

**SEPTEMBER 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. Christian, Mr. Cwalina, Mr. Lamereaux and Mr. Olejnick. Councilman Brown 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, Chief Wolinsky and Barb O'Donnell, Council Secretary.

A motion was requested by Mr. Cwalina to accept the minutes from the August 7, 2023 regular meeting. A motion was made by Mr. Christian to approve the August 7, 2023 meeting minutes and seconded by Mr. Binkley. Vote was 4-0 in favor. Mr. Cwalina abstained from the vote as he was not present at the August 2023 meeting.

Monthly bills totaling \$18,516.69 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 5-0 in favor.

### **PUBLIC COMMENTS**

-Mr. Zambito, Jackson Street - requested to poll council members on issue of a Sanctuary City. Mr. Zambito was informed that polling council members is not permitted. Mr. Breznay, Borough Manager, shared with Mr. Zambito an email received from PA Association of Borough's addressing the issue of polling.

-Mr. Sachney – Simpson Street – Thanked council and mayor for approving the ordinance that addresses trailers being parked on roadways. Mr. Sachney shared a concern involving a 30-foot construction trailer and a car trailer that have recently been parked on the roadway at the end of Wesley. Trailer parking in this area presents concerns for the residents regarding refuse pick up, snow removal, emergency vehicle access. An old vehicle was also towed onto the street and parked half on the road and half in the yard of a residence at the end of the street. In addition, there are tree branches and brush piles building up. Ray Mackiewicz, Zoning Officer along with Chief Wolinsky shared that they are aware of the area and concerns as multiple complaints from residents have been received over the last month. Citations have been issued and will continue as needed. Council shared that the issue of parking on Wesley is an agenda item that will be addressed further during this meeting.

-Attorney James Brando appeared in front of Council in a representational capacity for Ms. Marilyn Kester, 166 Shoemaker Street. Attorney Brando questioned this meeting's agenda item regarding a motion to condemn a property located at 167 Shoemaker Street. It is not clear if "167" is an error or if the property in question is actually 166 Shoemaker Street, as Ms. Kester has not received any of the notices required by the International Property Maintenance Code. Mr. Christian confirmed "167" is the incorrect house number and that Ms. Kester's residence at 166 Shoemaker Street is the property being considered for condemnation. Mr. Christian and Ray Mackiewicz, Zoning Officer reviewed with Attorney Brando the numerous violations, safety and community concerns that exist with the property and

summarized multiple steps taken in attempts to provide notice to Ms. Kester. Resident assistance also included providing a dumpster to assist with clean up of the property. The dumpster remained on the street in front of the property for approximately three months. Attorney James Brando acknowledged the concerns and issues that exist with the property and asks that Council, Code Enforcement Officer and Zoning Officer, in light of the error surrounding the address and lack of notice according to the International Property Maintenance Code, consider allotting time and setting a benchmark for compliance to allow Ms. Kester's husband, who currently resides out of state, to travel to Pennsylvania to assist with cleaning up and addressing the property issues. The husband can arrange to travel to the property in December. Attorney Brando shared that he is willing to accept service of notice for his client moving forward. This step will support the notification process required. Ray Mackiewicz, Zoning Officer, will exchange contact information with Attorney Brando.

## BOROUGH MANAGER'S REPORT

-Mr. Breznay requested a motion and vote to pass resolution for submitting a \$284,900 LSA grant application for three (3) emergency generators for the Borough Building, Police Department and Street Department. A motion was made by Mr. Olejnick and seconded by Mr. Christian. Vote was 5-0 in favor.

-Mr. Breznay announced a paper shredding event that will be held on September 16, 2023 from 9:00 am to Noon at the Borough Building rear parking lot. The event is open to Swoyersville residents only. Identification will be checked. The event is free of charge and residents do not need to remove staples.

