

**JUNE 5, 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. Cwalina, Mr. Lamereaux and Mr. Olejnick. Councilman Christian was noted as absent. Also present were Mayor Concert, Attorney Yeager, Borough Solicitor, Gene Breznay, Borough Manager, Dave Hampton, Street Commissioner, Ray Mackiewicz, Zoning Officer and Barb O'Donnell, Council Secretary.

A motion was requested by Mr. Cwalina to accept the minutes from the May 1, 2023 regular meeting. A motion was made by Mr. Binkley to approve the May 1, 2023 meeting minutes. Motion was seconded by Mr. Olejnick. Vote was 5-0 in favor.

Monthly bills totaling \$48,977.98 were presented by Ms. O'Donnell, Council Secretary. A motion was made by Mr. Binkley to approve the monthly bills and seconded by Mr. Olejnick. Vote was 4-1 in favor of for approval of all bills with 1 vote of no for the Beach Fence Company expense of \$175.00.

### **PUBLIC COMMENTS**

1. Mrs. Cindy Leptuk, 481 Church Street shared again a complaint brought to Council last month regarding a neighbor at 491 Church Street operating a business out of his home. She inquired if it was determined if the residence is registered as a business. In addition, she complained that work was performed on a window and sliding doors of this same residence without a permit in place. Attorney Yeager shared that both issues are zoning issues and need to go before the zoning board where a hearing can be held with Attorney Yeager present. This will allow the issues to be properly addressed. Council does not address zoning issues.
2. Michelle Soreth, Shoemaker Street requested a follow up on actions taken to address her next-door neighbor's very bright outdoor light that shines directly into her bedroom window the entire night. Was the possibility of a light ordinance explored for Swoyersville? Mr. Mackiewicz, Zoning Officer, shared that he had not explored the option since the last meeting. Councilman Binkley shared he will research what light ordinances may exist in surrounding towns and follow up with Council. Mr. Shefler, Code Enforcement Officer, did add that if a resolution is not achieved with speaking to Landlord/Tenant, the issue could be addressed under the Nuisance Ordinance.
3. George Prehaton, 33 Birch Drive recommended that Council consider an Electric Charging Ordinance for electric vehicles. Mr. Prehaton shared information regarding such an ordinance with Council. Mr. Prehaton also shared a concern over the condition of property located at the Swoyersville American Legion. The section of property behind the building currently has a motorhome parked for over a year, crushed cars on trailers and the property is not kept up. He feels it is an eyesore for the neighborhood.

4. Mr. Krochmaluk, 491 Church Street, addressed the concern presented regarding no permit in place for work performed on a window and sliding doors at his residence. Mr. Krochmaluk shared that a permit application was completed and approved. The permit was in place prior to any work performed on his residence. He shared that the permit was not present in a window, to which he stated he is now educated on the requirement.
5. Henry Zielinski, Keystone Reclamation Fuel Management, 457 Main Street, shared that they are in a position to start discussing the transfer of property to the Borough. A deed has been drafted by the property owner and copies of the approved zoning/subdivision for the property have been presented to Council. An update on progress made, challenges that were addressed and remaining goals of the project were shared with Council. It was noted that there will be some areas that will be incomplete with the transfer; however, a surety bond and a contractual work agreement can be put in place to ensure its completion. Mr. Zielinski shared that the Bureau of Mine Reclamation was on site and was pleased with the progress. They are supportive of keeping the project alive and will be looking at future applicable grants. Mr. Zielinski offered a tour of the property to Council if they would like to consider it.

Mr. Zielinski will provide a copy of the deed to Attorney Yeager, Borough Solicitor to review. Along with a surety bond, assistance with developing a work contract will also be provided. Council shared that a special meeting can be held to further discuss the issue.

A question was presented by a resident as to what is being done with the materials that are being excavated from the area. Mr. Zielinski shared that the materials are transported to Northampton Generating Co. and Panther Creek Energy Facility where it is being regenerated into electricity.

Council President Cwalina call an Executive Session at 7:05 pm. Executive Session ended at 07:10 pm.

## **BOROUGH MANAGER'S REPORT**

-Mr. Breznay requested a motion and vote to pay \$6,927.50 to General Code Publishers for codification of borough ordinances using monies from the American Rescue Plan Act. A motion was made by Mr. Brown and seconded by Mr. Olejnick. Vote was 5-0 in favor.

-Mr. Breznay requested a motion and vote to pay \$2,089.00 to Tuft-Text for extra work in the police station using monies from the American Rescue Plan Act. A motion was made by Mr. Lamereaux and seconded by Mr. Brown. Vote was 5-0 in favor.

