

**FEBRUARY 7, 2022 - 6:30 PM**  
**REGULAR MEETING OF SWOYERSVILLE BOROUGH COUNCIL**

President Keating called the meeting to order.

The Pledge of Allegiance was recited.

Roll Call was taken, those present included Mr. Brown, Mr. Christian, Mr. Cwalina, Mr. Keating, Mr. Lamereaux and Mr. Olejnick. Also noted as present were Attorney Yeager, Borough Solicitor, Gene Breznay, Borough Manager, Kyle Shefler, Zoning Officer, Ken Shefler, Code Enforcement Officer and Dave Hampton, Street Commissioner.

A motion was requested by Mr. Keating to accept the minutes from the January 3, 2022 Reorganization Meeting. At this time, Mr. Christian asked that the minutes from January 3, 2022 be amended to include the observation of a video supporting a concern he previously presented regarding his request for increased police presence at bus stops in the Borough. Mr. Christian explained that he shared the video with a few members of Council showing a vehicle trying to pass other vehicles while a bus was in motion. This was at the intersection of Bohan & Main Street. Mr. Lamereaux, who viewed the video, agreed that what he observed does present a concern.

As the video was viewed after Council adjourned on January 3, 2022, Ms. O'Donnell, Council Secretary recommended including reference to the video in this meeting's minutes. A motion was made by Mr. Brown to accept the minutes of January 3, 2022. Motion was seconded by Mr. Olejnick. Vote was 6-0 in favor.

Monthly bills totaling \$46,161.87 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 6-0 in favor.

### **BOROUGH MANAGER'S REPORT**

- Mr. Breznay requested Council to approve the Borough applying for a statewide LSA grant for paving the front & back parking lots of the Borough Building. It would also include repair of the wall in the front lot, striping, parking stall blocks & handicap handrails. This new grant program was just introduced and has a quick application window from now until mid-March 2022. This grant is not the normal LSA grant program for the county. No objections to applying were noted.

- Mr. Breznay requested a motion and vote to pay Vector Enterprises for database licenses & set up for the Police Department alert server. The cost is \$2,364.00 and will be paid with use of American Rescue Plan Act Funds. This bill is also listed on the monthly bills' summary as well. A motion was made by Mr. Olejnick and seconded by Mr. Brown. Vote was 6-0 in favor.

## COMMITTEE REPORTS

**Finance:** Mr. Lamereaux presented the December 2021 Finance Report. **General Fund:** beginning checkbook balance: \$131,634.16; transfers & revenue for the month: \$27,722.44; Expenses & Transfers for the month: \$147,050.10; ending checkbook balance: \$12,306.50. **Liquid Fuels:** beginning checkbook balance: \$163.05; transfers and revenue for month: \$8,500.29; expenses and transfers for the month: \$8,527.08; ending checkbook balance: \$136.26. **Solid Waste Collection:** beginning checkbook balance: \$20,604.93; transfers and revenue for the month: \$36,487.95; expense and transfers for the month: \$19,491.82; ending checkbook balance: \$37,601.06. **Sanitary/Storm Water Assessment:** beginning checkbook balance: \$10,363.21; transfers and revenue for the month: \$9,521.46; expenses and transfers for the month: \$6,339.29; ending checkbook balance: \$13,545.38.

**Liaison:** Mr. Christian shared that it was agreed upon at a previous Work Group meeting that Council will have oversight for all employees used benefit days and if Council requests time off sheets to review or audit, they must be provided.

Mr. Christian shared a resident complaint involving a residence on Frederick Street. The residence appears to be housing kids/teenagers with disabilities. A concern exists as to whether the home is zoned properly. Kyle Shefler, Zoning Officer, shared that he is aware of the issue and is working with the owners regarding zoning. Ken Shefler, Code Enforcement Officer, provided Council with a summary of the issue & actions taken so far involving the residence. A Certificate of Occupancy was issued in error and currently is suspended. The property does not fall under a single residential status and owners have been informed that they will need to go through a hearing. There have been many calls received regarding the residence and continued calls will result in the Certificate of Occupancy being revoked. Both the Zoning Officer & Code Enforcement Officer continue to work to resolve the issues. Council appreciated the update.

