

**AUGUST 1, 2022 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. Christian, Mr. Brown, Mr. Cwalina, Mr. Lamereaux, Mr. Olejnick and Mr. Keating. Also present were Mayor Concert, Attorney Yeager, Borough Solicitor, Gene Breznay, Borough Manager, Dave Hampton, Street Department and Ken Shefler, Code Enforcement Officer.

A motion was requested by Mr. Keating to accept the minutes from the July 11, 2022 regular meeting. A motion was made by Mr. Cwalina and seconded by Mr. Brown. Vote was 5-0 in favor with Mr. Keating abstaining from the vote.

Monthly bills totaling \$23,449.67 were presented by Ms. O'Donnell, Council Secretary. A motion was made by Mr. Brown to approve the monthly bills and seconded by Mr. Lamereaux. Vote was 6-0 in favor.

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

-Mr. Breznay requested a motion and vote for two easements put together by Penn Eastern Engineers to allow work to begin on the ponding basin located on Slocum Street. The Basin is divided into two sections of ownership with one section belonging to Swoyersville and the second section belonging to the Redevelopment Authority. A motion was made by Mr. Olejnick and seconded by Mr. Brown. Vote was 6-0 in favor.

-Mr. Breznay requested a motion and vote to amend the Storm Water Management Ordinance as required by DEP. A motion was made by Mr. Brown and seconded by Mr. Christian to approve the amendment with Attorney Yeager's review and approval. Vote was 6-0 in favor. Mr. Breznay shared that the amendment is due by the end of September.

### **COMMITTEE REPORTS**

**Finance:** Mr. Lamereaux presented the June 2022 Finance Report. **General Fund:** beginning checkbook balance: \$123,193.78; transfers & revenue for the month: \$66,991.32; Expenses & Transfers for the month: \$136,302.62; ending checkbook balance: \$53,882.48. **Liquid Fuels:** beginning checkbook balance: \$144.73; transfers and revenue for month: \$8,500.22; expenses and transfers for the month: \$8,419.52; ending checkbook balance: \$225.43. **Sanitary/Storm Water Assessment:** beginning checkbook balance: \$2,538.72; transfers and revenue for the month: \$3,103.97; expenses and transfers for the month: \$4,192.09; ending checkbook balance: \$1,450.60. **Solid Waste (Refuse) Collection:** beginning checkbook balance: \$22,706.21; transfers and revenue for the month: \$24,649.68; expenses and transfers for the month: \$22,113.38; ending checkbook balance: \$25,242.51.

-Mr. Lamereaux initiated a conversation regarding amending the landlord/tenant ordinance to read that any apartment building with 3 units or more must have a dumpster for garbage collection. A lengthy discussion was held with input & suggestions received from Council Members, Borough Solicitor, Code Enforcement Officer, Apartment Builder Owners, and Residents. Mr. Shefler, Code Enforcement Officer, provided information regarding how many apartment buildings exist with 3 or more units within Swoyersville (approximately 100) and also provided information regarding how many of those buildings currently present issues with garbage buildup (approximately 5). Mr. Olejnick recommended the consideration of stiffer fines versus amending an ordinance that would only penalize building owners that are following the rules. Attorney Yeager agreed. Mr. Shefler will move forward with fines/citations and will put something together to provide to Council and Attorney Yeager for review.

-Mr. Lamereaux questioned the status of the handicap signage that was to be placed on Oliver St. Mr. Hampton, Street Department, shared that the sign was placed as approved.

-Mr. Lamereaux requested an update from the code enforcement officer regarding the resident encroaching on Borough property located on Mountain St. Mr. Shefler shared that he met with the resident today and the resident is in the process of moving items that are located on borough property. Mr. Shefler will follow up with a letter outlining the timeframe that will be set for the resident to comply with moving all items off of the borough property.

**Liaison Officer:** Mr. Christian made a motion to advertise for the stormwater project at the end of Birch Drive pending approval by DEP and issuance of a permit. Motion was seconded by Mr. Cwalina. Vote was 6-0 in favor. Cost for project will come out of the Sanitary Authority funds.

-Mr. Christian made a motion to purchase body cameras for the Police Department. Chief Castner informed Council that in addition to body cameras he would also like to purchase equipment to go along with the body cameras which includes in-car cameras with license plate readers and four tasers. Chief Castner requested that the motion to purchase the body cameras be tabled until the September 2022 meeting so that he could obtain 3 quotes (1 for each equipment type). Council agreed and Mr. Christian rescinded his motion.

