukasewicz

Seconded by Marushock

To authorize the three members of the Throop Civil Service Commission to attend the Police Civil Service Workshop for New Model Civil Service Rules (Presented by PSAB), Scranton, Feb. 20, 2003, Radisson Lackawanna Station Square (\$50 p/p). (Pending their interest and availability.)

All in favor

Motion carried

24. Motion by Marushock

Seconded by Barnick

To donate \$100.00 to the Lackawanna County Drug Task Force.

All in favor

Motion carried

25. Motion by Lukasewicz

Seconded by Marushock

To terminate all payments to Marc Murcko following correspondence from Len D'Amico, Commonwealth of Pennsylvania Insurance Department ordering Volpe (Housing and Redevelopment Insurance Exchange) to provide workers compensation coverage from 8/1/02 through 8/6/02, as per the recommendation and opinion of the solicitor, Louis Cimini.

Lukasewicz: Can we include in this as per the recommendation of the solicitor, his opinion?

All in favor

Motion carried

26. Motion by Marushock

Seconded by Menichetti

To send correspondence to Berkheimer Associates, Inc. that we, of the Borough of Throop, are against sending tax records to India for processing.

On the question:

Barnick: Why don't you change the *inaudible*, and make it a resolution? Motion not to transfer documents outside this organization? *Inaudible*.

A short discussion took place with regard to the Resolution #.

All in favor

Motion carried

Barone: I've checked with our police and they have thirteen part-timers. Five of them are off *inaudible*, so I'd like to make a motion to put this guy on part time, Robert Krawczyk. I liked his resume. The guy is real good, he's good with a computer. If you have computer work, he can help you there. It's not that they don't need them. They could use him, *inaudible*.

Menichetti questioned if we had thirteen (part-time officers) and there were five out).

Barone: Plus Cesari, he works for the airlines (federal air marshal) and he can only come in certain times. So we've got seven or eight, really. *Menichetti asked his name again.*

Motion #27 failed, as follows:

27. Motion by Barone

Seconded by Menichetti

To hire Robert Krawczyk as a part time police officer.

On the question:

Lukasewicz: Stanley, at the work session I asked you if you needed any additional part timers. At the time you explicitly said no, *inaudible*.

Mayor: Well, with all these people being, you know, as he said six of them. You can't depend on them.

Menichetti: Why are they out though? I mean are they ill or just?

Barone: Yeah, what is it? Gretzula is, with his leg. Granza broke an arm. Marc Murcko, I don't

know about Marc. Who else? *Menichetti: That's two. Marc is full time.*

Barone: Who else? *Mayor: Well, Cesari can't, you know, work, rarely.*

Chief: And I don't know what the status of Christine Reilly is. *Few speaking at once.* I have approached Christine, I spoke to her. I've sent her a certified letter but she refused it, to pick up. She hasn't qualified and I spoke to her a couple times about qualifying. She has to qualify. *The Mayor said, annually.* Dave has spoken to her numerous times. She just doesn't respond.

Menichetti: You have eight (part timers) remaining. You can't make it with eight remaining? I mean, you can't fill a weekend with eight remaining part timers?

Chief: The problem with the weekend is the guys that are working, they're also working at other places. Primary jobs, other part time jobs. This individual, he's a nice guy, a super guy. He helped us out with computers. He's 100% with the kids. In fact, we got computers donated for free for our PAL's and they're going to be coming up in January because they'll be coming out with voting for the rehire. And like I said, I really don't know what's up with Christine.

Marushock: Evidently, if you have a department problem with a part timer you need to address it. If people are going to work as part time and they're interested in working part time, fine. Keep them on. If not and we have a need for more part timers, I believe we should put an ad in the newspaper. This individual, I have nothing against him. However, he's from out of town. The people of Throop, I don't believe were made aware of this opening and I think they should be on contention if we are going to hire people. It's no more than fair.

