

July 6, 2021 6:30 PM

## REGULAR MEETING OF SWOYERSVILLE BOROUGH COUNCIL

Council Vice President Olejnick calls the meeting to order.

The Pledge of Allegiance was recited.

Roll Call was taken, those present included Mr. Brown, Mr. Christian, Mr. Cwalina, Mr. Menta, Mr. Olejnick. Mr. Keating was noted as absent. Also present were Mayor Concert; Attorney Yeager, Borough Solicitor, Gene Breznay, Borough Manager and Rob Koval, Street Department.

A motion was requested by Mr. Olejnick to accept the minutes from the regular June 07, 2021 meeting. A motion was made by Mr. Brown and seconded by Mr. Cwalina. Vote was 4-0 in favor with Mr. Christian abstaining from the vote. A motion was requested by Mr. Olejnick to accept the minutes from the June 22, 2021 Special Borough Council meeting. A motion was made by Mr. Brown and seconded by Mr. Cwalina. Vote was 4-0 in favor with Mr. Christian abstaining from the vote.

Monthly bills totaling \$25,508.81 were presented by Ms. O'Donnell, Council Secretary. A motion for approval of the monthly bills was made by Mr. Brown and seconded by Mr. Cwalina. Vote was 5-0 in favor.

### BOROUGH COORDINATOR REPORT

- Mr. Breznay presented three (3) amended ordinances for approval:

1. Chapter 89, Vehicles & Traffic: Parking Prohibited at All Times - The amendment added: Parking is prohibited at all times on the south side of Kossack Street 80 feet in a northwesterly direction starting from Jay Street. A motion was made by Mr. Brown to approve the ordinance. The motion was seconded by Mr. Cwalina. Vote was 5-0 in favor.
2. Chapter 89, Vehicles & Traffic: Parking Prohibited at All Times – The amendment added: Parking is prohibited at all times between signs on the south side of Steeple Chase Drive 250 feet in a Northwesterly direction starting from Main Street. A motion was made by Mr. Brown to approve the ordinance. The motion was seconded by Mr. Menta. Vote was 5-0 in favor.
3. Handicap Parking Ordinance – The amendment added: A handicap license plate “or” a placard is required to qualify to receive a handicap parking spot.

- Mr. Breznay provided an update on the Community Block Grant. The Borough will begin to see some road work activity over the next few weeks, starting with the handicap ramps on several street corners to include Shoemaker, Maltby, Bohac, Laverick and the end of Birch Drive. Work will also address the wall repair in front of the Borough Building parking lot. Council members questioned the status of several street repair issues to include Bohac/Brook, Poland, Birch, and Jackson/Oliver Streets. Mr. Breznay provided an update on each area.

## COMMITTEE REPORTS

**Finance:** Mr. Brown presented the May 2021 Finance Report. **General Fund:** beginning checkbook balance: \$30,441.99; transfers & revenue for the month: \$320,49.80; Expenses & Transfers for the month: \$203,245.60; ending checkbook balance: \$147,846.19. **Liquid Fuels:** beginning checkbook balance: \$150.02; transfers and revenue for month: \$4,700.19; expenses and transfers for the month: \$4,772.09; ending checkbook balance: \$78.12. **Solid Waste Collection:** beginning checkbook balance: \$18,764.72; transfers and revenue for the month: \$19,173.44; expenses and transfers for the month: \$18,578.65; ending checkbook balance: \$19,359.51. **Sanitary/Storm Water Assessment:** beginning checkbook balance: \$8,729.64; transfers and revenue for the month: \$4,310.86; expenses and transfers for the month: \$2,159.04; ending checkbook balance: \$10,881.46.

**Liaison Officer:** Mr. Christian shared that there were 7 applications received for the Rec Board. He did review all 7 applications and recommends appointing all seven. A motion was made by Mr. Christian to appoint all 7 applicants pending successful background checks. The motion was seconded by Mr. Olejnick. Vote was 5-0. It was noted by Mayor Concert that the Rec Board is an advisory committee to Council only.

- Mr. Christian requested an update regarding the wood pile removal from Mountain Street. Rob Koval shared that it is being addressed by the Borough's Code Enforcement Officer.

