

AUGUST 07, 2023 - 6:30 PM
REGULAR MEETING OF SWOYERSVILLE BOROUGH COUNCIL

Council Vice President Christian calls the meeting to order.

The Pledge of Allegiance was recited.

Roll Call was taken, those present included Mr. Binkley, Mr. Christian, Mr. Lamereaux and Mr. Olejnick. Council President, Mr. Cwalina and Councilman Brown were 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. Christian to accept the minutes from the July 3, 2023, regular meeting. A motion was made by Mr. Binkley to approve the July 3, 2023 meeting minutes. Motion was seconded by Mr. Olejnick. Vote was 3-0 in favor. Mr. Christian abstained from the vote as he was not present at the July 2023 meeting.

Monthly bills totaling \$30,818.77 were presented by Ms. O'Donnell, Council Secretary. A motion was made by Mr. Binkley to approve the monthly bills. Motion was seconded by Mr. Olejnick. Vote was 4-0 in favor.

PUBLIC COMMENTS

-Greg Griffin, Noyes Avenue, shared with Council information pertaining to monies available for small businesses who can demonstrate that they suffered financially from Covid. The County Council has given Pittston Chamber of Commerce five million dollars to administer to qualifying businesses within the County. Any small business with at least one employee can apply to the Pittston Chamber of Commerce for consideration. It was also noted that small businesses with over 18 employees can qualify for \$10,000.

-Jeff Lewis, Owen Street – As a member of the Recreation Board, Mr. Lewis thanked Council, Police Department, DPW, Fire Department and all those who assisted with the recent Swoyersville Wing Fling. The event was a major success, attended by over 3,000 people with a total of 14,000 wings sold. Mr. Christian shared that there were many positive comments received from the public regarding this event.

-Kathy Mericle, 5 Kirby Street, presented a concern involving year-round use of fireworks near her home. Ms. Mericle, a licensed Clinical Therapist shared the negative effects that the use of fireworks can have on veterans, individuals suffering from PTSD and pets. The fireworks are large and occur on all holidays, sometimes for days after and are set off any time during the day including early morning and late evening. Ms. Mericle inquired what can be done to address this and referenced Wilkes-Barre as a city that has banned firework use. Mr. Binkley shared that Swoyersville does have a firework ordinance that allows their use within 150 feet of a residence. It also states that the mayor's permission along with a required licensed fireworks specialist is required if using consumer grade fireworks. Complaints or concerns regarding the use of fireworks need to be reported with a call to 911; however, to effectively address the issue, the person setting off the fireworks must be witnessed doing it. This presents a challenge to the Police Department; however, always calling & reporting through 911 is recommended by Council. It is felt that the success Wilkes-Barre has seen with their ban on fireworks is consistent calling & reporting.

Mr. Gazinsky, Shoemaker Street, inquired if the storm drain will be addressed also. Mr. Breznay shared that it will be addressed.

-Mr. Breznay requested a motion and vote to award the Municipal Building Improvement project as follows:

Contract #1 - Roofing - \$202,000 awarded to Hadley Construction

Contract #2 - Windows and doors - \$49,200 to Champion Builders

Contract #3 - HVAC for Council Chamber - \$26,400 to Spotts Brothers

\$200,000 of funding for the projects will come from the State Grant. \$27,000 from General Funds and \$50,000 from the American Rescue Plan. Mr. Olejnick made a motion to award the Municipal Building Improvement projects to Hadley Construction for Roofing - \$202,000; Champion Builders for window and doors - \$49,200 and Spotts Brothers for the Council Chamber HVAC - \$26,400. The motion was seconded by Mr. Binkley. Vote was 4-0 in favor.

-Mr. Breznay shared that the Multimodal Road Grant application was submitted. The grant application is for \$646,718.07. The total amount of the project is \$923,882.96. Funding for the 30% required match was completed last year when \$250,000 was transferred to the Street Improvement Fund from the General Funds. Mr. Breznay urges all Council members and Mayor Concert to reach out to local legislators to support the Borough's application.

