

**Minutes
Throop Borough Council
Monthly Meeting
Monday, September 24, 2001**

The meeting opened with the Pledge of Allegiance.

A moment of silence will be observed for the victims, fire fighters and all emergency and rescue personnel and volunteers along with all the families who were affected by the tragedy on September 11, 2001 caused by terrorists.

God Bless America

ROLL CALL:

Members Of Council:

Joseph Barone-P

Vice President - James Barnick-P

Anthony Chrzan-P

President - Thomas Lukasewicz-P

Jim Mellody-P

George Marushock-P

Joseph Keyasko-P

Mayor - Stanley Lukowski-P

Solicitor - Attorney Louis Cimini-A

Treasurer - Lenore Dolan-P

Administrator/Secretary - Elaine Morrell-P

Announcements:

- An Executive Session was held at approx. 7:15 p.m. on Thursday, September 20th with Attorney Doug Blazey to discuss Throop vs. Gould regarding Marjol.
- Surplus Food - Tomorrow, Tuesday, September 25, 2001 at 9:00 a.m. at the Civic Center.
- DEP Public Meeting - October 17th at 6:30 p.m. at the Civic Center - RE: Keystone Landfill Permit Modification.
- Blood Drive - Tuesday, October 23rd at the Civic Center from Noon to 6:00 p.m. - Sponsored by the Throop Lions Club and Throop Civic Center.

TREASURER'S REPORTS:

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

3. 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:	\$55,802.89
Paid bills:	106,755.86
AOL deduction	14.95
Grand total	162,573.70

Keystone Landfill Credit:	\$12,930.66
Home Program	4,356.31
Revenue Report (As posted)	44,337.96
Interest	

Dolan-The Home Program for the month of September paid out no funds to residents. The checkbook balance as of today is \$618,349.30. If all items for payment are approved this evening, the balance will be \$562,546.41. If all motions tonight are approved (four motions amounting to \$92,182.76), it will leave us a balance with \$470,363.65. On the Civic Center's Soda (Beverage) Report, you will see that there was a jam with the machines. I would like to bring it to your attention that the Canada Dry man was there and he gave the Director today the jammed money in the machine which amounted to \$40.25 due to, it was a broken machine. That was per Joe from Canada Dry. Now, during the month of September, I want this on record, that we know of at least three residents that came and lost numerous amounts of money in the machine up at the park because of this jam. So you are going to find that the money is more than the bottles. Thank you.

On the question:

Barnick-Keep bringing up this beverages report. I'll tell you, I'm not about to sit down and worry about one bottle, two bottles, change, whatever. There are more important things than that. I don't think we need that every time.

Marushock-I'll be voting against the payment of Mr. Cimini in the amount of \$6250.00. I still can't understand how (inaudible), we had the proposal on the cable for approximately half that amount. If they don't want to accept that, maybe we should it out for bid and see if we can plan to come up with a little different price for the attorney's fees as the borough solicitor. The

feasible to open the streets. At this time, this is not a vote to open the streets. Barnick-They cannot be opened until thirty days after a hearing and the petitions for and against are heard.

A discussion took place, everyone spoke at once.

Four in favor-Barone, Barnick, Chrzan, Lukasewicz
Three Against-Marushock, Mellody, Keyasko Motion carried

Lukasewicz-Again, that's just to get the process in motion.

7. Motion by Chrzan Seconded by Marushock

To authorize payment to PA Dept. of Transportation for the sum of \$2,373.12 for the Sanderson St. Curb & Sidewalk Project.

All in favor Motion carried

8. Motion by Chrzan Seconded by Barone

To authorize payment to HARIE for the sum of \$4,705.00 for the workers compensation policy.

All in favor Motion carried

9. Motion by Barnick Seconded by Marushock

To authorize payment to Adams Enterprises for Application #2 in the amount of \$50,657.64 for the Bellman Street Park Project.

