

APRIL 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, Dave Hampton, Street Commissioner, Attorney Yeager, Borough Solicitor and Ray Mackiewicz, Zoning Officer.

Mayor Concert administered the Oath of Office to April Dulsky who was promoted to the position of Corporal. Council congratulated Ms. Dulsky on her promotion.

An Executive Session was called by President Cwalina at 6:33 pm. Executive Session ended at 6:46 pm.

A motion was requested by Mr. Cwalina to accept the minutes from the March 6, 2023 regular meeting. A motion was made by Mr. Binkley and seconded by Mr. Christian. Vote was 6-0 in favor.

Monthly bills totaling \$46,786.08 were presented by President Cwalina. A motion was made by Mr. Christian to approve the monthly bills and seconded by Mr. Olejnick. Vote was 6-0 in favor of approving the monthly bills presented.

BOROUGH MANAGER'S REPORT

-Mr. Breznay reported there were several grants received by the Borough to include a County LSA grant for \$121,602.08 which will be used to repair the Borough parking lots, the wall in front of Borough Building and striping; a Block Grant that will be used for paving streets throughout the Borough and a DEP recycling grant of \$2,356.38.

-Mr. Breznay requested a motion and vote to approve the purchase of new monitoring equipment for the Police Station. The cost is \$2,582.42 and payment would come from the American Rescue Act funds. A motion was made by Mr. Brown to approve and seconded by Mr. Christian. Vote was 6-0 in favor.

COMMITTEE REPORTS

Finance: Mr. Lamereaux presented the February 2023 Treasure's Report. **General Fund:** beginning checkbook balance: \$13,224.76; transfers & revenue for the month: \$156,309.11; Expenses & Transfers for the month: \$121,445.48; ending checkbook balance: \$48,088.39. **Liquid Fuels:** beginning checkbook balance: \$196.99; transfers and revenue for month: \$33,502.35; expenses and transfers for the month: \$33,312.59; ending checkbook balance: \$386.75. **Sanitary/Storm Water Assessment:** beginning checkbook balance: \$11,144.30; transfers and revenue for the month: \$2,269.65; expenses and transfers for the month: \$6,570.65; ending checkbook balance: \$6,843.30. **Solid Waste Collection:** beginning checkbook balance: \$80,289.94; transfers and revenue for the month: \$29,332.71; expenses and transfers for the month: \$91,511.84; ending checkbook balance: \$18,110.81.

Liaison Officer: Mr. Christian presented a letter from the Swoyersville Borough Planning Commission dated 4/3/23. The Planning Commission members reviewed a request made by Dave Purcell, Sidney Street, to merge 2 properties into one without exception and voted that Borough Council vote to approve the merger. A motion was made by Mr. Olejnick and seconded by Mr. Lamereaux. Vote was 6-0 in favor.

-Mr. Christian requested a motion and vote to give retention bonuses in the amount of \$4,000.00 to Chief Wolinski, Sergeant Owens and Corporal Dulsky. The amount is comparable to the sign on bonus that newly hired officers will be receiving. Mr. Brown made a motion to give the \$4,000 retention bonus as long as those receiving it stay for a year. The funds will come out of the American Rescue Plan Act and will be processed with the next payroll period. Mr. Binkley clarified that the year time frame would be as of this meeting - 4/3/23 to 4/3/24. Attorney Yeager inquired if this is going to be revisited again next year. Mr. Christian confirmed it would be. Motion was seconded by Mr. Christian. Vote was 6-0 in favor.

-Mr. Olejnick requested a motion and vote to give the following retention bonuses using funds from the American Rescue Plan Act: \$2,000 to Street Department Employees, Borough Manager and Borough Secretary & \$500 to the Borough Zoning Officer and Borough Council Secretary. Mr. Christian made a motion to approve the retention bonuses; motion was seconded by Mr. Lamereaux. Vote was 6-0 in favor.