-Mr. Breznay shared that the E-Recycling event will be held on Thursday, October 26, 2023 from 3:00 pm to 6:00 pm at the Luzerne County Fields, 1571 Wyoming Avenue, Forty Fort. A \$30 tag allows one TV; extra TV is an additional \$35.00. A motion and vote were requested to approve the Borough's participation in the event. A motion was made by Mr. Olejnick and seconded by Mr. Christian. Vote was 4-0 in favor.

Mr. Breznay shared that there will be approximately 30-40 tickets available for purchase. The tickets can be purchased at the Borough building. The Borough will need to send 1-2 employees to the event to assist.

COMMITTEE REPORTS

Finance: Mr. Lamereaux presented the June 2023 Treasurer's Report. **General Fund:** beginning checkbook balance: \$118,087.47; interest & revenues for the month: \$57,191.16; Transfers from PLGIT for the month: \$25,000.00; Expenses for the month: \$162,358.49; ending checkbook balance: \$37,920.14. **Liquid Fuels:** beginning checkbook balance: \$303.61; interest and revenues for month: \$0.28; Transfers from PLGIT for month: \$5,600.00; expenses for the month: \$5,605.69; ending checkbook balance: \$298.20. **Sanitary/Storm Water Assessment:** beginning checkbook balance: \$2,047.87; interest and revenues for the month: \$21,686.90; Transfers from PLGIT for month: \$3,500.00; expenses for the month: \$4,298.55; ending checkbook balance: \$22,936.22. **Solid Waste Collection:** beginning checkbook balance: \$9,465.75; interest and revenues for the month: \$29,891.57; expenses for the month: \$17,152.21; ending checkbook balance: \$22,205.11.

Liaison Officer: Mr. Christian made a motion to review & approve a benefit agreement for the Street Department and Administrative Offices has started. The benefit agreement will provide in writing what the employees are entitled to. A meeting was held with both departments and the process has been started. Mr. Olejnick shared the importance of reviewing the agreement with Mr. Brown and Mr. Cwalina, who are not in attendance this evening, prior to final approval. Motion was seconded by Mr. Binkley. Vote was 4-0 in favor.

-Mr. Binkley reported that the Recreation Board met on 7/19/23. The Recreation Board account total as of 7/19/23 was \$6,994.55 which includes funds from the Wing Fling. There is not a total yet for the Wing Fling. Once a total is finalized, it will be reported to Council. The proceeds from the event will go back into the Parks & Recreation fund to do additional repairs and purchase equipment.

-Mr. Binkley reported that park benches and tables were repaired. A thank you was extended to the Street Department and Mr. Hampton, Street Commissioner, for coordinating and helping with the repairs.

The Flamingo fundraiser continues. Anyone interested can contact the Recreation Board. A movie night in the park will be held August 11, 2023 - "Wear Your Blue Night" with Sonic 2 showing at 08:30 pm. On August 12-13, 2023 in honor of "National Chalk Day (8/15/23)", the Rec Board is hosting a "Chalk Your Walk" contest. Residents can register their sidewalk chalk designs by emailing Swoyersvillepark@gmail.com. Yoga in the park will be held at 6:00 pm at Loveland Park on August 23, 2023. The next General Meeting will be held on 8/16/23 at 6:00 pm. Mr. Christian commended the Recreation Board on a job well done with the Wing Fling.

-Mr. Binkley reported that several members of the Rec Board did attend the 2023 Wyoming Valley Parks and Rec forum on 7/20/23 at the Exeter Township Municipal building.

Attorney Yeager: No report provided.

Mayor Concert: Mayor Concert reported the butterfly event held was a huge success. Mayor Concert shared contributions provided by several residents and businesses for the event. A total of \$725 was raised with \$690 expenses reported which left a remaining amount of \$35.00 which be put toward the Fall Festival.

-Mayor Concert shared that Swoyersville resident, Kamden Cunningham is participating in the final round of a National Mullet Competition. All are invited to attend an event being held at the Swoyersville American Legion pavilion on August 9, 2023, 4:30-8:30. The event is being held to raise money for the Jared-Allen's Home for Wounded Warriors. Many people are gathering behind and supporting Kamden Cunningham and it is making Swoyersville very proud to have him participating in this competition. If unable to attend the event, voting for Kamden can occur online.