All in favor Motion carried

10. Motion by Marushock Seconded by Keyasko

To authorize payment to Kaminski Brothers, Inc. for Application # 2 in the amount of \$34,447.00 for the Sanderson St. Curb & Sidewalk Project

All in favor Motion carried

11. Motion by Chrzan Seconded by Barone

To donate \$200.00 to Boy Scout Troop 322. On October 7, 2001 they will be honoring five Troop members who recently earned the Eagle Scout Award. (Ryan J. Sepaniak and Brian M. Baigis of Throop, Christopher Frushon of Olyphant, and Jeremy R. Hendricks and Brent J. Louryk of Dickson City).

On the question:

Barone-This Ryan Sepaniak, I don't know if all these people know about it, but he wrote up a good story about the coal mining in Throop ever since way back. He did a terrific job. He was also awarded, so....

Barnick-He was also a borough employee....

Barone-Yes, he is.

All in favor

Motion carried

12. Motion by Chrzan

Seconded by Barnick

To authorize Thomas J. Lukasewicz, President of Council to sign Throop's Minimum Municipal Obligation in the amount \$32,984.00 for the Non-Uniform Pension Plan and zero dollars for the Police Pension Plan to be allocated in the 2002 Budget.

On the question:

Marushock-In regards to the zero dollars for the police pension plan, that would be because that is funded differently, correct?

Barnick-No, it's over-funded. (Everyone spoke at once.)

All in favor

Motion carried

Motion by Marushock

Seconded by Mellody

The following Motion failed:

To adopt Throop Borough Resolution # 25 of 2001, to enter into an agreement with the Commonwealth of Pennsylvania, Dept. of Transportation regarding the lighting agreement at the interchange of S.R. 0006 & S.R. 2008. (Casey Highway and Marshwood Rd.) (The approx. energy costs are \$500.00 per year. Throop would be responsible for 50% plus maintenance costs.)

On the question:

Marushock-I seen in our packets somewhere it suggests to get insurance for our maintenance. Would that be feasible? (Inaudible) and in our packets there's a statement of recommendation that we get insurance for the maintenance of those lights.

A discussion took place with regard to the lighting.

Two in favor-Marushock, Mellody

Five Against-Barone, Barnick, Chrzan, Keyasko, Lukasewicz Motion failed

13. Motion by Barnick

Seconded by Chrzan

To approve Kaminski Brothers, Inc. Change Order # 1 for the 2001 Street Paving Project for additional base replacement/repair Clark St. approx area 7' X 185' between Kossuth St. & Helen St. 16.00 per s.y., \$2,300.00.

On the question:

Barnick-Rob, that's as per the contract, that square yardage?

Kalinoski-No, as per the price quote that was sent out.

Barnick-But I mean, it's falling in line with the rest of them?

Kalinoski-They may be different for all the different areas, depending on the size of it. But I ran that by John, I looked at it, I thought that was a good price, \$16 a sq. yd. That's for 4" of sub-base and 5" of BCBC. I think most of the people on council saw the area and agreed that it was bad and it had to be repaired, yourself included, Jim.

All in favor

Motion carried

14. Motion by Marushock

Seconded by Keyasko

To amend the following motion that was passed on August 17, 2001:

To authorize to extend the quantity of discharge pipes on all properties at a cost of \$5.00 each in regards to the Sanderson Street Curb and Sidewalk Project, as per the recommendation of Street Commissioner, Robert Kalinoski. (The contractor is Kaminski Brothers.)

The cost is \$55.00 each.

On the question:

Barnick-I need some explanation on this one, Rob.

Kalinoski-Well, there was originally a total, I believe, of six in the entire project and they were to replace existing leaders that were coming out of the curb. When I talked to the foreman on the job he said, sure, we could put them in. Same price? Yeah, he says, I'll have to talk it over with my boss. A few days later, and I think it was after meeting, we got a quote of that it was \$55.00 a piece and, I believe, I had contacted everybody on council at that time. Got a mixed response from probably 50 (%) for and 50 (%) against it, got the deciding okay from one council member which made it four-three, so we put them in. The reason that it went up is they said that they bid \$5.00 each because there were only six of them that they figured they needed in the bid because there were only six and you can't even buy pipe for \$5.00.

