

November 7, 2022 6:30 PM

REGULAR 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. Binkley, Mr. Brown, Mr. Christian, Mr. Cwalina, Mr. Lamereaux, and Mr. Olejnick. Also present were Mayor Concert, Gene Breznay, Borough Manager, Attorney Yeager, Solicitor and Dave Hampton, Street Department.

Mr. Cwalina called an Executive Session at 6:32pm. Executive Session concluded at 6:57 pm.

A motion was requested by Mr. Cwalina to accept the minutes from the October 3, 2022 meeting. A motion was made by Mr. Brown and seconded by Mr. Binkley. Vote was 6-0 in favor.

Monthly bills totaling \$38,697.05 were presented by Mr. Cwalina. A question was presented by Mr. Olejnick regarding Brandon Bradshaw expense. Mr. Olejnick inquired if Mr. Bradshaw was a new Police Officer that the Borough was hiring. Mr. Brown shared that Mr. Bradshaw was a member of the Edwardsville Police Department who conducted mandatory police training for the Borough Police Department. Mr. Binkley questioned the two expense amounts listed for Association of Mayors. Mayor Concert clarified that there are two associations that he is a member of - Borough Association of Mayors and PA State Association of Mayors. A motion was made by Mr. Olejnick to approve the monthly bills and seconded by Mr. Christian. Vote was 6-0 in favor.

BOROUGH MANAGER'S REPORT

-Mr. Breznay requested a motion and vote to spend \$4,255.20 from the American Rescue Plan Act funds for computers and monitors for the Police Department. A motion was made by Mr. Olejnick and seconded by Mr. Lamereaux. Vote was 6-0 in favor.

-Mr. Breznay shared that the 2023 budget is complete except for salaries. A work session will need to be scheduled to complete the budget. Mr. Breznay shared that the energy rates he was able to obtain as a result of working with an energy broker will save the Borough around \$3,400.00 for 2023.

COMMITTEE REPORTS

Finance: Mr. Lamereaux presented the September Treasurer's Report: **General Fund:** beginning checkbook balance: \$125,150.90; transfers & revenue for the month: \$158,939.50; Expenses & Transfers for the month: \$126,740.63; ending checkbook balance: \$157,349.77. **Liquid Fuels:** beginning checkbook balance: \$157.73; transfers and revenue for month: \$12,300.28; expenses and transfers for the month: \$9,694.16; ending checkbook balance: \$2,763.85. **Sanitary/Storm Water Assessment:** beginning checkbook balance: \$24,771.41; transfers and revenue for the month: \$28,263.10; expenses and transfers for the month: \$23,183.46; ending checkbook balance: \$29,851.05.

Solid Waste (Refuse) Collection: beginning checkbook balance: \$25,177.46; transfers and revenue for the month: \$22,411.00; expenses and transfers for the month: \$33,413.58; ending checkbook balance: \$14,174.88.

Liaison Officer: -Mr. Christian shared there was no report to present at this meeting. Mr. Christian requested an update from Dave Hampton, Street Commissioner on any progress made with the Birch Street project. Mr. Hampton shared at the time he spoke to PennEastern they were unable to start the project. Mr. Hampton will follow up with Penn Eastern to discuss the issue again.

Police Department: Mr. Brown read the police report for October 2022 which included a summary of any Crossing Guard hours. There was a total of 170 service calls, 2 vehicle accidents, 2 Borough ordinance Violations, one School Crossing Guard duty. Fees collected totaled \$551.68. A motion was made by Mr. Brown to place monies into the appropriate funds and seconded by Mr. Lamereaux. The vote was 6-0 in favor.

-Mr. Brown made a motion to hire Diana Curry as a Crossing Guard. A background check was completed and cleared. Rate of pay will be \$12.00/hour. The motion was seconded by Mr. Olejnick. The vote was 6-0 in favor.

Street Department: Mr. Olejnick made a motion to vote on the purchase of a new truck (with plow) for the Street Department. The cost of the truck is \$53,845.00 through the PA Costars program. The cost will be covered through the American Rescue Plan Act funds. Mr. Zambito, Jackson Street, questioned the previously approved purchase of a used plow for the Borough. Council clarified that the used plow was purchased as a spare plow for the Street Department. Mr. Cwalina noted that purchase of this new truck comes with a plow and was \$10,000 cheaper than any other truck considered. The motion was seconded by Mr. Lamereaux. Vote was 6-0 in favor.

