

Minutes  
Throop Borough Council  
Tuesday, March 20<sup>th</sup>, 2018  
Monthly Work Session/Meeting 6:30 p.m.

The meeting opened with the Pledge of Allegiance.

*“God Bless Our Troops and the Coalition”*

**ROLL CALL:**

**Members of Council:**

Mike Chorba - P  
Jim Barnick - P  
Richard Kucharski - President - P  
Charlene Tomasovitch - P  
Vince Tanana - P  
Wayne Williams - A  
Bob Magliocchi - **Vice President - P**  
**Solicitor/Borough Manager** - Louis A. Cimini - P  
**Mayor** - Joe Tropiak - P  
Assistant Treasurer - Lenore Dolan - P  
Secretary - Renee O’Malley - P  
Chief Clerk/Treasurer -Robin Galli - P

**Announcements:**

- \* The Mar. 26<sup>th</sup>, 2018 monthly work session/meeting has been cancelled.
- \* Breakfast with the Easter Bunny, Saturday, March 24, 2018 at the Throop Civic Center from 9 am to 11 am.

**Work Session/Meetings:**

- \* The Apr. mid month work session/meeting will be held on Mon. Apr. 9<sup>th</sup>, 2018 at 6:30p.m.
- \* The Apr. monthly work session/meeting will be held on Mon. Apr. 30<sup>th</sup>, 2018 at 6:30 p.m.

**Audience comments on tonight’s agenda:**

Denise Brown, Phillips St: Questioned the difference between the Planning Agency and the Planning Commission. And why are we going to change it?

Attorney Cimini: I don’t think there is much of a difference

Brown: You only have 5 motions on but.

Cimini: Yes because the subdivision and land development ordinance clearly identifies the Throop borough planning commission as the agency that is to enforce and administer the

subdivision and land development ordinance. It started out with Throop Borough planning commission and then in the 90's it was changed to an agency. To answer your question, agency and commission are really the same thing and there is duties as are described and identified in the municipalities planning code is the same and there is really if you want to say an agency is part of commission, commission is part of an agency it doesn't make a difference. For our purposes the subdivision and land development ordinance says throop borough planning commission not agency so it is going to be consistent with the subdivision and land development ordinance. Really nothing is going to change as far as the responsibilities although, this has to go a little bit further, the, what council asked is that the planning commission that is going to be formed has, is only going to be in an advisory capacity they will submit everything to Council for final approval. That is the change. Agency or commission doesn't really mean anything. The big change is or the change that is going to be made is that this body will now be making the final decisions on the subdivision and land development ordinance not the planning agency or commission.

Brown: Based on the information from planning?

Cimini: Yes they will now serve in an advisory capacity to this board. Up until now they have been making the decisions. The request has been that this board, and I think, we talked to the municipalities planning consultant and there is, in his estimation, an 80-20. 80% has it as their ordinance so that council has final say, 20% has it the way the borough has it right now where the planning commission has the final say. That's the change.

Kucharski: And we just felt on council, I mean we are the elected officials if somebody doesn't like something that the planning agency or commission decides well who are they going to come to? They are going to come to Council. So since we are the responsible party we felt we should have the final say but you know they would certainly still have the work to do with providing us with an advisory opinion. And it is nothing against them they do an excellent job they are all very dedicated but it's just again we felt

Cimini: They're all in favor of the change. They have no problem with it. The final delineation of authority will be final say will be with this council the planning commission will hold hearings they will call witnesses so they will do everything they were doing so they will be administering the subdivision and land development ordinance and the code enforcement officer will be enforcing the subdivision and land development ordinance. So those things haven't really changed all though I think the intention when they changed to a planning agency was that they was that council had the final say but that was not the way it was being *inaudible*. As you - you've been here many many meetings and you've never heard Council have to make a decision on any issue that came before the planning commission so that's the change.

Brown: Inaudible is actually going to appoint the members to the commission?

Cimini: Yes because it is going to be brand new, the commission is brand new, we're following the agency

Brown: The people from the agency aren't just coming over to the commission?