Barnick-Yeah, but they set the standard. It's not like uh.....They're going to make a killing here. They've got to go and charge \$55.00?

Kalinoski-He said he'll work with us on it.

Barnick-They're making enough as it is on this project.

Kalinoski-It may come down, Jim, I don't expect it to go up because all he wants to do is get materials. Time and materials out of it, that's it.

Lukasewicz-Robbie, explain to the people what has to be done so they know.

Everyone spoke at once. A discussion took place. (How many needed to be done, how long they would take.)

Lukasewicz-You said that the foreman would negotiate with us, time and material?

Kalinoski-Andy from Kaminski said he will try to work with us for time and materials, have the foreman keep track of how long it's taking to put them in (inaudible).

Lukasewicz-My suggestion would be just not to amend the motion but just to leave the motion of \$5.00 and wait until they've got them all in and then see a list of time and materials and counter

balance that with the \$55 and come to a rate that's more conducive to the borough. If it takes an hour to do it and we have \$10 a pipe, would \$40 be reasonable, a rate of a guy there on a machine to do it?

Barnick-You know, the more you put into it the less integrity that concrete's going to have, I'm sure. You only have a 2"....and that's going to split and crack.....

Kalinoski-We went down to Exeter and looked at a job that American had done. One was two years ago and one was eleven years ago. Same situation, same size hole, same size pipe. The top of the pipe between the top of the curbing, top of the pipe, and it ranged from an inch and an half to two and a quarter inches. Just about most of them, I'd say 80% of them, the curb did have a slight hairline fracture. Out of all the ones we looked at, which might of been about a hundred, there was one area in the sidewalk that actually separated.

Lukasewicz-So not that much problems.....

Kalinoski-No. You can't even tell the crack is there in the curb unless you look for it.

Lukasewicz-It's a hair crack.

Kalinoski-You can't tell it's there unless you look for it. (Everyone spoke at once.)

Marushock-Can we take a vote on it, Mr. Chairman?

Lukasewicz-A vote on what's that? As is?

Marushock-As is, with the understanding that Rob is going to negotiate. Hopefully, Rob, (inaudible) the first or seven.....

Kalinoski-The first six are at \$5.00.

Marushock-\$5.00 apiece, yeah, anything additional what we're talking at...

Kalinoski-Correct.

Marushock-\$55.

Kalinoski-Correct.

Marushock-And again, it's going to be a good safety feature because it's going to eliminate the (inaudible) from draining right on the sidewalks.....

Kalinoski-We still have some of them, from what I could see, that are tied to the sewers.

Marushock-It's a situation where we're there now. Now is the time to make that improvement.

Kalinoski-It's too late after the sidewalks and curbs are in.

Marushock-Exactly. You can take roll call, please.

Lukasewicz-On the question, I'd be agreeable to that but before any monies are actually paid to the contractor that we have to have a sit down to negotiate, include that in.

Marushock-I think what we're looking at in the motion here is that any of these we're going to approving at a \$55.00 each.

Lukasewicz-This basically says you're going to approve everyone at \$55. If you vote to do it right now, it's finished business.

Marushock-Can we amend the motion that the first six or seven are going to be at the cost of \$5.00?

Lukasewicz-They already are. My concern is if you say \$55 apiece here this evening, then it's finished business. I'm asking for a loophole in it that before any monies are expended to them that what's his name, Andy? That Andy would come in and sit down to this and go over the time and material for us and counter balance it so that it could be possibly a gain to the borough.

Marushock-Do we want to table it then? Is that what you're trying to get at?

Everyone spoke at once.

Luksewicz-I'm not against what's being done but I, \$5.00 to \$55.00 is a big difference and if you get it for \$35 or \$40 it's a better savings to the.....