Chief: As far as out of town (people), Jim, we have people who are on the payroll now *inaudible.*

**Five against - Barnick, Lukasewicz "it's a budget cut", Marushock,
Menichetti, Mellody**

One in favor - Barone

Motion failed

Marushock: I just want to wish everyone a Happy Thanksgiving.

Audience Comments:

Bette Goreschak, Meade Street - I would just like to say that the town looks very good with all the Christmas lights, really nice.

Jack Monahan, George St. - I was wondering, I went through a zoning review and was wondering when part of that money would be returned.

Larry Hartshorn, 155 Pancoast St. - I've got three things. First of all, Leeward, and I hope you people all know the problems I have with them and I hope you don't pay the rest of the money you owe them until you rectify all the problems. Not only my problems but everybody else's because I hear there's a lot of them. Number two, they're talking about a barrier in South Side for the highway? *He discussed if a truck came off the highway and rumors of widening I-81. There were also rumors that an exit ramp's coming through his yard and they were surveying. He asked council to advise him if they heard anything at all. He discussed sound barriers in more detail (as in South Scranton).* Lukasewicz: It's very dangerous, Larry. You're right.

Hartshorn said that's something they've been fighting for down the Boulevard for years and years and years and they're just being hushed up. He said they gave them a little bit of a barrier instead

of the guardrails and many objects have been bounced off his house from the highway. Number three, in front of *inaudible name (Pancoast Street)*, there's a dumpster sitting there. On the hill, now, the zoning guy seen my Jeep in front of the house for sale and he busted my butt about it because there wasn't no tags on it, okay? Who would park a dumpster on a hill? A 24 foot dumpster? My kids play down in my yard. I put a 2x4 underneath the wheel. What happens if that dumpster comes rolling down the hill? *Few speaking at once, inaudible*. If that comes down, it's going to kill somebody. He mentioned the police called the owner and still nothing was done about it, maybe just put another 2x4 under the back. He said it shouldn't be there and if the zoning man was on the ball about my Jeep being in front of my house with no tags for sale, they should have had that moved. It's been sitting out on the hill, God forbid, that comes down the hill. It's been sitting there for two weeks. *A discussion took place.*

The tape was changed here.

Joe Barron, Boulevard Ave. - Discussed his sidewalk that was not repaired by Leeward. They took the concrete out and he wanted it back. *It was mentioned they would make sure he was on the punch list, Elaine said it was written up.*

Larry Hartshorn, Sr. 140 Dimmick St. - I've been living here for 35 years. Never had any problems with my neighbors or anything else. I asked you people to open the street behind my yard so that I can get in my yard and park the cars. The other day now, my kid almost went to jail because the neighbor run into his car because he was mad because he was parking in his spot. *Few speaking, inaudible*. That's Jones Street. That is a street. I don't know what Rinaldi has to do with this. That is a street. Rinaldi's got pull here someplace. *Few speaking at once*. If there's an accident or there's a problem where you need an ambulance? Wait and see what happens down there. Drive down that street. Bellman Street and Dimmick Street. *Few speaking at once, inaudible, Larry Hartshorn indicated he would get the machine and do the work, just give him the permission to open the road.*

Barone: Mentioned the building where Yellow Freight moved out of (Cypress and Sanderson Sts.) And that another trucking firm would not be in there. He thought the residents would be happy knowing that.

Lenore Dolan: I know you're concerned about your budget and your cuts. I really think, the way you should really consider is the insurance. I don't mean cutting people from insurance. We offer, right here, the Cadillac and we're only paying for something that, ask Mr. Barone how many times he got denied. *Barone stated twice*. Dolan continued: I mean, I know other Borough's that did it. Check your insurance. We pay \$11,000 a month. A month for health insurance here. So you want to cut? Look into that first.

The meeting was adjourned.

Elaine Morrell, Administrator/Secretary

Minutes by Christina Sullivan, Assistant Secretary