

**Minutes
Throop Borough Council
Tuesday, April 12th, 2022
Special Work Session/Meeting 6:30 p.m.**

The meeting opened with the Pledge of Allegiance.

ROLL CALL:

Members of Council:

Anthony Gangemi - P

Matthew Chorba - P

Richard Kucharski – **President - P**

Charlene Tomasovitch - P

Vince Tanana - P

Wayne Williams - A

Bob Magliocchi - **Vice President - A**

Solicitor/Borough Manager - Louis A. Cimini - P

Mayor - Joe Tropiak - P

Secretary - Renee O'Malley - P

Chief Clerk/Treasurer - Robin Galli - P

Announcements:

* An executive session is scheduled for 6:15 p.m. this evening to discuss legal and personnel matters.

Work Session/Meetings:

* The April monthly work session/meeting will be held on Tues. April 26th, 2022 at 6:30 p.m.

* The May mid month work session/meeting is cancelled.

* The May monthly work session/meeting will be rescheduled from Tues. May 31st, 2022 at 6:30 p.m. to Tues. May 24th, 2022 at 6:30.

*The June monthly work session/meeting will be rescheduled from Tues. June 28th to Tues. June 21st at 6:30 pm.

Audience comments on tonight's agenda:

Attorney Jim Conaboy – Representing Paulette Schank. Asked that council consider adopting agenda item number 5 which is the motion that discusses accepting Mrs. Schenk's bid for the property at 522 Dunmore Street and enter into an agreement of sale with Paulette contingent upon her acquiring clear title through an action of quiet title. And just a couple of things for council to consider to the extent that it is determined that Paulette was required to make a deposit within 60 days of the bids being opened. She did do that. As council I'm sure is aware, the 60th day after the bids were opened fell on a Sunday the following day was a legal holiday, Monday, Presidents Day, February 21st. So, the actual date that Paulette would have to have made the deposit would have been Tuesday, February 22, 2022, 2-22-22 I don't think is a date that we would forget, and she did make a deposit with her escrow agent. I have a copy of the check that she deposited with her agent if council would like a copy of that in considering tonight's motion. I don't know if I can hand it out or not. It's whatever your preference is. I would also like Council to consider that since making the deposit Paulette and her husband Tom have incurred substantial costs. They've made a deposit in excess of \$16,000.00. They've hired an attorney, hence I'm here now. They've commissioned a title search on the property which is inches thick as shown in my file here. A pretty long title history. What we learned and as you know you got the property from the land bank. It went through a tax sale. It went through a judicial sale, but those sales are only as good as the notice that is given to potential heirs to the deceased owners of the property. The title search raises questions as to whether or not all the heirs were given the appropriate notice so in addition to the costs that I already referenced Paulette has hired another lawyer, Attorney Bridget Carey who has undertaken to begin the steps of filing the action of quiet title which will require substantial costs mostly for notices honestly published in the Scranton Times to give potential heirs notice that this property has the potential to be transferred. We do have a concern that of council doesn't pass the motion this evening that Mrs. Schank may not have standing to file that action because as of right now she doesn't have any legal right to the property because Council hasn't acted to accept her bid. I haven't been here for every meeting I readily admit that I do understand that there have been some people here that have threatened legal action against the Borough to the extent that the Schanks bid is accepted. I've only been a lawyer 25 years but, in that time, I can't fathom what the cause of action would be for someone that came in second in the bid to prove entitlement #1 to the property or to prove they've sustained any losses as a result of the property being transferred to the highest bidder. That's the reason for the bidding process. On the Schank's side they have incurred substantial expenses already. They will incur losses if the property is not transferred to them. Not only the expenses that I've referenced already but they've already retained a contractor and made a deposit with the contractor for the purpose of constructing what's going to be a ranch home that they'll live in for their golden years at 522 Dunmore Street. So, my clients do have a real dog in the fight and have the potential to have substantial losses in the event that the property is not transferred to them. I won't take up anymore of your time. I do appreciate your attention but for these reasons I would ask that Council consider passing the motion that is listed in the agenda as item #5. And I am happy to answer any questions if anybody has any.

No questions asked.

Carmen DiPietro: Council, a moment for rebuttal. I'm a family member of the DiPietro family that submitted a bid, came in second, back on December 21st. I would just like to comment on what Mr. Conaboy here said about Mrs. Schank submitting a bid on time. Mr. Conaboy said that

the 60th day was a Sunday and that obviously she could not deliver the check because it was a Sunday, and the following day was a Monday. However, in the invitation to bid documents here it clearly says that all bids are accepted on the condition that payment of the purchase price in full shall be made no later than 60 days after the opening of bids. It does not suggest business days it suggest days. I just want to make that clear before Council votes on that tonight and I'd like to reiterate our standpoint that we would like you to reject all bids being that it is your right because Mrs. Schank did not comply with all terms in the invitation to bid as is stated in your invitation to bid document. So, I don't want to take up anymore of your time. You know where our stance is. I just wanted to comment on something that Mr. Conaboy said. I don't want to get it confused between business days and calendar days. Thank you.

