

March 7, 2022-6:30 PM

## REGULAR MEETING OF SWOYERSVILLE BOROUGH COUNCIL

President Keating called the meeting to order.

The Pledge of Allegiance was recited.

A moment of silence was held for the people of Ukraine.

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

A motion was requested by Mr. Keating to accept the minutes from the March 7, 2022 Meeting. A motion was made by Mr. Brown and seconded by Mr. Olejnick. Vote was 5-1 in favor with Mr. Cwalina voting no.

Mr. Keating called an Executive Session at 6:32 pm. The Executive Session ended at 6:50 pm.

Monthly bills totaling \$34,107.67 were presented by Ms. O'Donnell, Council Secretary. A motion for approval of the monthly bills was made by Mr. Cwalina and seconded by Mr. Olejnick. A question was presented by Mr. Olejnick regarding the two single stream recycling amounts being paid to Municipal Recovery. His understanding was that Council agreed that plastics & cardboard were going to be separated which would save the Borough money. Mr. Keating requested a review of previous minutes to confirm issue was discussed for now & requested at this time to move to vote so that bills can be paid. Vote was 6-0 in favor.

### BOROUGH MANAGER'S REPORT

- Mr. Breznay requested a motion and vote on the resolution for the statewide LSA grant (\$121,602.08) to be used for paving the front and back parking lots of the Borough Building to include the wall in the front lot, striping and parking stall blocks. Resolution is needed to apply for the grant. A motion was made by Mr. Brown to approve the resolution. Motion was seconded by Mr. Olejnick. Vote was 6-0 in favor.

- Mr. Breznay requested a motion and vote to pay General Code Publisher \$2,829.00 with American Rescue Plan Act funds for continued work on the codification of Borough ordinances. This bill amount is included in the monthly bill summary as well. The project is about 60% complete and should be available to the Borough within the next few months. A motion was made by Mr. Brown and seconded by Mr. Christian. Vote was 6-0 in favor.

## COMMITTEE REPORTS

**Finance:** Mr. Lamereaux presented the January 2022 Finance Report. **General Fund:** beginning checkbook balance: \$12,306.50; transfers & revenue for the month: \$144,749.04; Expenses & Transfers for the month: \$122,100.84; ending checkbook balance: \$34,944.70. **Liquid Fuels:** beginning checkbook balance: \$136.26; transfers and revenue for month: \$7,800.00; expenses and transfers for the month: \$7,757.89; ending checkbook balance: \$178.37. **Solid Waste Collection:** beginning checkbook balance: \$37,601.06; transfers and revenue for the month: \$43,055.00; expense and transfers for the month: \$56,929.46; ending checkbook balance: \$23,726.60. **Sanitary/Storm Water Assessment:** beginning checkbook balance: \$13,545.38; transfers and revenue for the month: \$1,999.13; expenses and transfers for the month: \$5,125.02; ending checkbook balance: \$10,419.49.

**Liaison:** Mr. Christian shared with Council that he lifted the stop work order surrounding the Curb/ADA ramp replacement project at the intersection Maltby Avenue & Talcott in January. The concerns/issues presented by residents were addressed successfully. A motion was made by Mr. Christian to lift the stop work order so that the project can resume as soon as possible. Motion was seconded by Mr. Lamereaux. Vote was 6-0 in favor.

-Mr. Christian made a motion for the Borough to enroll in the Northeastern PA Inclusive program that provides special needs high school students the opportunity to become involved with hands on vocational work such as painting, cutting grass, etc. The program provides an opportunity for the students to learn a hands-on trade. The motion includes Council approving Mr. Christian as Borough Liaison to Northeastern PA Inclusive to assist with working toward a successful program and that the Borough provide lunch for the students while they are working. This program is cost free to the Borough. The Borough would need to provide any supplies needed for the work performed. The motion was seconded by Mr. Brown. Vote was 6-0 in favor. Mr. Christian shared that the students would report to Dave Hampton, Street Commissioner for any assignments and that Mr. Hampton will work with Chief Castner and Gene Breznay regarding any assistance that they may need that the students can assist with.