-Mr. Breznay requested a motion and vote to adopt an ordinance for the new codified borough ordinance and online publishing. A motion was made by Mr. Binkley and seconded by Mr. Brown. Vote was 5-0 in favor.

-Mr. Breznay requested a motion and vote to approve signing of storm water easement agreements for the Kossack Street ponding basin with Wyoming Valley Sanitary Authority. WVSA will be working in the basin area. A motion was made by Mr. Brown and seconded by Mr. Lamereaux. Vote was 5-0 in favor.

-Mr. Breznay requested a motion and vote to enter into a lease agreement for a new copier that is needed for the police department. The lease amount is \$193.83/month for 63 months. It is noted that the old copier lease expired. A motion was made by Mr. Brown and seconded by Mr. Binkley. Vote was 5-0 in favor.

-Mr. Breznay reminded Council that the Avenue C vacating right of way subdivision between Church Street and Hemlock Street was going to restart. The work was placed on hold due to Covid-19 and a homeowner selling a home. This subdivision was already voted on /approved in the past. It is noted that a new map is needed.

-Mr. Breznay shared with Council and residents that new audio equipment has been ordered with a goal set of having it in place prior to the July Council meeting.

## COMMITTEE REPORTS

**Finance:** Mr. Lamereaux presented the April 2023 Treasure's Report. **General Fund:** beginning checkbook balance: \$40,663.77; transfers & revenue for the month: \$183,879.86; Expenses & Transfers for the month: \$168,704.67; ending checkbook balance: \$55,838.96. **Liquid Fuels:** beginning checkbook balance: \$217.40; transfers and revenue for month: \$22,956.18; expenses and transfers for the month: \$22,956.18; ending checkbook balance: \$161.70. **Sanitary/Storm Water Assessment:** beginning checkbook balance: \$4,400.45; transfers and revenue for the month: \$2,662.47; expenses and transfers for the month: \$5,187.64; ending checkbook balance: \$1,875.28. **Solid Waste Collection:** beginning checkbook balance: \$43,470.75; transfers and revenue for the month: \$16,702.89; expenses and transfers for the month: \$38,054.74; ending checkbook balance: \$22,118.90.

**Liaison Officer:** No report given at this meeting. Mr. Cwalina asked Mr. Hooper to speak to Council regarding updating a pet ordinance for Swoyersville. Mr. Hooper suggested that an ordinance be adopted that would also tie into the Trap, Neuter and Release (TNR) program that is already in place within the Borough for feral cats. It is recommended that the pet ordinance address not only dogs but also cats and other animals. Mr. Hooper provided examples of pet ordinances from Luzerne and Conyngham for Attorney Yeager, Borough Solicitor to review and consider when developing an updated pet ordinance that would work for Swoyersville Borough.

**Police Department:** Mr. Brown presented the Police Department report for May 2023 which included a review of Crossing Guard hours. There was a total of 212 calls for service, 2 motor vehicle accidents and 4 school crossing guard duty. Fees collected totaled \$522.53. A motion was made by Mr. Brown to place monies in the appropriate funds. Motion was seconded by Mr. Binkley. Vote was 5-0 in favor.

-Mr. Brown shared that there are no updates on Wyoming Valley Sanitary Authority activities.

**Street Department:** Mr. Olejnick made a motion to hire Matthew Galka as a Street Department summer worker at \$13.00 per hour with drug/alcohol testing required and results received prior to starting. Motion was seconded by Mr. Brown. Vote was 5-0 in favor. Mr. Olejnick made a motion to hire Matthew Zekus as a Street Department summer worker at \$13.00 per hour with drug/alcohol testing required and results received prior to starting. Motion was seconded by Mr. Binkley. Vote was 5-0 in favor. Mr. Olejnick made a motion to hire Michael Pollick as a Street Department summer worker at \$13.00 per hour with drug/alcohol testing required and results received prior to starting. Motion was seconded by Mr. Brown. Vote was 5-0 in favor. Mr. Olejnick noted that there is a 600 maximum hour total for 3 workers combined.

-Mr. Olejnick made a motion to purchase/provide 3 shirts per summer worker. Shirt expense per hire is not to exceed \$50.00. Mr. Brown seconded the motion. Vote was 5-0 in favor.

**Fire Department:** Mr. Cwalina reported that there were 59 ambulance calls reported for May 2023. Maltby Fire Department reported 20 responses.

