

JANUARY 3, 2023 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 6:31 pm. The Executive Session ended at 6:42 pm

Mr. Cwalina requested a motion to move the New Recycling Rules to an effective date of March 6, 2023. Motion was made by Mr. Binkley and seconded by Mr. Olejnick. Vote was 6-0 in favor. This will include collection of glass as garbage.

A motion was requested by Mr. Cwalina to accept the minutes from the December 5, 2022 Regular Council meeting. A motion was made by Mr. Brown and seconded by Mr. Binkley. Vote was 5-0 in favor with Mr. Olejnick abstaining from the vote.

A motion was requested by Mr. Cwalina to accept the minutes from the December 8, 2022 Special Council meeting. A motion was made by Mr. Binkley and seconded by Mr. Lamereaux. Vote was 5-0 with Mr. Olejnick abstaining from the vote.

A motion was requested by Mr. Cwalina to accept the minutes from the December 14, 2022 Special Council meeting. A motion was made by Mr. Christian and seconded by Mr. Lamereaux. Vote was 4-0 with Mr. Cwalina and Mr. Brown abstaining from the vote.

Monthly bills totaling \$36,287.44 were presented by Ms. O'Donnell, Borough Council Secretary. Mr. Olejnick questioned the Powells' expense of \$16,200.15. Mr. Hampton, Street Department, explained that this amount was in addition to the bid price for the new department pickup truck. A motion was made by Mr. Brown to approve the monthly bills and seconded by Mr. Binkley. Vote was 6-0 in favor.

BOROUGH MANAGER'S REPORT

-Mr. Breznay requested a motion and vote to approve the Swoyersville Borough ordinance setting the dates, hour and place for the regularly scheduled Council meetings for 2023. A motion was made by Mr. Olejnick and seconded by Mr. Brown. Motion was 6-0 in favor.

-Mr. Breznay requested a motion and vote to approve an ordinance setting salaries for employees and public officials for 2023. A motion was made by Mr. Olejnick and seconded by Mr. Binkley. Vote was 6-0 in favor.

-Mr. Breznay requested a motion and vote to approve a resolution setting the police pension contribution rate at 3% for plan members. A motion was made by Mr. Olejnick and seconded by Mr. Brown. Vote was 5-0 with Mr. Christian abstaining from the vote.

-Mr. Breznay shared that the Borough was awarded a \$98,523 grant for 10 body cameras and 4 dash cameras with license plate readers for the police department. More details will be shared at a later date.

COMMITTEE REPORTS

Finance: Mr. Lamereaux presented the November Treasurer's Report: **General Fund:** beginning checkbook balance: \$41,495.63; transfers & revenue for the month: \$146,875.93; Expenses & Transfers for the month: \$118,793.11; ending checkbook balance: \$69,578.45. **Liquid Fuels:** beginning checkbook balance: \$106.06; transfers and revenue for month: \$7,600.19; expenses and transfers for the month: \$7,512.13; ending checkbook balance: \$194.12. **Sanitary/Storm Water Assessment:** beginning checkbook balance: \$21,691.01; transfers and revenue for the month: \$1,860.33; expenses and transfers for the month: \$14,440.62; ending checkbook balance: \$9,110.72. **Solid Waste (Refuse) Collection:** beginning checkbook balance: \$26,984.56; transfers and revenue for the month: \$27,852.03; expenses and transfers for the month: \$35,182.22; ending checkbook balance: \$19,654.37.

Liaison Officer: No report given.

Police Department: Mr. Brown read the police report for December 2022 which included a summary of any Crossing Guard hours. There was a total of 116 service calls and 4 motor vehicle accidents. Total fees collected were \$398.59. A motion was made by Mr. Brown to place monies into the appropriate funds and seconded by Mr. Olejnick. The vote was 6-0 in favor.

Street Department: Mr. Olejnick requested an update on the status of the Borough's West Side Council of Governments (COG) membership. Mr. Cwalina shared that a COG meeting was not held in December 2022, so membership was not officially approved yet. Meetings are held the 3rd Wednesday of each month. Mr. Olejnick will attend meetings along with Mr. Hampton, Street Department. It is felt that membership will be accepted at the next meeting.

