

SEPTEMBER 6, 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. Brown, Mr. Cwalina, Mr. Lamereaux, and Mr. Olejnick. Council President Keating, Gene Breznay, Borough Manager and Attorney Yeager were noted as absent. Also present were Mayor Concert, and Dave Hampton, Street Department.

Mr. Olejnick presented on behalf of William Keating a letter of resignation from the position of Swoyersville Borough Council member. Mr. Olejnick made a motion to accept Mr. Keating's resignation. Motion was seconded by Mr. Cwalina. Vote was 5-0 in favor.

Mr. Olejnick presented a motion to advertise for a Council Member from Ward 2. Applications should be submitted by the next agenda meeting which is October 3, 2022. Motion was seconded by Mr. Christian. Vote was 5-0 in favor.

A motion was requested by Mr. Olejnick to accept the minutes from the August 1, 2022 regular meeting. A motion was made by Mr. Lamereaux and seconded by Mr. Cwalina. Vote was 5-0.

Monthly bills totaling \$23,315.16 were presented by Ms. O'Donnell, Council Secretary. A motion was made by Mr. Brown to approve the monthly bills and seconded by Mr. Cwalina. Vote was 5-0 in favor.

BOROUGH MANAGER'S REPORT

Vice President Olejnick presented the following on behalf of Gene Breznay, Borough Manager:

-A motion and vote were requested to approve submission of an application to the Office of Community Development for a 2023 Block Grant for paving roads in qualified areas within the Borough. A motion was made by Mr. Lamereaux and seconded by Mr. Cwalina. The vote was 5-0 in favor.

-A motion and vote were requested to amend the Stormwater Management Ordinance as drafted by the Wyoming Valley Sanitary Authority. It was duly advertised two weeks ago. A motion was made by Mr. Brown and seconded by Mr. Christian. Vote was 5-0 in favor.

-A motion and vote were requested for a resolution for a \$200,000 LSA grant to use as a match for a 2023 multimodal (involving different funding sources) road paving grant application. A motion was made by Mr. Brown and seconded by Mr. Lamereaux. Vote was 5-0 in favor.

-A motion and vote were requested to have Penn Eastern Engineers draw up specs and advertise for Municipal Building Improvements using \$200,000 LSA grant. A question was presented regarding the steps being included in the improvements. Mr. Christian made a motion to approve if the steps are included in the repairs. Mr. Brown seconded the motion. Vote was 5-0.

-A motion and vote were requested for Swoyersville to participate in the 2022 Electronic Recycling Event scheduled for October 27, 2022, 3:00 pm to 6:00 pm at the Luzerne County Fields, 1571 Wyoming Avenue, Forty Fort. The cost is \$35.00 per vehicle with one television or computer monitor included per ticket; however, neither can have a cracked screen. A motion was made by Mr. Cwalina and seconded by Mr. Lamereaux. Vote was 5-0 in favor.

-A paper shredding event for Swoyersville residents will be held on September 24, 2022 from 10:00 am to 01:00 pm at the Swoyersville Borough Building. Residents will need identification to be able to shred.

-A motion and vote were requested to hire Ron Mackiewicz as the new Swoyersville Zoning Officer. Position will be paid at \$16.00 for a total of 20 hours per week. A motion was made by Mr. Brown and seconded by Mr. Lamereaux. Vote was 5-0.

-A motion and vote were requested to advertise for one School Crossing Guard. A motion was made by Mr. Brown and seconded by Mr. Lamereaux. Vote was 5-0 in favor. Mr. Olejnick then amended the motion and requested two School Crossing Guards. An amended motion was made by Mr. Brown and seconded by Mr. Lamereaux. Vote was 5-0 in favor.

-Mayor Concert asked Council for a motion and vote to increase the Crossing Guard hourly rate to \$12.00 per hour starting with this school year. Mayor Concert also requested that hiring of two Crossing Guards be completed at the 10/3/22 regular council meeting. A motion was made by Mr. Christian and seconded by Mr. Olejnick to increase the pay rate for Crossing Guards to \$12.00. Advertisement will be placed immediately upon return of Gene Breznay, Brough Manager (currently on vacation). Vote was 5-0 in favor.