-Mr. Cwalina requested a motion and vote to have Ray Mackiewicz, Zoning Officer, assist with conducting inspections and reports for the Borough's landlord/tenant ordinance and to name him as Zoning Officer/Code

Enforcement Officer. Mr. Lamereaux questioned the assignment of Code Enforcement Officer as the Borough has a Code Enforcement Officer already in place and questioned if any issues existed with qualifications, training needs, insurance coverage? Mr. Breznay shared that Mr. Mackiewicz would be covered as an employee under the Borough's insurance. Mayor Concert questioned if there were specific duties that would be supported. Mr. Breznay confirmed that Mr. Mackiewicz would perform inspections relating to the landlord/tenant ordinance during the off season/winter months. Mr. Brown made a motion to approve Ray Mackiewicz conducting inspections and reports for the landlord/tenant ordinance with the title of Zoning Officer/Code Enforcement. Mr. Binkley seconded the motion. Vote was 4-1 in favor.

**Technical/Parks and Recreation:** Mr. Binkley reported that the Recreation Board met on 5/17/23. The Recreation Board account total as of 5/17/23 was \$3,833.89. The next General Meeting will be held on 6/21/23 at 6:00 pm.

-Mr. Binkley reported that the board decided to postpone the application for the DCED Greenways, Trails & Recreation Program Grant given the time restraints in place for applying. The board will look again at the grant for 2024.

-Mr. Binkley shared that members of the Rec Board will be attending the 2023 Wyoming Valley Parks and Rec forum on 7/20/23 at the Exeter Township Municipal building.

-Mr. Binkley shared that the Property and Fundraising/Grant Committees will meet in person on Tuesday June 20<sup>th</sup> at 6pm to discuss the ARPA grant funds. The ARPA grant execution packet is being reviewed & completed.

Mr. Binkley made a motion to approve changes to the By Laws of The Swoyersville Borough Recreation Board. A copy of the Bylaws with proposed changes was provided to all Council members. Motion was seconded by Mr. Lamereaux. Vote was 5-0 in favor.

- Mr. Binkley noted there is one Rec Board Member position open and made a motion to approve re-advertising the opening. Application/letter of interest submission deadline will be set for June 19, 2023. Interested parties can also email the Borough. Motion was seconded by Mr. Brown. Vote was 5-0 in favor.

-Mr. Binkley shared the following events being held in June & July: Wing Fling is set for 7/29/23. The board is still accepting applications for vendors. Interested vendors can send a message on the board's face book page or email [Swoyersvillepark@gmail.com](mailto:Swoyersvillepark@gmail.com) A car show will be held on 6/17/23 at 2pm at the softball field. Goat yoga will be held on 6/23/23 at 6pm. Tickets can be purchased by emailing [Swoyersvillepark@gmail.com](mailto:Swoyersvillepark@gmail.com). Mr. Binkley inquired if the repairs had been started on the concession stand plumbing issues. Mr. Hampton, Street Department Commissioner shared that the issues are being addressed this week.

-Mr. Binkley reported that The ECode 360 Library is available online with no log in required. Entering Swoyersville in the "search for municipality" box will provide residents access to all Swoyersville Borough Ordinances. The "My Swoyersville" app is also available and provides access to information about Swoyersville events; delays/changes in garbage/recycling collections and notice of special events being held along with access to borough ordinances. Mr. Binkley noted that he is working with a vendor to redesign the Borough's website, making it easier to navigate.

-Mr. Binkley made a motion to accept the Rec Board Bylaw changes. Motion was seconded by Mr. Brown. Vote was 5-0 in favor.

**Attorney Yeager:** No report provided.

**Mayor Concert:** Mayor Concert shared that a "Burning Ban" is in place until further notice at the recommendation of the EMA Director, John Baker.

-Mayor Concert shared, on behalf of Nancy Keating, Borough Tax Collector, that the face value period deadline for taxes is June 13, 2023. Tax Collector office hours were reviewed.

-Mayor Concert shared that the 2023 Community Yard Sale was the largest sale to date with 167 homes participating. A thank you was extended to the Police Department for their efforts with patrolling the Borough streets during the sale. A cost of \$35.98 for a Citizen's Voice and \$32.25 for a Times Leader advertisement was reported.

-Mayor Concert shared that a Red White & Blue parade is being planned for July 1, 2023. The same route as the Christmas Parade will be followed. In addition, the Mayor's Strawberry Festival is being held this weekend at the Swoyersville American Legion. A thank you was extended to the volunteers and for all donations for the event that were made.

-Mayor Concert reported he officiated one wedding in May which included a \$100.00 fee.

-Mayor Concert extended, on behalf of Bob White, a thank you for all those who attended a benefit event held for him. He appreciates all that was done.

-Mayor Concert shared that there are issues within the Borough involving dogs being off leash. Mayor Concert reminded all that dogs must remain on leash.