Fire Department/Recreation Board: Mr. Cwalina shared there were 25 calls from Broderick, 23 calls to paid drivers and a total of 39 ambulance calls reported. The building on Slocum Street was repainted and new numbers were added. There is also a utility truck that was funded by the Fire Department.

-Mr. Cwalina shared that the Recreation Board presented a check for \$218.00 to the Veterans Parade Committee. These funds were raised during a Movie in The Park event. The Recreation Board account balance as of September 30, 2022 was \$4,753.07. Mr. Cwalina shared that the Rec Board will be holding a hat & glove donation event that will benefit Brandon's Forever Home. A box will be placed in the Borough building and additional locations for donations to be dropped off. Information regarding donations will be listed on the Board's Facebook page. Mr. Binkley added that there will be a drive and drop off in the Borough parking lot on 11/12/22, 11am-1am. Hot cocoa will be provided.

-Mr. Cwalina thanked Dave Hampton and the Street Department for putting in a paved area allowing access to the handicap swing. The swings will be coming down soon for the winter.

Attorney Yeager: Attorney Yeager provided Council and Mayor Concert with a copy of a proposed ordinance dealing with the recreational vehicle issue, banning them from public streets, roadways and access/alleyways within the Borough. The ordinance would provide for an opportunity to park if the resident is loading/unloading or providing maintenance to the vehicle for no more than 72 hours. The recreation vehicle must be hooked up/fastened/attached to a duly licensed motor vehicle. If there is a storm that the Borough would receive notice of (snow/rain/ice, etc.), the recreation vehicle would need to be removed 24 hours before or after the notice is published or broadcasted. The penalty for non-

compliance would be a summary offense for any violation. Each day would be considered a separate violation. The fine could be up to \$300.00 and or 30 days in the County Prison. Under the second paragraph under storage restriction, Councilman Brown indicated he would like to add duly licensed and registered motor vehicles. If there are any other corrections or suggestions from Council, they could be made and then the ordinance can be published and then passed at the December Council meeting.

A question was presented regarding does the ordinance pertain to kind of trailer? Attorney Yeager shared that there is a specific definition for the recreational vehicle and provided the definition in detail. It was noted that the ordinance does exclude any municipal and or governmental vehicle. Bill Hooper, Brook Street, questioned why you have to attach a recreational vehicle to a licensed motor vehicle if the recreation vehicle is already tagged? Mr. Hooper believes that if he has purchased Pennsylvania tags for his recreational vehicle that he should be able to park it on any street. Attorney Yeager shared that the request for an ordinance was made to ban parking of recreational vehicles on roadways, public streets, access ways and alley ways in Swoyersville. Parking in or on one's driveway or property is fine. Attorney Yeager shared that there are many towns/boroughs that have similar ordinances.

Dave Levendoski, Park Avenue – shared that there is an ordinance that addresses not being able to park a vehicle on the roads for 24 hours regardless of weather. Mr. Levendoski questioned what is the timeframe that a recreational vehicle can be parked on a street if not attached to a licensed motor vehicle. The response provided was “zero” as it will not be permitted.

Mr. Cwalina thanked Attorney Yeager and Councilman Brown for working on and putting together the ordinance. Attorney Yeager indicated when the proposed ordinance is published that the section where it notes “duly licensed” will say “duly licensed and registered.” Mr. Cwalina requested a motion and vote to approve the proposed ordinance. Mr. Brown made a motion to approve the of the Borough of Swoyersville, Luzerne County, Pennsylvania Ordinance amending Chapter 89 Vehicles and Traffic. Mr. Christian seconded the motion. Vote was 6-0 in favor.

Mayor Concert: Mayor Concert thanked everyone who participated in the Willy Wonka Halloween night. The event was well received in town with a lot of children participating.

-Mayor Concert shared that he was able to raise \$630.00 from the Fall Festival Vendors and \$322.50 from the kitchen. Mayor Concert will be purchasing a park bench with the funds raised to be placed at Morgan Park located on the back road in Swoyersville. Mayor Concert shared a goal of placing one at every park within the Borough next summer. The benches will be placed in memory or honor of individuals.

-Mayor Concert shared that the Swoyersville Christmas Parade will be held on December 17, 2022 at 2pm. Those who would like to participate should reach out to Mayor Concert. Santa Clause will be present at the Borough Building after the parade.

-Mayor Concert shared that there is a Toys for Tots donation box located outside his office at the Borough building. Donations are going very well with two additional boxes already filled. Residents can also drop off toys at Kevin's Auto Repair Service. For every toy that we collect at the Borough or at Kevin's Auto Repair, Kevin's will match the toys up to \$5,000.00. Mayor Concert's letters to Santa box is also outside of his office. Every child who writes a letter will receive something from Santa in the coming weeks.