-Mr. Brown read the MMO's (Minimum Municipal Obligations) for the police and non-uniform pension plans for 2023. The MMO is \$21,000.

-Mr. Olejnick shared that the second tranche of American Rescue Plan Act (ARPA) will be received the week of 9/12/22. The amount is approximately \$262,000.

COMMITTEE REPORTS

Finance: Mr. Lamereaux presented the July 2022 Finance Report. **General Fund:** beginning checkbook balance: \$53,882.48; transfers & revenue for the month: \$108,542.61; Expenses & Transfers for the month: \$142,024.26; ending checkbook balance: \$20,400.82. **Liquid Fuels:** beginning checkbook balance: \$225.43; transfers and revenue for month: \$7,700.15; expenses and transfers for the month: \$7,793.51; ending checkbook balance: \$132.07. **Sanitary/Storm Water Assessment:** beginning checkbook balance: \$1,450.60; transfers and revenue for the month: \$39,531.19; expenses and transfers for the month: \$26,546.34; ending checkbook balance: \$14,435.45. **Solid Waste (Refuse) Collection:** beginning checkbook balance: \$25,242.51; transfers and revenue for the month: \$23,237.95; expenses and transfers for the month: \$38,750.25; ending checkbook balance: \$9,730.21.

-Mr. Lamereaux provided a follow up to the issue of Recreation Board expense checks that was discussed during last months Council meeting. The Recreation Board has their own funding so they can receive checks for expenses from the Borough without Council approval. A member of the Recreation Board will need to be designated as the member who will receive the checks. Mr. Olejnick shared a

concern regarding Council responsibility toward all monies used within the Borough. Mr. Lamereaux shared that he spoke to an auditor at the PA Association of Boroughs and that expense monies distributed cannot exceed the total amount available within the Recreation Board account. A designated Recreation Board member will be presented at the next regular Council meeting.

-Mr. Lamereaux questioned when the ADA ramps at the corner of Jackson and Oliver Streets will be installed? He noted that the ramps have not been installed yet from the prior utility company paving project along with rubber mats are not required anymore when ramps are constructed. It was noted that Gene Breznay, Borough Manager was looking into who is addressing the issue. Mr. Lamereaux will follow up with Mr. Breznay upon his return from vacation.

-Mr. Lamereaux thanked Dave Hampton and the Street Department for the placement of "Slow" stencils on Tripp Street.

Liaison Officer: -Mr. Christian thanked several Council members & Mayor Concert for donations made to the 143 Boy Scout Car Show.

-With the resignation of Mr. Keating, Mr. Christian requested a motion to reorganize the Borough Council positions of "President" and "Vice President." Mayor Concert reported that he would need to request a motion and vote to appoint a new Council President & Vice President.

Mayor Concert requested a motion and vote to appoint a new Council President. A motion was made by Mr. Christian to appoint Mr. Cwalina as Council President. Motion was seconded by Mr. Brown. Vote was 4-0 in favor with Mr. Cwalina abstaining from the vote.

Mayor Concert requested a motion and vote to appoint a new Council Vice President. A motion was made by Mr. Cwalina to appoint Mr. Olejnick as Council Vice President. A second motion was not made; therefore, a vote could not move forward. Mr. Lamereaux then made a motion to appoint Mr. Christian as Council Vice President. Motion was seconded by Mr. Brown. Vote was 3-1 in favor with Mr. Cwalina abstaining from the vote.

With Council President and Vice President positions reorganized, Mayor Concert turned the meeting over to Mr. Cwalina. Mr. Cwalina thanked Council for their vote of confidence and also extended a thank you to Mr. Keating and Mr. Olejnick for their years of service in the positions of Council President and Vice President.

-Mr. Christian rescinded the agenda item to motion and vote for purchase of body cameras for the police department. This issue will be revisited at a later time as there are grants available to consider for this purchase.

-Mr. Christian provided an update on the mountain property status (resident usage of borough property). He shared that there is currently an issue with the property deed that is being evaluated and addressed.

