

SEPTEMBER 13, 2021, 6:30 PM
REGULAR 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 present were Mayor Concert (via cell phone), Attorney Yeager, Borough Solicitor, Gene Breznay, Borough Manager, and Dave Hampton, Street Commissioner.

A motion was requested by Mr. Keating to accept the minutes from the regular August 8, 2021, meeting. A motion was made by Mr. Cwalina and seconded by Mr. Olejnick. Vote was 6-0 in favor. A motion was requested by Mr. Keating to accept the minutes from the August 10, 2021, Special Borough Council meeting. A motion was made by Mr. Cwalina and seconded by Mr. Olejnick. Vote was 6-0 in favor.

Monthly bills totaling \$41,057.78 were presented by Ms. O'Donnell, Council Secretary. A motion for approval of the monthly bills was made by Mr. Olejnick and seconded by Mr. Cwalina. Vote was 5-1 with Mr. Christian voting no to \$385.00 paid to Elliot Greenleaf Dean for a contract related legal question presented by the Borough.

BOROUGH MANAGER'S REPORT

- Mr. Breznay presented the Borough Manager's Report. The 2022 MMOs (Minimum Municipal Obligation) for both the pension plans were read as follows: Police Pension Plan - \$44,096.00; Non-Uniform - \$15,120.00.

-Mr. Breznay presented two resolutions for review and approval:

1. First resolution is for a Local Share Account (Casino Grant) application for Swoyersville Borough Municipal Building updates. The total project cost is \$861,973.02. A motion was made for approval of this resolution by Mr. Olejnick and seconded by Mr. Brown. Vote was 6-0 in favor.
2. Second resolution is for a Local Share Account (Casino Grant) application for 2 police vehicles & license plate readers. The total project cost is \$158,886.08 was reviewed. A motion was made for approval of this resolution by Mr. Brown and seconded by Mr. Cwalina. Vote was 6-0 in favor.

-Mr. Breznay presented a request the Borough received to have "SLOW" stencils placed on Hughes Street. Dave Hampton will add the request to the Street Department to do list.

COMMITTEE REPORTS

Finance: Mr. Brown presented the July 2021 Finance Report. **General Fund:** beginning checkbook balance: \$48,585.61; transfers & revenue for the month: \$112,649.00; Expenses & Transfers for the month: \$136,965.30; ending checkbook balance: \$24,269.31. **Liquid Fuels:** beginning checkbook balance: \$146.18; transfers and revenue for month: \$4,200.12; expenses and transfers for the month: \$4,147.00; ending checkbook balance: \$198.53. **Solid Waste Collection:** beginning checkbook balance: \$1,720.18; transfers and revenue for the month: \$30,775.32; expenses and transfers for the month: \$15,162.15; ending checkbook balance: \$17,333.35. **Sanitary/Storm Water Assessment:** beginning checkbook balance: \$18,176.05; transfers and revenue for the month: \$35,514.43; expenses and transfers for the month: \$39,342.50; ending checkbook balance: \$14,347.98.

Liaison Officer: Mr. Christian presented a letter received from Michael Galanda, Zoning Officer. The Swoyersville Borough Planning Commission met on 8/22/21 to discuss the subdivision for property located at 232 Owen Street owned by Mr. & Mrs. Leary. The Planning Commission voted to approve the subdivision. A motion was made by Mr. Christian to approve the subdivision and seconded by Mr. Brown. Vote was 6-0 in favor.

-Mr. Christian provided an update on the water concerns/problems on Birch Drive (Gill residence). Birch Street was noted with excessive water & some flooding to the Gill residence. An evaluation with recommendations to correct water issues on Birch was completed by Mike Amato. Mr. Christian made a motion to place the job out for bids. Motion was seconded by Mr. Olejnick. Vote was 6-0 in favor.

-Mr. Christian shared a water issue involving Hazel Street & excessive water flooding the basement of the Brady residence. flooding. Mr. Christian made a motion for Mike Amato, Penn Eastern Engineers, review the issues & provide recommendations. The motion was seconded by Mr. Olejnick. Vote was 6-0 in favor.

-Mr. Christian shared a water concern that exists in the 300 block of Warsaw Street. Pipe that was placed years ago is too small to support the amount of water that flows through it. Water has been noted to overflow & cause water to enter residences & flow down as far as Poland Street. Mr. Christian made a motion to have Mike Amato review an issue on Warsaw Street & provide recommendations for repair. Motion was seconded by Mr. Brown. Vote was 6-0 in favor.