**Police Department:** Mr. Brown read the police report for January 2022 which included Crossing Guard Hours. There were 169 service calls, 5 motor vehicle accidents & 4 Borough ordinance violations. Fees collected totaled \$633.95. Mr. Brown made a motion to place monies in the appropriate funds. Motion was seconded by Mr. Lamereaux. The vote was 6-0 in favor.

**Street Department:** Mr. Olejnick extended a thank you to Dave Hampton and the Street Department for the great work done during the recent ice and snowstorm.

-Mr. Olejnick shared that there have been some rumors going around that the ponding basins in town were going to become wetlands. Mr. Olejnick spoke to Mike Amato, Borough Engineer, and Jeff Collella, WVSA District Manager and both have indicated that the basins are not being turned into wetlands. WVSA will move forward to maintain the basins with grass cutting and maintenance duties.

**Fire Department:** Mr. Cwalina announced that there were five applications for the position of Driver received. Interviews are being held this week.

-Mr. Cwalina shared that Maltby Hose Co. will be holding a fundraiser. Hose Company #2 will not be holding one. Both Fire Departments receive funds from the Borough.

-Mr. Cwalina made a motion to accept & approve the second reading of the Recreation Board Bylaws. Motion was seconded by Mr. Olejnick. Vote was 6-0 in favor.

-Mr. Cwalina made a motion to approve adding Ryan Binkley to the Recreation Board to complete a full nine-member board. Motion was seconded by Mr. Christian. Vote was 4-2 in favor with Mr. Keating and Mr. Olejnick voting no.

**Mayor Concert:** Mayor Concert requested a motion and vote to obtain prices to purchase a new freezer for the Roosevelt Field. A motion was made by Mr. Christian and seconded by Mr. Brown. A question was presented by Kathy Breznay regarding would this expense be one that should come out of the Recreation Board funds versus the Borough paying for it. It was confirmed that the Borough will be paying for the freezer. Mr. Christian recommended the purchase of a 7.0 cu ft freezer. Dave Hampton will research costs and present at the March meeting.

-Mayor Concert announced that plagues will be presented to the Swoyersville Kiwanis Club, the Music Box Theater and the Little Free Library at the March 2022 meeting.

-Mayor Concert announced the Bumper Bunnies will be held on April 9, 2022 from 1pm to 3pm at the Roosevelt Field. Mr. Christian asked if the mayor will be asking for donations. Mayor Concert will share more information at the March 2022 meeting.

-Mayor Concert announced the Strawberry Social is scheduled for June 25, 2022.

-Mayor Concert announced the Swoyersville Community Yard Sale will be held on Saturday, June 4, 2022.

-Mayor Concert shared that a tree will be planted in honor and memory of Jerry Suda, former Swoyersville Street Department worker, at the Slocum Street playground.

-Mayor Concert asked for a motion and vote to advertise for limited cleaning services for the Borough Building. He proposed a schedule of one hour per week @ \$100.00 a month to assist with floor cleaning and other janitorial services. A motion was made by Mr. Olejnick and seconded by Mr. Brown. The vote was 6-0 in favor.

-Mayor Concert also extended a thank you to the Street Department and Police Department for the great work done during the recent ice and snowstorm. There were many complimentary calls received from residents.

-Mayor Concert presented a letter on behalf of Chief Kyle Castner requesting that Council approve to hire Cotisha Smith as a full time Swoyersville Police Officer at a salary of \$46,499.90. Ms. Smith is currently a part time officer with the Borough and was the only candidate who tested on January 15, 2022. She is considered an amazing asset to the department. Prior to motion and vote, Mr. Christian raised the question of can Council override the physical agility testing that is listed in the Borough Code. Input was received from John Menta, Kathy Breznay, Attorney Yeager and Gene Breznay, Borough Manager. For the past 10-12 years, the Borough has not required agility testing/evaluations for those hired as Police Officers. It is a Council decision as to whether to require it. The current applicant is qualified and already employed as a Police Officer within the Borough.

Mr. Brown made motion to hire Cotisha Smith as a full time Swoyersville Police Officer and motion was seconded by Mr. Lamereaux. The vote was 5-0 in favor with Mr. Christian abstaining from the vote. Mayor Concert administer the oath of office to Cotisha Smith. Family & friends were invited to video/take pictures. Council extended congratulations to Ms. Smith.

