

**Minutes
Throop Borough Council
Tuesday, February 22nd, 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
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

Announcements:

* An executive session was held Tuesday, February 15th, 2022, at 6:00 p.m. to discuss personnel matters.

Work Session/Meetings:

- * The March mid-month work session/meeting will be held on Tuesday, March 8th, 2022 at 6:30 p.m.
- * The March monthly work session/meeting will be held on Tuesday, March 29th, 2022 at 6:30 p.m.

There were no audience comments on tonight's agenda.

1. Motion by Tanana

Seconded by Magliocchi

To adopt Resolution #2 of 2022, a resolution to appoint Matthew Chorba to fill the vacancy on council created by Michaels Chorba’s resignation. Said appointment expires at the January 2024 Reorganization Meeting.

All in favor

Motion carried

Mayor Tropiak swore in Matthew Chorba.

2. Motion by Williams

Seconded by Magliocchi

To accept the minutes of the January 31st, 2022 council meeting.

All in favor

Motion carried

Treasurer and Assistant Treasurer Reports:

3. Motion by Gangemi

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”	\$48,755.55
Paid bills:	\$96,039.55
General Fund Revenue Report (includes transfers from GF MMKT TO GF CK)	\$240,833.50
Civic Center Revenue Report	\$45,650.52

On the question:

Galli stated that she changed the totals for Items for Payment and the Civic Center. These are the updated totals from the posted agenda.

**All in favor except
Chorba abstained due to
just getting sworn in and new.**

Motion carried

Sunny Day Fund MMKT CK Acct-FNCB	\$7,951,119.49
Liquid Fuels Account - FNCB	\$32.93
Fund Statement Grand Total:	\$8,997,055.90

All in favor

Motion carried

7. Motion by Williams

Seconded by Tanana

To accept Tony Amico letter of resignation from the Throop Borough Planning Commission.

All in favor

Motion carried

8. Motion by Tanana

Seconded by Williams

To grant permission to Holy Cross High School Varsity Baseball Team the use of Washington Street Ballfield for the 2022 Season. William Shevchik will schedule the field.

All in favor

Motion carried

9. Motion by Tanana

Seconded by Gangemi

To authorize President of Council to execute Letter of Intent to join Mid Valley Police Regionalization Study.

All in favor

Motion carried

10. Motion by Gangemi **Seconded by Williams**

To authorize payment in the amount of \$7,485.40 to NC Outdoor Service & Maintenance, Inc. for the sewer lateral repair work at 808 Washington Street.

All in favor **Motion carried**

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

To adopt Resolution #1 of 2022, a resolution entering into a cooperation agreement with Lackawanna County for the FFY 2021 CDBG Program Administration.

All in favor **Motion carried**

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

To authorize Attorney Cimini to execute an assessment stipulation for the property located at 132 Graduate Way, Throop, PA.

All in favor **Motion carried**

13. Motion by Williams **Seconded by Tanana**

To grant permission to Mid Valley Junior/Senior League Baseball organization the use of Washington Street Ballfield for their regular season games for the 2022 season. William Shevchik will schedule the field.

All in favor **Motion carried**

14. Motion by Tanana **Seconded by Williams**

To amend the agenda to add the following motions.

All in favor **Motion carried**

15. Motion by Williams

Seconded by Magliocchi

To accept Paulette Schank's bid for 522 Dunmore Street conditioned upon Throop Borough being able to convey clear and marketable title such that the transaction will be insurable by a Pennsylvania Title Co. at its regular rates.

On the question:

Kucharski asked Attorney Cimini to give an explanation of the title insurance.

Cimini replied that bids were open in December. There were 2 bids submitted with a \$20.00 difference. They were sent to me for review. Some issues came up that would've been in my opinion relevant to no matter who bid on the property it was on the boroughs end. That being said tonight there is a motion to accept the bid from Paulette Schank. We do have 100% of the bid amount \$18,522.00 and I know that Mr. DiPietro is of the opinion that council should that we should reject the bid because the closing did not take place in 60 days. The invitation to bid does state that if payment of the purchase price isn't made Council has the option to offer the property to the next highest bidder. Council retains the right to reject or accept the bids. This motion is clearly to accept her bid, Paulette Schanks bid, and the next motion is to allow council Magliocchi asked how long it took her to get us the payment?