-Mayor Concert shared a concern regarding 330 Tener Street. When walking by the house he could see the sky through the roof. The tarp that was once in place is now hanging off the house. With all the rain recently, water has to be getting all the way into the basement. Can Mr. Shefler, Code Enforcement, conduct an inspection?

Chris Stone, co-owner of the property at 330 Tener Street offered to answer any questions the Mayor Concert or Council had regarding the property. Mr. Stone reported the property was purchased at a sheriff's sale; however, no one at the County level was aware at the time of sale that Swoyersville had the home condemned. Mr. Stone has been working with Ken Shefler, Code Enforcement and Ray Mackiewicz, Zoning Officer through the home repair process to address any complaint as quickly as possible and to assure repairs meet the requirements set by the Code Enforcement Officer (structure unsafe, tarp blowing off house, siding issues, grass cutting, etc.). Currently, due to the original contractor abandoning the repairs, Mr. Stone has hired a different contractor who has determined that there is a foundation repair needed. With the recent rains, the repair was postponed, and the owners are waiting for the contractor to begin the work. Mr. Shefler, Code Enforcement Officer, has been in the home.

-Mr. Christian shared that on 7/12/23 he was a victim of an act of nature where a tree fell onto his yard from a neighboring property. Mr. Christian thanked all those who responded to assist with this event to include Police Department, Street Department, EMA Director, and Zoning Officer.

-Mr. Binkley questioned if the transfer deed (discussed at the June 2023 Council meeting) was received from Mr. Zelinski, Keystone Reclamation Management. Mr. Binkley requested Mr. Breznay to follow up regarding the status of the deed.

MEETING OPENED TO THE PUBLIC

-Mr. Majewski, Church Street, thanked Council for the removal of the long-term dumpster from Shoemaker Street. He encouraged Council to review existing ordinances as there is also a dumpster present on Church Street that does not exhibit much reflective material on it.

Mr. Majewski expressed a concern with the Parks & Recreation Committee handling of monies. He is unaware of the financial process involved and presented several questions to include: Who handles the money, is there an approval process, is there a treasurer, has any thought been given to making the account separate, has the committee considered becoming non-profit? Mr. Binkley shared the process followed by the Parks & Recreation Committee/Recreation Board. The Recreation Board account is tied to the Swoyersville Borough account and considered a "sub account". There is an approval process involved with requests for account distributions that involve the Committee, Borough Manager, and two Council members. Receipts are submitted ongoing to the Borough Manager with any remaining funds from cash received returned to the account. Mr. Majewski asked if monies received during the recent Wing Fling were accounted for by Vendor. Mr. Binkley confirmed monies received were accounted for by vendor and the committee does have a Treasurer. Mr. Binkley shared that the committee was created through an ordinance in the 70's so it is under jurisdiction. He does not believe a separate account or non-profit status can be considered. Mr. Binkley also reviewed the committee's Venmo process. Mr. Majewski was encouraged to attend the next Recreation Board meeting on 8/16/23 if he has further questions or would like additional information.

-Mr. Zambito, Jackson Street, voiced a concern over Mr. Yankay being unable to poll all council members present at the last meeting as to whether they were for or against making Swoyersville a sanctuary borough. Mr. Cwalina is not present at this meeting to address so Mr. Zambito followed up with Mr. Yankay's question and proceeded to ask each member present if they were for or against making Swoyersville a sanctuary borough. Mr. Binkley shared his answer as no; however, stated that he did not feel the borough of Swoyersville was equipped to become a Sanctuary City or that it was even a possibility. He is not familiar with it involves, how it works, etc. Mr. Christian shared he could not answer yes or no as the question is too vague. Drafting an ordinance to review is something he would be agreeable to vote on. Mr. Lamereaux shared he is not familiar with the issue and all that it involves. A yes or no answer cannot be provided. He agrees with Mr. Christian that if a need arose to draft an ordinance for review, he would vote on it. Mr. Olejnick stated that he wants people to come to Swoyersville legally and before saying anything that may jeopardize federal funding for our borough, he would be in favor of an ordinance that protects the borough against illegal immigration. Mayor Concert was asked the same question to which he responded no. Mr. Zambito feels an apology is warranted from Mr. Cwalina for not allowing Mr. Yankay to poll each Council member present at the previous meeting.