**Street Department:** Mr. Olejnick made a motion to hire Richard Manta as a full-time Street Department Laborer at \$15.00 + an additional \$2.00 per hour as Mr. Manta does have a CDL license. Hiring will be pending a successful background check. The motion was seconded by Mr. Brown. Vote was 5-0 in favor.

- Mr. Olejnick asked Mr. Koval, Street Department to report on the tractor issue that the Street Department is currently experiencing. Mr. Koval reported that both (2) Borough tractors are down due to repairs needed. Requests for repair & replacement costs were placed with three vendors. Based on estimates received so far, the cost to repair both tractors could be as high as \$20,000.00. Cost to replace both is estimated to be \$32,000.00. Mr. Brown made a motion to repair the first tractor (estimated cost \$1,700.00 to \$7,000.00). Motion was seconded by Mr. Olejnick. Vote was 5-0 in favor.

- Mr. Christian thanked the Street Department for the great job done cleaning up a property on Tener Street.

**Police Department:** Mr. Menta read the police report for June 2021 which included a summary of Crossing Guard hours. There were a total 171 service calls, 3 vehicle accidents and 2 Borough ordinance violations. Fees collected totaled \$379.70. A motion was made by Mr. Menta to place monies in the appropriate fund and seconded by Mr. Brown. The vote was 5-0 in favor.

- Mr. Menta presented a request on behalf of Chief Castner to reimburse Main Township Police Department for police vest that was provided to newly hired Swoyersville police officer Jennifer Alexander. Officer Alexander is using the vest in her position as a Swoyersville Police Officer. Main Township Police Department paid a total cost of \$1,150.00 in November for the vest and are asking that a reduce cost of \$920.00 be considered for reimbursement. A motion was made by Mr. Menta to reimburse the Main Township Police Department \$920.00 and the motion was seconded by Mr. Brown. Vote was 5-0 in favor.

- Mr. Menta presented a request on behalf of Chief Castner to reimburse Swoyersville Police Officer April Dulsky \$600.07 for a vest that she purchased on her own in March 2021. Officer Dulsky is using the vest in her position as a Swoyersville Police Officer. A motion was made by Mr. Menta to reimburse Officer Dulsky \$600.07 and the motion was seconded by Mr. Cwalina. Vote was 5-0 in favor.

**Fire Department:** Mr. Cwalina reported that there were 49 ambulance calls for the month of June 2021.

**Mayor Concert:** - Mayor Concert shared a face book post from BJ & Frank Britt thanking everyone who donated to them after a recent fire damaged their home. The Britt family shared their love for the town of Swoyersville and its people and hope to rebuild on their property in Swoyersville in the next year.

- Mayor Concert shared that on Sunday 7/25/21, there will be a Christmas in July Craft Festival held at the American Legion 9 am to 3 pm. Those interested in participating as a vendor, there is a \$20.00 charge for a 10x10 space. Contact for information is Cindy at [crpk18@gmail.com](mailto:crpk18@gmail.com). No face book message will be answered.

- Mayor Concert thanked all those who participated in the Independence Day parade. A special thank you was given to Art Stewart for the amazing job done with the Fire Police.

- Mayor Concert thanked everyone who came out to the Strawberry Social. It was an amazing afternoon and there was great music provided by George Rittenhouse.

- Mayor Concert shared that on July 25, 2021, he will be hosting Christmas in July in Swoyersville at the Borough Building 10:00 am to 01:00 pm. Brand new toys will be collected for the children for the Christmas season. Please do not wrap and no used toys will be taken. Santa will be present!

- Mayor Concert shared on behalf of the Kiwanis Club that their Paint and Pizza fundraiser was a success. Local young artists came together to chose from a Fin, Feather and Fur selection to create their very own special artwork. There was painting, pizza and ice cream! The Kiwanis Club thanks the family members and friends that took the time to attend with their children. Proceeds from the fundraiser go to the St. Joseph's Center and the Go Joe Program.

- Mayor Concert announced the Kiwanis Club's Ice Cream Sundae Sunday. Residents can stop by the Roosevelt Field on Sunday, July 25, 2021, from 2:00 pm to 5:00 pm or while supplies last to choose a chocolate or strawberry Sunday (1 scoop sundae for \$2.00 or a 2 scoop sundae for \$3.00). Ice cream flavors include chocolate or vanilla. Proceeds will go to the Ronald McDonald House to assist in their house operation and assist with purchasing supplies needed to create a comfortable place for families experiencing medical treatments or emergencies to relax.

