

MAY 2, 2022 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. Lamereaux and Mr. Olejnick. Also present were Mayor Concert, Gene Breznay, Borough Manager, Dave Hampton, Street Department and Kyle Castner, Chief of Police. Mr. Keating, Council President and Attorney Yeager, Borough Solicitor were noted as absent

A motion was requested by Mr. Olejnick to accept the minutes from the April 4, 2022 regular meeting. A motion was made by Mr. Brown and seconded by Mr. Cwalina. Vote was 5-0 in favor.

Monthly bills totaling \$45,946.66 were presented by Ms. O'Donnell, Council Secretary. A motion was made by Mr. Cwalina to approve the monthly bills and seconded by Mr. Brown. Vote was 5-0 in favor.

**BOROUGH MANAGER'S REPORT**

-Mr. Breznay requested a motion and vote to accept the resignation of the Borough Zoning Officer, Kyle Sheffler. A motion was made by Mr. Cwalina to accept the resignation and seconded by Mr. Brown. The vote was 5-0 in favor.

-Mr. Breznay requested a motion and vote to advertise for the Zoning Officer position. The position is 20 hours per week with a pay rate of \$16.00 per hour. A motion was made by Mr. Brown to advertise for the position of Zoning Officer at the hours & rate discussed. Motion was seconded by Mr. Christian. Vote was 5-0 in favor. Applications will be accepted until May 27, 2022 with an appointment made at the 6/6/22 council meeting.

-Mr. Breznay opened and read the one bid received for purchase of the 2008 Dodge Charger police cruiser. A bid of \$500.00 along with a \$50.00 deposit check was received from Christopher Concert. Mr. Brown made a motion to accept the bid of \$500 made by Christopher Concert and the motion was seconded by Mr. Christian. Vote was 5-0 in favor.

Mr. Olejnick called an Executive Session at 6:35 pm. The Executive Session ended at 6:39 pm

**Finance:** Mr. Lamereaux presented the March 2022 Finance Report. **General Fund:** beginning checkbook balance: \$90,402.80; transfers & revenue for the month: \$76,219.14; Expenses & Transfers for the month: \$140,007.40; ending checkbook balance: \$26,614.54. **Liquid Fuels:** beginning checkbook balance: \$577.52; transfers and revenue for month: \$18,400.61; expenses and transfers for the month: \$18,775.20; ending checkbook balance: \$202.93. **Solid Waste Collection:** beginning checkbook balance: \$10,595.90; transfers and revenue for the month: \$4,071.35; expenses and transfers for the month: \$3,307.02; ending checkbook balance: \$11,360.23. **Sanitary/Storm Water Assessment:** beginning checkbook balance: \$51,764.27; transfers and revenue for the month: \$22,802.53; expenses and transfers for the month: \$54,255.84; ending checkbook balance: \$20,310.96.

-Mr. Lamereaux noted recent water accumulation at the Dana Street ponding basin that lasted a few day. A request was made for the basins to be looked at to see if there is an issue. Mr. Breznay did share that the basins are designed to hold/accumulate water if there are heavy rains. Water will accumulate & then drain. A resident had presented a concern regarding the buildup and children being close to the basin when it contained water. Mr. Lamereaux questioned if the Borough would be liable if something happens to a resident at the basin when it is filled with water. Mr. Breznay will reach out to Attorney Yeager for his review & input.

-Mr. Lamereaux initiated a conversation on whether comments posted during the Borough's Facebook live session should be read during the meeting. Feedback he received from residents is that they would like it to occur. Council members & Mayor Concert discussed the issue & summarized several reasons why comments made on Facebook would not be read which included but were not limited to not being able to verify the identity of who is presenting a comment/question. With no motion required, Council agreed that comments made on Facebook during the live session would not be read at Council meetings. Mayor Concert commented that with meetings again open to the public, all those who can attend are encouraged to. Residents who cannot attend can mail a letter with questions or comments prior to a meeting & residents should always reach out and contact their Councilman as needed to ask questions, discuss concerns, etc.

-Mr. Lamereaux presented the possibility of a trail/access way from Chestnut Street to Slocum Street. Mr. Breznay shared that he spoke to Mike Amato & he felt an ADA design is needed due to the steepness of the trail. Mr. Lamereaux shared that he reached out to Liz Savage at the Department of Justice and was informed that there is not an ADA issue. Mr. Breznay will share Mr. Lamereaux's cell phone number with Mike Amato so the issue can be discussed further.

-Mr. Lamereaux shared his disagreement with a resolution reached surrounding a written complaint he submitted on behalf of a resident. Mr. Olejnick noted that as the complaint included a personnel issue, discussing it during a Council meeting is inappropriate. Mr. Brown requested an Executive Session to discuss the issue further. Mr. Olejnick called an Executive Session at 7:00 pm. The Executive Session ended at 7:10 pm. This matter will be referred to Attorney Yeager, Borough Solicitor.