Cimini: Yes. They are but you have to do it by separate - that's the Resolution to appoint the same members just to the commission instead of the agency.

Brown: Ok. Thank you.

1. **Motion by Tanana** **Seconded by Chorba**

To accept the monthly zoning reports and the minutes of the Feb. 26<sup>th</sup>, 2018 council meeting.

**All in favor**

**Motion carried**

**Treasurer and Assistant Treasurer Reports:**

2. **Motion by Tanana** **Seconded by Tomasovitch**

To accept the treasurers' monthly reports as posted and to pay the monthly bills against the borough as posted and/or printed on the agenda.

Unpaid bills: "Items for Payment"	<b>\$50,670.14</b>
Paid bills:	<b>\$459,702.35</b>
General Fund Revenue Report (includes transfers from GF MMKT TO GF CK)	<b>\$266,351.13</b>
Civic Center Revenue Report	<b>Feb 2018- \$20,522.29</b> <b>As of March 13, 2018 - \$4,619.00</b>

**All in favor**

**Motion carried**

3. **Motion by Tanana** **Seconded by Chorba**

To pay all the employees of Throop Borough.

**All in favor except Tomasovitch  
abstained on husband and Kucharki  
on granddaughter**

**Motion carried**

4. **Motion by Tanana** **Seconded by Tomasovitch**

To accept the correspondence as read or posted.

**All in favor** **Motion carried**

5. **Motion by Tanana** **Seconded by Chorba**

To accept the Fund Statement, Budgeted Revenue & Expense Statement as of Feb. 28<sup>th</sup>, 2018 as posted and/or printed on the agenda.

<b>Fund Balances:</b>	
General Fund Checking Account - FNCB	<b>\$60,012.03</b>
General Fund Performance Money Market - FNCB	<b>\$780,219.92</b>
Civic Center Account-FNC	<b>\$4,518.34</b>
General Fund Petty Cash	<b>\$300.00</b>
Payroll Checking Account-FNCB	<b>\$51,494.44</b>
Sunny Day Fund MMKT CK Acct-FNCB	<b>\$3,828,230.60</b>
Sunny Day Fund CD's	<b>\$4,233,636.42</b>
Liquid Fuels Account - FNCB	<b>\$129,455.75</b>
<b>Fund Statement Grand Total:</b>	<b>\$9,087,867.50</b>

**All in favor** **Motion carried**

6. **Motion by Barnick** **Seconded by Chorba**

To pay the 1st quarter allotments to the Emergency Services for the Borough of Throop. \$5,906.25 each to Hose Co #1 and Volunteers #3 and \$1,500.00 to Dickson City Ambulance (motion passed on Jan. 30<sup>th</sup>, 2018 to hold first quarter allotment for Hose Co # 2).

Magliocchi asked if should table this one?

Kucharski: Do you suggest that we table this at this point or what?

Cimini: My conversation yesterday was that council should be paying invoices and that was DCED. I don't know if you agree then you will be paying invoices and if not then you'll be paying allotments. It's whatever

Magliocchi: *Inaudible*.

Kucharski: How will we handle that with the annuals?

Tanana: Well that is a recommendation from DCED. There is nobody actually in charge

Magliocchi: Yea but we have talked about this before anyway. We have been talking about it. I don't see what the difference is.

Barnick: Well whatever aid we allocate to them they have to provide what they used it for so what's the difference of an invoice?

Hegedus: That's state law that we have to do that. Act 1133

Barnick: Exactly.

Hegedus: We have been doing that every year since 1992. What invoices do we submit? What happens if we use it to pay the insurance and we run out in the middle of the year and we can't pay the light bill?

Magliocchi: Well it's the same what had before *inaudible*

Hegedus: We're budgeting just like you budget

Magliocchi: Right but what I'm saying is you get 23,000 just say right now, round it off and you use our money for payments you are going to send those payments here.

Hegedus: You are changing the plan in the middle of the game here and that's not fair Bob.

Magliocchi: I don't see it changing the plan.

Hegedus: It's changing the plan. We budget just like Council budgets.