- Mayor Concert, on behalf of Nancy Keating, Swoyersville Borough Tax Collector, announced that the Real Estate Face Period ended on Tuesday, June 15, 2021. The Tax Office will be closed 6/20/21 until the 2021 School taxes are issued. Appointments can be made by calling 570-718-1999. When paying by mail and requesting a receipt, please send the complete tax bill along with a self-addressed stamped envelope. A mail slot is also available at the Tax Collector's Office for payments. The Borough Building hours are Monday through Friday 8:30 am to 4:30 pm.

- Mayor Concert reported that the 2021 Borough Sewer Assessment bills have been mailed out. The fees remain the same as in past years - \$40/residential & \$70/commercial. Deadline for payment is 9/30/21.

- Mayor Concert announced that the combined Swoyersville/GWA All-Star teams will be playing on Wednesday in the semi-final games. 10/11 will be playing at Swoyersville and 9/10 will be playing at West Pittston. Both games will start at 6pm. Residents are encouraged to come out and support their team. It is also noted that Coach Pitch will begin playing in the Township Baseball Tournament this weekend.

- Mayor Concert shared that the Swoyersville Zoning Officer will be on vacation from 7/2/21 to 7/13/21. Building permits can still be obtained through Ken Shefler, Building Inspector. Building permit applications are located on the wall outside the Zoning Office.

**Attorney Yeager:**No report presented.

### **Old & New Business:**

- Mr. Brown presented a motion to rescind Ordinance 7.1 - Insurance Coverage Provided. The motion was seconded by Mr. Christian. The vote was 5-0 in favor.

- Mr. Christian shared that residents have been asking how long it would be before they would see results of the ponding banks being sprayed. He did follow up with Rob Koval and weather can be a factor in the absorption rate. Mr. Christian requested that re-spraying in a few week occur if it is noted the weeds are still an issue.

- Mr. Menta thanked Rob Koval for the job he is doing filling in as Supervisor for the Street Department while a permanent Street Department Commissioner is hired. A motion was made by Mr. Menta to provide Mr. Koval a \$1.00/hr. increase in pay retro back to 5/14/21 until a permanent Street Department Commissioner is in place. Motion was seconded by Mr. Olejnick. Vote was 5-0 in favor.

## **MEETING OPENED TO THE PUBLIC**

- Frank Leonard, 296 Shoemaker - Mr. Leonard questioned the pay rate for the new Laborer hired during this meeting. Council noted that the issue is a personnel matter and not appropriate to discuss further in a Council Meeting forum. Mr. Leonard extended appreciation for all the residents that gave them water on the recent hot days. Mr. Leonard also thanked Rob Koval for the great job he is doing supervising the department. Mr. Menta thanked Mr. Leonard and the Street Department for a great job done.

- John Kolessar, Tener Street – Mr. Kolessar thanked the Street Department & Councilman Christian for the great job done cleaning up the residence on Tener Street. It was noted that the Code Enforcement Officer is looking further at the remaining issues with this residence.

- Tony Zambito, 135 Jackson Street – Mr. Zambito suggested Council consider money the borough received from the Covid Relief fund be given back to each property owner as all were affected by Covid 19. Mr. Zambito also shared a concern regarding a section of road at the corner of Jackson/Oliver streets. A picture was shared with Council. Mr. Zambito would appreciate addressing the issue when the handicap ramps are placed. Also, there is an issue with garbage bags being piled on the ground during the week in the back of the 5 unit apartment building across the street from him. Mr. Zambito has spoken to Mr. Galanda, Zoning Officer about it; however, it continues. Mr. Zambito feels there is a need for a dumpster or large can and that the building owner should be contacted.

- Mr. Holena, Holena Excavating, 113 Noyes Avenue – Mr. Holena presented a non-payment issue for an emergency job on Jay Street that he was hired by the Borough on 3/10/21 to complete. During the repair, it was noted by Holena Excavating that the sewer issue was caused by a previous contractor hired by the Water Company. An itemized invoice was provided to Swoyersville Borough on 3/28/21 for \$7,586.00 for time & material involved with locating a sewer blockage and repair/replace lateral. The invoice was sent to the Water Company who rejected payment of the entire cost \$7,586.00 and issued a check to Swoyersville Borough for \$3,800.00. A check was then sent to Mr. Holena by Swoyersville Borough for \$3,800.00, leaving an unpaid balance of \$3786.00. The \$3,800.00 check was noted to be addressed incorrectly and was returned by Mr. Holena at this meeting for correction. A letter had been sent to the Water Company by Mr. Breznay regarding their responsibility for the remaining balance to which the Water Company responded with a refusal to pay.