**Liaison Officer:** Mr. Christian presented a concern received from Kelly Connor involving a "No Trespassing" post on a piece of property that is thought to be owned by Swoyersville Borough. Mr. Breznay will review the issue with Mike Amato, Engineer. Mr. Christian will show Mr. Breznay the

property in question. If the property is deeded to Swoyersville Borough, Mr. Christian feels that a letter should be sent to the resident informing him that the "No Trespassing" post must be removed.

**Police Department:** Mr. Brown read the police report for April 2022 which included a summary of Crossing Guard hours. There was a total of 203 service calls, 1 vehicle accident, 4 Borough ordinance violations and 27 school crossing guard bus stop duty. Fees collected totaled \$346.70. A motion was made by Mr. Brown to place monies in the appropriate fund and seconded by Mr. Cwalina. The vote was 5-0 in favor.

-Mr. Brown shared information regarding the cost involved with purchasing Speed Displays that could be placed within the Borough. Council members will review the information & further discussion regarding purchase will be included as an agenda item for the June 2022 meeting. Mr. Breznay did share with Council that he did reach out to PennDOT regarding the Slocum Street Park concerns presented at last month's meeting. PennDOT will place a speed display in the playground area on Slocum for about a week.

**Street Department:** Mr. Olejnick made a motion to pay \$14,079.00 to purchase a tractor for the Street Department. Motion was seconded by Mr. Brown. The purchase price was a line item in the 2022 Budget. Vote was 5-0 in favor.

-Mr. Olejnick made a motion to hire Matt Zekus as summer help, pursuant to a successful background check, at \$13.00/hr. for 600 hours. Motion was seconded by Mr. Cwalina. Vote was 5-0 in favor.

-Mr. Olejnick made a motion to purchase shirts for summer help not to exceed a total of \$50.00. Motion was seconded by Mr. Brown. Vote was 5-0 in favor.

**Fire Department/Recreation Board:** Mr. Cwalina reported there were 49 ambulance calls in March 2022 and 35 in April 2022. Fire calls in April were 10 for #2 and 13 for Maltby. 8 calls occurred during the daytime.

-Mr. Cwalina made a motion to advertise for Part-Time Fire Truck Driver at \$15.00/hr. with monies coming from the American Rescue Plan Act funds. Application deadline is May 23, 2022 at 2:00 pm with applicants being appointed at the June 6, 2022 meeting. Motion was seconded by Mr. Lamereaux. Vote was 5-0 in favor.

-Mr. Cwalina made a motion to purchase two (2) AED devices, one for each fire truck. Purchase price is \$4,990.00 and will be covered by the American Rescue Plan Act funds. Motion was seconded by Mr. Brown. Vote was 5-0 in favor. Grant opportunities will be explored for purchase of additional AED devices for other Borough locations.

-Mr. Cwalina requested, on behalf of the Recreation Board, that a Rec Board section be placed on the Swoyersville Borough website. The Recreation Board will also be working to have new playground equipment installed this month including the handicap swing that will be placed at the playground on Tripp. Dave Hampton, Street Commissioner, will work to ensure that Handicap Parking spots are completed. The agenda item referencing Rec Board meeting attendance is rescinded and will be discussed at a later meeting.

-Mr. Cwalina provided a copy of a drafted policy outlining the Borough's process to follow when there is a citizen complaint involving a non-uniformed borough employee. This policy would not include the Police

## MEETING OPENED TO THE PUBLIC

-Mr. Levenoskie, 105 Park Avenue, presented a concern regarding vehicles (boats, RVs, trucks, pop up campers) being parked on the street and in front of other resident's property. Some vehicles are not in use, others are parked for more than 24 hours. A request was made for Council to review ordinances in place for parking of vehicles on streets and consider some changes that would help decrease the number of vehicles that are being stored on streets in the Borough. Mr. Olejnick shared that Council will review/discuss the issue/ordinances and refer it also to Attorney Yeager for review.

-Maryann Gregory, 498 Warsaw Street reported a concern over a water issue on upper Warsaw Street. With recent increased rain, the creek above her home on Warsaw Street was compromised and amount of water flowing down Warsaw was like never before. Thank you was extended to the Borough who did come to the area to assist. Mr. Breznay reached out to Mike Amato regarding the issue and Mr. Amato did call Ms. Gregory; however, he has not yet been to the area to evaluate the situation as he indicated he would. Mr. Breznay will reach out again to Mike Amato to have him set a date with Ms. Gregory where he can meet her and look at the area.