-Mr. Christian would like to set up a meeting with the Street Department to discuss a contract. Mr. Cwalina recommended that a committee be formed that would include himself, Mr. Brown & Mr. Olejnick & Mr. Christian. The committee will then meet with the Street Department and discuss issues. Mayor Concert shared that it has been recommended by Gene Breznay, Borough Manager that the term "contract" not be used to any reference any agreements that may be made.

-Mr. Christian made a motion to begin the process to correct the Warsaw Street flooding issue. Motion was seconded by Mr. Lamereaux. Vote was 5-0 in favor.

-Mr. Christian made a motion to advertise for a Swoyersville representative to the Wyoming Valley Sanitary Authority starting in 2023. It was noted that the current term held by Russ Singer expires on 12/31/22. The motion was seconded by Mr. Brown. Vote was 5-0 in favor. A representative should be approved by November 3, 2022.

-Mr. Christian requested a motion & vote to approve a subdivision involving a merger between the former fire house property at 99 Scott Street and the adjoining railroad property both owned by Joseph and Kevin Usefera. The subdivision was approved by the Swoyersville Planning Commission. A motion was made by Mr. Olejnick and seconded by Mr. Christian. Vote was 5-0 in favor.

Police Department: Mr. Brown read the police report for August 2022 which included a summary of any Crossing Guard hours. There was a total of 153 service calls, 2 vehicle accidents and 2 Borough ordinance violations. Fees collected totaled \$317.44. 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.

Mr. Brown called an executive session to discuss personnel issues at 7:05. Executive session ended at 07:16.

-Mr. Brown made a motion to eliminate the Police salary step requirements for new hires and to start new police hires at \$51,611.00. Motion was seconded by Mr. Christian. Vote was 5-0 in favor.

-Mr. Brown made a motion to purchase two speed display signs through COSTARS. The approximate cost for the two signs is \$6,000.00 which American Rescue Plan funds can be used to cover. The motion was seconded by Mr. Christian. Vote was 5-0.

-Mr. Brown made a motion to approve Swoyersville Borough selling "one" garbage sticker to residents in addition to multiple garbage stickers. The motion was seconded by Mr. Christian. Vote was 5-0 in favor.

Mr. Mark Nenichka shared a concern that the discussion along with vote to approve selling one garbage sticker to residents may be a violation of the Sunshine Act as the topic was not included as part of the Council Meeting Agenda. Mr. Brown shared that it was not a violation as there was no cost/monies involved; there was only a change in procedure. Mr. Nenichka also shared that the Planning Commission and subdivision paperwork relating to 99 Scott Street and the adjoining railroad property does need to be signed by Council members. Mr. Christian did provide the paperwork to Mr. Cwalina, Council President for signature.

Street Department: Mr. Olejnick made a motion for Swoyersville Borough to re-join the West Side Council of Governments (COG) in 2023. Re-joining will allow the Borough access to equipment that is shared between 10 towns. Being a member of COG is also favorable when applying for grants. Motion was seconded by Mr. Lamereaux. Vote was 5-0 in favor.

-Mr. Olejnick requested that the speed limit sign on North Lackawanna Avenue be reinstall along with placing "SLOW" stencils on the pavement. Dave Hampton will address the request.

-Mr. Olejnick requested a motion and vote to purchase a plow from a resident to use as back up by the Street Department. Cost of plow is \$2,800. Mr. Christian shared that he did check with the PA Association of Boroughs regarding any issues that may arise from purchasing the plow from a resident and it is legal. The plow is in good shape and a new plow cost could be anywhere from \$8,000 to \$9,000. A motion was made by Mr. Christian to purchase the plow for \$2,800.00. Motion was seconded by Mr. Lamereaux. Vote was 5-0 in favor.

-Mr. Olejnick shared that he spoke to Mike Amato, Engineer regarding the handicap swing and wheelchairs not being able to access the swing. Mr. Amato noted that the mulch that was placed needs time to compact; however, a mat can be purchased and used. Mr. Olejnick will have Gene Breznay, Borough Manager look into obtaining an estimate for purchase of a mat.

