

**JULY 11, 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. Christian, Mr. Cwalina, Mr. Lamereaux, and Mr. Olejnick. Also present were Mayor Concert, Gene Breznay, Borough Manager, Dave Hampton, Street Department. Council President Keating and Attorney Yeager, Borough Solicitor were noted as absent. Mr. Brown arrived at 5:37 pm and was noted as present.

A motion was requested by Mr. Keating to accept the minutes from the June 6, 2022 regular meeting. A motion was made by Mr. Cwalina and seconded by Mr. Christian. Vote was 4-0 in favor. Mr. Brown was not present for this vote.

Monthly bills totaling \$25,199.07 were presented by Ms. O'Donnell, Council Secretary. A motion was made by Mr. Cwalina to approve the monthly bills and seconded by Mr. Lamereaux. Vote was 4-0 in favor. Mr. Brown was not present for this vote.

Mr. Olejnick called an Executive Session at 6:35 pm. Executive Session ended at 6:55 pm.

**BOROUGH MANAGER'S REPORT**

-Mr. Breznay requested a motion and vote to approve a payment of \$4,243.50 to General Code Publishers for the codification of borough ordinances. Payment is being taken from the American Rescue Plan Act funds. A motion was made by Mr. Cwalina to approve the payment and seconded by Mr. Olejnick. Vote was 5-0 in favor. Mr. Breznay shared that codifying the borough ordinances will allow the public access to view them online.

-Mr. Breznay shared that a paper shredding event date has been chosen for the Borough. The event will be held on September 24, 2022 from 10:00 am to 1:00 pm at the Borough Building. The event will be no cost to the Borough. It is funded through Luzerne County Recycling. Swoyersville residents will need ID to participate. A list of items that can be shredded and volume limits will be developed and shared with residents.

-Mr. Breznay shared that the Borough has been advised that the Borough is eligible for a Community Development Block Grant in 2023. The grant will be based on low-moderate income areas within the Borough. The Borough will develop a proposed budget. The Borough will then be informed of what amount the Grant will fund. Area to be considered will fall mostly in the first Ward.

A question regarding Brook Street was presented by Mayor Concert and Mr. Christian. Mr. Breznay shared that UGI will be doing some work on Brook Street, placing a gas main along with a total overlay in the summer or early fall. It will not be included under the Block Grant funding.

-Mr. Breznay requested a motion and vote to approve the amendment to the No Parking Ordinance - Chapter 89 – Vehicles and Traffic, Borough of Swoyersville, Pennsylvania. Chapter 89-25: Parking Prohibited at All times: Adding the following streets and locations to reflect “No Parking Here to Corner”:

**Dana Street** – On the Southerly Side of Dana Street starting at the Westerly entranceway corner of the baseball field in a Westerly Direction on Dana Street for a distance of 30 feet.

**Dana Street** – On the Northerly Side of Dana Street starting at the intersection of Dana and Simpson Streets in a Westerly direction on Dana Street for a distance of 30 feet.

**Simpson Street** – On the Easterly Side of Simpson Street starting at the intersection of Simpson Street and Dana Street in a Northerly Direction on Simpson Street for a distance of 30 feet.

A motion was made by Mr. Olejnick to approve the amendment and seconded by Mr. Cwalina. Vote was 5-0 in favor.

-Mr. Breznay shared that the Borough received a \$200,000 Casino Grant for improvements to the Borough Building that will include repairs to windows, roof, HVAC unit and doors. Penn Eastern will develop specs for the project.

-Mr. Breznay submitted a Handicapped Parking Spot request from Ms. Barbara James, 165 Oliver Street. The application has been filled out and the area was evaluated by Chief Castner. The request has been determined necessary. A motion was made by Mr. Christian to approve the handicapped parking spot and seconded by Mr. Olejnick. Vote was 5-0 in favor. Mr. Hampton will coordinate the painting of lines & placement of Handicapped Parking Sign.

## COMMITTEE REPORTS

**Finance:** Mr. Lamereaux presented the May 2022 Finance Report. **General Fund:** beginning checkbook balance: \$70,401.26; transfers & revenue for the month: \$358,983.33; Expenses & Transfers for the month: \$306,190.71; ending checkbook balance: \$123,193.78. **Liquid Fuels:** beginning checkbook balance: \$166.73; transfers and revenue for month: \$13,600.26; expenses and transfers for the month: \$13,622.26; ending checkbook balance: \$144.73. **Sanitary/Storm Water Assessment:** beginning checkbook balance: \$3,470.19; transfers and revenue for the month: \$17,669.92; expenses and transfers for the month: \$18,601.39; ending checkbook balance: \$2,538.72. **Solid Waste Collection:** beginning checkbook balance: \$34,304.09; transfers and revenue for the month: \$22,640.08; expenses and transfers for the month: \$34,237.96; ending checkbook balance: \$22,706.21.

