

**APRIL 1, 2024 - 6:30 PM**  
**REGULAR MEETING OF SWOYERSVILLE BOROUGH COUNCIL**

Council Vice President Olejnick calls the meeting to order.

The Pledge of Allegiance was recited. A moment of silence was held in honor of former Council member Shirley Pollick who recently passed away.

Roll Call was taken, those present included Mr. Christian, Mr. Olejnick, Mr. Lamereaux and Mr. Majewski. Mr. Brown & Mr. Cwalina are noted as absent. Also present were Mayor Concert, Gene Breznay, Borough Manager, Attorney Yeager, Borough Solicitor; Dave Hampton, Street Commissioner, Ken Shefler, Code Enforcement Officer, Ray Mackiewicz, Zoning/Code Enforcement Officer, Police Chief Wolinsky, Jake Dubaskas and Tyler Ruddy, Junior Council members and Barb O'Donnell, Council Secretary.

A motion was requested by Mr. Olejnick to accept the minutes from the March 4, 2024 Regular Council meeting. A motion was made by Mr. Christian to approve the March 4, 2024 meeting minutes as presented. Motion was seconded by Mr. Olejnick. Vote was 3-0 in favor with Mr. Lamereaux abstaining from the vote.

Monthly bills totaling \$31,352.78 were presented by Ms. O'Donnell, Council Secretary. A motion was made by Mr. Christian to approve the monthly bills and motion was seconded by Mr. Olejnick. Vote was 4-0.

### **PUBLIC COMMENTS**

-Nancy Nice, 28 Brook Street, shared that she agrees with keeping the Go Gov App (My Swoyersville) in place for residents.

-Andy France, 630 Church Street & owner of Brazzi's Pizza questioned if the Borough would need to consider filling the future Borough Manager and Administrative Secretary position vacancies as full time. He suggests that the Borough evaluate the possibility of part time status along with outsourcing of some responsibilities. Mr. Olejnick and Mr. Christian shared that in preparing for advertising for the positions, oversight will include evaluation of what status will best support the Borough needs.

-Charles Heiser, 10 ½ Jay Street presented an issue about a property located on Frederick Street. The home is a R1 property housing an individual whose behavioral issues are creating a concern for surrounding residents. The behavior exhibited by a resident of this home has resulted in multiple ambulance service and or police calls. In addition, the number of people/employees coming to the home is creating a parking issue on the street. Ken Shefler, Code Enforcement Officer, shared that this home is County & State approved. The certificate of occupancy for this property was suspended as it was originally issued in error. The agreement issued at that time was that if there were any additional police-related calls, Mr. Shefler would move to the next level and revoke the certificate. Mr. Shefler will start an investigation & will meet with Josh Wolinsky, Chief of Police, to evaluate the number of calls requiring police response.

-Jesse Costello, extended a thank you to Mr. Christian and the Street Department for fixing the potholes in the alley near his residence.

### **BOROUGH MANAGER'S REPORT**

-Mr. Breznay requested a motion and vote to buy a credit card machine for garbage and recycling sticker sales. The cost to purchase is \$800.00. A motion was made by Mr. Christian and seconded by Mr. Majewski. Vote was 4-0 in favor.

-Mr. Breznay reported that the 2022 Liquid Fuels audit was completed by The Auditor General's Office. No issues were found.

-Mr. Breznay shared a thank you card received from Councilman Lamereaux. A thank you was extended for all the generosity & support received during his recent time away from Council.

## ZONING OFFICER/CODE ENFORCEMENT REPORT

-Mr. Mackiewicz read the Zoning/Code Enforcement Report for April 2024. Ms. O'Donnell, Council Secretary, requested clarification on the \$8,000.00 Amusement Fee documented in the report. Mr. Mackiewicz clarified that the correct amount is \$800.00 (8 @ \$100.00/ea.).

The property cleanup on Shoemaker Street continues to progress slowly. Mr. Christian approached the issue of setting a final date for compliance. Mr. Shefler, Code Enforcement Officer, shared that he is setting a deadline date of June 1, 2024, for completion of cleanup requirements.

-Mr. Mackiewicz requested a motion and vote to adopt the amended Floodplan Management Ordinance per the PEMA/FEMA guidelines. The document was reviewed and approved by Attorney Yeager. The only revision involved the penalty change. Mr. Breznay, Borough Manager, confirmed that the recommended penalty change was made. A motion was made by Mr. Christian and seconded by Mr. Majewski. Vote was 4-0 in favor.