-Mr. Christian requested that the current borough's Facebook page that is maintained under a private account be terminated and changed to a standalone account with Mayor Concert and Gene Breznay, Borough Manager being co-administrators for the page. A motion was made by Mr. Brown and seconded by Mr. Olejnick. Vote was 6-0 in favor. Mayor Concert will work to set up the new page. Mr. Olejnick thanked Mr. Breznay for taking on the original creation of a Borough Facebook page and maintaining it for 10 years for the Borough & residents. Mr. Breznay reminded Council that the Street Department page is tied to the current Borough page so when he deletes the account, the Street Department page will also be deleted.

-Mr. Christian shared that the slushy machine at Roosevelt Field needs repair and asked that Council consider covering the cost of the repair. Mr. Cwalina shared that the Borough does not own the slushy machine and that it was purchased by the Mini Football organization. Responsibility for repairs would lie with who owns the machine. Mr. Keating suggested the Borough purchasing a new slushy machine that would then be owned by the Borough. Mr. Christian will reach out to the Mini Football organization for clarification regarding ownership and estimate for repair.

-Mr. Christian shared that the local Boy Scout group is holding a car show on 9/17/22 at the Gubbiotti Hughes Funeral Home. Mr. Christian will post a flyer on the Bulletin Board

**Police Department:** Mr. Brown read the police report for July 2022 which included a summary of Crossing Guard hours. There was a total of 177 service calls, 8 vehicle accidents and 2 Borough ordinance violations. Fees collected totaled \$456.67. A motion was made by Mr. Brown to place monies in the appropriate fund and seconded by Mr. Olejnick. The vote was 6-0 in favor.

**Street Department:** Mr. Olejnick questioned if the Street Department is separating recyclables. Several council members shared they thought separating was taking place. Mr. Hampton shared that they are not, and Single Stream is in place. Mr. Hampton clarified that the Recycling Flyer previously presented to Council shows what is acceptable as recyclables and what is not. Mr. Olejnick shared the Borough needs to move to separating for the new year (2023). Mr. Hampton noted that the Recyclable Flyer still needs to be distributed to residents.

-Mr. Olejnick reported, in support of transparency, that it was discovered that the Borough's expense reimbursement procedure was not followed correctly with the Recreation Board. Three members of Recreation Board approached the Borough for reimbursement of funds for purchases with monies that came from their own pockets. In a hast to pay them, the Borough did not follow proper procedure. The amount reimbursed was \$800 & it was reimbursed using Rec Board funds and not taxpayer monies. Mr. Olejnick shared that this will never happen again. Mr. Christian asked what was violated, policy? Mr. Olejnick shared that the purchases should be presented as a monthly bill for reimbursement & voted on by Council to approve or disapprove. Mr. Keating shared that it is an audit related problem which could result in a citation. Mr. Breznay shared that the process followed with the Recreation Board was a past practice that has been in place within the Borough which can be changed by Council if they wish to. Mr. Christian asked again if a Borough policy was violated? Mr. Breznay does not believe there was anything ever in writing as a policy. Mr. Christian commented that the mayor is reimbursed the same way with his functions, he submits for reimbursement and receives it. Mr. Breznay clarified the process as Mayor Concert submits bills; however, there is no reimbursement. Mr. Keating commented that the members pay the bill on their own, come in and want to demand the payment right then. This is not the way things work. Procedurally, it is a problem. Mr. Keating deferred to Attorney Yeager who agreed with Mr. Keating. The bills should be placed on the Monthly Bill report and presented through Council.

A lengthy conversation was held involving Council Members, Borough Solicitor, Recreation Board members and the Swoyersville Borough Manager. It was noted by Mr. Cwalina, Recreation Board Liaison, that there was miscommunication regarding the correct process to follow when the Recreation Board was re-established. The past practice of bringing in a receipt & getting reimbursed was originally shared and what was followed by the Rec Board members.

The Monthly Bill process was again reviewed: The process requires an expense bill/receipt be submitted & included on the Monthly Bill report that is presented monthly at Borough Council meetings. All bills are reviewed at the meeting & approved or disapproved by Council. Once approval is complete, reimbursement for bills will be released from the appropriate funds. It is noted that a motion & vote can also be brought forward by Council for release of funds prior to a scheduled Recreation Board event. Request submission should be planned and presented to Council by a Recreation Board member at a Council Meeting prior to the event.