Police Department: Mr. Brown read the police report for March 2023 which included a summary of Crossing Guard hours. There was a total of 164 service calls, 3 motor vehicle accidents and three (3) school crossing guard duty. Fees collected totaled \$547.39. A motion was requested by Mr. Brown to place monies in the appropriate funds. Motion was made by Mr. Olejnick and seconded by Mr. Binkley. The vote was 6-0 in favor.

Street Department: Mr. Olejnick reminded residents that glass will be taken with recyclables. Newspaper and cardboard collection will be every other Thursday with the dates for April as follows: 4/6/23 and 4/20/23. Yard waste collection started this week.

Fire Department: Mr. Cwalina shared that Maltby Fire Department reported 11 calls along with 1 forceable entry in Edwardsville. No other report received.

-Mr. Cwalina commended Mr. Hampton, Street Commissioner, and the Street Department for their cleaning of the soft ball field and concession stand. Their efforts are greatly appreciated.

Technical & Recreation Board: Mr. Binkley shared that the E60 online Code Portal is just about complete. Residents will be able to search Swoyersville and have access to all Borough Ordinances. Additional information will be provided on how to access the portal once it is complete.

-Mr. Binkley provided an update on the Go Gov Mobile Alert Application. A discussion was held with Go Gov. The Borough is working to obtain access to the program with a target date for release of 5/1/2023. Residents will be able to download this program onto their phones.

-Mr. Binkley reported the Recreation Board Funds Account balance as of 3/15/23 was \$3,664.34. The Venmo account has a "0" zero balance. The Venmo account will be used for donations through the summer season. Monies collected will be transferred to the Recreation Board bank account with statements provided to Swoyersville Borough Manager, Mr. Breznay.

-Mr. Binkley shared the following events: On April 30, 2023, Richie Mitchell & Bear Creek Organics Edible Landscaping Co. will be holding a fruit tree planting workshop at the Roosevelt, Tripp Street field. On June 17, 2023, Parks & Recreation, in conjunction with NEPA Cars & Coffee will be hosting a car show at the Roosevelt softball field at 1:00 pm. On July 29, 2023, in conjunction with NEPA Chicken Wing Bulletin, the Swoyersville Wing Fling will be held at the Roosevelt softball field 11:00 am to 7:00 pm. Information regarding all the events can be found on the Parks & Recreation face book page.

-Mr. Binkley reported the last Parks & Recreation meeting was held on 3/15/23. The April meeting will be held on 4/19/23 at 6:00 pm at the Borough Building. The Special Needs Parks Committee will meet prior at 5:30 pm. This committee will be looking at how to provide inclusive equipment and access in our parks throughout the Swoyersville Community.

-Mr. Binkley provided an update on the approved \$250,000 Luzerne County American Rescue Plan Act Grant that the Recreation Board applied for. The grant will be used for renovation of the parks throughout Swoyersville. More information will be shared with residents as the Board receives it.

-Mr. Cwalina commended the Park & Recreation Committee for all that they are doing within the Borough.

Attorney Yeager: Attorney Yeager reported that he reviewed the proposed Swoyersville Wing Fling agreement and noted no problems with it.

Mayor Concert: Mayor Concert requested a motion and vote to purchase a light for the Police Department outdoor sign. Mr. Lamereaux suggested bolting on solar lights. Mr. Lamereaux made a motion to purchase bolt on solar lights for the Police Department outdoor sign. Motion was seconded by Mr. Christian. Vote was 6-0 in favor.

-Mayor Concert requested a motion and vote to install carpet/flooring in the Police Department. Estimates were received from Tuft Tex for \$11,604.80 and Carpet Mill for \$12,987.00. A motion was made by Mr. Binkley to approve the Tuft Tex estimate of \$11,604.80. Motion was seconded by Mr. Brown. Vote was 6-0 in favor.

-Mayor Concert requested a motion and vote to purchase a video camera for the police interview room. Cost would be \$294.00 for a video camera and an additional \$20.00 for a tripod. The cost would be covered with American Rescue Plan Act funds. A motion was made by Mr. Brown and seconded by Mr. Olejnick. Vote was 6-0 in favor.