-Mr. Olejnick requested a motion to approve the price of garbage stickers from \$2.00 to \$2.25 each. Motion was made by Mr. Christian and approved by Mr. Lamereaux. Vote was 6-0 in favor.

Fire Department/Recreation Board: Mr. Cwalina shared there were 43 ambulance calls for December 2022 and a total of 538 for 2022. No report received/reported from Fire Departments. Mr. Cwalina extended a special thank you to both Fire Departments (volunteers and part time drivers) for all that they do.

-Mr. Cwalina shared that the Recreation Board did a tremendous job during this past year. There were a lot of community events held and participating in many of Mayor Concert's events. Mr. Cwalina extended a thank you to the Board for all that they do.

-Mr. Cwalina also extended a thank you to the Police Department and DPW workers for all that they do for the Borough.

Mr. Binkley: No report given.

Attorney Yeager: No report given.

Mayor Concert: Mayor Concert shared that the Little League sign-ups are going on now. More information can be found on the Facebook page.

-Mayor Concert presented a letter of resignation, submitted by Andrew Labar, from the position of part-time patrolman for the Borough of Swoyersville Police Department effective December 2022. Mayor Concert requested a motion and vote to accept Mr. Labar's resignation. A motion was made by Mr. Brown and seconded by Mr. Christian. Vote was 6-0 in favor.

Mayor Concert presented a letter of resignation, submitted by Morgan Schaszberger, from the position of patrolman for the Borough of Swoyersville Police Department effective December 19, 2022. Mayor Concert requested a motion and vote to accept Ms. Schaszberger's resignation. A motion was made by Mr. Brown and seconded by Mr. Binkley. Mr. Christian pointed out Ms. Schaszberger's decision to accept employment from another township to better align her goals of becoming a K-9 Officer in the future. Vote was 6-0 in favor.

Mayor Concert presented a letter of resignation, submitted by Jennifer Alexander, from the position of patrolman for the Borough of Swoyersville Police Department effective January 6, 2023. Mayor Concert requested a motion and vote to accept Ms. Alexander's resignation. A motion was made by Mr. Brown and seconded by Mr. Christian. Vote was 6-0 in favor.

Mayor Concert presented a letter of Intent of Early Retirement from the position of Chief of Police of The Swoyersville Police Department effective January 6, 2023 submitted by Kyle Castner. Mayor Concert requested a motion and vote to accept Mr. Kastner's Intent of Early Retirement notice. A motion was made by Mr. Brown to accept the Intent of Early Retirement. Motion was seconded by Mr. Cwalina.

Attorney Yeager took a moment to clarify with Council that Chief Kyle Castner does not meet the year and age requirements for Early Retirement & as such he does not qualify for an intent to retire early. Attorney Yeager's recommendation is for Council to vote no on the Intent to Retire classification. If Council wants to vote to accept a voluntary termination and or resignation with an effective date, that is a different legal issue. Mr. Brown states that his motion to accept stands and Mr. Cwalina seconded. Vote was 2-4 with 2 in favor and 4 not in favor.

A motion was made by Mr. Christian to accept a letter of voluntary termination/resignation, effective January 6, 2023 from the position of Police Chief for the Borough of Swoyersville Police Department as recommended by Attorney Yeager. Mayor Concert questioned doesn't Mr. Kastner need to submit a letter; we cannot change it. Attorney Yeager shared that Council can make a motion; it will be up to Mr. Kastner to decide what he wants to do. Council would be telling him this is what they will accept. With Mr. Christian already making a motion, Mr. Lamereaux seconded the motion. Vote was 4-2 in favor.

-Mayor Concert took a moment to share that all 4 officers will be missed and all were thanked for their service. Council members also extended a thank you to all officers. Mayor Concert reassured all that the Police Department is up and running with no issue. Swoyersville will continue to be protected. Mr. Christian noted also that Council had passed an increase for starting police officers to remain competitive with other towns.

