

DECEMBER 6, 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, Attorney Yeager, Borough Solicitor, Gene Breznay, Borough Manager, Ken Shefler, Code Enforcement Officer and Dave Hampton, Street Commissioner.

A motion was requested by Mr. Keating to accept the minutes from the regular November 1, 2021 meeting. A motion was made by Mr. Cwalina and seconded by Mr. Christian. Vote was 5-0 in favor with Mr. Christian abstaining from the vote.

Monthly bills totaling \$39,099.18 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. Olejnick. Vote was 6-0 in favor.

BOROUGH MANAGER'S REPORT

- Mr. Breznay shared interviews for the Zoning Officer applicants have been completed. Motion & vote to hire will take place at a special meeting on December 13, 2021.

-Mr. Breznay requested a motion and vote to pay the down payment amount of \$2829.00 to General Code Publishers (to codify Borough Ordinances) using American Rescue Plan Act Funding. A motion was made by Mr. Menta and seconded by Mr. Brown. Vote was 6-0 in favor.

-Mr. Breznay requested a motion and vote to enter into a 3-year agreement with DeAngelo Contracting Services to spray creek bed areas at \$2,925.00 per year. A motion was made by Mr. Christian and seconded by Mr. Cwalina. Vote was 6-0.

COMMITTEE REPORTS

Finance: Mr. Brown presented the October 2021 Finance Report. **General Fund:** beginning checkbook balance: \$23,484.08; transfers & revenue for the month: \$77,635.95; Expenses & Transfers for the month: \$77,074.52; ending checkbook balance: \$24,045.51. **Liquid Fuels:** beginning checkbook balance: \$114.56; transfers and revenue for month: \$6,200.14; expenses and transfers for the month: \$6,166.62; ending checkbook balance: \$148.08. **Solid Waste Collection:** beginning checkbook balance: \$32,547.98; transfers and revenue for the month: \$27,346.37; expenses and transfers for the month: \$42,169.34; ending checkbook balance: \$27,725.01. **Sanitary/Storm Water Assessment:** beginning checkbook balance: \$36,071.44; transfers and revenue for the month: \$11,721.34; expenses and transfers for the month: \$36,693.84; ending checkbook balance: \$11,098.94.

Liaison Officer: Mr. Christian presented a final amendment to the No Parking Ordinance that was originally approved at the October 2021 Council meeting for the North & South sides of Steeplechase Road. A motion was requested to amend the No Parking Ordinance on the North and South side of Steeplechase Road from "Main Street to 287 feet in a westerly direction". Motion was made by Mr. Brown and seconded by Mr. Menta. Vote was 6-0 in favor.

-Mr. Christian initiated a discussion regarding a tobacco use policy. Mr. Christian requested a motion to have Attorney Yeager develop a Tobacco Use Policy "Draft" for the Borough that would pertain to all employees. A motion was made by Mr. Brown and seconded by Mr. Menta. Vote was 6-0 in favor.

Street Department: Mr. Olejnick thanked the Police Department for their recent response to an incident that took place at his residence.

-Mr. Olejnick made a motion to accept a bid of \$6,800.00 received from Pennsy Supply to have a portion of Jackson Street paved in the Spring. A motion was made by Mr. Menta and seconded by Mr. Cwalina. Vote was 6-0 in favor.

-Mr. Olejnick met with Ms. Lugar and Mike Amato, Borough Engineer regarding the drainage/runoff issues at 932 Main Street. Mr. Hampton, Street Commissioner was requested to arrange clean up of brush and garbage present at that location. Mr. Hampton will address the issue.

-Mr. Olejnick shared discussions were held with Mike Amato, Borough Engineer regarding the handicapped corners issue on Maltby Avenue. Problem has been resolved. Mr. Christian shared that with issues resolved and homeowners aware, he will lift the "stop work order" that was put in place so that the street project can continue.

Police Department: Mr. Menta read the police report for November 2021 which included Crossing Guard Hours. There were 225 service calls (which included 38 "Traffic", 40 "Medical Emergencies" & 19 "Assisting other Police Departments"), five vehicle accidents & 6 Borough ordinance violations. Fees collected totaled \$354.13. Mr. Menta made a motion to place monies in the appropriate fund. Motion was seconded by Mr. Olejnick. The vote was 6-0 in favor.