Carmen DiPietro: Before Council votes on that, I'd like, I have a prepared statement I'd like to make part of the record if that's ok with you.

Cimini: There was an opportunity at the beginning, it really is not ok because we are in the middle of a motion but it's up to the council President if he wants to hear it, the statement.

DiPietro: I'm not versed, I'm not a lawyer, I'm not versed

Cimini: I understand that and I'm doing the same thing it's up to Council President but right now we're ... were we in role call? On the question.

Magliocchi: So how long did it take her to pay? Was it the 60 days?

Cimini: We got payment the balance was issued to her attorney today. But we're accepting the bids, the question you're asking is different from what issues there were we had to resolve on our end.

Kucharski: I have no problem with it.

DiPietro: Good evening. As Mr. Cimini said my name is Carmen DiPietro and on behalf of Carmen and Joseph DiPietro we submitted a bid for the 522 Dunmore Street property back on December 21st. And I'm going to read a prepared statement that we have here before Council votes and I guess to sum it up Mr. Cimini we agree to disagree. So on December 21, 2021 Carmen and Joseph DiPietro submitted a bid for the vacant lot at 522 Dunmore street. 2 bids were received and opened on that night at that Borough Council meeting. Per the Throop Borough Council meeting minutes for that meeting the apparent high bid was submitted by Paulette Schank for \$18,522.00. Our bid of \$18,501.00 was the only other valid bid. As per the Throop Borough instructions to the bidders on the bid proposal form one of the main requirements of the bid was that, I quote, all bids are accepted on the condition that payment of the purchased price in full shall be made no later than 60 days after the opening of the bid. This 60 day bid requirement expired on February 19, 2022. Because the bid to our knowledge has not been awarded other than the motion tonight the high bidder is still Mr. Cimini's review. That's what we discussed today. And it is our understanding that there was a problem with the title. So we're here tonight to respectfully ask Council to exercise its right as indicated in the bidding requirement and reject all bids and rebid the property since the 60 day requirement as a condition

of the bid requirement was not attained by any party.

Thank you.

Kucharski thanked him for his comments.

I'm not going to the bids were in my opinion never accepted until tonight. There were issues that had to be addressed. The only motion passed by council was to forward the bids for review.

We have 100% of the purchase price of the bid price in our possession or Attorney Shanks possession but if council feels that they're...they either want more time or this is the motion Gangemi asked if the clock started on December 21st?

Someone replied Yes

Cimini: I don't believe it did. The only motion that was passed was that council passed a motion to forward the bids to me for review.

Excuse me Councilmen. If I may speak. I am Carmen DiPietro Junior, I am Carmen DiPietro's son. The following the statement that my father read that and I quote all bids are accepted on the condition that payment of purchase price in full shall be made no later than 60 days after the opening of bids. The following statement in the instruction to bidders states if the successful bidder does not pay the purchase price within 60 days of December 21, 2021 Council has the option to offer the property to the next highest bidder so long as the bid is above the stated minimum. It is our understanding that councilmen you would be correct the clock did start December 21st at the opening of bids. 60 days has passed that would be February 19th and as we know tonight the bid was not accepted.

Kucharski: Well I guess you had one key word in there the option. It doesn't say its mandatory it says the option.

Someone said Correct.

Carmen DiPietro: Correct Mr. President. You also have the option to reject all bids in the fairness of the bidding process which in Mr. Cimini's exact words in his meeting minutes back in October these were very very specific requirements and the requirements were not met.

Cimini: Rich I think you hit the nail on the head in my opinion. Inaudible

Carmen DiPietro: Yep we agree to disagree Mr. Cimini.

Cimini: I understand that

Carmen DiPietro: We are property owners in the Borough. We own the 5 unit apartment building right across from the gas station on Franko and Dunmore. We've built in the borough before. We planned on bidding on this property and using it as another investment property and we just feel very strongly that these bidding requirements based on your own solicitor were very explicit and we're outside of those requirements right now.

Cimini: But if you, there's no denying that the invitation to bid to council has the option to offer. There's no obligation to offer it to you. It's an option. If council wants to take that option that's up to Council but I mean it's an option.

Magliocchi added that it was held up on our end.

Cimini: It still

Carmen DiPietro: But to offer that to Paulette would be a wouldn't be fair to us at this point.