No questions asked.

1. Motion by Tanana **Seconded by Tomasovitch**

To accept the March zoning reports and the minutes of the March 29, 2022 council meeting.

All in favor

Motion carried

2. Motion by Gangemi **Seconded by Tanana**

To enter into a month-to-month agreement with Payroc as the designated credit card payment processor for the Borough of Throop specifically for Zoning, Building and Rental Registration Permit Payments integrated to iWorQ.

All in favor

Motion carried

3. Motion by Tanana

Seconded by Tomasovitch

To rescind the amendment of Resolution #25 of 2000 made on August 29, 2005 and further amended on April 26, 2021 charging residential additions, structural changes and accessory use is, \$3.00 for every \$500.00 or part thereof for the cost of construction (labor and materials) but not more than \$200.00. Agricultural, commercial, industrial, and other additions, structural changes, and accessory uses, \$3.00 for every \$500.00 or part thereof for the cost of construction (labor and materials). Any Zoning Permit issued shall include a minimum fee of twenty-five dollars (\$25.00).

On the question:

Gangemi asked what determines the

Hegedus replied the long and short of it is a residential permit caps out at \$200.00.

Gangemi replied right based on what is that based on?

Hegedus: \$3.00 for every \$500.00. So the cost of the project divided by 500 times \$3.00. When we changed those fees last year it went up a dollar. So you're at \$35,000.00 you cap out at about \$200.00.

Gangemi asked how came up with that money?

Hegedus replied that nothing is changing there except that we added the \$25.00 fee. Nothing is changing except bundling what's under the fee schedule.

Gangemi: So it's just the \$25.00. Ok.

All in favor

Motion carried

4. Motion by Tanana

Seconded by Chorba

To re-appoint David F. Garvey, P.E. as Sewage Enforcement Officer for the next twelve months (4/1/22 to 3/31/23). The annual retainage is \$600.00.

On the question:

Gangemi asked what his function is?

Cimini: Last time he was here was Bruno Dr 7-8 years ago.

Gangemi asked what he does.

Cimini replied you have to have a Sewage Enforcement Officer.

Gangemi: Just to have somebody sign off on something? Basically all it is?

Tanana added that if you suspect someone isn't hooked up to the sewer line and dumping it into a bore hole or septic system he'll go out and investigate it.

All in favor

Motion carried

5. Motion by Tanana

Seconded by Gangemi

To accept Paulette Schank's bid for 522 Dunmore Street and enter into an Agreement of Sale contingent upon her acquiring clear title pursuant to an Action to Quiet Title which she will file and pay all costs, including Attorney fees.

All in favor

Motion carried

6. Motion by Tanana

Seconded by Gangemi

To adopt Resolution #3 of 2022, a resolution authorizing Throop Borough to enter into an Agreement of Sale for 522 Dunmore Street and authorize Council President to execute any and all documents required to transfer the property including the deed.

All in favor

Motion carried

7. Motion by Gangemi

Seconded by Tanana

To adopt Resolution #7 of 2022 to institute a \$25 fee for a license/permit pursuant to Throop Solicitation Ordinance #2 of 2022.

On the question:

Gangemi questioned if there is a penalty for not getting a license.

Hegedus replied that Chief Kerecman would cite them.

Cimini added that It's in the Ordinance.

All in favor

Motion carried

8. Motion by Gangemi

Seconded by Chorba

To advertise and accept bids for Borough owned real estate located at 606 Cypress Street, PIN # 12513070052. Minimum bid to be determined upon receipt of appraisal. Contingent upon Attorney Cimini's conversation with Robert Kalinoski.

All in favor

Motion carried

9. Motion by Tanana **Seconded by Chorba**

To provide Notice of Intent to terminate employee #5038 subject to an offer of a pre-termination hearing.

**All in favor except
Tomasovitch abstained due to
being on Civil Service**

Motion carried

10. Motion by Tanana **Seconded by Gangemi**

To hire Julianna Controneo as a Childcare/Monitor for the Civic Center pending clearances.

All in favor

Motion carried

11. Motion by Tomasovitch **Seconded by Tanana**

To hire Katherine Glinsky for Summer Help at the Civic Center pending Clearances.

All in favor

Motion carried

12. Motion by Tanana **Seconded by Gangemi**

To hire Michael Novack for Summer Help at the Civic Center pending clearances.

All in favor

Motion carried

13. Motion by Tanana

Seconded by Tomasovitch

To hire Jacob Scott for Summer Help at the Civic Center pending clearances.

All in favor

Motion carried

14. Motion by Tomasovitch

Seconded by Tanana

To hire Kaylee Terranella for Summer Help at the Civic Center pending clearances.

All in favor

Motion carried

Conversation took place about the Police radios and possible grants.

**Gangemi asked about RFP for Borough Building.
Cimini said working with Sandy Opshifsky.**

Meeting was adjourned.

**Meeting minutes by Renee O'Malley
Borough Secretary**