-Mr. Christian presented a letter received from the Rec Board member Kelly Conner requesting clarification on a Board related responsibilities -

*Is the Board required to follow the Sunshine Act and if so, will the Borough take the necessary steps to provide a Solicitor for the Rec Board? Attorney Yeager confirmed that the Sunshine Act is to be followed and a Solicitor is required. Attorney Yeager will assist with a recommendation for a Solicitor.

*As the Rec Board acts as an "Advisory Board" to Council, the Board is asking Council to clarify if they would like the Rec Board to host fundraisers, events, and programs. Council does not see a problem with that. It is noted that there is a Rec Board fund set up with use/deposit of funds requiring approval by Council. Also, the Rec Board notes that they are responsible for scheduling teams using the fields. Using the above two examples, the Rec Board is asking for Council to reconsider referencing "Advisory" as they feel they are limited to function as a Board.

*Does Council want the Board to identify grants for parks and refer to Council or apply for grants on their own. Council explained that the Rec Board can identify grant opportunities and then present recommendation to Council. Council would apply.

*The Rec Board requested that Council consider assigning a Liaison between the Board and Council. Council will consider the request.

-Mr. Christian discussed a parking issue on Steeplechase. The changes approved with parking at the last meeting for the North Side of the street has resulted in an issue with parking on the South side of the street. Mr. Christian & Mr. Brown will visit the area & evaluate what can be done to resolve the issue.

-Mr. Christian noted that the problem area on Birch Drive (water buildup) had been paved today.

Street Department: Mr. Olejnick made a motion to purchase rain gear for the Street Department Staff. Total Cost per employee is \$92.00. Motion was seconded by Mr. Christian. Vote was 6-0 in favor.

Mr. Christian noted that Street Department employees did not have any hip boots or waders to use during the recent flooding event. Mr. Olejnick made a motion to also purchase 2 pair of boots for the Street Department Staff. Motion was seconded by Mr. Christian. Vote was 6-0 in favor.

-Mr. Olejnick shared 932 Main Street has an issue with a few trees & water runoff from the drainage area. Mr. Olejnick made a motion to take down the trees & have Mr. Amato, Engineer evaluate the water run off issue. Motion was seconded by Mr. Menta. Vote was 6-0 in favor. Mr. Breznay or Mr. Hampton was requested to obtain costs for the tree removal. Mr. Breznay will reach out to Mr. Amato. In the meantime, Mr. Olejnick asked Dave Hampton to clean up the drainage area.

Police Department: Mr. Menta read the police report for August 2021. There were no Crossing Guard Hours noted. There were 175 service calls, 2 vehicle accidents and 5 Borough ordinance violations. Fees collected totaled \$347.58. A motion was made by Mr. Menta to place monies in the appropriate fund and seconded by Mr. Brown. The vote was 6-0 in favor.

-Mr. Menta shared that Council is going to table the request to change the Police Report Management System. There is an issue noted with the vendor who supplies the Borough with the necessary software and supports the Borough's Information Technology (IT). The vendor is currently not adding on any new features.

-Mr. Menta provided an update to the pedestrian crossing sign request made at last month's meeting for the intersection of Shoemaker & Main Street. A movable sign that is purchased & maintained by the borough (placed on the road in the morning and removed at end of day). The cost of the sign would be \$275.00. Mr. Breznay noted that similar signs are used in Luzerne & Forty Fort. Mr. Menta made a motion to purchase one sign & to trial it's use. Motion seconded by Mr. Christian. Vote was 6-0 in favor.

Fire Department: Mr. Cwalina reported that there were 39 ambulance calls for the month of August 2021. Mr. Cwalina shared an update regarding the grant received by Hose Company #2. The funds will be used to replace windows, doors, ceiling, and other items within the building.

Mayor Concert: Do we need to vote to have a new phone purchased for the Street Department garage that the Street Commissioner will have with him when he is not in the department? Kyle Castner shared that a line of service is being added to the police department plan with a brand-new free phone. A total plan cost of \$256.18 with Hotspots was presented to Council. Mr. Olejnick made a motion to approve the

new line of service being added to the police department plan. Motion was seconded by Mr. Brown. Vote was 6-0 in favor.

- Mayor Concert shared that the Fall Festival is being held on 10/16/21, 11am to 4 pm at Roosevelt Field. Emergency services and the media will be in attendance.

- Mayor Concert shared that the Swoyersville Sailors are asking permission to hold a bon fire at Roosevelt Field on 10/16/21. Council granted permission for the bon fire to be held on 10/16/21.

- Mayor Concert is holding a story hour on September 25, 2021, at the Borough Building, 10-11 am.