-Mr. Lamereaux extended an apology regarding resident complaints that were not addressed timely by Council. Mr. Lamereaux did share that the issue timeliness of response will hopefully be taken care of at this meeting.

-Mr. Lamereaux shared information regarding a five-unit apartment building at Oliver and Jackson Streets to include being up for sale then taken off the market. He feels the building is an eyesore with damages from a previous fire not yet fixed. He also feels the building has structural issue and unsafe. Mr. Lamereaux shared that he was informed that the Property Manager is meeting with Ken Sheffler, Code Enforcement Officer regarding the property.

-Mr. Lamereaux personally apologized to those involved in a complaint that was given to/filed with him. Mr. Lamereaux feels that the issue was not handled correctly and that all failed in addressing it. Mr. Lamereaux is hopeful that a step forward will occur for change.

**-Liaison Officer:** Mr. Christian presented a complaint from Mr. Pollack regarding parking on Main & Hughes Street. Mr. Pollock requested a "no parking here to corner" sign; however, there is already a stop sign present. Restaurant patrons are noted to park right at the stop sign. Mr. Christian asked Mayor Concert to alert the Police Department to the concern.

-Mr. Christian noted that the Northeastern PA Inclusive summer work program approved by Council started today. The program provides free services to the Borough through the office of Vocational Learning Skills and provides high school students the opportunity to become involved with hands on vocational work.

-Mr. Christian shared that the Maltby Ave project is complete. Mr. Christian inquired as to if a bill was received for payment. Mr. Breznay shared that a bill for the retainer amount was received and discussed with Mike Amato. Mr. Amato approved payment of the retainer amount.

-Mr. Christian personally apologized to all those involved in a complaint that was filed by a Ms. Stas in August 2021. Despite Mr. Christian's attempts to have the issue addressed & references to the need for resolution noted in several Council meeting minutes; due process and resolution was not carried out.

**Police Department:** Mr. Brown read the police report for June 2022 which included a summary of Crossing Guard hours. There were a total of 184 service calls, 7 vehicle accidents and 7 Borough ordinance violations. Fees collected totaled \$433.61. A motion was made by Mr. Brown to place monies in the appropriate fund and seconded by Mr. Olejnick. The vote was 5-0 in favor.

**Street Department:** Mr. Olejnick made a motion to start the process of vacating an alley located at the dead end of Sidney Street and selling the property to residents who border the alley. Mr. Cwalina seconded the motion. Vote was 5-0 in favor. Mr. Breznay shared that Mr. Amato, Penn Eastern was made aware of this plan and it is noted that it may not occur for several months.

**Fire Department/Recreation Board:** Mr. Cwalina made a motion to approve the Citizen Complaint Against Swoyersville Non-Uniform Employee Policy. This policy will outline the process to include how to file a complaint, required criteria, fact finding process, final report, Executive Session review, complainant follow up and a defined timeframe for completion of the process. The policy was reviewed and approved by Attorney Yeager, Borough Solicitor. Mr. Christian shared that the policy does not include a defined timeframe for when the complaint must be filed by the citizen. He feels the policy should have a defined timeframe included. Mr. Cwalina shared that an amendment can also be presented for a vote to add a defined timeframe for the "filing" of the complaint.

As Mr. Cwalina made a second motion to approve the Citizen Against Swoyersville Non-Uniform Employee Policy. Mr. Olejnick seconded the motion. Vote was 4-1 with Mr. Christian voting no.

Mr. Brown made a second motion to amend the Citizen Complaint Against Swoyersville Non-Uniform Employee Policy by adding that a citizen complaint must be filed within fifteen (15) days from the date of an alleged incident. Mr. Cwalina seconded the motion. Vote was 4-0 with Mr. Christian abstaining from the vote.

-Mr. Cwalina reported there were 53 ambulance calls in June 2022. Station 279 responded to 22 emergencies in June. Borough paid drivers at Station 279 responded to 15 calls for the month with 279 volunteers responding to 7 calls in the Borough and 6 calls outside the Borough. A report was provided by Swoyersville Fire Department Station 279 that included a summary of emergency types addressed in June. A report was not received for June from Maltby.

-Mr. Cwalina shared that the Rec Board recently held their Goat Yoga event and attendance was good. The board is also holding a "Flamingo Flocking" fundraiser. A flock of pink Flamingos are placed in resident's yards in the Borough and a donation is given to have them moved onto another residence.