Ms. Kelly Conner, Chairperson for the Recreation Board shared that she takes extreme offense to "Mr. Keating saying that the Rec Board demanded anything." With this instance of \$800, all members of the Recreation Board had the same understanding (past practice) because of the ways things have been done before with the Rec Board. Ms. Conner shared that all the board requests is that they have clear direction of what the process is to be. Any comment stating that the board demanded anything is insulting to her volunteerism. Mr. Christian asked Attorney Yeager if everything has to "be approved." Attorney Yeager confirmed that it does, just as any monthly bill is.

Ms. Conner also shared that there is some confusion that occurs when reading of the monthly bills occurs. Reading of the bills does not include reference to which funds the reimbursement is coming from. There was a Kings College Print Shop expense read that came out of the Recreation Board funds; however, the residents would not know that. A suggestion was made to consider sharing which account the funds used to reimburse come from. Mr. Brown shared that the Monthly Bills report does reference which accounts are used to pay each bill and requested that the report be posted on the bulletin board within the Borough. The report can also be attached to the agenda that available for those who attend a meeting.

**Fire Department/Recreation Board:** Mr. Cwalina reported that 41 ambulance calls in noted in July. Station 279 responded to 27 emergencies in July 2022. Borough paid drivers at Station 279 responded to 18 calls for the month. 279 volunteers responded to calls in the Borough and 6 calls outside of the Borough. In addition, paid drivers and volunteer members from Station 279 performed walk-throughs as several businesses in the Borough. Two training sessions were also held that included hose lines and the Borough's new Blitz Fire Monitor.

-Mr. Cwalina shared upcoming Recreation Board August events to include National Night Out (8/2/22), Concert in The Park with the Wyoming Valley West Marching Band & Choir (8/19/22), Movie in the Park (8/26/22) and a Farmer's Market and Craft Fair (8/28/22). Mr. Cwalina also shared that a recent movie in the park event was a success with more than 60 in attendance.

-Mr. Cwalina shared the Wyoming Valley Veteran's Parade Committee would like to do a fundraiser at the Roosevelt Field with a movie. The Committee is working on Sponsors. They would like to do in conjunction with the Recreation Board and Swoyersville Borough. There would be no cost to the Borough. It would be in September and the movie chosen to show would be Top Gun. Mr. Cwalina will have a date at the September meeting to present.

-Mr. Cwalina made a motion to approve \$400 for the Recreation Board to use for August Events. The motion was seconded by Mr. Olejnick. Vote was 6-0 in favor.

**Mayor Concert:** Mr. Christian presented the report on behalf of Mayor Concert:

-Mr. Christian requested an update on the feral cat problem along with the issue involving campers, boats, etc. being parked on streets within the borough. Attorney Yeager shared that he received several Cat ordinance examples from Mayor Concert that he is reviewing. The ordinances include several steps that can be considered to include neutering, trapping, shelters etc. One problem that exists is that many of the shelters are full. Attorney Yeager also received a few ordinances that address the street parking of campers, RVs, trailers, boats. Many of the surrounding towns have complete bans on such parking. Vehicles of these types must be parked in driveways or resident must obtain a storage area. Attorney Yeager noted that he did visit the residence that was reported as an issue at previous meetings and there

is a driveway that can be used if the resident would clean up the area. Attorney Yeager shared he should have something prepared for both areas to review at the September meeting.

-Mr. Christian made a motion to restart the Christmas Tree Fund. There were no donations made into the account last year. Current balance is \$78.00. Any donations should be made out to the Swoyersville Borough Christmas Light Fund and marked "Mayor Concert Project" in the memo section. The motion was seconded by Mr. Olejnick. Vote was 6-0 in favor.

-Mayor Concert is requesting a \$250.00 donation for Valley with A Heart which is an organization that helps sick children all over Luzerne County. "Swoyersville Borough" will be printed on the T-shirt and also on the sign at the benefit which is held Labor Day weekend. A check can be made out to Valley With A Heart Benefits and given to Mayor Concert for presentation. Mr. Brown made a motion to approve a \$250 donation. The motion was seconded by Mr. Christian. Vote was 6-0 in favor.

-Mr. Christian shared some upcoming events being planned by Mayor Concert: Flea Market, Cards for Veterans, Story Hour, Deck Your Door, Willy Wonka Event, Trick Your Trunk, Car Wash, Christmas Decorating Contest, Annual Food Drive, Hat & Gloves Giveaway, Toys for Tots Drive, Santa Parade, Parade of Trees, Carol by Candlelight, Scarecrow contest and a Fall Festival.

-Mr. Christian shared that St. Elizabeth Ann Seton Parish is having their Fall Festival on September 16-17, 2022.