-Mayor Concert requested a motion and vote to purchase 3 tree markers for dedications – Andrew Barilla, Jr., Jerry Suda, and Coach Brominski (damaged as result of a car accident). A motion was made by Mr. Christian and seconded by Mr. Brown. Vote was 6-0 in favor.

-Mayor Concert requested to have two rotted trees removed from behind & alongside the Borough Building (Shoemaker St.). The Street Department will perform the removal. Mayor Concert asked if the Kiwanis Club could consider a tree donation to replace Mr. Brominski's tree. Mr. Breznay shared that a Kiwanis Club board meeting is coming up this week and he will present the request for consideration. Mayor Concert shared he is working on a plan to install a monument to honor coal miners at the Borough building and a park bench in honor of Mike Stevens (On the Pennsylvania Road). Councilman Lamereaux will donate a large chunk of coal to display by the monument.

-Mayor Concert requested to use the Borough truck to assist our veterans with Community Clean Up Day at Swoyersville American Legion. Mayor Concert will dump leaves in the Borough yard waste section and will also help with cleaning up the back road in the next few weeks.

-Mayor Concert requested a motion and vote to install video surveillance equipment in the police station to monitor Borough security cameras. The cost will be approximately \$500.00 with the expense being covered under the American Rescue Plan Act. A motion was made by Mr. Cwalina and seconded by Mr. Lamereaux. Vote was 6-0 in favor.

-Mayor Concert requested a motion and vote to install a monitor in the Zoning Office to enable viewing of the Borough security cameras in the hallways. A motion was made by Mr. Christian and seconded by Mr. Brown. Vote was 6-0 in favor.

ADDITIONAL COMMENTS FROM BOROUGH COUNCIL

-Mr. Lamereaux provided an update on the need for ADA ramps on streets throughout the Borough that were resurfaced. Mr. Lamereaux shared as per the ADA, if streets were resurfaced, the ramps should have been done. If resurfacing was performed by a utility company, they would be responsible for completing ADA ramps. Residents were encouraged to contact their Councilman if they notice ramps that were missed on their streets. Mr. Binkley questioned what legal action exists for the Borough to have the ramps addressed. Attorney Yeager shared that the Borough Engineer's input is needed. Mr. Breznay, Borough Manager, will reach out to Mr. Amato, Borough Engineer, and discuss the problem with him.

-Mr. Christian requested follow up to the Birch Drive water issue. Mr. Hampton, Street Commissioner, reported that the Sanitary Authority put in a basin with a temporary pump at no cost to the Borough. This completes the first phase of the resolution. A decision remains regarding what to do regarding a pump. Mr. Christian added that there is also a need for drenching that will assist with resolving the issue. Mr. Hampton shared the Street Department will be able to complete the drench once the area dries up.

Mr. Christian inquired if there was any follow up available for the erosion issue identified at the top of Warsaw Street. Mr. Breznay will reach out to Mike Amato, Borough Engineer, for further input.

-Mr. Binkley made a motion to approve starting an application process for a DCED Greenways, Trails and Recreation Program grant. The Recreation Board is working with Aaron Kaufer's office to obtain the grant. The Parks & Recreation Committee assessed park needs throughout the Borough and the application will include for new inclusive playground equipment, replacement of athletic fields & courts (basketball/tennis, etc.) & park beautification with benches, tables & concession stand repairs. There is a Borough match cost 15% of the grant amount applied for with payment coming from the American Rescue Plan Act funds. With Mr. Binkley making the motion to approve, Mr. Olejnick seconded the motion. Vote was 6-0 in favor. The application will be available online for residents to view.