Mr. Olejnick inquired about who would be providing insurance for the students? Mr. Christian shared that the Northeastern PA Inclusive program provides insurance covering the students while they are working. Mr. Breznay requested start and end dates for when the students will be working.

Kathy Breznay shared the same inquiry about insurance and questioned if the program involves challenged adults? Ms. Breznay shared that the Kiwanis club has worked with this type of program and noted you are limited regarding duties. Mr. Christian shared that he is going to obtain more program details to share. Mr. Christian also shared that there is an assigned Supervisor that will be available with the students who will be able to determine what jobs can be done.

**Police Department:** Mr. Brown read the police report for February 2022 which included Crossing Guard Hours. There were 141 service calls, 3 motor vehicle accidents, 4 Borough ordinance violations, 17 school Crossing Guard bus stop duty, 5 adult arrests & 4 juvenile arrests. Fees collected totaled \$331.61. Mr. Brown requested a motion to place monies in the appropriate funds. Motion was made by Mr. Cwalina and seconded by Mr. Christian. The vote was 6-0 in favor.

**Street Department:** Mr. Olejnick shared with Council that it was brought to his attention that the ADA curb/ramps on the corner of White and Shoemaker had some concrete lifted from frost. The issue was discussed with Mike Amato, Borough Engineer who did examine the issue. The contractor is going to remedy the issue if the concrete does not go back down with the frost reduction.

**Fire Department:** Mr. Cwalina shared that there were 42 Ambulance calls for the month of February. Hose Company #2 received a grant in the amount of \$10,600 and are in the process of purchasing six pumps (includes 2 submersible) for use during flooding. They are also purchasing a pull along trailer that will store the pumps and can easily be hooked to truck for transport as needed.

Mr. Cwalina shared that the interviews have been held for the part-time fire department drivers. A decision has not yet been made; however, Mr. Cwalina commended Chief Marty Mahon of Hose Company #2 and Assistant Chief Randy Bush for dedicating their time along with Mr. Christian to the process. Mr. Cwalina is hopeful that the part time drivers will be in place next month.

Mr. Cwalina shared that the Recreation Board has established a facebook page and are working on activities and fund-raising events. The board will also get involved in events going on within the Borough such as the Mayor's Bumper Bunnies event. Mr. Cwalina noted that the Borough will receive a copy of the monthly Recreation Board minutes. Minutes will be shared with Council. Mr. Cwalina shared the Board Officers with Council: Chairperson – Kelley Conner, Co-Chairperson – Catherine Leonard-Nixon, Secretary – Syrena Riley, Treasurer – James Gill, Co-Treasurer – Ryan Binkley.

Mr. Christian shared that there is approximately \$3,000.00 remaining from the Dug-Out project in the Recreation Board account. Mr. Cwalina shared that the Board will be receiving a monthly account of available funds from Mr. Breznay so they will be aware of what is available.

**Mayor Concert:** Mayor Concert reported that the new freezer for Roosevelt Field will be purchased for \$249.00. The Street Department will be removing the old freezer for recycling. Mayor Concert extended a thank you to the Street Department for the amazing job that they are doing. He shared that he does get a lot of compliments from residents for the work done.

-Mayor Concert discussed an issue involving a lot of debris, garbage & some shopping carts noted in the area from Murphy's Pub all the way to the Slocum Street Bar & Grill. The Street Department has cleaned the area and it looks good. Some of the garbage seems to be coming from the Murphy's Pub garbage bin when the wind blows.

Mr. Keating asked if a motion was needed for the purchase of the new freezer for Roosevelt Field. Mayor Concert shared that a motion was made at the last meeting for the purchase.

Mr. Christian shared that he is getting a lot of texts that the public cannot hear the meeting; volume is not working. Mr. Breznay shared that the volume is wide open and everything is plugged in. At this time, it is unclear as to what may be the problem.

