AUGUST 5, 2019 6:30 PM
REGULAR MEETING OF SWOYERSVILLE BOROUGH COUNCIL

Council Member Mr. Keating calls the meeting to order.

The Pledge of Allegiance was recited.

Mr. Keating asked for a moment of silence honoring those who lost their lives in the Texas & Ohio shootings.

Roll Call was taken, those present: Mr. Christian, Ms. O'Donnell, Mr. Keating, Mr. Olejnick and Mr. Cwalina. Also present were Mayor Concert, Atty. Yeager, Gene Breznay, Mike Amato, Penn Eastern Engineering. Mr. Alunni was absent due to illness. Jeff Zupko, Street Department Supervisor was absent.

A motion was made by Mr. Olejnick to accept the minutes of the July 1, 2019 meeting, the July 8, 2019 Special Council Meeting and the July 22, 2019 Special Council Meeting and was seconded by Mr. Cwalina. Ms. Barb O'Donnell, Council Secretary, noted that the minutes from July 22nd did not include Mayor Concert as being present. A notation was added to reflect his presence. Mr. Christian: I was also present but left early. Mr. Keating: Mr. Christian left prior to roll call; therefore, he was not present for the meeting. The vote was 3-1 in favor. Ms. O'Donnell abstained from voting. Mr. Christian voted no.

Monthly bills totaling $23,869.38 were paid on a motion made by Ms. O'Donnell and seconded by Mr. Olejnick. The vote was 5-0 in favor.

BOROUGH COORDINATOR REPORT

- An update on the Multimodal road project was presented. Mike Amato, Penn Eastern Engineering, shared that the first wave will include curb cuts and handicap ramps. The next stage will involve removing the millings. Once streets are milled, they will then be over-laid. The estimated time involved will be 2 to 4 weeks for completion. The Water Company is also involved with planned improvements and has provided Mr. Breznay with some information regarding improvements planned for Church St. and Park St. Between the Multimodal grant and the Water Company plans, all of Park will now be included. Mr. Breznay shared that as per Mr. Hoover, the area for improvements include Shoemaker St. through Slocum St. There will be a meeting sometime this month with the Water Company to go over what other projects they have planned/start dates. Borough Council will be notified when that meeting occurs. Mr. Amato: Regarding the Roosevelt Park project, documents have been exchanged and the project will be started and will also involve a 2 week completion timeframe.
- The County Block Grant that the borough is eligible for every three years will be available for 2020. There is already a predesignated low-moderate income area in the borough which means there is not a need to do any income surveys. Area is within 1st Ward. A discussion was held with Mr. Zupko, Street Department Supervisor, and the streets that are being considered are Maltby Avenue to Noyes Avenue and Laverick Street. Application for the grant & estimates are due by the end of August. Mayor Concert: questioned if Oliver Street is included in the plans? Mr. Breznay: Spoke to Daryl from Penn Eastern Engineering & part of Oliver Street where they did a lengthy cut will be resurfaced down to Tener/Jackson. Not sure if that will be completed this year or next year. Mr. Zambito (Jackson St.) questioned if the section of Jackson he lives on will

be included as there are cuts in the road by the Utility Company. Mr. Breznay: will need to look as he is not sure. The Utility Company is responsible for areas that they have cut.
- A discussion was held with Atty. Yeager regarding the ground lease proposed by Pagnotti for the area where the Borough's salt shed and access roads are. Atty. Yeager proposed some changes to the lease which were agreed to by Pagnotti. The annual lease is $1,800.00 with entire payment due once a year. There is an opt-out timeframe of 60 days included in the lease. Purchasing the property is what the Borough would like to do. For now, we will lease. A motion to accept the lease was made by Mr. Olejnick and seconded by Mr. Cwalina. The vote was 5-0 in favor.
- A request from the Swoyersville Kiwanis Club was submitted for consideration of a donation of $100.00 to the annual Golf Tournament. Money raised goes to high school student scholarships. A motion was made by Ms. O'Donnell and seconded by Mr. Christian. The vote was 5-0 in favor.