Magliocchi: Well I don't know what the difference is between you or her is if we were holding up the process.

Carmen DiPietro: Again it doesn't say it does not say in the requirements who holds the process up. It just says it needs to be (inaudible) in 60 days.

Cimini: And to just to go back to the prior statement this is not a personal issue against you.

You said you own property in the borough and you're a Throop resident or you own property in

Throop I mean this is

Both talking at once(Cimini & DiPietro)

Magliocchi: With this issue that we have at hand I wouldn't offer it to the next highest bidder

Talking at once (Magliocchi & DiPietro)

DiPietro: We're not asking for that. We're asking and in the bidding requirements it gives council the right to as an option to reject all bids and that's what we're doing. We're not asking that you reward it to us.

Gangemi: In my opinion just because we have the option the bidding process obligates up to take the highest bid. That should be your option. We shouldn't have an... well yeah I know you're the higher but we're going to give it to so and so. You can't exercise that. You have the date in there you should make the date. That's my opinion. I say you should review it. That's my opinion.

Carmen DiPietro: Thank you.

Kucharski: And again it had nothing to do with the high bidder I mean there were several hoops that we had to jump through one of which included not being able to get title insurance for this property. Because of the way the

TAPE ENDED.

Tape restarted...

Gangemi: We did put a date of December 21st on there. To me that locked you in. That's where I'm at with it anyway.

Cimini: that's Council's right to reject the bids (inaudible). The motion reads to accept but this is council's... I don't know if you want to wait until March 8th meeting if you need time to think about it, if you want to table the motion. Those are the 3 options as you know. You've been on Council a long time. You reject, you accept, or you table it.

Kucharski: Well, again I mean we've been going around and around with this for 2 months and I mean the successful bidder was willing to pay from day one but the issues with the title insurance and the inability to get that until September because and this was through the land bank and the land bank didn't file the deed until whenever and apparently you have to wait one year after the deed is filed to get title insurance. So that primarily was the hold up as the attorneys were looking into it and a

Carmen DiPietro: But Mr. President you're not following your own requirements. You're own bidding requirements. We have them right here.

Gangemi: Even though that is all true we still made a motion that within 60 days after it was approved which was December 21st the payment had to be in.

Magliocchi: Right but was the payment in in 60 days?

Carmen DiPietro: No.

Cimini: The payment was in

DiPietro: It's passed the 60-day period. February 19th.

Cimini: Again these are my points for Council: #1 the only motion that was passed was to forward them to me for review; there were issues that had to be reviewed whether or not it was the DiPietro's that were high bidder or Paulette Schank was the high bidder. The bid documents clearly state again that it is Council's option – option – to offer it to the next highest bidder. Not mandatory, not

DiPietro: We're not asking that Mr. Cimini. We're not asking to be awarded the bid. We're

asking to have this re-bid.

Gangemi: Could we, I'd like to read the motion again. Let's table this. I'd like to read the motion again. Exactly what we approved.

Talking at once.

Gangemi added that he did not expect this conversation tonight and he is not prepared.

Kucharski: We had a motion and a second right. So we're on the question.

Motion by Williams

Seconded by Magliocchi

To withdraw the Motion until the next meeting. Table it.

4 in favor, Kucharski Against

Motion carried

Gangemi would like a copy of the motion.

16. Motion by Williams

Seconded by Tanana

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.

To Table Motion #16.

4 in favor, Kucharski Against

Motion carried

17. Motion by Williams

Seconded by Tanana

To adopt Resolution 4 of 2022 appointing Terry O'Brien to fulfill the remainder of Tony Amico's term on the Planning Commission.

All in favor

Motion carried

18. Motion by Gangemi

Seconded by Tanana

To donate the 2010 Chevy Impala to the Lackawanna College Police Academy.

All in favor

Motion carried

Audience Comments:

Rinaldi: The email requested to that was supposed to be forwarded to you guys the motion that was voted can that be shared with us as well.

Gangemi: It's just going to be the motion that we passed. So you have a copy of it don't you?

DiPietro questioned if it is in the meeting minutes.

Gangemi replied yes.

DiPietro: Yes.

Andy Hegedus showed a picture of the steps prior at Porkiez Bar.

Gangemi: if she wants that back again give it to her.

The meeting was adjourned.

Meeting minutes by Renee O'Malley
Borough Secretary