

**Minutes
Throop Borough Council
Monthly Meeting
(followed a brief work session)
Monday, October 27, 2003
7:00 p.m.**

The meeting opened with the Pledge of Allegiance.

“God Bless Our Troops and the Coalition”

ROLL CALL:

Members of Council:

Anthony Chrzan - **P**

Vice President- James Barnick - **P**

President-Thomas Lukasewicz - **P**

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**

Audience comments on tonight’s agenda: None

1. Motion by Marushock

Seconded by Mellody

To accept the zoning report, landfill inspector’s reports and the minutes of the September 29, 2003 and October 14, 2003 Council Meetings.

On the question:

Barnick: We didn’t get no notices or anything that the landfill was closing, did we? Or cutting off our income or something?

Morrell: No.

Barnick: Just wondering. You can print that there at the (Scranton) Times. Because people are getting a little scared up here.

All in favor

Motion carried

TREASURER'S REPORTS:

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

2. Motion by Chrzan

Seconded by Barnick

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

Unpaid bills: "Items for Payment"	\$ 39,571.72
Paid bills:	420,243.29
Grand total	459,815.01

Keystone Landfill Credit	8,959.23
Revenue Report	\$726,387.59

On the question:

Menichetti: The grand total for the month is \$459, plus the \$30,000 did you say? What did you say the grand total would be? *Dolan: If all items and everything's paid for? \$305,573.85.* Menichetti: That's the balance in the account, right? *Dolan: That's the balance in the checkbook.* Menichetti: Okay, but what was the total of paid bills? What was the total paid bills? *Dolan: The total paid bills is \$420,243.29. It's attached. The bills....* Menichetti: So the grand total is \$459,000? \$500,000 for this month? *Dolan: Paid for the month of October. Then you would add your motions to that.*

Marushock: In regards to the items for payment for the month of October, 2003, I will be voting against the elected officials portion of the Blue Cross/Blue Shield bill and also for the \$6,250 monthly fee for the Scartelli Law Firm.

All in favor, Marushock, except as noted

Motion carried

3. Motion by Mellody

Seconded by Chrzan

To pay all the employees of Throop Borough.

On the question:

Marushock: In regards to the employees of the borough? I'll be voting against the \$1,000 per month treasurer's salary and against the \$500 per month cost of cutting the grass at the Washington Street ball field.

All in favor, Marushock, except as noted

Motion carried

4. **Motion by Mellody**

Seconded by Marushock

To accept the correspondence as read or posted.

All in favor

Motion carried

ADMINISTRATOR'S FINANCIAL REPORTS:

5. **Motion by Barnick**

Seconded by Chrzan

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

General Fund Checking Account	\$153,144.93
General Fund Petty Cash	200.00
Payroll Checking Account	5,796.07
Tax Escrow Account	1,789.92
Civic Center Account	250.00
Civic Center Petty Cash	250.00
FNCB Escrow Acct. Throop vs. Gould	202,067.26
Sunny Day Fund CD's	2,454,069.46
Capital Projects Account	1,551,422.35
Civic Center After School Program	500.00
South Valley Ave. Grant	24,845.61
Warsaw Playground	28,424.98
Liquid Fuels Account	134,891.95
Fund Statement Grand Total:	4,557,652.53
(Interest Free) LOAN Balance: Keystone Sanitary Landfill, Inc. (Payment in the amount of \$262,500.00 will be paid in October 2003.)	Balance \$1,662,500.00
FNCB - LOAN	\$1,550,000.00

All in favor

Motion carried

6. Motion by Barnick **Seconded by Chrzan**

To also combine Sunny Day Fund CD # 40-3024247 in the amount of \$59,822.86 with Sunny Day Fund CD # 51-102228-4 in the amount of \$155,567.20 and Sunny Day Fund CD # 51-102233-4 in the amount of \$293,760.26 on maturity (October 30th) plus 10% of the October quarterly host municipality landfill check, \$67,882.70 at the best rate & term available.

All in favor Motion carried

7. Motion by Mellody **Seconded by Barnick**

To adopt Throop Borough Ordinance # 8 of 2003, an ordinance amending Throop Borough Ordinance # 14 - 1996, Act 600 Police Pension Fund. The amendments are those required as per Act 30 of 2002 - Changes to Act 600 and modifying the retirement age as per the Arbitrator's Award "To provide for retirement at age fifty (50) with twenty-five (25) years of service". A copy of the ordinance is posted and is also available for review in the administrator's office.

All in favor Motion carried

8. Motion by Barnick **Seconded by Chrzan**

To authorize payment in the amount of \$4,999.00 to Frederick C. Spott & Associates for professional services rendered from August 23, 2003 to October 5, 2003.

All in favor Motion carried

9. Motion by Barnick **Seconded by Chrzan**

To authorize Robert Kalinoski, Street Commissioner to purchase and have installed a new body on the 1988 GMC at an approximate cost of \$7,000.00 from the lowest bidder. Mr. Kalinoski received two phone quotes/bids and is awaiting the third quote.

All in favor Motion carried

10. Motion by Barnick **Seconded by Chrzan**

To authorize payment in the amount of \$14,074.75 including retainage to American Asphalt for the 1999 Paving Project, as per the recommendations of the Borough Engineer and Street Commissioner.

On the question:

Barnick: American Asphalt, are they agreeing to this too? Barnick: What are they claiming, how much?

Kalinoski: No, they're not agreeing to it. They're the numbers that myself and John (Szczepaniak)

came up with. Quantities that we measured probably a dozen times and that's the number. I think it was something like \$35,000 additional vs. the \$14,000 but what we're finding in their quantities, there were change orders and they're charging for that, the quantity that's in the change order in a unit cost and then they're charging again in the change order. So they're getting paid, they're trying to get paid twice for the same thing. And then there's still that outstanding item from which they call pavement backup at Junior's, which was never authorized, which they say a that a member of council gave him okay. There's nothing in writing, it was never okayed as far as I know and that amounts to almost \$9,000.