Mr. Yeager: No report given. Mr. Christian asked if there was any update on a smoking policy. Attorney Yeager shared that he is still in the process of gathering input needed to develop a policy.

## ADDITIONAL COMMENTS FROM BOROUGH COUNCIL

-Mr. Breznay shared the resignation letter submitted by Paul Williams, Zoning Officer, effective 8/1/22. A motion and vote were requested to accept the resignation and to advertise for a Zoning Officer for \$16.00/hour, 20 hours a week. Mr. Cwalina made a motion to accept the resignation and advertise for a new Zoning Officer at rate & hours shared. Motion was seconded by Mr. Olejnick. Vote was 6-0 in favor.

## MEETING OPENED TO THE PUBLIC

-Tony Zambito, Jackson Street – Mr. Zambito asked Mr. Olejnick if the paving project for Jackson Street has a contract signed & a cost. Mr. Olejnick shared that Council did receive a receive an estimate and it was reviewed and approved at a previous Council Meeting. Cost is approximately \$6,800. Paving of Jackson Street is planned. Mr. Zambito inquired if the handicap ramps will be included in the project. Mr. Olejnick shared that the handicap ramps will not be addressed with this project; however, can be completed with a future project. Mr. Zambito noted that Franchelli has marked the road for gas lines. Mr. Olejnick shared he is not aware if gas line work will be coordinated with the paving project.

-Ray Lepo, Sullivan Street – Mr. Lepo thanked Council for the trees being cut down on Shoemaker Street. Mr. Lepo asked if Hospodor's Garage could park their car off of the sidewalk in front of their business. Cars are parked right up against the curb and residents walking or pushing strollers cannot use the sidewalk to get around that section. Chief Castner will speak to Hospodor's regarding the issue.

-Kathy Breznay, Church Street – Ms. Breznay informed Council that there are two applicants for the Police Department and that the Civil Service Test will occur on 8/11/22.

Ms. Breznay shared her confusion with whether to Street Department is separating items for recycling or not and requested clarification. Mr. Hampton confirmed that the Street Department is not separating items. This will continue until the end of the year.

Ms. Breznay commended the Recreation Board and the Mayor on all that they are doing for the Community. Ms. Breznay did question if when the Board or Mayor do things in the name of our town, does anyone see a report of what was done, what was spent, what funds were made and where funds are going, etc. Council members are not aware of that type of report being completed and submitted. Ms. Breznay feels that a report should be completed with each event. Recreation Board members present agreed that a report should be submitted. Ms. Breznay asked again if reports are seen for events that Mayor Concert holds? She mentioned that the mayor did a fundraiser for the Fire Department a while ago; what was the outcome, did they get money? Ms. Breznay feels that there is accountability for everything you do, especially if it is for the Borough and it is best to have a report in place if an issue should arise.

-Anthony Grasso –shared his continued concern for a property on Talcott Street where there are rotting trees. Mr. Grasso questioned the Swoyersville Borough Sewer Fee; what is the fee for? Mr. Brown explained that the moneys go into a fund that is used for repairs to common sewers (main line back up, main line breaks). Mr. Lamereaux commented on WVSA fees where a fee is charged to both households in a double block when there is only one lateral line coming into the structure. Mr. Brown commented that each resident pays for the use of the main line whether there is one lateral line or two lateral lines going into the structure.

Mr. Grasso questioned if motorized bicycles have to follow traffic rules. Mr. Brown shared that they should follow traffic rules; however, did share that the issue is quite a mess with many areas experiencing issues relating to the use of motorized bicycles. The State needs to regulate them and address the use further.

Mr. Laskowski, Hughes Street – shared that he is asking on behalf of his neighbor who she could contact regarding a feral cat. There was a woman who attended a meeting in the past that had a business that assisted with feral cats. Is there anything in the minutes regarding her service. Ms. O'Donnell will check the minutes and follow up with information.

Mr. Laskowski asked if there is a bid out to address the water overflow issue on Warsaw Street. Mr. Breznay will follow up with Mr. Amato to see if he has anything that was worked up to address the issue. Mr. Christian believed a motion was made in the past for Mr. Amato to draft something to address the issue and had the understanding that something was drawn up. Mr. Breznay shared that the Borough has not received anything from Mr. Amato.

A motion to adjourn was made by Mr. Cwalina and seconded by Mr. Brown. Vote was 6-0 in favor. Meeting was adjourned at 8:09 pm. Next meeting will be held on September 6, 2022 at 6:30 pm.

*Barb O'Donnell*

Barb O'Donnell  
Borough Council Secretary

William Keating  
Council President