Fire Department/Recreation Board: Mr. Cwalina reported that there were 34 ambulance calls noted in August. There was no report received regarding types of emergency calls received. Training sessions are being held involving both Fire Departments.

-Mr. Cwalina shared that the Recreation Board submitted a \$250,000 grant application to Luzerne County to be used for various improvements to the Borough playgrounds. The grant will come from the Luzerne County American Rescue Plan Act funds. There is a 5% match of \$12,500 required from the Borough. Mr. Cwalina requested a motion and vote to approve the \$12,500 match. A motion was made by Mr. Olejnick and seconded by Mr. Christian. Vote was 5-0 in favor. The \$12,500 will come from the Borough's American Rescue Plan Act fund.

-Mr. Cwalina requested a motion and vote to eliminate the field use fees for any Swoyersville based teams. A motion was made by Mr. Lamereaux and seconded by Mr. Olejnick. Vote was 5-0 in favor.

-Mr. Cwalina rescinded the agenda item to motion and vote to issue a \$500.00 check to the Recreation Board for September event expenses. With the input provided by Mr. Lamereaux regarding the Recreation Board being able to receive checks for expenses from the Borough without Council approval, there is no need to request a check at this meeting. Mr. Lamereaux also added that the Recreation Board will be providing a monthly summary of monies spent to Borough/Council. Mr. Cwalina reported that expenses of \$494.00 & \$677.74 were reported by the Recreation Board for August 2022.

Mayor Concert: Mayor Concert shared that a Community Yard Sale will be held on September 10, 2022.

-Mayor Concert thanked the Street Department for a continuing amazing job within the Borough. He recently asked for their assistance with removing things from some of the parks and they addressed it quickly.

-Mayor Concert a motion and vote to approve Mr. Cwalina & Mr. Olejnick as the two council members responsible for signing checks for the Borough. Reassignment is needed with the resignation of Mr. Keating. A motion was made by Mr. Brown and seconded by Mr. Lamereaux. Vote was 5-0 in favor.

-Mayor Concert requested a motion and vote to purchase 4 tasers for the police department. The cost is approximately \$13,000 and monies used to purchase will come from the American Rescue Act Plan fund. A motion was made by Mr. Brown to purchase 4 tasers as the current tasers are expiring. Motion was seconded by Mr. Christian. Vote was 5-0 in favor.

-Mayor Concert requested a motion and vote for entering into a five-year contract with the SPCA at the rate of .55 per resident (based on the last census held) starting in January 2023. There will be no cost or

tax on residents. Swoyersville Borough will pay the rate. With a contract in place, the SPCA will accept & care for cats trapped/caught within the Borough. A motion was made by Mr. Brown and seconded by Mr. Christian. Vote was 5-0 in favor.

-Mayor Concert shared his continued concern for the wall out front of the borough building that continues to crumble. The Street Department has placed cones around the area so hopefully that will stop someone from running over the wall.

-Mayor Concert shared a concern regarding the use of staff from Area Agency on Aging within the Borough and some of the duties that have been assigned. Mr. Cwalina noted that the issue was personnel related and not appropriate to discuss in a Council meeting forum.

-Mayor Concert thanked Mr. Ken Shefler, Code Enforcement Officer, a great job done. Mr. Shefler stepped up and assisted while the Borough was searching for a Zoning Officer. He is very much appreciated.

-Mayor Concert shared that recognition will be given to all police officers and fire companies at the October 2022 Council meeting.

-Mayor Concert shared that the Swoyersville Facebook page is up and noted that it is planned to post Council meeting minutes on the page. The meeting is also planned to be broadcasted live on the page beginning with next month's meeting.

-Mayor Concert is preparing packets for new residents that will include information about the Borough, Borough Council, Kiwanis Club, Recreation Board, State Representatives, etc. He would also like to develop a directory that will include local businesses throughout the town.

-Mayor Concert discussed the issue of stray cats throughout the Borough and the difficulty with controlling them as there are many residents who continue to feed them.

-Mayor Concert shared that the Little Library of Swoyersville is honoring Childhood Cancer month with all books being dedicated to Children & Teens.