## COMMITTEE REPORTS

**Finance:** Mr. Lamereaux presented the February 2024 Treasurer's Report. **General Fund:** beginning checkbook balance: \$218,876.72; interest & revenues for the month: \$165,310.59; Transfers from PLGIT for the month: \$25,000.00 Transfers to PLGIT for Month: \$0.00; Expenses for the month: \$315,084.09; ending checkbook balance: \$94,103.22. **Liquid Fuels:** beginning checkbook balance: \$197.17; interest & revenues for month: \$0.46; Transfers from PLGIT for month: \$30,600.00; Transfers to PLGIT for Month: \$0.00; expenses for the month: \$30,656.86; ending checkbook balance: \$140.77. **Sanitary/Storm Water Assessment:** beginning checkbook balance: \$2,793.26; interest & revenues for the month: \$3,050.62; Transfers from PLGIT for month: \$0.00; Transfers to PLGIT for month: \$0.00; expenses for the month: \$2,628.82; ending checkbook balance: \$3,050.62. **Solid Waste Collection:** beginning checkbook balance: \$16,502.11; interest & revenues for the month: \$26,296.89; Transfers from PLGIT for month: \$0.00; Transfers to PLGIT for month: \$0.00; expenses for the month: \$9,866.46; ending checkbook balance: \$32,932.54.

**Fire Department:** Mr. Christian reported that in March 2024, Malby had 33 calls; Kingston EMS had 43 calls. Mr. Christian recommends that a meeting be set up with both fire departments to discuss replacement of apparatus, availability of grants to cover cost and aid that may be available. Currently, the apparatus in place is currently over 30 years old. Mr. Olejnick agreed and requested a meeting including both Fire Departments be set up as soon as possible.

-Mr. Christian presented a \$1,000.00 donation check from Pennsy Supply to be put toward the Veterans/Coal Miners monuments. Mr. Christian asked that a thank you letter be sent to Pennsy Supply from the Borough for their generous donation.

-Mr. Christian asked Recreation Board member, Charlie Jones, to present a Recreation Board report. Mr. Jones reported the Recreation Board Account balance as of 2/29/24 was \$7,259.42. Expenditures included a \$207.95 basketball hoop reimbursement to the Borough. A \$250.00 Wing Fling sponsorship check was deposited. The committee continues with planning the Wing Fling. The committee continues to look for volunteers to help with events. Anyone interested in Volunteering can reach out to the

committee through their face book page. The Committee is in beginning stage of finalizing the grating and reseeding of the softball field that Swoyersville Sailors will be taking over. Ryan Binkley, Rec Board member, shared that he met with the Atlas group who is willing to perform the field work at the lowest bid. The amount is slightly higher than the committee planned so Mr. Binkley is working with the county to move some budget money to assist. The cost is approximately 23,000 and Council is asked to match half of the cost as agreed. The Atlas Group has also been asked to become an annual partner. That is currently being considered by the Atlas Group Board.

Mr. Christian suggested the Recreation Board present a list of events planned that can be shared with others to avoid conflicts when setting more event dates/times through the Borough. Mayor Concert thanked the Board for the Bumper Bunnies baskets that were donated.

-Mr. Christian reported that he addressed the issue of the No Nonsense Neutering Committee's recent difficulty with scheduling TNR appointments and is awaiting a call to discuss the issue further.

-Mr. Christian, began to address his agenda item "Issue an apology to Swoyersville Recreation Board on behalf of Council member Mr. Majewski". Mr. Majewski raised a point of order. Point of order was acknowledged by Attorney Yeager and Chairman Olejnick who requested Mr. Majewski continue with his point of order. Mr. Majewski commented "I have not authorized anyone to apologize for me. At the last Council meeting there was a concern raised by a resident. The concern was addressed. There was a question & answer exchange. I feel that I do not owe anyone an apology. The meeting was adjourned by Chairman Cwalina. The meeting minutes were approved here, and you will see documentation of what was going on; everything was handled. I also had a conversation after the meeting with Charlie Jones and we had a good repour. The Parks & Recreation Board has the full support of Council. If Councilman Christian desires to deliver any apology on his own behalf, he is free to do so; but, not for me." Mr. Majewski thanked Chairman Olejnick.

Charlie Jones requested to comment that a brief conversation was held between himself and Mr. Majewski; however, the discussion did not have anything to do with the issues brought up. He was not speaking on behalf of the board.

Mr. Christian proceeded to verbalize an apology to the Recreation Board for Council's action toward them. He requested that the following be placed on record: he was told by the member of Council that there is an issue with a Recreation Board member over a comment made on Facebook.