- Mayor Concert shared a resident concern regarding intersection of Jay & Kossack Street with people parking in the area that has no parking signs. Mr. Christian recommended that the resident contact 911/ police if they witness someone parking in the No Parking area so it can be addressed immediately.

- Mayor Concert shared a letter praising Kyle Kastner (Chief of Police) for his participation in a recent medical emergency. Kyle went above and beyond & showed a tremendous amount of compassion. A thank you was extended to Kyle Kastner.

- Mayor Concert shared a letter from Michelle Fina whose daughter experienced an episode driving on the back road recently. The policewoman present was fantastic, compassionate & helped guide the situation while 4 young teenagers waited for the EMS to arrive. A thank you was extended to the entire Police Department.

- Mayor Concert shared that the Kiwanis Club is holding a Night at The Races on 10/2/2021, The Birds of Prey (Carbon County Environmental Agency) 10/9/21 at the Andrew Barilla Park and the Kiwanis Club & Seton Knights of Columbus Trunk or Treat event n 10/24/21. For more information, please see their website).

- Mayor Concert requested that Council talk to Patty O'Donnell, Swoyersville EMA Director to see if she is going to continue to serve as EMA Director? Gene Breznay, Borough Manager, will reach out to Ms. O'Donnell to inquire.

Attorney Yeager: No legal issues to present. Attorney Yeager followed up on an issue presented by Ms. Stas at last month's meeting. Attorney Yeager did speak to Mile Amato and advised him of the situation and Mr. Amato was to visit the area, evaluate the situation and prepare recommendations for Council.

Old & New Business: Mr. Christian thanked the Street Department for the excellent job done during the recent flooding event involving a Birch Drive residence. Mayor Concert also thanked Bill Keating, Adam Christian and all those who assisted during this event.

- Mr. Breznay presented the Municipal Recovery 5-year contract for review & approval. Single Stream recycling (everything combined) would cost the Borough \$65.00 a ton. If the Borough separates newspaper & cardboard from plastic & glass, the cost to the Borough would be \$25.00 a ton. If the Borough does not enter a 5-year contract, we will not be allowed to take anything to the site. It was noted that other sites are charging \$100.00 a ton or more. A motion was made by Mr. Brown to enter the 5-year contract and was seconded by Mr. Menta.

-Mr. Breznay shared that a discussion was held at the last work session that when the Borough contracts with someone to cut trees that the required start date to perform the job is no longer than 30 days out. Council did agree to the timeframe.

MEETING OPENED TO THE PUBLIC

- Lorraine Lugar-Stas, 32 Main Street, questioned when Mike Amato was going to be coming out to her property to evaluate the concern she presented at last month's meeting. Attorney Yeager did again share that he reached out to Mike Amato and discussed the issue after the last meeting. Mr. Breznay will reach out to Mr. Amato to inquire when he is planning to be there. An appointment will be set so that Ms. Stas can be present.

Ed Sipridge, 96 Lackawanna Ave - member of the newly formed Recreation Board, asked to confirm what was previously discussed with review of the Rec Board Letter submitted by Kelly Connor. A Solicitor is required, "advisory" reference limits what Rec can do -can Council reconsider "advisory" status. Council confirmed the advisory status & that recommendations can be brought forward by the board; however, they cannot act alone to approve. The board will present items for Council approval. Mr. Sipridge clarified that Council will have a volunteer come forward to serve as a Liaison to the Recreation Board.

-Ms. Gerwin, Parrish Street, introduced Ms. Jackie who presented a Trap, Neuter & Release (TNR) program for cats in Swoyersville. The program does assist with controlling the population of cats within the Borough. A grant can be offered for Swoyersville to join program. If this topic could be placed on the agenda for the next Borough meeting, the President of No-Nonsense Neutering can attend the meeting to discuss the program & grant opportunities. The program would go into effect in 2022. Council agreed to hear more information regarding the program. Borough email information was provided for No-Nonsense Neutering could provide more information regarding the program.

-Ryan Binkley, 21 Clinton Street- Mr. Binkley presented a question regarding the Sunshine Act & voting. Attorney Yeager shared his understanding that if the item being discussed is on the agenda for the meeting, Council can vote on it. If something comes up as an emergency, it can be voted on. If there is something new presented, it can be discussed; however, any voting would be completed at the next month's meeting.

Mr. Binkley questioned the ability for public to make comments prior to a vote. Is it a requirement for Council or a suggestion to allow public comments? Attorney Yeager and Council will review the issue of public comments again to clarify the issue of public comments.