-Mayor Concert announced the Bumper Bunnies will be held on April 9, 2022 from 1pm to 3pm at the Roosevelt Field. There will be a lot of organizations, businesses and individuals present that will have their trunks decorated and handing out candy. After seeing the Easter Bunny, each child will get 5 raffle tickets and they can put them in whatever Easter basket they want to win.

-On June 24, 2022, Mayor Concert will be hosting "Bingo in the Park", which is a free event, followed by the Strawberry Social on June 25, 2022.

-Mayor Concert presented a plaque to the Swoyersville Kiwanis Club on behalf of the Borough in recognition of 70 years of dedicated service to the Borough and surrounding communities. Kathy Breznay accepted the plaque on behalf of the Kiwanis Club. Congratulations were extended by Council.

-Mayor Concert presented a plaque to Grace Connor who built the Free Little Library of Swoyersville and has remained dedicated with maintaining it with books. The plaque is being presented on behalf of Swoyersville Borough in recognition of her continued dedication to the Free Little Library of Swoyersville.

**Attorney Yeager:** Noted as Absent.

Mr. Keating asked if there were any questions. Mr. Christian questioned the agenda item relating to the Recreation Board inquiring about a budget for the Board. Mr. Cwalina shared that the item was incorrect and should not have been listed as it was on the agenda.

#### **Old Business:**

-Mr. Christian shared that he spoke to Aaron Kaufer about the Birch Drive project and Mr. Kaufer has requested that Mike Amato, Borough Engineer, put in a request for an escalation process for any permits that shall be filed with that project. The importance of this project is recognized along with the threat of flooding that exists. Mr. Kaufer will assist with the escalation process. Mr. Keating shared that his understanding is that the project is in the design process because of EPA specs that must be met.

-Mr. Christian thanked Kyle Shefler for taking care of a garbage issue on North Lackawanna that was brought to his attention by a resident.

-Mr. Lamereaux presented a complaint/concern he received from several residents of Oliver/Jackson Street. There was a car fire on Friday night in front of a five-unit apartment building located on the street. The concern surrounds the building not having enough exit doors for the 5 apartments. There are also no fire escapes. The first-floor apartment has a back door exit; however, no other apartment has one. There is also one main door into the building & with this fire siding was melted about 5 feet from that one entrance. There is a concern over the safety of the residents of the building. There is also a concern that the building is not meeting code surrounding number of access and exit doors per apartment.

Kyle Caster, Chief of Police along with Kyle Shefler, Zoning Officer, shared that a building inspection was just completed and included Ken Shefler, Code Enforcement Officer. It is noted that Mr. Shefler is a State Certified Safety Inspector and Building Inspector. Access & egress for each apartment was evaluated and it was shared that code appropriate egress for the top apartments include window access to a roof and or escape ladders. Ken Shefler shared inspection findings with the Management Company representative that was present. Mr. Shefler is also providing a certified letter that will outline all violations found to the Management Company and a timeframe will be allotted for correction of any issues found. All apartments were entered during the inspection along with the basement and crawl spaces.

Tony Zambito questioned where the owner of the building resides. Kyle Shefler shared that the Property Manager for the building resides in Scranton which meets the ordinance criteria. The Property Manager also oversees maintaining the property (plowing, cutting grass, etc.).

-Mr. Christian requested that it be placed on record that at the December 29, 2021 work session meeting he brought to the attention of the Civil Service Commission personnel that the Civil Service Commission testing process was not following Borough Code in the past and never corrected. He was not taken seriously and feels that he was ignored.

-Mayor Concert commented that he knows that there are continued comments from residents about not being able to hear this meeting online and that there has been some volume & or internet issues with previous months' meetings; however, he wanted to remind residents that the meetings are open to the public and everyone is welcome to attend if they so choose to.

