

**Minutes
Throop Borough Council
Tuesday, March 29, 2022
Monthly 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 - A
Vince Tanana - P
Wayne Williams - P
Bob Magliocchi - **Vice President - P**
Solicitor/Borough Manager - Louis A. Cimini - P
Mayor - Joe Tropiak - P
Secretary - Renee O'Malley - P
Chief Clerk/Treasurer -Robin Galli - P

Announcement:

* An executive session is scheduled for 5:45 p.m. this evening to discuss legal matters.

Work Session/Meetings:

- * The April mid month work session/meeting will be held on Tue. April 12th, 2022, at 6:30 p.m.
- * The April monthly work session/meeting will be held on Tue. April 26th, 2022, at 6:30 p.m.

There were no audience comments on tonight's agenda.

1. Motion by Tanana **Seconded by Williams**

To accept the minutes of the March 8th, 2022, council meeting.

All in favor

Motion carried

Treasurer and Assistant Treasurer Reports:

2. Motion by Tanana **Seconded by Williams**

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"	\$118,771.33
Paid bills:	\$89,338.87
General Fund Revenue Report (Includes transfers from GF MMKT TO GF CK)	\$266,557.02
Civic Center Revenue Report	\$47,857.31

All in favor

Motion carried

3. Motion by Tanana **Seconded by Williams**

To pay all the employees of Throop Borough.

All in favor

Motion carried

4. Motion by Williams **Seconded by Tanana**

To accept the correspondence as read or posted.

All in favor

Motion carried

5. Motion by Gangemi

Seconded by Williams

To accept the Balance Sheet and Profit & Loss Budget vs. Actual Statement as of February 28, 2022, as posted and/or printed on the agenda.

Fund Balances:	
General Fund Checking Account – FNCB	\$6,872.45
American Rescue Plan Funds – FNCB	\$203,955.97
Seniors Activities Account – FNCB	\$30.00
Seniors Contracted Account – FNCB	20,692.47
General Fund Performance Money Market - FNCB	\$593,943.44
Civic Center Account-FNCB	\$2,389.14
General Fund Petty Cash	\$300.00
Payroll Checking Account-FNCB	\$42,635.58
Sunny Day Fund MMKT CK Acct-FNCB	\$7,952,644.36
Liquid Fuels Account – FNCB	\$32.94
Fund Statement Grand Total:	\$8,823,496.35

All in favor

Motion carried

6. Motion by Williams

Seconded by Tanana

To authorize payment for the first quarter allotment to the Volunteer Hose Company in the amount of \$8,750.00.

All in favor

Motion carried

7. Motion by Williams

Seconded by Tanana

To accept the preventative maintenance agreement received from Winter Engine-Generator Service to service the Civic Center Generator at a cost of \$775.00.

All in favor

Motion carried

8. Motion by Gangemi **Seconded by Tanana**

To authorize payment in the amount of \$9,300.00 to F and T Excavating/Landscaping LLC for demolition of residential structure.

On the Question:
Gangemi asked that if this will end up in a lien.
Cimini replied yes.

All in favor **Motion carried**

9. Motion by Williams **Seconded by Tanana**

To adopt Ordinance #2 of 2022, a Throop Borough Solicitation, Pedaling and Canvassing Ordinance.

On the Question:
Williams question fee.
Cimini: Next meeting we will do a Resolution

All in favor **Motion carried**

10. Motion by Tanana **Seconded by Williams**

To authorize payment John R. Varaly in the amount of \$7,000.00 (final) for Professional Services, New Subdivision and Land Development Ordinance.

All in favor **Motion carried**

11. Motion by Tanana **Seconded by Williams**

To hire Mindy Hill as a yoga instructor for the Civic Center at a cost of \$25.00 per week from March 1, 2022 to June 7, 2022.

All in favor **Motion carried**

12. Motion by Tanana **Seconded by Williams**

To amend Motion # 12 (Now #13)

All in favor **Motion carried**

13. Motion by Tanana **Seconded by Gangemi**

To approve Change Order #5 for the Dunmore Street Streetscape Project for an increase in the Contract price in the amount of \$57,374.69 and for an increase in contract days to 160 days from December 4, 2021.

All in favor **Motion carried**

14. Motion by Tanana **Seconded by Gangemi**

To approve Maiocco Excavating, Inc's Application for Payment #10 for the Dunmore Street Streetscape Project in the amount of \$51,637.22.

All in favor **Motion carried**

15. Motion by Gangemi **Seconded by Williams**

To approve RLE Enterprise's Application for Payment #3 (FINAL) for the Cypress Street Sanitary Sewer Replacement Project in the amount of \$11,754.15. (A maintenance Bond has been received).

All in favor **Motion carried**

Galli spoke of an email requesting the use of the Softball field.
Cimini responded that no motion was needed and that he'll get the certificate of insurance.