-Mayor Concert questioned if there was any progress on the Trap/Neuter/Release program. Mr. Christian shared that the program is not effective until January 1, 2023. Mr. Christian will be meeting with the committee that was created at the last meeting sometime in December.

ADDITIONAL COMMENTS FROM BOROUGH COUNCIL

-Mr. Lamereaux shared that he received a letter from Ken Shefler indicating that he was able to get in touch with the owner of 330 Tener Street and the owner has one week to start to shore up the building. John Kolessar, who resides next door to 330 Tener Street questioned what is going to be shored? Mr. Lamereaux shared that the owner himself will shore up the inside and the roof. Additional details regarding what all is going to occur are not available. According to the letter Mr. Lamereaux received, as long as the home is shored up, the owner will be following the laws presented to him by Mr. Shefler. Mr. Cwalina along with Mr. Lamereaux will be following up with Mr. Shefler regarding the issue.

Mr. John Kollesar voiced his disappointment that the house was not demolished as Council had voted on to do at a previous meeting. Mr. Lamereaux and Mayor Concert shared that no one was aware of the home advertised as a part of a Sheriff Sale which resulted in a new owner. With becoming aware of the sale, demolition was cancelled.

-Mr. Lamereaux reported that he talked to Mr. Shefler who will be addressing the wires on Jackson Street that are hanging low.

-Mr. Lamereaux feels that there is more notice required with scheduled street cleaning. The recent cleaning did not have signage posted for his street which resulted in the street being cleaned with 6-7 cars remaining on the street.

-Mr. Lamereaux questioned when the contract with the SPCA was effective. Mr. Cwalina shared that it will be effective on 1/1/23. Mr. Lamereaux shared an experience he recently had with the SPCA of not responding timely to a call and not being able to remove the cats from an abandoned home near his residence. The SPCA did ask Mr. Lamereaux to place two traps that would be provided by the SPCA which he felt was not his job. When the SPCA did visit the home, they were only able to see one cat through an open door; however, could not enter the home. Mr. Lamereaux questioned if homeowners who abandoned their cats are fined by the SPCA. The recommendation was made to go to the local police for assistance. Mr. Lamereaux shared his position that if this is how the SPCA works, he wants no part of it. Mr. Christian shared that the contract could be revisited.

-Mr. Lamereaux thanked Dave Hampton and the Street Department for work that is planned for the back steps. Mr. Christian noted that Mr. Lamereaux repaired the access to the back steps at the Borough Building. Council thanked Mr. Lamereaux for the work performed.

-Mr. Christian requested motion and vote for an annual gas/equipment stipend of \$300.00 for Art Stewart, Fire Police, who helps with the mayor's events using his own vehicle, gas, etc. Mayor Concert commented that Mr. Stewart is amazing with how he comes out to assist with parades, special events and other Borough activities. Mr. Christian made a motion to approve an annual allowance of \$300.00. Motion was seconded by Mr. Brown. Vote was 6-0 in favor.

-Mr. Christian made a motion to approve a ½ hour lunch during an 8-hour period for Borough employees. Mr. Cwalina verified the hours of 8:30-4:30 for Borough Building and 7:00-3:00 for DPW. Mr. Olejnick clarified the ½ hour lunch as being paid by the Borough. Mr. Binkley seconded the motion. Vote was 6-0 in favor.