-Mayor Concert discussed the Christmas light fund. No monies were contributed to the fund last year. Mayor Concert is looking to revamp the fund & would like to purchase a new Manger, menorah, a turkey decoration for Thanksgiving and new lights. He would like to change the name from Christmas Light Fund to Holiday Fund as it will be used to cover not only Christmas lights but also other holiday decorations.

-Mayor Concert shared that with Senator Yudichak (who resides in Swoyersville Borough) retiring from office, he would like to invite the Senator to attend a Council meeting where a plaque would be presented honoring his service.

Attorney Yeager: Mayor Concert presented a memo regarding proposed Borough Ordinances on behalf of Attorney Yeager –A summary of Attorney Yeager's findings surrounding Recreational Vehicles, Feral Cats and a Tobacco Ordinance was read along with questions & a request for additional guidance from Council on all three proposals. Council determined there was a need to schedule a meeting to further discuss the memo and input received from Attorney Yeager. Review is planned for the next work session.

the rules are not punished. Mr. Cwalina shared that Council is continuing to work on the issue with Attorney Yeager's assistance.

-Ryan Binkley, 21 Clinton Street: Mr. Binkley shared reference in previous 2021 minutes (Sept & Oct 2021) to the issue of feral cats and the TNR program that was introduced to Council. The program was delayed due to Covid and lack of volunteers. This is an ongoing problem that we have tried to address for two years so hopefully we can progress with addressing it. Mr. Christian did share a resident from Parrish Street did come forward at a meeting previously in 2021 and was going to bring in a representative who would provide more information regarding the TNR program. Mr. Christian shared that it was later learned that the individual had passed away. Mr. Cwalina shared that with the information shared this evening that hopefully the Borough can move forward with addressing the issue.

-John Baker, Swoyersville EMA Director – With snow plowing season coming soon, Mr. Baker made a recommendation to consider doing what several of our surrounding towns are doing with residents being required to park on one side of the street and then move to the other side of the street on the next day (during storms). Mr. Christian shared that this recommendation was brought up previously and there are many streets only have parking on one side of the street. A discussion was held regarding the need for signs (costly) and emergency exceptions that could be considered allowing parking on a side of the street that would normally be prohibited. Mr. Cwalina thanked Mr. Baker for the suggestion.

Mr. Christian requested an update regarding Birch Drive. Everything is up to par with the area. Mr. Baker, Chief Mahon and Dave Hampton went over everything and it is good to go.

-Mr. Cwalina invited Ray Mackiewicz to introduce himself. Mr. Mackiewicz is the newly hired Zoning Officer for Swoyersville. He is a resident of Larksville and is currently also serving as Code Enforcement Officer part-time for Luzerne. He shared his qualifications is looking forward to learning Swoyersville codes as he shared every town has different ordinances. Mr. Christian requested that Mr. Mackiewicz make sure he gets fitted for any uniforms he may need along with letting Gene Breznay, Borough Manager know of anything he may need (badge, other identification items, etc.)

-Mr. Christian commended the Recreation Board on the great job they are doing. An apology was extended for issues that occurred at the last meeting. Board is encouraged to contact the Mayor, Street Department, etc. for anything they need.

A motion to adjourn was made by Mr. Christian and seconded by Mr. Lamereaux. Vote was 5-0 in favor. Meeting was adjourned at 8:25pm. Next meeting will be held on October 3, 2022 at 6:30 pm.



Barb O'Donnell
Borough Council Secretary

Pete Cwalina
Council President

ADDITIONAL COMMENTS FROM BOROUGH COUNCIL

-Mr. Brown requested a motion and vote to approve a recommendation received from the Civil Service Commission to adopt the following change to the Rules and Regulations specifically to Article III Applications Section 305 General Qualifications – All applicants. The change involves a proposed wording change to ***“The applicant must have successfully completed or will successfully complete within 90 days of application all requirements of Act 120 concerning the Municipal Police Officers Education & Training Law & be certified pursuant thereto. In the case of a foreign-born applicant, evidence satisfactory to the Commission shall be produced showing the person to be naturalized citizen.”*** A motion was made by Mr. Christian and seconded by Mr. Lamereaux. Vote was 5-0 in favor.