-Mr. Cwalina made a motion to add the following individuals to the Swoyersville Borough Recreation Board: Jasie Hunter, Angeli Nause, Jennifer Kadjeski and Shyann Church. Mr. Olejnick seconded the motion. Mr. Christian asked if background checks were needed. Mr. Breznay shared that background checks were completed. Vote was 5-0.

-Mr. Cwalina made a motion to hire the following part-time Fire Truck Drivers at \$15.00/hour with monies coming from the American Rescue Plan Act funds: Howard Fisher, Brian Redmond, Joseph Kelly, and Brian Wolfe. Background checks have been completed. Motion was seconded by Mr. Olejnick. Vote was 5-0 in favor.

**Mayor Concert:** Mayor Concert shared a complaint on behalf of the Zoning office regarding a printer that appears to not be working properly. Mr. Breznay shared that the printer was checked and tested for printing pages & envelopes. It was determined that when printing envelopes, the incorrect envelope was being used. Mr. Williams, Zoning Officer, is aware that using envelopes with the Borough return address on top are the correct envelopes to use moving forward.

-Mayor Concert thanked Council and everyone involved in getting the handicapped swing in place. Mayor Concert did share that signs will be placed that will help discourage residents from playing or climbing on the handicapped swing.

-Mayor Concert shared an issue of speeding on Railroad Street. The street is very narrow and there are children in the area. Mr. Olejnick asked Mr. Hampton to paint "Slow" stencils on the street. Mr. Hampton will follow up with the request.

-Mayor Concert shared that Go Joe will be making a stop in Swoyersville on Thursday, July 28, 2022. Mayor Concert will post something when more details are set.

-Mayor Concert shared that the Borough has a cat problem with people feeding strays especially in the area near the Lehman Gregory Funeral Home and Kossack Street. Mayor Concert believes there is something on the books that prohibits the feeding and asked the Zoning Officer to look at the issue closer.

-Mayor Concert shared that Mr. Hampton received a \$1,400 estimate to take down five trees at Loveland playground. This cost also includes grinding of the stumps. Mr. Olejnick made a motion to approve the \$1,400 estimate. The motion was seconded by Mr. Cwalina. Mr. Christian asked if the job needed to be advertised for a bid and who was doing the work. The cost falls under what is required to warrant a bid and work will be performed by Ray's Tree Service. Vote was 5-0 in favor. It was also noted that the Kiwanis Club will be planting several trees in the area once the area is cleared.

-Mayor Concert reported that people are illegally dumping yard waste around Milbre and Tripp Streets. The police department has been made aware and will be monitoring the area. Mayor Concert shared that recycling stickers are available for residents to purchase.

-Mayor Concert requested follow-up on the issue of surveillance equipment being placed at Roosevelt Field and Tripp Street playgrounds that was discussed at last month's meeting. Mr. Breznay shared that he spoke to Rick Stephanites (IT) and the easiest way to provide surveillance is to place trail cams. The issue at hand currently is evaluating where to place the cams so that the best surveillance can be provided while minimizing the opportunity for the cams to be damaged/stolen. Mr. Breznay will provide an update when a plan is set.

-Mayor Concert thanked the Street Department for painting basketball lines at the parks located in the Borough. New hoops were also placed and kids using the park are happy with the improvements.

-Mayor Concert reported that the Strawberry Social was successful, and the Fall Festival is planned for October 8, 2022. There will also be a huge Halloween event being planned for Halloween night in the Borough. More details will be shared later.

-Mayor Concert shared a letter from the Swoyersville Kiwanis Club asking for Swoyersville Council to be hole sponsor for the upcoming Scholarship Golf Tournament to be held on August 28, 2022. A motion was made by Mr. Cwalina to donate \$150.00 (Platinum) to sponsor a hole and motion was seconded by Mr. Olejnick. Vote was 5-0 in favor.

-Mayor Concert presented a concern regarding the steps leading up to the back entrance of the Borough Building. The steps are rusted & rotting out and he feels they need to be repaired soon.

-Mayor Concert requested a motion and vote to set up/advertise a Civil Service test for another full-time police officer. A motion was made by Mr. Olejnick to advertise a Civil Service Test and seconded by Mr. Cwalina. Vote was 5-0 in favor. The test date is planned for August 11, 2022. The application deadline will be 7/28/22. If there are no applicants received by the deadline of July 28, 2022, Council approves extending the deadline date another fifteen (15) days. In addition to advertising the test through the newspaper, it will also be posted on the Borough's website.

-Mayor Concert congratulated the Swoyersville Little League for playing an awesome season!