COMMITTEE REPORTS

Finance: Ms. O'Donnell: Read the June financial reports: **General Fund**: beginning checkbook balance: $82,100.04; transfers and revenue for month: $38,295.56; expenses and transfers for the month: $86,974.84; ending checkbook balance: $33,420.76. **Liquid Fuels**: beginning checkbook balance: $55.17; transfers and revenue for the month: $6,099.30; expenses and transfers for the month $6.037.71; ending checkbook balance: $116.76. **Solid Waste Collection**: beginning checkbook balance: $22,383.79; transfers and revenue for the month: $20,944.49; expenses and transfers for the month $11,299.73; ending checkbook balance: $32,028.55. **Sanitary/Storm Water Assessment**: beginning checkbook balance: $4,639.78; transfers and revenue for the month: $8,366.34; expenses and transfers for the month $8,952.03; ending checkbook balance: $4,054.09.

Liaison Officer: Mr. Christian: No Report.

Street Department: Mr. Olejnick shared that an application for the Street Department position was submitted by Donald Weik Jr. who has been interviewed. A recommendation was made to hire Mr. Weik. A motion was made by Mr. Cwalina and seconded by Mr. Keating. Mr. Christian: Questioned if a background check was done on the applicant? The motion to hire Mr. Weik will be contingent on a background check being completed. The vote was 5-0 in favor.
-Mr. Olejnick opened and read repair bids for the small recycling packer. Bids were submitted by Rich's Service Station for $34,743.54 and Nicholas Trucking for $24,089.63. A recommendation was made to accept the Nicholas Trucking bid. A motion was made by Mr. Olejnick and seconded by Ms. O'Donnell. The vote was 5-0 in favor.
-A bid was opened and read for the Lackawanna Ave. sewer lateral. A bid was submitted by Holena Excavating for $4,050.00. A recommendation was made to accept the Holena Excavating bid. A motion was made by Mr. Olejnick and seconded by Mr. Cwalina. The vote was 5-0 in favor.
-Two bids were opened and read for the Kossack St. sewer lateral. A bid was submitted by Holena Excavating for $5,850.00 and Neil Lynn Construction for $6,425.00. A recommendation was made to accept the Holena Excavating bid (includes restoration). A motion was made by Mr. Olejnick and seconded by Mr. Christian. The vote was 5-0 in favor.

Police Department: Mr. Keating read the police report for July 2019. There were 174 calls in July with 1,076 YTD. Citations Issued: Motor Vehicles: 30 with 134 YTD; Parking Tickets: 12 with 37 YTD.

Fire Department: Mr. Cwalina shared that the ambulance company responded to 44 calls. A proposed contract, discussed at the last meeting, has not yet been submitted from Mr. Guido, President of Ambulance Association.