- Mr. Christian tabled his request for a motion and vote to adopt a No Tobacco Use policy for all departments and Borough owned facilities and grounds. Mr. Christian feels Council can speak to Supervisors and work out the issue. Mr. Christian asked Mr. Breznay to obtain "No Smoking" signs to place in Borough buildings.
- Mr. Cwalina shared that the applicant interviews for filling the vacancy of Swoyersville representative on the Wyoming Valley Sanitary Authority Board of Directors will be conducted on 12/1/22 at 5:45 pm. There are two candidates. Mr. Breznay presented a letter on behalf of Russ Singer who is the current Swoyersville representative on the WWSA Board. The letter officially acknowledges that Mr. Singer will not be seeking reappointment on the WWSA Board and shared what an honor it was for him to service Swoyersville as a representative.
- Mr. Binkley requested Mr. Breznay look into getting email address for Council members and Mayor Concert to open some additional doors for communication. Mr. Breznay shared that the Borough's Comcast account cannot handle additional email addresses. Mr. Breznay did review the issue with the Borough's IT staff and there are options for bulk email programs through Microsoft. Three program samples/prices have been provided for consideration.
- Mr. Binkley requested an update on the codification project. Mr. Breznay shared that the project continues to move forward. It is a tedious process as codification has not been done for about 20 years. Each ordinance will need to be reviewed as it appears on the website. Mr. Breznay shared there were 193 questions that the Borough needed to answer by the end of November 2022. All but 60 questions have been answered. The remaining questions deal with codes (building, etc.) which will be addressed by Mr. Shefler. Once all questions are answered, a trial version of the website will be provided to view. The target completion date is still March 2023.
- Mr. Binkley shared that the Recreation Board is seeking to obtain a Venmo account that will accept digital payments which can be used during events such as Movie Night when not all residents bring cash; however, wish to purchase snacks, etc. Mr. Binkley placed a call to the Association of Boroughs and is waiting for a call back to further discuss the option.
- Mr. Binkley inquired about adding employment opportunities on the Borough website. Mr. Breznay shared that IT is working on adding a section to the Borough website.
- Mr. Binkley inquired if Attorney Yeager was able to review the No Nonsense Neutering agreement. Attorney Yeager shared that Mr. Breznay had not yet received the contract; however, would forward it to Attorney Yeager.
- Mr. Binkley questioned if the Storm Water project on Birch is being tabled. Mr. Christian shared Council is waiting for the Borough's engineer to get back to them. The Street Department will be conducting the repairs and is currently working with the engineer and WWSA to get that completed.
- Mayor Concert again thanked Dave Lamereaux for fixing the back step issue prior to election day.
- Mayor Concert shared a need to place more "No Parking" signs in the rear parking lot of the Borough Building. J&L Towing will provide towing signs as they do the Borough's towing. A motion is not required to add more "No Parking" signs in the lot.

-Mayor Concert would like to see another small box next to the Little Library that would strictly be used for children. The current library box has a lot of adult books and placing a box that would contain only children's books would be a great asset for the Little Library. Placing the box lower, at eye level, for children would allow them to pick the books out on their own. This would be a great project for a student to complete.

-Mayor Concert will be initiating a newsletter starting February 2023 and is still working on mapping information that will be available in the Spring. Also, door hangers will be placed in the coming weeks that will list all of the mayor's winter events. This will benefit residents who do not have access to online information.

MEETING OPENED TO THE PUBLIC

-Ryan Salsavage, 33 McHale Street, questioned the selling of the alleyway behind his home. Neighbors around the alleyway were upset as there were surveyors on their property; however, no notice was provided regarding what was happening. Mr. Breznay shared that at a prior meeting a resident request was made for Council to consider vacating the alleyway and selling equal parts to the residents whose property adjoins the alleyway. Engineers were conducting a survey. Once surveyed, appraisals are needed and then all goes to the Planning Commission and Council for approval. Letters will then be sent out to residents asking if they are interested in purchasing the land. Mr. Breznay shared that he has received several calls regarding the surveyor activity.

-Tony Zambito, Jackson Street, questioned if there were any updates on the paving for Jackson Street. Mr. Olejnick shared that he previously shared that the paving would occur this past July; however, he misunderstood. It was a huge project in Luzerne that was scheduled for July 2022. The last input Mr. Olejnick received is that the paving Jackson once they begin paving the other areas. Mr. Olejnick apologized for the misunderstanding. Mr. Zambito also inquired about the two handicap corners that were never completed. Mr. Lamereaux shared that he is waiting for Penn Eastern to get back to him regarding the corners. There is a question regarding who is responsible for completing it.

-Mr. John Kollesar, Tener Street, shared that at the end of Tener Street there is only one stop sign where it comes to a "T". Mr. Lamereaux felt there was a stop sign on Chestnut; however, Mr. Kollesar reported that it is no longer up. Mr. Lamereaux will visit the area to evaluate the issue.

-Mayor Concert shared that there is a need for two election poll workers (Ward 2) for tomorrow's election. If anyone present or listening to the meeting is interested, please reach out to the Mayor Concert. If anyone is also interested in assisting poll workers that will be present at the Borough Building with providing lunch and drinks, that would be greatly appreciated. There are no refrigerators at the Borough Building.

A motion to adjourn was made by Mr. Lamereaux and seconded by Mr. Olejnick. Vote was 6-0 in favor. Meeting was adjourned at 7:53pm. Next meeting will be held on December 5, 2022 at 6:30 pm.



Barb O'Donnell
Borough Council Secretary

Pete Cwalina
Council President