Mr. Binkley presented a question why there are separate lines/numbers set up for departments versus having the ability for residents to call into one number and then be transferred to the Street Department, etc. He is wondering if it would be cheaper overall for the Borough.

-Mr. & Mrs. George Brady presented a basement flooding event that they experienced with their home located on 80 Hazel Street during the recent excessive rain event on 9/1/2021. Mr. Brady reviewed an issue with a flap located in the holding pond next to his home. There is a buildup of weeds/waste noted and the flap would not close. Pictures of the holding pond/flap/water buildup were shared with Council. Damages to the residence was noted to be \$20,000. Council discussed the situation and Borough/WVSA

responsibility. Council recommended that Mike Amato, Engineer to visit the property in question, investigate the issue & provide recommendations for repair. Council requested that the Street Department visit the location & trim/clean up weeds near the flap. The Bakers did extend a thank you to Council members, Mayor Concert and Dave Hampton, Street Commissioner for the assistance/help provided to the Bakers on the night of the flooding.

-Joe Wiskowki, upper Hughes Street, can additional sandbags be provided/placed at cut out for the curbing on Warsaw to help prevent water overflow from the creek? Mr. Christian asked Dave Hampton, Street Commissioner to provide some sandbags as requested. Mr. Wiskowski reported that the street between Hill Street and Warsaw is a mess with potholes getting worse. Can someone look at the paving scheduled for that area to have it addressed quickly? Mr. Wiskowski reported that the residence at 58 Hill Street is abandoned and although someone came and cut grass & did work cleaning out the house; there is still garbage & litter scattered along with broken windows. The front door is also open. Kyle Kastner is aware of the residence and will follow up with Mike Galanda regarding the issues.

-George Prehadin, Birch Drive commented that the property at 165 Shoemaker Street is in disrepair and a vehicle is stored under a tarp in the backyard. Mr. Prehadin feels that further deterioration of the property will lead to devaluing adjacent homes & the surrounding neighborhood. Mr. Christian shared that he did discuss the property with Mike Galanda.

Mr. Prehadin question if the Swoyersville American Legion has had the property re-zoned for Commercial use as there can be more than a dozen vehicles parked in the lot on any given day that stay there for days or even weeks. It was noted that there are three (3) vehicles next to each other in the ball field that have been there for weeks. Mr. Galanda is aware of the issue and will address it.

Mr. Prehadin suggested if a group of volunteers get together to address the Stone Wall on Main Street that is overgrown with weeds, grass & bushes. Mr. Christian shared that he did speak to Mike Galanda regarding cleaning up the wall area. The area may be monitored by the State. Mr. Galanda will evaluate the area and issue of ownership.

-Maggie Gill, Birch Street thanked the Borough & Maltby Fire Department for all the help they provided her during the recent flooding event involving her residence. Ms. Gill asked Council to further look at the area on Birch Street involved with the flooding to prevent the same issue from happening again.

- Mark Nenichka, 77 Brook Street, is concerned about the lack of maintenance on Wade Run Creek. There have been previous flooding issues involved with this creek in 2006 because of a design failure; however, the Wade Run Creek project enhancements work successfully when maintained. Currently there a large amount of sediment buildup that needs to be removed. Council asked Dave Hampton to evaluate the situation along with a recommendation being made that Mike Amato also evaluate the area & present recommendations as determined.

-Kathy Breznay, Church Street shared that the Borough Parks currently have weeds growing out over the sidewalks. Understanding that the Street Department is coming off a shortage of staff & that the Borough has been busy addressing recent flooding related issues which is a priority, is there another solution that could be considered to address the maintenance needs for the parks to ensure the issues are addressed prior to the fall?

-Bill Hooper, Brook Street agreed with the input provided regarding the cat Trap, Neuter & Release program & encouraged Council consideration. He also agrees with everything presented by Mark Nenichka regarding the maintenance of Wade Run Creek.

-Mayor Concert shared a request from Krissy Jordan, Treasurer for the Swoyersville Sailors, requesting the use of the softball field for parking during their upcoming cheer competition being held on September 18, 2021. Ms. Jordan asked if the grass could be cut at the field and get a key to unlock the gate. Council was agreeable to all requested.

-Mayor Concert suggested a group of volunteers get together to help the Street Department on Saturday, September 25, 2021. Mayor Concert will place a Clean Up day event on his Facebook page.

A motion to adjourn was made by Mr. Olejnick and seconded by Mr. Menta. Vote was 6-0 in favor. Meeting was adjourned at 7:59 pm. Next meeting will be held October 4, 2021, at 6:30 pm.

Barb O'Donnell
Borough Council Secretary

William Keating
Council President