Barnick: So let them go ahead and do what they got to. How about as far as any fix ups that have to be done after they finish(ed) or is it all done?

Kalinowski: There were punch list items, Jim, that were addressed. They were addressed. Barnick: Were they done? Kalinowski: Yeah, they were done. They were done back in '99.

Lukasewicz: Jimmy and Tony, is it okay if this is the with the solicitor's okay.

Kalinowski explained there would be a change order to go with this number to balance each one of the streets, probably about fourteen (streets). There would be one balancing change order because the bid quantity may have been 100 square yards, they put in 70 sq yards and we're paying them for what they put in. There would be a deduct of 30 sq yards or, if they put in more than it was called for in the bid than measured, there will be a change order for an increase to balance out.

Barnick: Did you take out for your time and everything like that?

All in favor

Motion carried

11. Motion by Barnick

Seconded by Chrzan

To approve Slusser Brothers' Change Order # 1 in the amount of \$7,987.00 for the 2003 Street Paving Project to include the paving for the Dunmore St. Emergency Repair, approved by Robert Kalinowski, Street Commissioner, and Frederick C. Spott & Assoc., Inc., Borough Engineer.

On the question:

Barnick: This is approved by you? The change order was recommended by Spott? I just want to get the recommendation. Kalinowski: By myself and John (Szczepaniak). We forgot it in the original paving project. It was supposed to be put in the contract which the contractor, Scranton Craftsmen, had. Craftsmen's contract was to bring BCBC to the top. PennDOT requires a full lane with milling for anything that's over 100' in length. PennDOT is the one that marked the roadway for where they wanted mill. Lukasewicz: So this would be up to PennDOT's requirement.

All in favor

Motion carried

12. Motion by Mellody

Seconded by Marushock

To authorize payment in the amount \$11,463.00 to SWIF for the Audit Premium, for policy period 8/6/02 to 8/6/03.

All in favor

Motion carried

13. Motion by Chrzan

Seconded by Barnick

To allow approval to Scranton Craftsmen, Inc. to tie into the Olyphant (sewer) line pending an agreement with the Solicitors of Throop and Olyphant Boroughs and to accept the price increase of \$6,000 for the increase in the size of the line from 8" to 15". Throop will not tie into the line before further negotiations and prior approval with Olyphant Borough. All easements needed for the Eddy Creek line will be procured.

On the question:

Lukasewicz: Hopefully this is a good start for another development in the Borough of Throop.

Chrzan: Being it's for the betterment of the borough, I'm voting for.

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

Two against - Mellody, Marushock

Motion carried

14. Motion by Barnick

Seconded by Chrzan

To authorize the Borough Engineer, Frederick C. Spott & Assoc., Inc., to design and have ready to put out for bid a sanitary sewer extension from the northeastern corner of the School Side Estates sediment pond/retention basin to Vaughn Street, with a 15" line, to accommodate the Eddy Creek Proposed Sewer Extension and also an 8" branch sewer extension for connection from Vaughn Street (pumping station), if needed.

All in favor

Motion carried

15. Motion by Barnick

Seconded by Chrzan

To allow council to sign the plans of Schoolside Estates as per the recommendation of the Planning Commission and the Solicitor.

On the question:

Marushock: I feel I cannot vote on this evening. This has just come before us right now. We have not had a chance to review them in depth. How can we vote on something we haven't really received anything on? *Few speaking at once.*

Audience Comments: None

Six in favor - Chrzan, Barnick, Mellody, Menichetti, Barone, Lukasewicz

One against - Marushock, for reasons noted

Motion carried

16. Motion by Barnick

Seconded by Chrzan

To authorize the Borough Solicitor, Louis Cimini, to join Commissioner Robert Cordaro in the lawsuit Commissioner Cordaro v. Lackawanna County Board of Commissioners in reference to the Lackawanna County Landfill Trust Fund.

On the question:

Menichetti: Because we weren't named in the trust to begin with, I will be against it.

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

Two against - Mellody, Menichetti, as noted

Motion carried

17. Motion by Marushock

Seconded by Mellody

To open non-binding negotiations with Mr. Chorba regarding the purchase of land.

On the question:

Chrzan: That 48 acres of land, what's wrong with you people?

Marushock: You know why I stand against that site.

Chrzan: Yeah, go ahead, say it. There's a fire there? When you make a motion to *inaudible*.

Marushock: Possible mine fire.....

Chrzan: Possible, yeah, everything is possible within the realm of possibilities. *Both speaking at once*. You're laughing, it's a joke. 48 acres we got for a dollar. A lousy dollar.

Marushock: The borough's currently 1m in arrears in our agreement with the state.

Barone: I call the question.

Barnick: Why do you call it *arrears*?

Few speaking at once.

Lukasewicz: It doesn't hurt to negotiate with the man to see what he has to say. I'm committed up there (the 48 acres) but I'm still going to negotiate. It's non-binding negotiations.

Chrzan: That's the land the people complained about up in Warsaw.

Four against - Chrzan, Barnick, Barone, Menichetti "I don't want to enter into any negotiations for any land again."

Three in favor - Mellody, Marushock, Lukasewicz

Motion failed

A discussion took place with regard to the zoning office cost of registered letters and the possibility of amending the Nuisance Ordinance for repeat offenders.

Audience Comments: None

Motion by Chrzan, Seconded by Barnick,

To adjourn the meeting.

The meeting was adjourned.

Elaine Morrell, Administrator/Secretary

Minutes by Christina Sullivan, Assistant Secretary