## MEETING OPENED TO THE PUBLIC

-Tony Zambito, 135 Jackson Street, questioned why the DPW work performed list was no longer read at the meeting. Mr. Zambito shared that during a recent walk he noticed clogged up storm drains and garbage/cans along the basin on Chapple Street. He doesn't see a lot of work being done by WVSA and is wondering what they are doing. Mayor Concert shared that the report can be added back into the meeting and or also posted. In addition, a report is received from the Street Department and Swoyersville Zoning Officer. Mr. Zambito also questioned who is responsible for cleaning the storm basins. Mr. Olejnick shared that WVSA is not responsible for all the basins; some are the responsibility of the Street Department.

-John Kolessar, 220 Tener Street, questioned if anything is going to be done about 330 Tener Street? Mr. Kolessar shared that the property just cost his family \$3,000 of work in his basement to keep water from 330 Tener out of his basement. None of the gutters work properly on 330 Tener which results in water running off into his basement. Mr. Olejnick shared that the issue needs to be referred to Joe Yeager, Borough Solicitor. Mr. Christian asked Gene Breznay to reach out to Attorney Yeager regarding Mr. Kolessar's concerns and the status of the property.

Mr. Kolessar shared that when WVSA comes to Tener Street to clean the sanitary drain at the end of Tener, the sewer smell comes back up through the resident home drains on Tener Street. Can this be addressed? Mr. Lamereaux also shared that when the sanitary drains are cleaned that water is actually removed out of his toilet. Mr. Keating asked Gene Breznay, Borough Manager, to reach out to the Sewer Authority with these complaints/issues and inquire what can be done.

-Ryan Binkley, 21 Clinton Street, thanked the Council for his recent appointment to the Recreation Board. Mr. Binkley presented a recommendation for Council to consider the Junior Council Person Program through the PA Association of Boroughs. Mr. Binkley feels it would be a great way to get young people involved in the community and local Government. Mr. Christian shared that there is a local high school program that provides an opportunity for students to get involved. Mr. Cwalina shared that Valley West teacher, Mr. Baranski, has his students attend our Council Meetings in the spring.

-Kathy Breznay, Church Street, representing the Kiwanis club presented a \$143.43 check for Street Signs. Purchasing street signs is a Kiwanis Club project. The club is happy to purchase the signs ensuring that all streets have a Kiwanis Street sign on it. Council extended a thank you to Ms. Breznay.

Ms. Breznay shared that the Civil Service Commission met to discuss the testing process and an amendment has been put out for the Civil Service Rules & Regulations pertaining to the examination process which includes anything that takes care of the testing for all applicants. A copy has been provided to all Council Members for review and as Commission Chairperson, Ms. Breznay is available to discuss any issue or question that Council may have. If there are no questions, there is a spot for Council approval which can be done at the next meeting. Mr. Olejnick questioned if there would need to be a Special Meeting set for review/approval of the amendment. Mr. Keating shared that a Special Meeting is required.

A motion was made by Mr. Olejnick for a Special Meeting to be held to approve the Civil Service Commission Rules & Regulations amendment, the hiring of the part time Fire Department drivers, to advertise for testing once the Civil Service Commission amendment is approved and to discuss stipends for workers & volunteer stipends. Meeting is set for Monday, March 21, 2022 at 6pm. Motion was seconded by Mr. Lamereaux. Vote was 6-0 in favor.

-Mayor Concert shared that the Christmas tree will be lit tomorrow instead of this evening due to the rain.

Mr. Keating requested a motion to adjourn the meeting. A motion was made by Mr. Brown and seconded by Mr. Lamereaux. Vote was 6-0 in favor. Meeting was adjourned at 7:28pm. Next meeting will be April 4, 2022 at 6:30 pm.



Barb O'Donnell  
Borough Council Secretary

William Keating  
Council President

**March 21, 2022 - 6:00 PM**  
**SPECIAL MEETING OF SWOYERSVILLE BOROUGH COUNCIL**

Mr. 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 present were Mayor Concert and Dave Hampton, Street Commissioner. Attorney Yeager, Borough Solicitor and Gene Breznay, Borough Manager were noted as absent.

Mr. Keating called an Executive Session at 06:02 pm. The Executive Session ended at 06:09 pm.