**Attorney Yeager:**No report.

**NO ADDITIONAL COMMENTS FROM BOROUGH COUNCIL**

## MEETING OPENED TO THE PUBLIC

-Bob Noss - Shoemaker Street, questioned if funds from the \$200,000 received for improvement to the Borough Building could be used to repair the Borough building steps. Mr. Breznay shared that the funds will cover only that for which was specifically applied. Repair of the steps was not included in this application; however, there may be a second application period in which they could be.

-Rob Koval – Swoyersville Street Department, shared with Council that he was able to obtain additional information from DEP regarding what items are considered recyclable and items that will not. A document provided by DEP was provided to Council & Mr. Koval recommends that it be copied and distributed to Swoyersville residents. Mr. Koval also shared that he had a conversation with the recycling center and was informed that they are installing a new Air Jet System. With the new system, the recycling center will also start to monitor what is dumped by the Borough and if unacceptable items are found mixed with recycling, they will charge as waste which is a higher cost for the Borough. August 1, 2022 is the estimated start date for the Air Jet System. Mr. Breznay will reach out to get a cost on having “color” copies of the recycling document.

-Ray Lepo - Sullivan Street, shared several concerns with Council: The streetlight located at Sullivan & Dana Street is overgrown with trees that need to be trimmed. Mr. Hampton will follow up and address the issue. Mr. Lepo shared that the water company replaced a fire hydrant near his home and a bad job was done repairing the area afterwards. Mr. Lepo feels that Old Sullivan Street should be paved. Mr. Olejnick shared that Old Sullivan Street is on a list for future paving. Mr. Lepo shared that many of the handicap access ramps on Shoemaker Street were not installed correctly. The ramp at Church & Shoemaker Street is crumbling apart and the ramp at Perrin & Shoemaker is not level and has a drop off that is a hazard. Mr. Olejnick will have the Borough engineers look at the ramps. The street sign for White Street was never replaced after construction was completed. An attempt will be made to locate the sign. Mr. Lepo expressed his concern over motorbikes that have been going through stop signs; someone is going to be hurt or killed. Mr. Brown led a conversation regarding the challenges that police departments experience with motorcycles, ATVs, and efforts that police departments are undertaking to produce ways to address the issue.

-Tony Zambito – Jackson Street, shared that he noticed that Attorney Yeager has not been at the last several meetings and inquired if he still gets paid even though he does not attend. Mr. Olejnick shared that a retainer fee is paid. Mr. Zambito feels that Attorney Yeager should be present at the meetings. Mr. Zambito thanked Mr. Lamereaux for the update on the 5-unit apartment building and noted that here is still an issue with garbage. Mr. Zambito thanked Mr. Sheffler, Code Enforcement Officer for addressing the grass issues on Chestnut & Tener Streets. Mr. Zambito thanked Mr. Lamereaux and Mr. Christian for standing up for the residents and trying to help get complaints addressed. Mr. Zambito asked for a follow up on the Jackson Street project and inquired about utility lines that are painted at the intersection. Mr. Olejnick that project funds were released, and he will reach out to inquire about the utility lines.

-Mr. Levenoskie – Park Avenue thanked Mayor Concert for returning a wallet that he lost. Mr. Levanoskie asked what the Strawberry Social was. Mayor Concert shared the history of the Strawberry Social and shared that it is a fun community event that he holds annually where free lunch and strawberry short cake is provided to all that attend. Mr. Levanoskie inquired about where things are at with addressing the parking of RVs, trailers, boats, etc. on streets within the Borough. Mayor Concert shared that Council is waiting for Attorney Yeager to review the issue and provide input.

-Mr. Christian inquired about the condition of the ponding basis and asked if they had been sprayed. Mr. Hampton shared that there has been spraying completed and requested to discuss it further with Mr. Christian afterwards.

-Mr. Lamereaux requested the number for Pennsy Supply so that he can call them regarding a sidewalk that needs repair outside his residence. Mr. Olejnick will provide Mr. Lamereaux with a number.

-Mayor Concert inquired as to who checks the fire hydrants in town. Mr. Brown shared that the water company performs flow testing on the hydrants annually and testing usually occurs in the evening. Mr. Koval, Street Department, suggested that with paid Fire Department drivers now in place during the day, an opportunity exists for Council to consider having flow testing completed during the day by the Fire Department. It was noted that the flow is lower during the day than it is in the evening.

A motion to adjourn was made by Mr. Olejnick and seconded by Mr. Brown. Vote was 5-0 in favor. Meeting was adjourned at 8:02 pm. Next meeting will be held on August 1, 2022 at 6:30 pm.



Barb O'Donnell  
Borough Council Secretary

William Keating  
Council President