Magliocchi: You are still getting the same budget though. 23,000 is 23,000 you are just turning in the bill. It's the same budget. It's not like

Hegedus: It's not the same

Magliocchi: if we said 15,000 that's changing the budget.

Hegedus: If your employer tells you tomorrow that submit the bills I am going to pay your bills and not give you your money what are you going to tell him?

Magliocchi: It is going to work out the same.

Hegedus: Oh yea? What am I supposed to do for operates? What am I supposed to do for things or is anybody supposed to do for an emergency that we need to buy a tool or we need to replace something or we need to do something other than you know

Magliocchi: So you guys have no funds than?

Hegedus: We have plenty of funds.

Magliocchi: It's the same process.

Tomasovitch: Why can't we just table this and we can talk about, have a meeting on it

Kucharski: Well that's what I was going to say or maybe just pay it

Tomasovitch: We can't *inaudible*

Kucharski: but it does require more discussion and perhaps setting up *inaudible*.

Magliocchi: I mean the only thing I say is that the state is recommending it why would the state recommend it if it is not the right way to go?

Hegedus: DCED has nothing to do with the fire service.

Magliocchi: So they just, their recommendations mean nothing. Are they the ones that recommended the *inaudible*.

Hegedus: I didn't say they don't mean anything. They have nothing to do with the fire service.

Magliocchi: But if they are recommending this you're saying it has nothing to do with the fire service.

Hegedus: DCED has nothing to do with the fire service.

Magliocchi: So what does it have to do with anything?

Hegedus: You're going off his recommendation. What if he told you to give us the 23,000 at once?

Magliocchi: Is that the company the recommends consolidation?

Kucharski/Cimini: They do the study.

Hegedus: As do a million other agencies.

Magliocchi: So then it should mean nothing if they have nothing to do with the fire companies.

Hegedus: As do a million other agencies.

Tomasovitch: I think we got to have a meeting on this.

Kucharski: I think so too.

Tomasovitch: We can't argue like this.

Hegedus: It's not an argument it is a discussion. We are not going to get our funds first quarter?

Magliocchi: You're what?

Hegedus: The funding for the quarter?

Magliocchi: I'm not saying you're not getting the funding I'm saying whether we pay the bills or you pay the bills it is the same funding. We are not taking away your funds.

Hegedus: So what are we supposed to do then. We are supposed to march the bills up here and then they will be paid? What's the process?

Kucharski: There's none that's why I think it does bear more discussion. And we have to set up some procedures. So I mean this just came up 2 days ago

Cimini: This is a passing comment in a conversation about doing an independent study.

Chorba: We can't hold the first quarter allotment.

Kucharski: I don't think we should either.

Chorba: No because they are going to need it.

*All talking at once.*

Magliocchi: Let's do the first quarter and then we will talk about it for the second quarter.

Hegedus: So then what will we do, put everything in the borough's name? The invoices?

Kucharski: Well that all has to be worked out. That's just it. I think this does bear much more discussion on the borough's part. So at this point I would like to see us pay the first quarter allotments and then start fresh and take a look at if in fact we want to do it that way and if we do then we have to set up some procedures. So everybody knows what to do.

Hegedus: These kinds of actions are not the way to win favor with people and ask people to do things. Changing the rules mid stream.

Kucharski: That's why I say it certainly bears more discussion.

**All in favor**

**Motion carried**



**11. Motion by Tanana**

**Seconded by Chorba**

To repeal and rescind Ordinance # 6 of 1997, an ordinance changing the composition of the Planning Agency.

**All in favor**

**Motion carried**

**12. Motion by Tanana**

**Seconded by Chorba**

To adopt Ordinance # 8 of 2018, an ordinance creating a borough planning commission pursuant to section 201 et seq of the Pennsylvania Municipalities Planning Code and abolishing the Throop Borough Planning Agency.

**All in favor**

**Motion carried**

**13. Motion by Tanana**

**Seconded by Chorba**

To adopt Resolution # 5 of 2018, a resolution appointing a 5 member Planning Commission and 1 alternate member for Throop Borough.