-Mr. Keating requested a motion and vote to hire 4 part time Fire Truck Drivers. Mr. Cwalina made a motion to vote to hire 4 part-time Fire Truck Drivers, Kyle Prushinski, Lee Hampton, Bradley Keen and Joseph Hudak, at \$15.00/hr. Funding will be provided from the American Rescue Plan Act. The total weekly hours for all 4 drivers combined will not exceed 40 hours. The motion was seconded by Mr. Christian. Vote was 6-0 in favor. The Fire Chiefs will contact the applicants.

-Mr. Keating shared a motion and vote was needed for the Fire Truck Drivers to receive two Swoyersville Fire Department T-Shirts and one Sweatshirt. Mr. Cwalina requested a motion and vote to approve the new part-time Fire Truck Drivers to receive 2 "Swoyersville Fire Department" T-Shirts and 1 "Swoyersville Fire Department" sweatshirt. Funding (approximately \$200.00) will be provided from the American Rescue Plan Act to cover the expense. Motion was made by Mr. Brown and seconded by Mr. Olejnick. Vote was 6-0.

-Mr. Keating shared the next item on the agenda was a possible motion and vote for the Swoyersville Borough Civil Service Rules & Regulations amendment. Mr. Christian & Mr. Brown shared the need for a few changes involving wording of some sections, example: section 601 remove "not more than one year to be determined by Swoyersville Borough Chief of Police" and probation period of not less than 6 months should be changed to Probation Period of 6 months. Mr. Brown recommends having the changes made and then place the updated Rules & Regulations on the agenda and vote on it at the next meeting. The recommended changes will be completed and forwarded to Gene Breznay.

-Mr. Keating presented the 4<sup>th</sup> agenda item – Discussion on stipends for full-time, part-time and volunteer Fire Department Personnel. Mr. Brown made a motion to approve \$1500 for full-time employees of Swoyersville Borough, \$750.00 for part-time employees of Swoyersville Borough and \$650.00 for the volunteer Firemen. In the event a full time or part time employee is also a firefighter, only one stipend (higher of 2 amounts) would be received. Mr. Christian seconded the motion. Vote was 3-2 rejecting motion with Mr. Cwalina, Mr. Lamereaux and Mr. Keating voting no. Mr. Cwalina shared that voting no is based on his thought that if an employee also volunteers and goes out on fires, they should receive both stipend amounts. Mr. Olejnick abstained from the vote.

A discussion was held regarding the concern over receiving two separate amounts. Council agrees that the issue of receiving both stipends needs to be reviewed with Attorney Yeager. Mr. Keating

recommends tabling the issue for now until it can be reviewed. Mr. Olejnick suggested making a separate motion approving the stipend amounts pending a legal review by Attorney Yeager, Borough Solicitor

Mr. Brown made a new motion to approve the following stipend amounts: Full time Borough employees \$1500.00, part time Borough employees \$750.00 and volunteer fireman \$650.00. Pending legal review and approval from Attorney Yeager, two stipend amounts will be considered for full-time and part-time employees who also serve as a volunteer Fireman. Mr. Christian seconded the motion with the addition of including the Borough Council Secretary receiving \$750.00 as she falls under the part-time Borough employee category. Mr. Brown agreed & amended motion to include the Council Secretary. Vote was 6-0 in favor.

-Mr. Keating shared the final item agenda item for motion and vote to have The Swoyersville Civil Service Commission start the process of updating the Civil Service eligibility list. Mr. Christian shared that this item needs to be tabled until the Commission Rules & Regulations are updated. Mr. Brown shared that once updated, a motion can be placed on the agenda for approval along with approval for notification of testing.

## MEETING OPENED TO THE PUBLIC

-No public comment, questions or concerns presented at this meeting.

Mr. Keating requested a motion to adjourn the meeting. A motion was made by Mr. Christian and seconded by Mr. Brown. Vote was 6-0 in favor. Meeting was adjourned at 6:23pm.



Barb O'Donnell  
Borough Council Secretary

William Keating  
Council President