-Mr. Breznay reported the Minimum Municipal Obligations for the Police Pension Plan and Non-Uniform Plan. Obligation for the Police Pension Plan is \$76,910.00 and obligation for Non-Uniform Plan is \$23,400.00

## COMMITTEE REPORTS

**Finance:** Mr. Lamereaux presented the July 2023 Treasurer's Report. **General Fund:** beginning checkbook balance: \$37,920.14; interest & revenues for the month: \$49,925.74; Transfers from PLGIT for the month: \$60,000.00; Expenses for the month: \$130,031.45; ending checkbook balance: \$17,814.43. **Liquid Fuels:** beginning checkbook balance: \$298.20; interest and revenues for month: \$0.14; Transfers from PLGIT for month: \$5,000.00; expenses for the month: \$5,115.57; ending checkbook balance: \$182.77. **Sanitary/Storm Water Assessment:** beginning checkbook balance: \$22,936.22; interest and revenues for the month: \$20,838.85; Transfers from PLGIT for month: \$0.00; Transfers to PLGIT for month: \$30,000.00; expenses for the month: \$3,645.71; ending checkbook balance: \$10,129.36. **Solid Waste Collection:** beginning checkbook balance: \$22,205.11; interest and revenues for the month: \$28,970.45; Transfers from PLGIT for month: \$0.00; Transfers to PLGIT for month: \$25,000.00; expenses for the month: \$12,851.46; ending checkbook balance: \$13,324.10.

Mayor Concert shared that the Council Meeting was not being streamed live on any of the Borough pages. Mr. Breznay will follow up with the issue to try to avoid it happening again. It is noted that Facebook streaming can experience difficulties that may fall outside of the Borough's ability to quickly resolve.

**Liaison Officer:** Mr. Christian made a motion to adopt an ordinance for "No Parking" on the South Side of Shoemaker Street between Perrin and Old Sullivan Streets. Cars parked in that area are obstructing the view. Motion was seconded by Mr. Lamereaux. Vote was 5-0 in favor.

-Mr. Christian made a motion to start the process of condemning the Kester property at 166 Shoemaker Street. The motion includes an amendment to this meeting's agenda to reflect 166 Shoemaker Street as

the correct address. Mr. Nenichka, Brook Street, inquired if the resident could make good on recommendations, can the process be stopped and or reversed. Council confirmed that the process could be reversed if all recommendations were satisfied with the approval of the Code Enforcement and Zoning Officer. Mr. Binkley confirmed the process includes filing of proper paperwork and timelines outlined for the resident by Code Enforcement & Zoning Officers. Motion was seconded by Mr. Lamereaux. Vote was 5-0 in favor.

-Mr. Christian met with members of the No Nonsense Neutering Committee who requested an amendment be added to the proposed Animal ordinance that would define a stray cat. The definition was added to the proposed ordinance with copies provided to Attorney Yeager. Mr. Christian made a motion to start the process for the first reading of the ordinance to be passed. Mr. Olejnick seconded the motion. Vote was 5-0 in favor. Mayor Concert shared that the new proposed ordinance would cover the issue of feeding stray cats which has been an issue within the Borough.

-Mr. Christian suggested starting the process of considering a full time Code Enforcement Officer at the beginning of the new year. Currently, there is a part time Officer. Mr. Binkley questioned how many hours are currently being utilized by the part-time position. It was noted that 20 hours & additional as needed. Mr. Binkley questioned what the "as needed" would be; is there an average? Mr. Breznay was asked to put together information on hours worked over the past few months for Council to review. Council agreed to start the process of evaluating a full-time position.

-Mr. Christian made a motion based on recommendation by Chief Wolinsky to adopt an ordinance for "No Parking" 165 feet in easterly direction from Simpson Street on Wesley Street, with parking prohibited at the dead end of Wesley at the railroad tracks area. Motion was seconded by Mr. Olejnick. Vote was 5-0 in favor.

**Police Department:** Mr. Christian presented the Police Department report for August 2023 which included a review of Crossing Guard hours. There was a total of 167 calls for service and four motor vehicle accidents. Fees collected totaled \$134.14. A motion was made by Mr. Binkley to place monies in the appropriate funds. Motion was seconded by Mr. Olejnick. Vote was 5-0 in favor.