Kucharski: Same 5 individuals and the same 1 alternate.

**All in favor**

**Motion carried**

**Cimini: I just want everyone to be clear that Motion 15 really coincides with Motions 10 through 13. Motion 15 is to actually amend the content and text of the subdivision and land development ordinance to be consistent with the ordinances that just passed. So this will be advertised and I am expecting a letter from the planning commission that says they confer with the changes and then we can adopt it on April 9<sup>th</sup>.**

**14. Motion by Tanana**

**Seconded by Tomasovitch**

To hire Warren Environmental Council to represent Throop Borough as Environmental Counsel for all issues regarding Meadowbrook Energy and to allow Council President the authority to sign any letter of engagement.

Kucharski: We did receive 4 proposals so Lou did look at them and do you have a recommendation?

Cimini: There were supposed to be 6 submitted, I received 4. Out of the 4 I reviewed everyone should have received a copy. This is just my preference. You may have your own. I thought that the amount of experience that they have in environmental law is really staggered but I believe that the land air and sea law firm land air water legal solutions a lot of experience specifically in this area. Their rates I thought, \$400/hour, were just a little too much. The other firm I thought had the least amount of experience that leaves 2, Curtin and Heefner who's representing Jessup right now and I believe they represented the friends of lackawanna and still are in their zoning issues and warren environmental council. Once again a lot of experience so between, out of 4 received I would personally I would be happy with either Curtin and Heefner or Warren Environmental council.

Magliocchi: I was preferring Warren, my opinion from what I've been reading but

Kucharski: And which one, is that the one that represented Jessup?

Tanana: No.

Cimini: Curtin and Heefner is representing Jessup.

Kucharski: I agree. I would be concerned with potential conflicts of interest or perceived conflicts with the other firm.

Cimini: Then that leaves Warren Environmental Council.

Barnick: What's the difference in the 2 with rates?

Cimini: Curtin and Heefner is 225/hour; warren environmental council, the lawyer who is going to be doing most of the work is billing out 200/hour but the senior council, actually Warren, any work that he does will be billed at 325 but he is going to be more in an advisory capacity to the attorney that is doing the work but I can't, he will be involved.

Magliocchi: They had the most experience too.

Kucharski: By far.

Magliocchi asked that Robin put Warren on.

Cimini: Just so council knows this is a month to month engagement. At the end of month 2 if you thought this was not going well you can terminate at any time.

Chorba questioned if guaranteed anything.

Kucharski/Cimini: No.

Kucharski: Lou and I talked about this other day and things most likely are going to start occurring pretty fast and furious at any time now and we want to be well represented to ensure, not only to protect the health and welfare but to also protect the boroughs financial interest. So we want to be well represented and I think this firm would fit that bill.

Kucharski questioned if anyone in the audience had a problem with that addition.

Audience member: Not from Throop but I know Curtin and Heefner and Jordan Yeager battled in front of the superior court of Pennsylvania for local zoning and won the case to get power to local zoning and control. He's an incredible attorney. Mark Freed was a former DEP attorney and he has the inside and out and they are very good so just from what I've seen from the work they've done you would be very lucky to have them as an expert.

Kucharski: Ok we appreciate it.

**All in favor**

**Motion carried**

**15. Motion by Tanana**

**Seconded by Chorba**

To advertise Ordinance #9 of 2018, an ordinance amending Ordinance #8 of 1990 titled Subdivision and Land Development Ordinance. Whereas it is the intent of Throop Borough to amend the Throop Borough Subdivision and Land Development Ordinance to place the final vested authority for the approval or disapproval of all decisions requested under the authority of the Borough Council.

**All in favor**

**Motion carried**

**16. Motion by Tanana**

**Seconded by Chorba**

To allow the Citizens for a healthy Jessup to use the Civic Center for a democratic primary debate for the 112<sup>th</sup> district on April 19, 2018 from 7:00pm to 9:00 pm.