-Mayor Concert noted that several times where residents were posting issues on Facebook instead of calling 911. The Police Department does not monitor Swoyersville related Facebook pages. Calling 911 is recommended if police assistance is needed or if a resident feels something needs to be reported.

-Mayor Concert feels that Council should discuss the SPCA contract to consider cost saving options. Cost is currently .55 cents per resident. Mayor Concert suggested moving to a per animal cost if possible. Mr. Breznay will reach out to SPCA to evaluate options.

-Mayor Concert requested a motion and vote from Council to allocate a \$1,500 budget for the Police Department for printing brochures and purchasing give-a-ways for local events using monies from the American Rescue Plan Act. Mr. Brown made a motion. Motion was seconded by Mr. Lamereaux. Vote was 5-0 in favor.

-Mayor Concert requested a motion and vote from Council to authorize a stipend pay of \$300.00 for volunteer fire department members using monies from the American Rescue Plan Act. An updated member list, reviewed by the Fire Chief, would be required prior to initiating stipend payments. Based on 911 call response rosters, volunteers who responded to a call between January to June 2023 would qualify for the stipend. Mr. Cwalina requested that the part-time drivers also be included in the group. A motion was made by Mr. Lamereaux and seconded by Mr. Binkley to approve a stipend pay of \$300.00 for volunteer fire department members & part time drivers who responded to calls between January to June 2023. Mr. Binkley then amended the motion prior to vote to authorize a stipend pay of \$300.00 for volunteer fire department members & part-time drivers that have responded to a minimum of three calls during the period of January through June 2023. Motion was seconded by Mr. Olejnick. Vote was 4-1 in favor.

## **ADDITIONAL COMMENTS FROM BOROUGH COUNCIL**

-Mr. Lamereaux questioned if the Recreation Board could provide Council an account of what transactions occur with the Board funding/bank account on a monthly basis. Having a monthly report would assist

Council members with having a better understanding of transactions being reported. A monthly report is possible, and Mr. Binkley will discuss it with Rec Board members.

-Mr. Olejnick reported that he received an e-mail from Pennsy Supply indicating that they would like to start the overlay project on Jackson Street within the next two weeks and complete the ramps later in the year. The overlay project has already been approved so no motion or vote is required at this meeting. Mr. Breznay, Borough Manager, shared that completion of the ramps would be coordinated with the Block Grant paving project. Expenses related to the ramps is a covered item under the American Rescue Plan Act funds.

-Mr. Binkley extended a thank you to Dave Hampton and the Street Department for always being available to assist with issues/repairs. Recently a swing set required repair and was addressed quickly.

## MEETING OPENED TO THE PUBLIC

-Mark Nenichka, 77 Brook Street, shared his concern regarding the posting of "anonymous" complaints on the Swoyersville Next Door Facebook page. Council responded that "Swoyersville Next Door" is not a Borough page & they cannot address the concern. Mayor Concert did share with Mr. Nenichka that users can no longer post as "anonymous" Swoyersville Next Door page. Mr. Nenichka feels that if a resident has a complaint that coming to a Council meeting to present issues is the best way to allow resolution to occur or answers to be provided. Mr. Binkley shared that one of his goals is to establish a second tier to the online applications that will accommodate online filing of concerns/issues/complaints.

-Tony Zambito, Jackson Street, requested follow-up from Mr. Mackiewicz, Zoning Officer, regarding a complaint he filed last month. Mr. Mackiewicz reported that he has not received any information regarding ownership transfer yet. Council Lamereaux questioned if a permit was issued for a dumpster on the property. Mr. Mackiewicz shared there was a permit issued. Mr. Zambito also questioned if when building a fence if the owners need to report who they are paying. Mr. Mackiewicz shared there is a process and forms to complete. Mr. Zambito also shared that he felt Council should be aware of undocumented immigrant issues that may exist as across the United States, many states are starting to see transporting into their boroughs/towns.

-Mayor Concert requested an update on the police monitoring system. Mr. Breznay reported that equipment has been ordered. Mayor Concert also requested an update on the police sign light. Mr. Hampton shared that a solar light has been placed. Mayor Concert thanked Mr. Mackiewicz for cutting weeds on a property on Simpson Street for him. Mayor Concert thanked the all the fire fighters and police who responded quickly and assisted with the recent fire at a residence on Birch Drive.

With no further issues or comments, Mr. Cwalina requested a motion to adjourn the meeting. A motion was made to adjourn by Mr. Lamereaux and seconded by Mr. Olejnick. Vote was 5-0 in favor. Meeting was adjourned at 7:50 pm. Next meeting will be held on July 3, 2023 at 6:30 pm.



Barb O'Donnell  
Borough Council Secretary

Pete Cwalina, Jr.  
Council President