**Attorney Yeager:** No report for this meeting.

-Mr. Christian requested that Old & New Business be added to the agenda. Mr. Keating shared that New & Old Business are no longer agenda items as governed by the Sunshine Act. Instruction received was that Old & New Business needs to be removed from the agenda. Mr. Keating further shared that if there is a question or follow up to old business from a previous meeting, the issue can be addressed when a councilman has the floor if it is included on the meeting agenda. Mr. Christian questioned the accuracy of removing old and new business from the agenda and requested Attorney Yeager, Borough Solicitor, to review the act further. Mr. Breznay will provide Attorney Yeager with a copy of the Sunshine Act to review for clarification.

A lengthy discussion was held which included input from several Council members, Attorney Yeager, Mayor Concert & Gene Breznay, Borough Manager regarding interpretation of what the act allowed and disallowed. Mr. Christian again requested that Attorney Yeager review the issue and get back to Council with clarification.

-Mr. Lamereaux shared with Council that he had a resident complaint and provided Mayor Concert with a written copy of the complaint. Mr. Lamereaux chose not to read the complaint before Council; however, shared that he felt Council should be involved in addressing the complaint.

Mr. Lamereaux also shared that he has received resident questions regarding recycling. He noted that the recycling guidelines document provided at January's meeting contradicts what is being provided to the residents by the Borough. To further complicate the issue, Mr. Lamereaux indicated that he reached out to Dave Solomon and was provided documents that were shared as "more current/updated" than information that was provided to Dave Hampton, Street Commissioner. Residents are confused as to what is ok and what is not ok with recycling and there are questions/concerns regarding what is going into landfills. Mr. Lamereaux summarized several of the differences noted in the documents which included but was not limited to boxes and plastic caps & tops. Mr. Hampton shared that the Street Department will pick up boxes whether they are flattened or not. Input was also shared by Gene Breznay, Borough Manager, Dave Hampton, Street Commissioner, and Kathy Breznay. Mr. Cwalina recommended that for this year, residents continue to follow borough instructions for flattening boxes and that a change now would only create more confusion. He also recommended that the issue be re-evaluated next year. Mr. Hampton will evaluate all the guidelines that have been received and will work to provide a list that will eliminate confusion for residents.

-Mr. Christian asked Attorney Yeager where things were at with the No Smoking policy. Attorney Yeager received a copy of a policy in his meeting packet for review. He will review the policy and discuss at the March 2022 meeting.

## MEETING OPENED TO THE PUBLIC

-John Baker, 713 Main Street: Mr. Baker, Borough EMA Director, shared that during the last ice storm he was out multiple times evaluating basins through the Borough (Birch & Kossack, Frederick, Beech Street, etc.). He did share that the basin at Birch & Kossack does need to be dredged. Water is flowing in the middle and back up was noted. If a rainstorm would occur, the borough would experience trouble with water back up.

Mr. Baker would like to create a list of residents through the Borough who may need special assistance during emergencies or evacuation events. Gene Breznay, Borough Manager was asked to post a notice on the Borough webpage asking residents who are interested to voluntarily provide information regarding family members who require assistance (ex. Bed bound or wheelchair bound, disabled, etc.). A list can be developed and shared across several databases (Fire, Police, 911). Mr. Breznay will put together a posting which will provide information regarding the list, information requested & how residents can communicate the information privately.

Mr. Baker shared that Kyle Castner, Chief of Police will serve as second in command within the Borough's EMA. Gene Breznay, Borough Manager will serve as Public Information Officer. Mr. Baker will be issued a radio and is still working on an inventory of equipment he will need in his role as EMA Director for the Borough. An estimated cost of turnout gear will be \$3,500.00.

Mr. Keating requested a motion to adjourn the meeting. A motion was made by Mr. Christian and seconded by Mr. Olejnick. Vote was 6-0 in favor. Meeting was adjourned at 7:39pm. Next meeting will be March 7, 2022 at 6:30 pm.



Barb O'Donnell  
Borough Council Secretary

William Keating  
Council President