Mr. Binkley requested that a Public Comment opportunity be added at the beginning of each Regular Council Meeting. This will provide residents who may not be able to stay for the entire meeting with the opportunity to speak & ask questions. Mr. Tom Yankey, Kossack Street questioned if this change should be brought up to the body. He shared that residents are at the meeting for a reason and with Council spending a lot of money and lots of motions made people are interested. Attorney Yeager clarified that adding a Public Comment session at the beginning of the meeting is an opportunity for residents to

present a question or concern and then stay or leave the meeting if they need to. The Public Comment session will also remain in place at the end of the meeting. Mr. Yankey, Kossack Street also asked why Executive Sessions can't be held prior to the start of a Council Meeting. Mr. Cwalina shared that a meeting is required to be opened prior to Council calling an Executive Session.

Mr. Binkley shared that the Recreation Board recently reviewed their Bylaws and would like to make a few changes. He questioned if the Bylaws need to be posted for residents to view prior to bringing the changes to Council for approval. It was confirmed that the Bylaws with proposed changes does need to be posted. Mr. Binkley will follow through with posting the information on the Recreation Board website.

- Mayor Concert presented a concern regarding the property located at 170 Shoemaker Street. The property's condition is deplorable with articles piled up on the front and back porch which block entrance into the home and create a safety issue. Ken Shefler can condemn the property; however, it will be up to the Borough to clean the property up if the homeowner does not. Mr. Brown questioned if items were removed & disposed of by someone other than the owner, would it create an issue for the Borough? Attorney Yeager does not feel it would create an issue considering the property pictures provided. It was suggested that records be kept of time involved with removal of property items and any associated costs. The costs would be included in a lean that the Borough can place against the property. The owner will need to vacate the home if it is condemned. Attorney Yeager did question why it took so long for action to be taken. Mayor Concerts did share that the prior Zoning Officer did take the owner through Magisterial Court on two occasions, with no owner compliance noted. Mr. Brown requested Ray Mackiewicz, Zoning Officer to move forward with Ken Shefler, Code Enforcement to initiate the process to condemn. Once condemned, there would be a 21-day timeframe to clean out the property.

Mayor Concert reported a trash bag issue involving a home at the top of Hughes Street. Ray Mackiewicz, Zoning Officer is aware of the issue and the house has been tagged.

Mayor Concert shared that the Little League opening day is April 15, 2023, with the parade starting at 10:00 am at Tripp Street. The Bumper Bonnie event will be held 4/8/23 at 1:00 pm at Roosevelt Field. In the event of rain, the event will move to the Borough Building. Polka On the Corner is planned for 5/21/23. They will be traveling through town and ending up at Murphy's Pub. The Community Yard sale is scheduled for 6/3/23. Residents interested in having a sale can email the mayor with their address at swoyersvillemayor@gmail.com.

Mayor Concert shared a thank you not received from Ruth's Place for all of the donations collected.

Mayor Concert extended a thank you to the Street Department for the great work done around the Borough building (mulch, power washing, etc.). A thank you note was also shared on behalf of Karen Fowler who wanted to thank the gentleman driving the recycling truck last week. His emptying of the bins and making sure they were placed upside down to avoid blowing away was appreciated. Mr. Hampton will share the input with the employee.

MEETING OPENED TO THE PUBLIC

-Mr. Yankey, Kossack Street, thanked Council members and Ray Mackiewicz, Zoning Officer, for the quick response to an issue involving 5 Mary Street. He shared that an excellent job was done with cleaning up and residents are happy.

Mr. Yankey confirmed with Mr. Cwalina that the Sunshine Act is the governing body for council. He requested if he could get a copy of the bylaws/rules. Mr. Cwalina shared that they are public record and could get a copy. Mr. Yankey questioned how council meeting minutes could be approved when they are not read during the meeting. Mr. Yankey thought that the minutes should be read out loud during the meeting prior to approval. If not read, how can Council be sure they are correct? Mr. Cwalina shared that Council Members do review the minutes prior to approval and if there is something noted as not being correct, an amendment is requested and recorded. All meetings are recorded by the Council Secretary and referred to when creating minutes. If a resident should feel that something he or she may have shared in the meeting is not correct, they can present the concern and the recording can be referenced to verify. Amendments can be requested and made if appropriate.