**Police Department:** Mr. Christian presented the Police Department report for March 2024 which included a review of Crossing Guard hours. There was a total of 137 calls for service, 3 motor vehicle accidents and no school crossing guard duty reported. Fees collected totaled \$106.14. A motion and vote were requested by Mr. Brown to place monies in the proper funds. A motion was made by Mr. Lamereaux and seconded by Mr. Olejnick. Vote was 4-0 in favor.

**Street Department:** Mr. Olejnick shared that the retaining wall that circles the Borough building needs to be repaired. There is a paving project planned at which time repair of the wall can also occur. Mr. Breznay, Borough Manager shared that it could be incorporated into Grant. Mr. Olejnick made a motion to approve the retaining wall repair while the paving project is going on. Motion was seconded by Mr. Christian. Vote was 4-0 in favor.

-Mr. Olejnick made a motion to approve purchasing add on equipment for the backhoe. Dave Hampton summarized a description of add on equipment needed & questioned if American Rescue Act funds could be used. Mr. Breznay will evaluate American Rescue Act Funds; however, if not, Liquid Fuels funds will. Motion was seconded by Mr. Majewski. Vote was 4-0.

-Mr. Olejnick requested Dave Hampton, Street Department, to address rodent/mice issue at the Roosevelt Field clubhouse/concession stand. In addition, some bleachers need to be moved and water needs to be turned on. Mr. Hampton will address all areas.

-Mr. Christian noted that the Borough was not approved for the Multi Modal grant. There are, however, some streets in need of repair. Mr. Breznay shared the borough plans to use some of its own monies to repair several streets. Mr. Christian also questioned if there was any progress with the pipe/water issue at the lower end of Warsaw St. Mr. Breznay shared that Mr. Collella (Sanitary Authority) reported there is a pipe size issue. Mr. Breznay will speak to Mike Amato, Borough Engineer, about street repairs and the Sanitary Authority findings.

**Parks and Recreation:** It is noted that a report was provided by Mr. Jones earlier in the meeting.

**Liaison:** Mr. Majewski read 4 letters received from the Swoyersville Borough Planning Commission requesting the follow Subdivision plans be approved:

1. Mr. Majewski made a motion to approve the R. Duda Subdivision. Motion was seconded by Mr. Olejnick. Vote was 3-0 in favor with Mr. Lamereaux abstaining from the vote.
2. Mr. Majewski made a motion to approve the Kenzakoski Subdivision. Motion was seconded by Mr. Olejnick. Vote was 3-0 in favor with Mr. Lamereaux abstaining from the vote.
3. Mr. Majewski made a motion to approve the Richard Stefanoski Subdivision. Motion was seconded by Mr. Olejnick. Vote was 3-0 in favor with Mr. Lamereaux abstaining from the vote.
4. Mr. Majewski made a motion to approve the Christopher & Tammy Amico Subdivision (to merge lots). Motion was seconded by Mr. Olejnick. Vote was 3-0 in favor with Mr. Lamereaux abstaining from the vote.

-Mr. Majewski made a motion to approve paying two extra police officers and two street department employees to work at the Swoyersville 125<sup>th</sup> Celebration on Saturday, 6/1/24. Total hours would be approximately 32 (8 hours for each employee). Motion was seconded by Mr. Christian. Vote was 4-0 in favor. Mr. Christian requested the Borough be added as a Sponsor of the event.

-Mr. Majewski, with great appreciation, requested a motion and vote to spend \$285.00 for an ad in the Luzerne County Sports Hall of Fame Program recognizing Swoyersville resident Kathy Breznay's 2024 Community Service Award and her induction. A motion was made by Mr. Christian and seconded by Mr. Olejnick. Vote was 4-0 in favor. Congratulations were extended by Council to Ms. Breznay.

**Attorney Yeager:** No report or legal issues concerning the Borough presented. Attorney Yeager, referencing an earlier conversation, clarified that any Council Member has the right to question the Recreation Board or any member of the Board if they themselves have a question or if a resident comes to them with a question. If the Recreation Board feels that they are being unfairly questioned or targeted, they should come to Council and present their documentation. An executive session & proper due process hearing can be considered. Attorney Yeager feels that just saying someone is targeted without documentation is unfair and unacceptable.

Mr. Christian shared his belief that any complaint about a member of Council needs to be presented through the Board of Ethics.

**Mayor Concert:** Mayor Concert shared that the Coal Miner/Veterans monument fund has reached its goal. Thank you to all those who donated. At next month's Council Meeting, Mayor Concert plans to read off the names of all who donated.