**Street Department:** Mr. Olejnick inquired about the need for additional garage lights. Mr. Hampton, Street Commissioner, shared that three additional lights were needed. Mr. Hampton is obtaining cost estimates and will present them to Council for consideration.

**Fire Department:** Mr. Cwalina shared there were 53 calls for Kingston Ambulance reported.

**Technical/Parks and Recreation:** Mr. Binkley shared there was no Technology report for this meeting. The Recreation Board meeting was held on August 16, 2023. Recreation Board Funds equal \$7,976.75. The Wing Fling totals were noted at \$3,287.00. The money raised will pay for any outstanding bills resulting from the Wing Fling as well as be put back into parks for activities and repairs of equipment. Two new members, Charlie Jones and Karen Hughes, were welcomed to the board. The next Recreation Board meeting will occur on 9/20/2023, 6:00 pm at the Borough Building.

**Attorney Yeager:** No report provided.

**Mayor Concert:** Mayor Concert thanked the Street Department for cutting/cleaning up the Borough entrances to town.

-Mayor Concert shared that following events: the Fall Festival will be held on September 30, 2023 at the American Legion. Fire and Police Departments will be present along with vendors and food. Trunk or Treat will be held on Sunday, 10/22/23, 1:00 pm at Tripp Street Park. Santa Parade will be held on December 16, 2023, 1pm and will end at the Swoyersville Borough Building.

-Mayor Concert acknowledged donations received for the Coal Miners and Veterans memorials that are being placed out in front of the Borough Building. Donations in the amount of \$475.00 were deposited. A thank you was extended to: Regina & Andrew Kapral - \$100.00; John Romanchick - \$100.00; Carol Kaleta - \$100.00; Marilyn Metroka - \$100.00; Geraldine Gibbons - \$25.00; George/Alice Tomshaw - \$50.00.

-Mayor Concert noted that residents are wanting smoke alarms. If anyone would like to donate fire alarms, there is a basket for donations outside of the mayor's office.

## **ADDITIONAL COMMENTS FROM BOROUGH COUNCIL**

-Mr. Lamereaux requested Council review current fence ordinances in place within the Borough and consider an amendment that requires a permit and survey of property to ensure property boundaries are maintained.

Mr. Lamereaux questioned if the complaint involving lights shining into a resident's window was resolved. Ray Mackiewicz, Zoning Officer reported that spotlights were removed & remaining lights are considered ambient lighting according to UGI and cannot be addressed further. Lights are on a timer and not on all night.

-Mr. Binkley thanked Police Chief Wolinsky for Crossing Guard document created that outlines expectations for the new school year. Mr. Binkley asked for all residents to be mindful of children when driving as school has started.

In response to Mr. Lamereaux's request for Council to review current fence ordinances, Mr. Binkley requested a motion to create an Ordinance Review Committee that can come together and study/review ordinances as issues arise within the Borough. Mr. Christian made a motion to create an Ordinance Review Committee. Motion was seconded by Mr. Lamereaux. Vote was 5-0 in favor.

## **MEETING OPENED TO THE PUBLIC**

-Attorney Brandon, who stepped out of meeting during the motion & vote to begin the condemnation process, questioned Council what the decision was regarding his client's property at 166 Shoemaker Street. Mr. Cwalina shared that Council voted to move forward with starting the process of condemnation of the Kester property located at 166 Shoemaker Street which will begin with notification as required by the International Property Maintenance Code. Attorney Brandon thanked Council for their consideration and appreciates the opportunity for his client to address the issues & concerns.

With no further issues or comments, Mr. Cwalina requested a motion to adjourn the meeting. A motion was made to adjourn by Mr. Christian and seconded by Mr. Olejnick. Vote was 5-0 in favor. Meeting was adjourned at 07:44 pm. Next meeting will be held on October 2, 2023, at 6:30 pm.

Barb O'Donnell  
Borough Council Secretary

Pete Cwalina, Jr.  
Council President