Marushock-Because I believe I gave a verbal approval for this over the telephone so it's now, it's our legal point here, basically just approving at a public meeting for we had a record as to what we decided on. If we already had these in place and we're better than liable for it. 'Cause I know Robert, again I believe, Robert spoke with all the council members?

Barnick-Technically you cannot take a vote that way.

Lukasewicz-That was only a census. (Everyone spoke at once.)

Marushock-.....statement was over the telephone to verify this at a public meeting so it was a matter of record.

Kalinoski-And I believe there was a motion probably about two, maybe three months ago, maybe even longer and it was when the changes were made to the purchasing committee and the amount of the expense and what happened if something came up on a project where there was more than that and I believe the answer was, get a hold of everybody on council.

Marushock-The other thing is at the time that this was done, Rob had to render a decision to the contractor (inaudible) meeting was held to make this decision. I think that is why he kind of did what he did. We're not putting him on the spot but the situation was, what do we do now?

We're ready to pour the sidewalk, evidently some people seen the other pipe running through and everyone else maybe felt it was a good idea, which I agreed to an idea. Again, as Rob said, (inaudible) will have a hairline crack because of the location (inaudible) to the top of the sidewalk. But overall, it's a big safety fact and I think it's going to save a lot of problems.

Barone-(inaudible)...again on this price.

Kalinoski-(inaudible)..I tried once before but he said he'll work with us on the materials.

Barone-All right.

Four in favor-Marushock, Mellody, Keyasko, Lukasewicz

Three Against-Barone, Barnick, Chrzan Motion Carried

15. Motion by Marushock

Seconded by Keyasko

To approve Linde Enterprises, Inc. application for payment # 3 in the amount of \$11,369.30 for the Cambria Court Project as recommended by Robert Bernosky, Engineer.

Kalinoski-I think there was a question on, at the last meeting that this was brought up, whether it included a change order for additional leveling roughly in the amount of \$1600.00 or \$1700.00. That's not included in this and that was Tom Bailey who was the superintendent on the job, last Monday, he had indicated to me that it was approved by the engineer. He said he was going to go back to his field notes and see exactly when it was approved and he's supposed to generate a letter to me regarding that. I spoke to Bernosky Friday, he doesn't know anything about it and I still haven't seen the letter. There may have been confusion between, we did an area, we went back and actually repaired some sub-basing in the area up there so he may be confused with that, there was a change order that approved for that maybe in February or March. Kalinoski mentioned there was still retainage. A long discussion took place.

All in favor

Motion carried

16. Motion by Marushock **Seconded by Mellody**

To approve Kaminski Brothers, Inc. Change Order # 3 for additional test pits at a cost of \$17,400.00 and Change Order # 4 for additional milling and deduct two type c inlets at a deduction of (-\$1,661.51). (Sanderson St. Curb & Sidewalk Project.)

A long discussion took place.

Five in favor-Barone, Marushock, Mellody, Keyasko, Lukasewicz
Two against-Barnick, Chrzan **Motion carried**

The following motions were discussed and added:

17. Motion by Lukasewicz **Seconded by Chrzan**

To authorize the administrator to figure the amount of money paid improperly to part-time police officers and advise them of the amounts paid to them incorrectly and inform them it will come out of their payroll check, unless they want to pay it up front.

On the question:

Lukasewicz-It was a mistake by the administration dept. that no one else caught until Mr. Mellody caught it and now we're trying to fix the problem.

Audience comments:

Menichetti-It was an honest mistake.

Galli-Obviously it was a mistake on everybody's part. I think they should be allowed to make payments.

Barnick-I agree.

Four in favor-Barone, Barnick, Chrzan, Lukasewicz
Three against-Marushock, Mellody, Keyasko **Motion carried**

Discussion: No proposals received for ambulance services at this time and that it would be put out for rebid. A meeting with the ambulance had not been set up, possibly in light of the tragedy (Sept. 11).

18. Motion by Barnick **Seconded by Chrzan**

To re-bid the ambulance proposals for emergency services

All in favor **Motion carried**

There was a discussion of an investigation.