Mayor Concert: A letter of resignation as a police officer from the Swoyersville Borough Police Department, effective July 27, 2019, was received from Jeffrey Fox. A motion to accept the resignation was made by Ms. O'Donnell and seconded by Mr. Olejnick. The vote was 5-0 in favor.
-A letter of retirement as a Swoyersville Crossing Guard, effective July 16, 2019 was received from Carmella Gibbons. A card thanking Ms. Gibbons for over 30 years of service is being sent from the Council. A motion was made to accept Ms. Gibbons' retirement by Ms. O'Donnell and seconded by Mr. Keating. The vote was 5-0 in favor.
-A request was made to advertise for a new Crossing Guard. A motion was made by Ms. O'Donnell and seconded by Mr. Keating. The vote was 5-0 in favor. A special meeting to review applications and choose a new Crossing Board will be needed as school starts on August 26, 2019. Mr. Breznay will see if Police can help with crossing until position is filled.
-A letter of resignation from the Swoyersville Civil Service Commission was submitted by Joseph Gushka. Mayor Concert shared that letter was supposed to be read at last month's meeting. Since last month's meeting, the open position was filled.
-A letter was received from Robert Long, thanking the Police Department for their assistance with the Carol Long Memorial run that was held in July 2019.
-Congratulations were extended to the Swoyersville American Legion Post 644 Baseball Team for winning the 2019 PA American Legion Senior State Championship. Team will be moving on next to Great Lakes Regional Finals. A letter was received from the Swoyersville American Legion asking for a team donation for this next step. Mayor Concert requested that a $200.00 donation be considered. A motion was made by Mr. Christian and seconded by Mr. Cwalina. The vote was 5-0 in favor.
-A letter was shared from the PA Law Enforcement Commission notifying the Police Department that effective July 16, 2019, they voted to re-accredit the Swoyersville Borough Police Department. Only a small percentage of law enforcement agencies within Pennsylvania can say they have completed this program. The PA Chief of Police Association looks forward to working with the department in years to come. Mayor Concert thanked the Police Department for all that they do.
- Swoyersville Sailors will be having their carwash on Saturday, August 10, 2019 at 10:00 at Roosevelt Field.
- Mayor Concert requested if, starting in September, we could have a written report from the Street Department Supervisor (Jeff Zupko) outlining what has been accomplished and has not been accomplished in the Borough for the month as there are many questions by Residents that we may not know where the issue stands. A written report would be helpful. A motion was made Mr. Olejnick and seconded by Mr. Cwalina for Jeff Zupko to provide a report by the 1st of each month. The vote was 5-0 in favor
-A letter was received from Joshua Wolinsky expressing interest in the sergeant position that has opened in Swoyersville Borough. Mayor Concert requested a motion to give Josh Wolinsky the noncompetitive civil service exam for sergeant and also the noncompetitive civil service exam for Chief of Police to Kyle Castner. Mr. Cwalina presented a question to John Menta inquiring if there would be any issues with providing the exams? Mr. Menta shared there is not issue with giving a non-competitive exam as these are the only people working for the Borough that are qualified and eligible for the exams. The only other option would be to go out of the area which would be a Council decision. A motion was made by Ms. O'Donnell for the Civil Service Commission to give Josh Wolinsky a noncompetitive civil service exam for Sergeant. Motion was seconded by Mr. Olejnick. Vote was 4-0. Mr. Christian abstained from the vote. A motion was made by Ms. O'Donnell to for the Civil Service Commission to give Kyle Castner a

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noncompetitive civil service exam for Chief of Police. Motion was seconded by Mr. Olejnick. Vote was 4-0 in favor. Mr. Christian abstained from the vote.
-Ms. O'Donnell requested that information be posted in the newspaper that the Civil Service Commission will take applications for the Civil Service Exam up until 8/20/19 with a test date being 8/31/2019 at Hose Company #2 at 10:00 am. Mr. Breznay will follow up with Ms. O'Donnell after prices are determined. Mr. Christian asked if Council should consider an agility test to make sure our candidates are fit? Mr. Menta stated it can be added; however, we have never done that before. We do the testing & background checks. It could be added in after testing/checks are completed which would be at the decision of Council. Mr. Christian feels the issue should be tabled and discussed later. Mr. Menta also recommends tabling it until exams can be given and noted that you cannot hold someone back based on agility results. When hired, you go through a 90 day period and if within that 90 days one cannot show that they are physically capable of doing the job, it is up to the Chief of Police to recommend how to proceed. Ms. O'Donnell stated the only town that still does agility testing is Kingston; everyone else has done away with it because it is pass or fail. Issue will be tabled to discuss further at another time.
- A letter was received from the WVSA notifying the Borough that the storm water basins have been cleaned. In the past year they have removed 25 yards of debris out of the ponding basins and a total of 43 miles of roadway were swept.
- On behalf of Mayor Concert and Council, prayers are sent out for Ann Marie Saunders for a speedy recovery.

Atty. Yeager: If the police department cannot handle assisting with the open crossing guard position, a special meeting should be held to hire a new Crossing Guard.

Old & New Business:

Mr. Christian: Would like to commend Mr. Galanda, Zoning Officer for quickly addressing illegal work being performed on Owen Street (putting sewers in). Within an hour, a stop order was put into place and work did cease.