-Mr. Menta made a motion to nominate John Baker, Main Street, Swoyersville as the Borough's EMA Director. The motion was seconded by Mr. Cwalina. Vote was 6-0 in favor. Appropriate paperwork will be forwarded to the State.

-Mr. Menta made a motion to appoint Eugene Gurnari to the Civil Service Commission. Motion was seconded by Mr. Cwalina. Vote was 6-0 in favor.

-Mr. Menta made a motion to approve the Police Department Memorandum of Understanding for salary increases for upcoming years. Motion was seconded by Mr. Brown. Vote was 5-1 with Mr. Christian voting no.

-Mr. Menta made a motion to authorize the Civil Service Commission to begin the process to hire one full-time Police Officer using American Rescue Plan Act funds. Motion was seconded by Mr. Cwalina. Vote was 6-0 in favor.

Fire Department: Mr. Cwalina reported that there were 47 ambulance calls in October and 44 calls in November.

-Mr. Cwalina made a motion to hire a part-time Fire Truck Driver using American Rescue Plan Act funding. The first responder will run either truck & hours will be up to 30 hours a week at \$15.00 per hour, depending on qualifications. Mr. Brown did present a question regarding the position as his understanding was that the position would be 40 hours per week with more than one driver. The motion was seconded by Mr. Olejnick. Vote was 6-0 in favor. Mr. Breznay did request information on qualifications needed. Mr. Cwalina will be meeting with representatives from Maltby & Hose Company #2 to review & set qualifications. Mr. Cwalina will share a summary of qualifications to Council once completed.

-Mr. Cwalina informed Council that he received a copy of Bylaws from the Rec Board to review. A recommendation will be made to Council once they are reviewed.

Mayor Concert: Mayor Concert questioned if security cameras are installed & working. Mr. Breznay shared that all are working.

-Mayor Concert requested that in addition to the Community Bulletin Board that is being placed in the Borough Building, a "Borough Information Board" also be placed. A motion was made by Mr. Olejnick to have a Borough Information Board placed in the Borough Building. Motion was seconded by Mr. Brown. Vote was 6-0 in favor. Mr. Christian requested information on what will be placed on the Community Board. Mr. Christian was provided a copy of the outline summarizing the guidelines that will be followed for the Community Bulletin Board. The guidelines were approved at the November 2021 meeting.

-Mayor Concert thanked J&L Towing and The Lark Diner who donated for the Andrew Jones Memorial Tree that has been planted in front of the Swoyersville Police Department.

-Mayor Concert announced that the Christmas Parade will be held on Saturday at 6pm. Those interested in participating can contact the mayor. The Community Tree in front of the Borough Building will be lit right after the parade (7-7:15 pm). The route will be posted tomorrow as there are a few changes being made to it.

-Mayor Concert acknowledged with this meeting being the last regular meeting for Councilman Menta, it was an honor working with him and having him serve as a member of Council for the past two years. Mr. Menta will remain active with the Civil Service Commission. Good luck wishes were extended by Mayor Concert and Council members.

Attorney Yeager: No report at this meeting. Attorney Yeager extended an opportunity for Mr. Menta to offer a few comments. Mr. Menta thanked Council for all the help provided to him as a member of Council over the past two years. Mr. Menta shared his goal with accepting the Council seat was to carry out the remaining term of Mr. Alunni to which he remained true. As a resident of Swoyersville for the past 25 years, this is a wonderful borough with wonderful residents. Mr. Menta is confident that the Borough will continue doing what it needs to do to remain one of the best Boroughs on the West Side.

-Mr. Christian requested that Mr. Hampton follow up with Mike Amato regarding a temporary solution to prevent water back up on Brook Street. Temporary solution will not require a permit to complete. Mr. Hampton will follow up with Mike Amato, Engineer.

-Mr. Christian shared that his reason for voting no on opening the Police contract is the fact that the contract was previously opened a year ago with resulting raises.

-Mr. Keating extended a thank you to Council and Gene Breznay, Borough Manager, for all the work done to produce solutions for monies need to complete a lot of projects.