**All in favor**

**Motion carried**

**17. Motion by Tomasovitch**

**Seconded by Tanana**

To accept the proposal received from collaborative Response Graphics for the 3D civic center floor plan at a cost \$895 for 1 floor (possibly 2 or 3 floors needed) and \$200 yearly updates if needed.

On the question:

Barnick: Thought we were going to wait until Keith talked to them.

Magliocchi: We said it didn't matter

Kucharski: It didn't matter

Magliocchi: whether it is a 2 or 3 floor plan we want to get it so it isn't going to change anything. It's just a matter if we are going to be adding another inaudible for a third floor.

Kucharski: Right.

**All in favor**

**Motion carried**

**18. Motion by Tanana**

**Seconded by Tomasovitch**

To accept the proposal received from Appel technology for a system back up for the police dept. at a cost of \$1,498.07.

**All in favor**

**Motion carried**

**19. Motion by Tanana**

**Seconded by Magliocchi**

To allow Officer Murcko to attend a 2 day defensive edge rifle class on April 23 & 24 in Lemoyne at a cost of \$450.00 plus expenses.

Magliocchi asked if Keith said it was necessary?

Tomasovitch: Is it necessary?

Kucharski: He did say he thought it was necessary.

Galli: He did mention it.

Tomasovitch: Isn't there anybody else they can send? Doesn't Billy do guns and

Magliocchi: So what is he going to that class for? Is he going to be able to train our guys?

Mayor: He is going to come back and train the other people too.

Tomasovitch: Is he one of the gun trainers?

Tanana: He is a fire arms instructor. Another year has passed and *inaudible*. When he puts his retirement paperwork in we will know he is leaving. You can't make assumptions. Training is in their budget we are bound by contract the officers receive training that's who the Chief and the Mayor approved for the training so that's who they approved for the training.

Kucharski: Yes and it is not something we can wait on so

Mayor: And he is the acting person right now while the Chief is out because of his wrist.

Tanana: Alright well Keith should be back on the 23rd.

**All in favor**

**Motion carried**

**20. Motion by Magliocchi**

**Seconded by Tomasovitch**

To allow Officer Mazzucca to attend a 2 day pistol course in Princeton NJ at a cost of \$850 plus expenses.

**All in favor**

**Motion carried**

**21. Motion by Magliocchi**

**Seconded by Tomasovitch**

To purchase carpet for the front office at a cost of \$1425.00 from Giant.

On the question:

Barnick: What front office?

Kucharski: Robin's office.

Barnick: I thought we were doing that with the

Galli: Some of the floor and carpet where it is at.

Kucharski: Right because part of it is currently tile so that would get the tile flooring and then the carpeted part, they are just replacing the carpet with new carpeting because it is filthy.

Barnick: Why don't they just do the whole thing with the extra floor instead of paying for carpet?

Magliocchi: I would do the carpet mainly for sound wise.

Barnick: You're going to have half the sound in the room and then

Magliocchi: That's what it is now. It's a quarter so you don't ruin the rug as you walk in and then you have the carpets around the desk. You have 700 square feet in there so you're not going to have enough to do the hallways then. So then you're going to purchase more so I mean I would

buy the rug

Barnick: Well we don't have to purchase more. We were using it to use it because it was a mistake.

Magliocchi: I don't know I would go with the rug.

**5 in favor, Barnick against**

**Motion carried**

**22. Motion by Tomasovitch**

**Seconded by Magliocchi**

To allow Robert Kalinoski to attend a Certified Stormwater Training on May 7<sup>th</sup> and May 8<sup>th</sup> in Harrisburg at a cost of \$824.00, registration fee included plus expenses.

Magliocchi: Expenses, is there a limit on what, where they go eat, where they go here whatever the case is?

Galli: We can give them an expense limit.

Magliocchi: I am just curious because I mean if you give me an expense I can spend some money.

Galli: When the cops use it they are usually good.

Magliocchi: No but I mean just out of curiosity.

Tanana: \$25/day, *inaudible*.

Magliocchi: Because we pay for the meals and everything right? We pay for everything. I was just curious.

Galli: Right.