-Mr. Dave Purcell, Sidney Street, thanked Council for approval of his subdivision. He requested when he can pick up the documentation. Mr. Cwalina will sign the documents this evening and arrangements were also made for Council Secretary to sign. Mr. Breznay will contact Mr. Purcell tomorrow regarding pick up.

-Mr. Zambito, Jackson Street referenced approval of monies from the American Rescue Act funds to cover many Borough related expenses (park equipment, etc.). He shared his concern that he has been asking to have his street, Jackson, paved for 4 years. He feels that priorities need to be set with spending American Rescue Act funds; where is the taxpayer's rescue money; who is rescuing the taxpayers? He noted that taxes were raised this year for taxpayers (1/4 mil). Mr. Zambito feels that he can't get things done and that an issue still exists with garbage at an apartment building near his home. Mayor Concert shared that complaint forms are available outside of the Zoning Officer's office for residents to complete and submit. Mr. Lamereaux did share that Jackson Street is going to be paved this year with an anticipated date sometime in June. Mr. Olejnick again shared the misunderstanding that occurred with the belief that Jackson Street was going to be addressed earlier when the contractor was paving Streets in Luzerne.

Mr. Zambito also questioned why the "Welcome to Swoyersville Borough" is placed a quarter mile into town instead of where the town begins? He feels it needs to be placed where Swoyersville actually begins so people are aware.

-Mr. Ken Rossa, Slocum Street questioned if the approval of a new tree marker to replace the one previously purchased in honor of Mr. Brominski was damaged as the result of an auto accident. Council confirmed that it was. Mr. Ross feels that the Borough should not be responsible for the cost associated with a new purchase. The driver's insurance company should pay for it.

-Mayor Concert shared a question received from two residents regarding the Pizza Bella expense. Mayor Concert shared that employees were provided pizza as part of an employee appreciation effort. Mr. Tony Zambito, Jackson Street, questioned why taxpayers are paying for the pizza; Council should pay. Mr. Christian shared that the providing pizza is a way to show the appreciation held for all the hard work exhibited by Borough employees. He also shared that there have been many times where donations were made by Council members to cover things such as pizza or lunch in the past for employees. Mr. Brown

shared that although Mr. Zambito may feel the way he does, there are other taxpayers who may feel differently. Mr. Zambito shared displeasure with Mr. Brown's input.

-Mayor Concert inquired if ponding basins will be sprayed in the Spring. Rob Koval, Assistant Street Department Supervisor, did share that Council should hold off on a decision for spraying of the basins. He shared that the Army Corp of Engineers recently came by and shared that spraying should not occur as it is killing grass and starts to erode the hills. In reports received from the Army Corp of Engineers it was noted that Swoyersville is failing in this area. A different plan will need to be explored to address the ponding basins. The Street Department will look at the report received last year and will report on what areas are notes as an issue.

-Mayor Concert shared that there is a need to look at placing signage prohibiting tractor trailer trucks from crossing over the railroad crossing at Simpson and Durkee. He recommends sitting down with Forty Fort Borough to discuss the issue. Tractor trailer trucks have become stuck as the railroad crossing is higher. This has created traffic issues that have sometimes lasted for hours.

-Mr. Yankey, Kossack Street shared that he believed what Mr. Zambito was trying to say previously is that Council members work for the residents. Residents pay taxes and it is about what the residents want and not what Council wants.

-Mr. Mark Nenichka, Brook Street agrees that the Borough needs to look at ADA ramps throughout the town as Councilman Lamereaux stated. He provided several examples of streets that currently have ramp issues to include Dennison, Bohac, Brook, Noyes Avenue and Laverick Street. He did share that he previously complained to the ADA; however, nothing was done.

Mr. Cwalina requested a motion to adjourn the meeting. A motion was made to adjourn by Mr. Brown and seconded by Mr. Christian. Vote was 6-0 in favor. Meeting was adjourned at 7:49 pm. Next meeting will be held on May 1, 2023 at 6:30 pm.



Barb O'Donnell
Borough Council Secretary

Pete Cwalina, Jr.
Council President

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