MEETING OPENED TO THE PUBLIC

-Ryan Binkley, Clinton Street: Mr. Binkley shared with Council that in accordance with the Sunshine Act that before a vote is made, there needs to be an opportunity for comments. Mr. Binkley presented the following questions regarding votes made for hiring the two positions where salaries will be supported by use of the American Rescue Fund: What happens when the funds run out (if & when they do). Mr. Menta shared that in that event, the salaries would come from the Borough's General Funds. Currently, monies from the American Rescue Plan Fund can be used through 2024. Mr. Binkley wants to be sure that the Borough will be prepared to support the positions after American Rescue Plan Funds run out and that the Borough will not need to eliminate positions at that time.

Mr. Binkley shared that he noticed on his street that cardboard and yard waste are all going into one truck. Why are residents having to pay \$25.00 recycling fees if everything is going into one truck? There is also an environmental concern. Mr. Hampton shared that combining picking up the cardboard and yard waste on smaller streets is allowing the Department to get everything done. With yard waste ending this month, the combining will no longer be an issue. With the new year, the Department will evaluate how they can improve the process.

-Kathy Breznay, Church Street: Ms. Breznay shared that the Community Bulletin Board is ready to hang. Ms. Breznay would like to have the Community Bulletin Board and the Borough Information Bulletin Board not close together to avoid confusion for those who will be posting information. A suggestion was made by Mr. Breznay to replace the smaller Bulletin Board that already exists in the building with the larger board for Borough Information. It is in a separate location. Ms. Breznay will have a contractor hang the Community Bulletin Board to assure it is secure. A copy of the rules/guidelines for the Community Board was provided to Mr. Christian.

Ms. Breznay questioned Council regarding the allegation of harassment presented by former EMA Director Patty O'Donnell in a resignation letter presented by Mr. Menta at last month's Council meeting. Since there was an allegation of harassment presented in a formal letter to Council, has anyone from Council reached out to Ms. O'Donnell regarding the issue/details and has anyone from Council spoken to the individual that she is alleging harassed her.

Mr. Christian responded by sharing that Ms. O'Donnell can file a complaint regarding any member of Council with the Board of Ethics. Ms. Breznay shared her concern over why Council would not reach out and speak to a person that is experiencing an issue as serious as this. Mr. Christian shared that the voters

put the members of Council into their seats and any complaint involving a member of Council needs to go through the Ethics Board. Mr. Christian & Mayor Concert proceeded to share details of a resident complaint that was received during a basement flooding incident that occurred during storm IDA. Mr. Christian shared that the resident wanted it on record that they asked where the EMA Director was. Ms. Breznay questioned if the complaint was presented through a meeting and included in Council Minutes. Ms. Breznay also questioned if anyone communicated with Ms. O'Donnell that there was an issue. Mr. Christian shared that he was not sure if it was in any minutes; however, did have a text on his cell phone dated 9/14/21 indicating the EMA Director was in the area and had been out in the storm checking streets through the night of the storm.

-Mr. Christian wished everyone Happy Holidays and appreciates everyone attending the meeting tonight. Thanks were extended to Mr. Menta for his service on Council and shared that all the accomplishments achieved over the past two years were possible with his help.

-Mark Nenichka, 77 Brook Street: Mr. Nenichka requested follow-up information on the rotted gas main issue at the lower end of Brook Street. Has there been any conversations with the gas company? Mr. Breznay spoke to Mike Amato about the issue and Mr. Amato sent an email to UGI/Mr. Kozik to ask about the issue. The response received was that funding was not available for 2022; however, if funds allowed, they would take care of it. Otherwise, it would be scheduled for another time. Mr. Nenichka shared that from a safety standpoint, the main is rotted and continues leaking. There were already three dig ups this year noted. Mr. Breznay will reach out again to Mr. Amato to follow up again with UGI regarding Mr. Nenichka's complaint.

-Mr. Nenichka shared that the report is out regarding the Flood Protection Plan for Swoyersville (after July Inspection), and he would like to caution Council that the earth and channels for Swoyersville protection program have been deemed unacceptable. The unacceptable ratings can mean that the Borough may not qualify for future Governmental funds to do projects because the current project has not been maintained to its proper level. Mr. Nenichka shared further details of the report and recommendations made by DEP, including available funds & application process for Council to consider. It is noted that Dave Hampton is working on the issue. Mayor Concert requested a copy of the report. Mr. Breznay will make copies.