A discussion was held by Council regarding the work provided and Water Company responsibilities, along with options to consider if refusal to pay the outstanding balance continues. A motion was made by Mr. Christian to pay "Holena Excavating" the entire balance of the invoice (\$7,586.00) and to go back to the Water Company for the \$3,786.00 not reimbursed. The motion was seconded by Mr. Brown. The vote was 5-0 in favor. Mr. Christian apologized to Mr. Holena for the situation and thanked Holena Construction for the work done.

- Tony Zambito – shared a concern regarding a dip/belly in the middle of the road on Jackson Street. He wanted to make sure Council was aware of it.

- Mayor Concert presented a concern from a resident on Jay Street. The section of road in front of 27 Jay Street is still a mess. It was noted by Rob Koval, Street Department that the section has been completely marked off and there are plans to come back for restoration.

- Tom Williams – now that the 4<sup>th</sup> of July is over will the Swoyersville Police Department respond to complaints if they continue. Mayor Concert shared that only 2 calls were received on the 4<sup>th</sup> of July from the same home. If there are complaints, they need to be called into 911.

A motion to adjourn was made by Mr. Mentaand seconded by Mr. Brown. Vote was 5-0 in favor. Meeting was adjourned at 7:22 pm. Next meeting will be held on August 2, 2021, at 6:30 pm.



Barb O'Donnell  
Borough Council Secretary

William Keating  
Council President

July 20, 2021 6:30 PM

**SPECIAL MEETING OF SWOYERSVILLE BOROUGH COUNCIL**

Council President Keating calls the meeting to order.

The Pledge of Allegiance was recited.

Roll Call was taken, those present included Mr. Brown, Mr. Christian, Mr. Cwalina, Mr. Menta, Mr. Olejnick and Mr. Keating. Also noted as present were Mayor Concert, Attorney Yeager, Borough Solicitor and Gene Breznay, Borough Manager.

- A motion was made Mr. Brown to "repeal" the Health Insurance Ordinance. The motion was seconded by Mr. Cwalina. Vote was 6-0 in favor.

- A motion was made by Mr. Olejnick to hire Thomas Giebus as full-time Street Department Laborer at \$15.00/hr.pending a successful background check and seconded by Mr. Cwalina. Vote was 6-0 in favor.

- A motion was made by Mr. Brown to hire Dave Hampton as Street Commissioner at \$49,500/year pending a success background check and seconded by Mr. Cwalina. Vote was 6-0 in favor.

- Mr. Breznay presented a question regarding new hire benefits. Mr. Breznay shared that past practice is 10 sick days annually with the first year prorated based on when eligible.The same approach applies to personal days. Council agreed past practice will continue & health insurance will be provided at the Employee level for the Laborer position and Family level for the Street Commissioner position. An executive session will be needed to address the time frame that benefits become effective.Kathy Breznay, Church Street, questioned if it was legal to provide two different levels of insurance. Attorney Yeager shared that it was.

- Mr. Nenichka, 77 Brook Street questioned if Mr. Hampton is qualified for reasonable suspicion for drug & alcohol and certified to be able to send someone out for drug & alcohol testing? Also, is he certified in all areas that come along with managing a CDL department. Council requested a copy of the rules referenced by Mr. Nenichka and they will be reviewed by Council/Attorney Yeager. Any additional training/certification that is found as required/needed for Mr. Hampton will be provided by the Borough.

- An Executive Session was called at 6:41 pm. Executive Session ended at 6:48 pm. Mr. Cwalina shared that Council agreed that there will be a 90-day probation period with a prorated rate for sick & personal time for the first year of employment. All other benefits will follow past practice starting at date of hire to include vacation time (5 days annually after 1<sup>st</sup> year employment is completed) and insurance coverage.

A motion to adjourn was made by Mr. Keating and seconded by Mr. Menta. Vote was 6-0 in favor. Meeting adjourned at 6:55 pm.



Barb O'Donnell  
Borough Council Secretary

William Keating  
Council President