Mr. Greg Griffin, Noyes Avenue: Questioned the selection process for the new member of the Civil Service Commission. I was one of the applicants along with 4 others and my understanding is someone was chosen without interviewing applicants that submitted letters of interest. I was not contacted at all and would have appreciated a phone call. The Police Civil Service Commission position is very important and responsible for hiring of those who are protecting us. One applicant had a huge history of law enforcement experience and he was not even contacted. Is that proper procedure to just pick someone when you have 4 other applicants? Ms. O'Donnell stated that we have always picked from a list in past. Mr. Christian shared that we have in past only had one applicant and this is the first time we had multiple applicants. I did leave the meeting because I felt the applicants should have been interviewed. Mr. Griffin: Not sure how you can get the best applicant if you don't interview all five. Mr. Christian agreed. Mr. Griffin: In the future if you are going to ask people to respond you should at least interview them.
- Attended a WVSA rain tax seminar a few months ago and asked Christopher Bryk why Mr. Singer is not coming to the Borough meetings. It was shared that sometimes they don't attend because they get cursed at a lot. Mr. Griffin shared that when the HRG Engineer was present at a Swoyersville meeting, no one cursed at him; it was a very well run meeting. We can't get Mr. Singer to attend and we are getting taxed extra and have questions. The possibility of using our ponding basins was questioned and they said yes. I also asked about whether they could use Swoyersville's ponding basins and would it qualify Swoyersville for an exemption. Mr. Bryk shared that they could be incorporated into the entire system and ponding basins could be used but WVSA would get the credit. WVSA would do landscaping and grass cutting/maintenance. Mr. Griffin shared that there are a lot of questions to be asked but if Mr. Singer does not want to show up at the meeting, someone else should be appointed. Ms. O'Donnell stated that there is nothing Council can do until Mr. Singer's term is up. Mr. Griffin: my understanding is that you can go to Commonwealth Court to have him removed.

Tony Zambito: asked permission to approach the podium again. Is anyone willing to remove him through Commonwealth Court? Atty. Yeager: Mr. Singer has indicated that anyone is welcome to come to their meetings. I did share with him that residents want to see him and speak to him and that they do not want to pick on him or curse. The residents would like you to come to a meeting to address their concerns. I will try to get him here for the September meeting. As far as salary, Swoyersville does not pay Mr. Singer a salary. Mr. Zambito: Mr. Singer needs to be accountable to the taxpayers of Swoyersville. Mayor Concert: I can send another letter to see if he will reconsider come to. Mr. Christian asked if a letter could be sent to ask Mr. Singer to come at least quarterly or even be present by phone? He has to be here for the people. Mr. Zambito: I work for a living and I take time to come to the meetings to ask questions; do I need to go down to the Commonwealth Court to have him removed? Atty: Yeager asked what the opposition is to going down to a WVSA meeting? Mr. Zambito: Have been at meetings and questions are not answered. Ms. O'Donnell: Taking him to Commonwealth Court would be another expense out of the taxpayer's pockets. Mr. Zambito: isn't the rain tax a big expense out of our pocket? This is a major issue whether you want to say it or not. People are getting good jobs there that we pay for. I don't know what your agenda is; you seem like you are annoyed. Mr. Keating: Asked Mr. Zambito to sit down for being out of order and accusations being made.

-Bruce Lykon, Scott Street: Is the New Holland tractor for the side of the ponding basins broken? Mr. Olejnik: No, it is not. Mr. Lykon: Can't sit out in yard due to mosquitoes.
-After the flood when we did the sewers with the ponding basins, I thought we were not tied into the sewers with our runoff water. I don't think we affect the Sewer Authority with run offs into sewers like all the other towns. Atty Yeager: this is a totally different issue. Mr. Lykon: I just wanted to point that out.

- I have brought this up before, there has been increase over last two years with dogs getting bit by other dogs. Thankfully there are not more children being bit. The County does not have a leash law, there is a under control/restraining law (under command, shock collar or fence). I did ask about this around 8 years ago. I feel we need a leash law. We are behind the times with this issue. Not sure what it would cost but I don't want to see anyone get hurt.
- Overhanging of trees on sidewalks is also a concern. Should they be trimmed so children riding bikes do not get hurt?

Mayor Concert – What do we need to do to get the ambulance hall (building) back on the tax rules? It is no longer being used as a fire company. Atty. Yeager: Will look into it.

Motion to adjourn was made by Ms. O'Donnell and seconded by Mr. Olejnick. Vote was 5-0 in favor. Meeting was adjourned at 7:42 pm. Next meeting will be held on September 3, 2019, 6:30 PM.

Barb O'Donnell
Borough Council Secretary

Ronald Alunni
Council President