-Mr. Nenichka asked if the Borough will be doing paving projects in 2022. Council shared that the Borough will not be doing paving projects in 2022 with exception of the Jackson Street repairs approved earlier in the meeting. Mr. Nenichka proposes that the residents of lower Brook Street curtail their payment of municipal and county taxes to accrue enough monies to repair their street. Taxes will be curtailed until the project is done. Mr. Nenichka used the example of Bohac Street being paved when it was not needed. Council President, Mr. Keating, advised Mr. Nenichka that curtailing taxes is not a recommended approach. Mr. Nenichka is aware of the issues resulting from non-payment of taxes and he and his neighbors have already discussed it. They will take it as it comes.

Attorney Yeager presented a question regarding why Brook Street has not been chosen for paving. Mr. Breznay summarized and explained the Block Grant determination process in which street selection is based on income level (low income based). This Program involves HUD developing a map and determining which areas are low/moderate income. This is required as the HUD monies must benefit that income level. Bohac was selected based on the required qualifications. Attorney Yeager questioned if the Street Commissioner and or Borough Engineer were made aware of the issue and requested to evaluate Brook Street. Mr. Breznay shared that with addressing the rotted gas main on Brook, the gas company will repave the road. It is recommended that the Borough wait for Mike Amato to discuss the issue

further with the gas company to see if repaving will be accomplished with a gas main repair. Attorney Yeager suggests that not only should the Borough Engineer speak further with the gas company regarding the issue but that the Borough should also forward a letter regarding the gas main concern and put UGI on notice that if something should happen because of the rotted gas main, UGI will be responsible not the Borough or the Residents. Attorney Yeager suggested that a letter be coordinated between Mike Amato and himself. Mr. Breznay will coordinate a call between the two.

-Mr. Nenichka questioned the water situation on Warsaw Street. A suggestion was made to place a correct size pipe under Warsaw Street to accommodate the amount of water that runs down to Main Streets.

-Kathy Breznay, Church Street: Will post a copy of the Community Bulletin Board rules on the board.

-Ryan Binkley: Thanked Council for moving forward with codifying Borough ordinances.

Mr. Binkley also shared his concern that the Flood Protection Plan report came out in September and issues were not yet addressed.

A motion to adjourn was made by Mr. Keating and seconded by Mr. Cwalina. Vote was 6-0 in favor. Meeting was adjourned at 7:32pm. Next meeting will be January 3, 2021, at 6:30 pm.



Barb O'Donnell
Borough Council Secretary

William Keating
Council President

DECEMBER 13, 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. Olejnick and Mr. Keating. Also present were Mayor Concert, Gene Breznay, Borough Manager, Ken Shefler, Code Enforcement Officer and Dave Hampton, Street Commissioner. Mr. Menta was noted as absent at the beginning of the meeting; however, did arrive at the time the Executive Session was being held.

Mr. Keating requested a motion to approve the 2022 Budget. A motion was made by Mr. Brown and seconded by Mr. Cwalina. An opportunity for comments/questions was provided prior to vote. None presented. Vote was 5-0 in favor.

Mr. Keating requested a motion to approve the Real Estate Tax Millage rate for 2022. An opportunity for comments/questions was provided prior to vote. Mr. Breznay shared that the millage rate for 2022 will remain the same at prior year 1.55 mills. No tax increases. Mr. Olejnick made a motion to approve the rate and motion was seconded by Mr. Cwalina. Vote was 5-0 in favor.

An Executive Session was called by Mr. Keating at 6:32 pm and ended at 6:38pm.

Mr. Menta arrived at Council Meeting at 6:36 pm and joined the Executive Session.

Mr. Keating requested a motion to hire a part time Zoning Officer. An opportunity was provided for questions/comments prior to the vote. None presented. Mr. Cwalina made a motion to hire Mr. Kyle Shefler as the Borough's Zoning Officer and was seconded by Mr. Christian. Vote was 6-0 in favor.

Mr. Breznay took a moment to share some details of the 2022 Budget for the public which included no tax increases for 2022 & no increase in service costs (garbage/recycling stickers) & fees. Council thanked Mr. Breznay for his input.

A motion to adjourn was made by Mr. Menta and seconded by Mr. Cwalina. Vote was 6-0 in favor. Meeting was adjourned at 6:40 pm.



Barb O'Donnell
Borough Council Secretary

William Keating
Council President