-Mayor Concert started a discussion about a property at the end of Wesley Street. Several letters have been written by residents about the condition of the property. Mr. Mackiewicz reported that citations are going to be issued daily to the property owner.

-Mayor Concert reported that \$767.00 was spent on police badges that will be handed out at the Swoyersville 125<sup>th</sup> Celebration, the Wing Fling and the National Night Out. Police Department Covid Relief funds were used to cover the expense.

-The Swoyersville 125<sup>th</sup> Celebration will be held on Saturday, 6/1/24 – 11:00 am to 8:00 pm at Roosevelt Field. More information was provided to include added port-a-potties purchases, band entertainment, equipment donations & department/clubs/committee participation.

-Mayor Concert thank all those who took part in the Bumper Bunny event. Mayor Concert shared that a request to paint birdhouses was made by a little girl (Taylor). Birdhouse painting will be held by the Recreation Board in the summer. Mayor Concert will share the date with Taylor.

## ADDITIONAL COMMENTS FROM BOROUGH COUNCIL

-Mr. Lamereaux thanked Council and Borough for the support received during a recent issue he experienced. Mr. Lamereaux also asked if the audio issues could be looked at further as several resident complaint texts were sent to him during the meeting. Mr. Breznay will contact the vendor to have the system evaluated.

-Mr. Majewski personally thanked the Police Department for their vigilance at the bus stop area on Church and Slocum Street. He also extended a thank you on behalf of the residents of Gillespie Street for correcting the sign issue along with the end of the street issue. Yard waste collection begins this week. Residents are encouraged to follow the guidelines received when buying recycling stickers. Residents should adhere to the blue WVSA street cleaning signs that are posted throughout the Borough and move vehicles off the street as directed. Information was shared about the upcoming solar eclipse and the importance of wearing proper eye protection. It is noted that some schools are getting out early due to the event and parents are encouraged to take proper precautions if their children are outside. Tax Collector office hours were read, and a tax discount period exists until 6/15/24. Little League season opens in about two weeks. All are encouraged to be careful near that area as more children will be out. PA State Representative, Aaron Kaufer will be retiring at the end of this year. Representative Kaufer wants the residents of Swoyersville to know to please go out and vote. Mr. Majewski presented voting locations for all Swoyersville Wards. April 23, 2024 is the date for the Primary.

Mr. Lamereaux noted that WVSA does not place signs on Jackson Street in Swoyersville when sweeping streets. Signs are placed at the beginning of Jackson Street in Luzerne. Those living on the Swoyersville section of Jackson Street are not aware of when street sweeping is performed.

## MEETING OPENED TO THE PUBLIC

-Kathy Breznay, Church Street, thanked Council for approving the ad announcing her 2024 Community Service Award and Luzerne County Sports Hall of Fame induction. Ms. Breznay questioned if Council should have an expense amount for the backhoe add on purchase. Mr. Hampton shared the cost was \$5,900.00 which is under the threshold needed for a bid. Ms. Breznay shared that the potholes on Church Street are problematic. Mr. Hampton reported the issue will be repaired on Friday.

-Bill Hooper, 28 Brook Street. There are 13 cats treated through the NNN program for the 1<sup>st</sup> quarter 2024. No funds were used out of the budget. A donation was received for cleaning agents. Issue of not being able to get TNR appointments was shared. Mr. Christian will follow up with Mr. Hooper once the issue is discussed further with No Nonsense Neutering. Mr. Hooper is glad that the Go Gov app is still in place. Mr. Hooper disagrees with Attorney Yeager's input about the Recreation Board and presented his reasons why.

-Angeli Nause Mahovich, Recreation Board member, shared that questions presented by Council come in what feels like an accusatory way. All records are presented to Mr. Cwalina who presents a report at Council meetings. There is not an issue with receiving questions; rather with the way the questions are asked.

-Syrena Riley, Recreation Board member, shared that as a result of questions presented at last month's Council Meeting, the Recreation Board went through and completed a full summary of the event reports from last year that also includes the Wing Fling. If there are any questions about the summary, the Recreation Board will be happy to discuss things further with anyone. The summary copy was provided to Council.

Mr. Olejnick called an Executive Session at 7:45 pm. Executive Session ended at 8:05 pm.

With no further issues or comments, Mr. Olejnick requested a motion to adjourn the meeting. Motion was made by Mr. Christian and was seconded by Mr. Lamereaux. Vote was 4-0 in favor. Meeting was adjourned at 8:07 pm. Next meeting will be held on May 6, 2024 at 6:30 pm.



Barb O'Donnell  
Borough Council Secretary

Joseph Olejnick  
Council Vice President