Mayor Concert extended a thank you to John Baker, Borough EMA Director, for an excellent job done so far. There was an immediate response recently when Mr. Baker was contacted late evening regarding a flooded basement.

-Tony Zambito, Jackson Street requested an update on the Jackson Street project (issue with section of road). Mr. Olejnick shared that he reached out to the contractor but has not yet heard back. Mr. Olejnick will reach out to him again.

Mr. Zambito requested an update on the garbage dumpster ordinance that was discussed at the previous meeting. Mr. Brown shared that he did provide Mr. Breznay with a copy of the Edwardsville dumpster ordinance. It will be forwarded to Attorney Yeager for review. Council will review/discuss the example further and try to get it through next month's meeting.

Mr. Zambito shared a concern regarding garbage bag buildup at 20 Chestnut Street. Pictures were shared with Council. Kyle Castner shared that the property has a new owner and was recently inspected by Kyle Sheffler, Zoning Officer. The garbage issue may have been addressed with the owner at that time. Chief Castner will follow up with Ken Sheffler to see if he can assist with this issue while a search is going on for a new Zoning Officer. If the garbage issue was addressed previously, a citation can be issued.

-Joe Laskowski, 404 Hughes Street, extended a thank you for patching Hill Street between Owen and Warsaw Street. Mr. Yuskowski reached out to WWSA to clean out a catch basin located on Warsaw Street. It was only partially cleaned. One pipe remains about three quarter full of debris. Can someone reach out to WWSA and ask them to come back to address the debris? Also, is there any plan for installing a pipe from the catch basin down to Main Street? Mr. Christian mentioned that there are several streets (Birch, Hazel, and Warsaw) with concerns right now. Mike Amato conducted a study on the areas, and a plan is being drafted that will address the issues. Mr. Brown requested Dave Hampton to evaluate the basins on Warsaw and to have the Street Department assist with cleaning it for now.

-Mark Nenichka, 77 Brook Street, presented a question for Mr. Breznay, Borough Manager: With WWSA performing work on the basin located behind the Maltby Park have they modified the permit/agreement that was put in place in 2001 between Forty Fort & Swoyersville for the Flood Protection Program

282 (Permit# E40-583)? Mr. Breznay shared that WVSA followed the proper channels and went through the DEP for the project.

-In regards to the new AEDs, who will maintain and monitor the equipment. Mr. Cwalina shared that the Fire Chiefs will.

Mr. Nenichka shared a few concerns with council:

\*There are center seam separations in the paving between 4955 and 4957 Bohac Street. Pictures were shared with Council members. Water is getting through the pavement. This situation also exists on Maltby Avenue. Mr. Breznay shared that the seams are overlapping and are a PennDOT approved design.

\*In front of 22 Laverick, there is a high manhole cover which you feel if you drive over it.

\*There are no ADA crossings that go over Bohac Street. Pictures of current ADA crossing at 56 and 60 Bohac Street were shared with Council members. These ADA crossings go over Brook Street, not Bohac. Mr. Nenichka shared he was told that because they did not place ADA crossings when Bohac was paved, ADA pads were going to be placed on the ramps. Mr. Nenichka does not feel someone in a wheelchair is going to be able to navigate the ramp and feels a liability exists. He feels the ADA crossings need to be put in properly across Bohac.

-Kathy Breznay, Church Street, On behalf of the Civil Service Commission reported that with advertising for a police officer there was only one applicant interested; however, the applicant was not qualified to take the Civil Service Test. Ms. Breznay shared that with no other applications received, Council may want to consider something to entice or attract applicants such as a sign on bonus. Council will discuss this further at the next Agenda meeting. If an answer can be decided by the June meeting, an advertisement can be placed again.

Mr. Christian requested follow up on the list of physicians who have agreed to assist the borough with examinations required by the Civil Service Commission. Ms. Breznay shared that Council had been asked to provide a list of physicians; however, she reported that Dr. Galasso & Dr. Freemont are willing to assist with the medical & psychological examinations that are required. One other suggestion was that the applicant's family physician could be utilized for the medical examination. An email from Ms. Breznay, Chairperson – Civil Service Commission addressing the need for a physician list is included in the Councilman folders for this meeting.

-Mr. Lamereaux shared that when new gas meters were put in on his street, his sidewalk was not cut. The sidewalk has now split. Mr. Breznay shared that Pennsy is aware of the issue. Mr. Breznay will reach out with a reminder that the sidewalk needs to be repaired.

A motion to adjourn was made by Mr. Brown and seconded by Mr. Christian. Vote was 5-0 in favor. Meeting was adjourned at 8:01 pm. Next meeting will be held on June 2, 2022 at 6:30 pm.



Barb O'Donnell  
Borough Council Secretary

William Keating  
Council President