ADDITIONAL COMMENTS FROM BOROUGH COUNCIL

-Mr. Lamereaux would like a motion and vote to get a re-bid for paving the last part of Jackson Street from Oliver Street to the Luzerne border. Mr. Breznay shared that with paving projects coming up within the Borough in 2023, including this section in those paving projects would save the Borough costs. To bid out this one project would cost three times what it normally would when roads are combined. Both the Block Grant and the Multimodal Grants are coming up with street paving being planned for late summer. The Borough will be applying for the Multimodal Grant in March 2023 and should receive notification around June 2023. Mr. Rick Mattern, 147 Jackson Street, asked what happened to that small section of street with the original bid? Mr. Olejnick shared that originally the water company performed work on the street and serviced the section that was worked on which was not the section being addressed by Mr. Lamereaux. Mr. Christian made a motion to get a re-bid on repairs needed to have in place for consideration if needed. Mr. Binkley seconded the motion. Vote was 6-0 in favor.

Mr. Lamereaux requested that a stop sign be placed on Pear Street. Mr. Olejnick shared that an ordinance would be required to do that. The Police Department will look at the area and make a recommendation regarding the appropriateness of a stop sign.

-Mr. Christian requested an update on the Birch Drive project. Mr. Hampton, Street Department, shared that a pump that is required to address the issue is costly (\$85,000). Information was sent in an email for Council to review. Mr. Hampton spoke to Joe Ferraro who will look at the pump issue. Mr. Binkley shared that during a recent meeting with Representative Kaufer, the possibility of a grant was discussed. Was the information received by the Borough? Mr. Breznay shared that the grant Representative Kaufer as referring to had an application deadline of December 21, 2022. There are other grants/programs that can be considered.

-Mr. Binkley shared a concern regarding the road condition at the corner of Birch and Jay St to Frederick St. The pavement is ripped up/caving in after some work had been performed by the water company. Mr. Hampton shared that paving will not start until the Spring; however, the Street Department will temporarily fix it with a coal patch.

Mr. Binkley would like to explore the possibility of a Junior Council Program where a middle school student member would attend Council meetings, be assigned a sponsor, etc. With no objections received from Council, Mr. Binkley will look into the possibility.

-Mr. Binkley thanked Rick & Martha Mattern for donating a trailer for the Recreation Board to use in the Christmas Parade and also for future events.

-Mayor Concert extended a thank you to all of the Christmas parade participants.

-Mayor Concert reported that there is now an SPCA contract in place with Swoyersville Borough.

-Mayor Concert shared that with the No Nonsense Neutering program now in place, the program committee members will take cats to the clinic versus the resident who finds the animal. Mayor Concert would like a motion and vote for the committee members to sign a non-liability statement in case something should occur during the process. Mayor Concert's concern surrounds the volunteer committee members acting on behalf of the Borough. Attorney Yeager suggested that Gene Breznay contact the Borough's insurance carrier and inquire if there is a general release form that can be utilized.

Mayor Concert extended get well wishes to Ken Shefler, Swoyersville Code Enforcement Officer.

MEETING OPENED TO THE PUBLIC

-George Chervy, Kossack Street shared concerns regarding the direction to residents that glass will no longer be considered recyclables and will need to be placed into garbage bags. Mr. Chervy questioned if the Borough will be sending out letters to all residents to notify them of the change. He also voiced a concern over inclusion of glass in a garbage bag is going to make it harder for DPW workers to collect; the bags will be heavier. Would it be possible for Swoyersville to have a small dumpster placed and test how many residents would use it. Mr. Chervy also requested clarification on cardboard; does it need to be flattened. Mr. Chervy feels that moving glass out of recyclables is moving backwards. He also questioned if Council member names & contact numbers be placed on recyclable stickers.

Mr. Cwalina shared that one of the reasons why the start date for moving glass out of recyclables was moved to March 6, 2023 was to provide adequate time for residents to receive notification of the change. Information will be included in the recyclable information that is distributed with each sticker purchased. It is also posted on the Borough's Facebook page. Mr. Cwalina also shared that the decision to move glass to "non-recyclable" was not a Borough decision. That is a change implemented by the recycling center. The Borough will be looking into the option of a dumpster. Mr. Cwalina addressed the question regarding cardboard by sharing that the rule is that cardboard needs to be flattened.