Kucharski: Well I mean with the state

Denise Brown: There is a website that gives you per diems. It tells you what you could expect to pay for a room, what you can expect to pay for meals and that's what the state reimburses based on.

Chorba: I believe it works on radius too right? Like how far you travel. *Inaudible*

Magliocchi: Is that what we do though.

All talking at once.

Kucharski: It could be a contractual issue too I don't know.

Magliocchi: And I am not saying anybody abuses it but I mean if you want to you can.

Dolan: We never had one person abuse it.

Hegedus: They are not using company credit cards right?

Kucharski: No.

Hegedus: Then you could deny their expenses if they went crazy.

Magliocchi: Yes but we didn't set them a limit so *inaudible* I am just curious do they use our cars when they go or do they use their own?

Kucharski: I don't know I think the police

All talking at once.

On the question:

Tanana: I think we should set a limit.

Kucharski: It's something we have to take a look at.

Tanana: There is no limit in the current police contract or anything

Cimini: go by the Federal

Tomasovitch: by the State

Kucharski: Yes. And the state again does use the federal guidelines. Depending upon the size of the area like Philadelphia we use to get like \$52.00 but when we went to Harrisburg I think we got \$35.00. And if you spent \$100.00 you were only getting 35. And that was just for meals. And then there were hotel rates too. Standards.

Hegedus: That's different than the per diem. If you give them a per diem of \$100/day they could eat 6 big macs for \$99 each or \$.99 each.

Kucharski: It is something that has to be looked at.

**All in favor**

**Motion carried**

**23. Motion by Chorba**

**Seconded by Tanana**

To purchase one truck load (24 tons) of diamond dirt for the ball fields at a cost of \$1,284.00 which includes delivery.

**All in favor**

**Motion carried**

**24. Motion by Tanana**

**Seconded by Magliocchi**

To accept the proposal received from Cocciardi Associates for Respiratory fit testing to be done on 2 employees at a cost of \$75.00 per employee and that will be compliant with the OSHA silica regulations.

Chorba asked if that includes the blood test and the *inaudible*?

Kucharski: I don't know.

Galli: I could check.

Chorba: They require a blood test and a medical eval too.

**All in favor**

**Motion carried**

25. **Motion by Tanana**

**Seconded by Tomasovitch**

To authorize Robert Kalinoski to purchase the needed material for the crack sealing program at a cost of approximately \$5500.00.

**All in favor**

**Motion carried**

26. **Motion by Tanana**

**Seconded by Chorba**

To reimburse Eric Siegfried, 308 Schoolside Drive in the amount of \$435 for the cost of a mailbox.

**All in favor**

**Motion carried**

Kucharski: In the packet there was a letter from Scott Donlan who is the manager of the Dickson City American Legion Baseball team asking the Borough to undertake a study about installing lights at the Washington Street Park.

Tomasovitch: Why do we need a study?

Kucharski: Well that's what I was going to say. I think it is something we could table it for now and discuss it.

Tomasovitch: Why don't we put it in next year's budget.

Kucharski: Well the thing I want to say is though last spring or getting into the summer I learned that Old Forge received a \$78,000.00 grant through the county to install lights at their high school field I believe and so my only point is that there is grant money available out there to do things like that so we should really at least get an estimate in terms of what it might cost.

Tanana: That was through casino money.

Kucharski: I think that is what it was. Can you include that in the next meetings packet. The letter from Scott so we can talk about it.

Andy Hegedus: I do have a question in all seriousness about that flooring the Rescue would be interested in purchasing that if you are going to look to liquidate it. We are considering redoing the hall floor since we remodeled the hall a few years ago and if it was something we would be interested in purchasing it.

Kucharski: Well it is something to think about. I think we may have a use for it.

Magliocchi: The other thing Andy is there were 2 colors. A gray and a lighter wood so I don't

know the exact square footage of each.

Kucharski: Well if it comes to the point that we don't use what we have we'll let you know.

Hegedus: We'll send in the invoice.

The meeting was adjourned.

Meeting minutes by Renee O'Malley  
Borough Secretary