-Mr. Brown made a motion to re-advertise for the Civil Service Test with the advertisement to include the new wording. The application return day is September 21, 2022 with testing held for applicants on Saturday, September 24, 2022. Motion was seconded by Mr. Christian. Vote was 5-0 in favor.

MEETING OPENED TO THE PUBLIC

-Tony Zambito, Jackson Street: Mr. Zambito presented his concern with Attorney Yeager missing 4 Council meetings. Mr. Zambito questioned if Attorney Yeager was paid even though he did not attend. Mr. Olejnick shared that there is a monthly fee paid; however, fee covers more than just attendance at a meeting. Mr. Zambito suggested it may be time to consider a new council attorney. Mayor Concert shared the concern as many times issues are presented to Council that require a Solicitor input.

-Ms. Nice, Brook Street: presented Council with information regarding services provided by No Nonsense Neutering. The Borough can apply for a grant that would assist with covering the costs of neutering for residents who trap/find stray cats. She shared that recently a neighbor was upset believing that she trapped their pet cat and had the cat neutered knowing that the cat was a pet. She was unaware that the cat was a pet and went on to share her experience with TNR (trapping/neutering/release of cats near her residence. With this issue involving her neighbor, a question was asked as to who is responsible within the Borough to enforce ordinances surround pet cats (need for collars, shots, etc.) Trapping cats and removing them from the Borough will only lead to more cats coming in. Trapping/neutering/releasing the cats would assist with controlling a cat colony that will decrease as cats reach the end of their life, leave on their own, etc. Mr. Christian presented questions about a grant and asked if he could meet with the resident to further discuss the program. Council will discuss the possibility of entering the TNR services.

-Resident of 101 Park Avenue presented her concern over two trailers & a camper that are parked on the street for over two years without being moved. She is shared that she believes one trailer is being filled up with trash bags and the residents only remove the bags occasionally. Mr. Mackiewicz, Borough Zoning Officer will take a look at the issue. Mr. Dave Laskowski, also from Park Avenue shared that the resident in question does use a private hauler who removes the bags. He does not believe it is trash. A discussion was held involving several council members and residents regarding adopting an ordinance to address the concerns being presented with long term parking of trailers and campers, etc. on streets. Mr. Brown shared his feelings regarding adopting an ordinance that does not punish those who follow the rules (ex: resident who has off street storage for a boat; however, wants to park it at his/her resident to prepare for a trip). There needs to be a compromise or stipulations placed in the ordinance so that those following

SEPTEMBER 26, 2022 6:30 PM
SPECIAL MEETING OF SWOYERSVILLE BOROUGH COUNCIL

Council President Cwalina 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, and Mr. Olejnick. Also present were Mayor Concert and Gene Breznay, Borough Manager. Attorney Yeager, Borough Solicitor was noted as absent.

President Cwalina shared that the purpose of this special meeting was to interview candidates who submitted letters of interest in the vacant Ward 2 Councilman position and to request a motion and vote to fill the Ward 2 vacancy. Three applicants submitted letters of interest – Mr. John Majewski, Mr. James LaNunziata Jr. and Mr. Ryan Binkley.

An Executive Session was called at 6:02 pm for the purpose of conducting interviews with applicants. The Executive Session ended at 6:31 pm.

President Cwalina thanked all applicants for showing interest in filling the vacant Ward 2 council member seat and shared that for those who are not chosen, there are many opportunities within the Borough for them to participate in if they would wish to consider it.

Mr. Cwalina made a motion to appoint Mr. Ryan Binkley the vacant Councilman seat. Motion was seconded by Mr. Brown. Vote was 5-0. Mr. Binkley was congratulated on the appointment by all present.

With no further business to discuss, Mr. Cwalina requested a motion to adjourn the meeting. A motion was made by Mr. Christian and seconded by Mr. Lamereaux. Vote was 5-0 in favor. The meeting was adjourned at 6:35 pm.



Barb O'Donnell
Borough Council Secretary

Pete Cwalina
Council President