Councilman Joe Keyasko, George Marushock, and Jim Mellody stepped away from table.

Mayor Lukowski announced the Blood Drive on Oct. 23, 2001 and urged if anyone could give blood to please do so.

Lukasewicz informed the audience of the situation with regard to the borough's insurance. The agent Bell was notified in June (the policy expired on Sept. 4, 2001) that the policy would be dropped. The borough should have been notified in sufficient time to make arrangements to do whatever was necessary and, evidently, the borough was not notified. If the notice had come to the borough we could have tried to find an answer to the problem. The coverage originally was around \$50,000 (per year) four years ago, went down to around \$27,000 after it was bid. The policy premium now per year is going to be about \$100,000. The agent delivered the notice to the borough the date our policy was dropped (he believed). The solicitor reviewed it, sent a letter to the carrier and we are trying to do what is in the best interest of the borough.

Brian Bell, agent, represented Joyce, Jackman & Bell Insurance Agency, addressed council. He indicated the borough suffered 38 losses in the past three years and the amounts paid out to date.

He indicated insurance industry rates were going up and the policy still would be much higher even if the borough had good losses. The total premium is \$98,646.00 (\$10,000. deductible). Lukasewicz asked if the borough was covered as of right now, Bell responded yes. He also indicated his obligation as the borough's agent is to make sure the borough has no lapse in coverage. If any incident arises since Sept. 4th, HARIE would pay the bill.

19. Motion by Barnick

Seconded by Chrzan

To pay \$1700.00 to the St. Paul Insurance for "tail" coverage for public officials only (for retroactive claims).

Audience comments:

Daryl Menichetti-Asked about coverage for the public officials.

Bette Goreschak-Same as above.

All in favor

Motion carried

Council Comments:

Barnick announced tomorrow, Wed. (Sept. 25) is the school board meeting, don't forget to attend.

Audience comments:

Chris Mills, Martarano Drive-Announced there would be a fight for the light-heavyweight championship either the last week of October or first week of November. He was pulling to have it possibly in Scranton and the fight would benefit the World Trade Center victims.

Daryl Menichetti, North Street-Talked of a situation with her niece where there were no signs for a road being closed from road pavement job and she went through Charles Street, tar all over car.

She questioned council on the status report on Atty. Goffer and what he does for the money he gets paid and the status on the audit for the borough, it was almost October and was it complete? Also, the flag was dirty.

Budget work sessions would begin October 11, 2001.

Marian Veltri, Ann Veltri, Dave Morrell, Elaine Morrell, residents of George Street-Discussed the parking situation on the 300 block of George Street.

20. Motion by Chrzan

Seconded by Barone

To authorize/allow, at Mr. Kalinoski's discretion, as needed, to purchase signs for no parking.

All in favor

Motion carried

Kalinoski-You figure you're looking at probably about \$80 per sign.

Dominick Rocco, Sanderson Street-Asked why George (Marushock) got up and walked out of the meeting. He requested council if he could get an answer on the storm drain.

Matthew Cortazar, 1018 Ridge Street-Commented on the parking situation saying the borough would need to hire a meter maid to go and monitor the parking and the parking is going to have to be enforced for everyone. He questioned council about the ambulance meeting and stated he wanted to schedule it prior to release of the bid proposals.

Dave Morrell-Stated everything he discussed was just his opinion as a resident.

Joe Barone-You have to let everybody in the town know you're going to do something with the parking.

Jack Dolan-Discussed the motion made to the Planning Commission with regard to the water problems (Tiffany Estates) Louie Cimini's had correspondence he sent to the owners of Tiffany Estates but he did not see it. He also mentioned the storm drain that goes down on one side of his house and a discussion took place.

Tony Chrzan-Asked Dave Repchick (Capt.) to ensure to have one of the cars somewhere for the kids all over at the bus stops.

The meeting was adjourned.

Elaine Morrell, Administrator/Secretary
Minutes by Christina Sullivan, Assistant Secretary