Mayor Concert shared that Mr. Binkley had made a suggestion some time ago regarding having a list of contact numbers and email addresses for Council members. Council agreed that having the information available for residents is needed.

Mayor Concert shared that the original printing of recycling information had some incorrect information. Residents who purchased a sticker with the incorrect information attached will be remailed a new page which will be correct.

-Michael Cheek, Cheek Custom Homes, Owens Street Swoyersville, is requesting Council assistance with an issue involving a home he is building on 72 Townsend Avenue. Mr. Cheek did not know that the street fell under the Borough's No Cut Ordinance for five years and is unable to get heating established for the home with a permit for gas being refused. The builder takes full responsibility for the oversight and apologizes for having to be here tonight placing Council in this situation. Borough Engineer was at the location and looked at some suggestions for resolution. Mr. Cheek will personally cover all costs of having the street repaired properly and will comply with all recommendations made by the Borough Engineer if a cut is permitted. Mr. Breznay, Borough Manager, is aware of the issue and shared that a conference call was held with the UGI Engineer who would be installing the cut. A curb-to-curb cut was requested and it was not approved. If the builder was to do a restoration from curb to curb, that would be satisfactory with the engineer. Mr. Breznay shared that it would be Council's decision to allow a cut in the road; however, the restoration would not just be for the cut but for curb to curb. Borough Engineers would be on site to make all was in compliance with Swoyersville's current ordinance.

Mr. Cwalina expressed thanks for this issue being brought to Council's attention. Mr. Olejnick shared that the No Cut Ordinance is a Swoyersville Borough ordinance which could be waived by Council. Mr. Lamereaux made a motion to waive the Five-Year No Cut Ordinance. Mr. Olejnick seconded the motion. Vote was 6-0 in favor. Mr. Cheek thanked Council for their consideration and extended his apologies again. He requested to go on record saying that an issue like this will never happen again.

-Kathy Breznay inquired if the field where bonfires were held will be cleaned up. Mayor Concert shared that it will be cleaned.

Mr. Christian inquired about the Civil Service Testing for Police Officers. Ms. Breznay shared that testing will be held on Saturday morning with four applicants attending.

-Corey Hanson, president of Bayo's Ice Company and property owner of 415 Shoemaker Street. Mr. Hanson shared that he is not against any new business opening in the community. He fully supports local business, being one himself. Mr. Hanson just wants to make sure rules are applied equally to all parties. Recently a sign was placed outside of the building (former Bayo's Cafe) located at 409 Shoemaker Street that reads "Bourbon City" along with a PLC Liquor License application in the window. Mr. Hanson questioned if this new business was brought before the Zoning Board for approval. Mark Nenichka, Zoning Board Chairman, shared the when the issue was brought to the Zoning Board, it was thoroughly researched. Because Bayo's was grandfathered into Swoyersville's zoning as a bar/tavern/restaurant there was no need to bring this new business before the Zoning Board because a non-conforming use already existed and continues to stand. Mr. Hanson questioned what type of business is opening, where will patrons park, is use of commercial dumpsters on private property permitted (405 Shoemaker)? How will residents be aware of things if this does not go before the Zoning Board? Mr. Hanson would like to know where he can find these zoning rules as he also owns a building at 430 Shoemaker and if wanting to open a business would the grandfather rule apply? Mr. Christian requested that Mr. Hanson meet with the Code Enforcement officer after the meeting to provide details regarding what information he would like. Mr. Hanson also shared his concern regarding what is about to come to the community and the issues it may cause for the Police Department. Mr. Hanson will be placing signs in his parking lot to prohibit parking.

-Mayor Concert provided an update regarding signs for "No Parking" in the Borough parking lot discussed at a previous meeting. They will be up within the next two weeks with J&L Towing noted.

A motion to adjourn was made by Mr. Lamereaux and seconded by Mr. Binkley. Vote was in favor. Meeting was adjourned at 7:36 pm. Next meeting will be held on February 6, 2023 at 6:30 pm.



Barb O'Donnell
Borough Council Secretary

Pete Cwalina
Council President