Audience Comments:

Carmen DiPietro, on behalf of he and Joseph DiPietro, 615 Boyle St. Dunmore: Thanked Council for opportunity to speak. Read aloud correspondence from March 2, 2022 regarding the property at 522 Dunmore Street. (See Attached)

The meeting was adjourned.

Meeting minutes by Renee O'Malley
Borough Secretary

615 Boyle Street
Dunmore PA 18512

March 2, 2022

RE: 522 DUNMORE STREET - REAL ESTATE - VACANT LAND (R-2)

Council President Richard Kucharski
Council Vice President Bob Magliocchi
Councilman Matthew Chorba
Councilman Anthony Gangemi
Councilman Vince Tanana
Councilwoman Charlene Tomasovitch
Councilman Wayne Williams

436 Sanderson St
Throop, PA 18512

SENT VIA ELECTRONIC MAIL AND UPS

Honorable Throop Borough Council,

On December 20th, 2021, my brother (Joseph Di Pietro) and I submitted a bid for the vacant lot at 522 Dunmore Street. Two bids were opened and read aloud at the Council meeting on December 21st, 2021. Per the Throop Borough Council meeting minutes from this meeting, the apparent high bid was submitted by Ms. Paulette Schank, in the amount of \$18,522. Our bid of \$18,501 was the only other valid bid submitted.

One of the provisions of the bid instructions was that "payment of the purchase price in full shall be made no later than sixty (60) days after the opening of bids." This 60-day period expired on February 20th, 2022.

On February 22, 2022 my brother and I spoke via telephone with Throop Borough Manager/Solicitor Louis Cimini, who informed us that Ms. Schank had not yet submitted full payment for this property. Later that same evening at the Throop Borough Council meeting, Council attempted to make a motion to accept Paulette Schank's bid. During a discussion among Council members about this subject, Borough Manager/Solicitor Cimini informed Council twice that Ms. Schank had not submitted full payment to the borough until earlier that day (February 22nd 2022), sixty-two (62) days after the opening of bids. The motion to accept Ms. Schank's bid was subsequently tabled by Council, to the next meeting.

As stated by Attorney Cimini himself, in the October 12, 2021 Council Meeting Minutes, the "*invitation to bid and instructions to bid are very specific*". The invitation to bid instructions state that "All bids are accepted on the condition that payment of purchase price in full shall be made no later than sixty (60) days after the opening of bids. If the successful bidder does not pay the purchase price within sixty (60) days of December 21st, 2021, Council has the option to offer

the property to the next highest bidder so long as the bid is above the stated minimum. Council also retains its right to reject all bids if the highest bidder does not comply with all terms in the invitation to bid. Borough council has the authority to reject all bids if they are less than the fair market value of the real estate.”

Since it has been clearly demonstrated that Ms. Shank did not make payment of the purchase price in full within sixty (60) days after the opening of bids, as is required by the Borough’s Invitation to Bid instructions, we are respectfully asking Council to act on the following:

1. Reject Paulette Schank’s bid in the amount of \$18,522, for the vacant property located at 522 Dunmore street, at the March 8th 2022 Council Meeting.
2. Add a motion, to the agenda, for the March 8th, 2022 Council Meeting, to reject all bids for the vacant property located at 522 Dunmore Street, as is the Council’s right pursuant to the “Invitation to Bid”.
3. Add a motion, to the agenda, for the March 8th, 2022 Council Meeting, to re-bid the vacant property located at 522 Dunmore Street.

Since the highest bidder submitted payment of the purchase price in full sixty-two (62) days after the opening of bids, Council now has the authority to reject Ms. Schanks bid for not complying with the bid requirement clause that “All bids are accepted on the condition that payment of purchase price in full shall be made no later than sixty (60) days after the opening of bids.”

The Invitation to Bid Instructions do not provide a written means for the Borough to extend the 60-day period (for any reason) for Ms. Shank to submit full payment of the purchase price beyond this required period.

Therefore, we request Council to exercise its right and reject all bids, as this action would be fair to all parties involved. Ms. Schank will still be provided every opportunity to submit a qualified bid and make payment of the purchase price in full within the time frame set forth by the Borough of Throop during the re-bid process. It is also our opinion that the bid amount will likely be higher during the re-bid process, which is advantageous for the borough.

If Borough Council accepts Ms. Shank’s late payment and completes the sale of the 522 Dunmore Street property to her, the Borough will be blatantly disregarding its own specific bid instructions, and the Borough’s actions will irreparably harm our business interest as real estate investors in the Borough of Throop. If Borough Council chooses this course of action, it will leave us with no choice but to pursue legal recourse for compensation of our losses.

Respectfully,

Carmen Di Pietro

Carmen Di Pietro on behalf of Carmen and Joseph Di Pietro