

# MAY 6, 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.

Roll Call was taken, those present included Mr. Brown, Mr. Christian, Mr. Olejnick, Mr. Lamereaux and Mr. Majewski. Mr. Cwalina & Attorney Yeager were noted as absent. Also present were Mayor Concert, Gene Breznay, Borough Manager, Dave Hampton, Street Commissioner, Ray Mackiewicz, Zoning/Code Enforcement Officer, Police Chief Wolinsky, John Baker, EMA Director and Barb O'Donnell, Council Secretary.

A motion was requested by Mr. Olejnick to accept the minutes from the April 1, 2024 Regular Council meeting. A motion was made by Mr. Brown to approve the April 1, 2024 meeting minutes as presented. Motion was seconded by Mr. Majewski. Vote was 5-0 in favor.

Monthly bills totaling \$32,271.90 were presented by Ms. O'Donnell, Council Secretary. A motion was made by Mr. Brown to approve the monthly bills and motion was seconded by Mr. Christian. Vote was 5-0 in favor.

### PUBLIC COMMENTS

-Dave Zavada, 340 Main Street, questioned if Council knew what work was being completed by the utility companies on the back road, starting at the border of Luzerne to Slocum Street. Dave Hampton, Swoyersville Street Commissioner, shared that new water lines were being installed.

Mr. Zavada shared that storm drains near 362 Main Street were full and questioned who would be responsible for cleaning them. Dave Hampton will reach out to make Wyoming Valley Sanitary Authority aware of the need for cleaning.

-Kathy Mericle, 5 Kirby Street, shared a concern over a bent and faded stop sign at the end of the alley next to her home. Dave Hampton will have the Street Department replace the sign.

-Steve Franco asked if it was possible to expand the current recycling list to include more types of plastic. Gene Breznay, Borough Manager, shared that the Borough is tied to the current recyclable list which includes plastics #1 to #6 and glass.

-Kathy Breznay, Church Street, questioned if a letter was sent to the resident involved with the Shoemaker property informing them of the June 1, 2024 deadline for compliance with cleaning the property/home. Mr. Mackiewicz, Zoning/Code Enforcement Officer reported that a letter was sent to the resident's lawyer. A discussion was held regarding what steps would be taken next if the property/home does not pass compliance requirements that were set. Mayor Concert also presented a concern regarding how long the oversized dumpster has remained on Shoemaker Street after being full.

## BOROUGH MANAGER'S REPORT

-Mr. Breznay requested a motion and vote to approve payment to General Code Publishers for updates to the online ordinance website. The payment is \$1,238.00 and will come from American Rescue Plan Act funds. A motion was made by Mr. Majewski to approve the payment. Motion was seconded by Mr. Christian. Vote was 5-0 in favor.

-Mr. Breznay requested a motion and vote to approve payment to Axon for body cams & dashboard cams equipment & storage. The payment is \$18,207.00 and will come from State Grant funds. A motion was made by Mr. Brown and seconded by Mr. Christian. Vote was 5-0 in favor.

-Mr. Breznay requested a motion and vote to approve payment to Champion Builders for the final payment for Borough Building work. The payment is \$6,628.50 and will come from American Rescue Plan Act funds. A motion was made by Mr. Christian and seconded by Mr. Lamereaux. Vote was 5-0 in favor.

-Mr. Breznay announced that the paper shredding event is Saturday, May 11, 2024 from 9:00 am to 12:00 pm. The event will take place in the rear parking lot of the Swoyersville Borough Building. It is free of charge to all Swoyersville residents. There is a 3-box limit. The event is advertised on all Borough media locations. A second event will be held in September, 2024.

-Mr. Breznay informed Council that the American Rescue Plan Act funds balance is approximately \$72,700.00, not including tonight's expenses presented.

## ZONING OFFICER/CODE ENFORCEMENT REPORT

-Mr. Mackiewicz read the Zoning/Code Enforcement Report for May 2024. Total fees collected were \$2,225.00.

-Mr. Mackiewicz requested a motion and vote for the 1<sup>st</sup> reading of the Quality-of-Life-Ordinance. With requesting Attorney Yeager, Borough Solicitor, provide a second opinion on the ordinance, Mr. Christian made a motion to approve the 1<sup>st</sup> reading. The motion was seconded by Mr. Lamereaux. Vote was 5-0 in favor.

-Mr. Mackiewicz requested a motion and vote to amend the current Dumpster Ordinance to reflect a move from 5-day limit to a 10-day limit for non-construction dumpsters. A motion was made by Mr. Lamereaux to approve a Dumpster Ordinance amendment. The motion was seconded by Mr. Christian. Vote was 5-0 in favor.

## COMMITTEE REPORTS

**Finance:** Mr. Lamereaux presented the March 2024 Treasurer's Report. **General Fund:** beginning checkbook balance: \$94,103.22; interest & revenues for the month: \$88,622.11; Transfers from PLGIT for the month: \$40,000.00. Transfers to PLGIT for Month: \$30,000.00; Expenses for the month: \$134,320.94; ending checkbook balance: \$58,404.39. **Liquid Fuels:** beginning checkbook balance: \$140.77; interest & revenues for month: \$0.44; Transfers from PLGIT for month: \$22,000.00; Transfers to PLGIT for Month: \$0.00; expenses for the month: \$21,916.86; ending checkbook balance: \$224.35. **Sanitary/Storm Water Assessment:** beginning checkbook balance: \$3,215.06; interest & revenues for the month: \$3,815.94; Transfers from PLGIT for month: \$1000.00; Transfers to PLGIT for month: \$0.00; expenses for the month: \$5,689.96; ending checkbook balance: \$2,341.04.

**Solid Waste Collection:** beginning checkbook balance: \$32,932.54; interest & revenues for the month: \$36,435.94; Transfers from PLGIT for month: \$0.00; Transfers to PLGIT for month: \$40,000.00; expenses for the month: \$20,677.94; ending checkbook balance: \$8,690.54.

**Fire Department:** Mr. Christian reported that in April 2024, Malby had 19 calls involving 13 volunteers and 6 paid drivers; Kingston EMS had 51 calls.

**Police Department:** Mr. Brown presented the Police Department report for April 2024 which included a review of Crossing Guard hours. There was a total of 148 calls for service, 6 motor vehicle accidents and no school crossing guard duty reported. Fees collected totaled \$300.30. A motion and vote were requested by Mr. Brown to place monies in the proper funds. A motion was made by Mr. Christian and seconded by Mr. Lamereaux. Vote was 5-0 in favor.

-Mr. Brown made a motion to purchase an extra laptop for the police department for use with body cameras. The cost is \$2,309.99 with funds coming from the American Rescue Plan Act. The motion was seconded by Mr. Olejnick. Vote was 5-0 in favor.

-Mr. Brown made a motion to purchase an additional license for police vehicle computers using funds from the American Rescue Plan Act. The cost would be \$800.00 per year. The motion was seconded by Mr. Lamereaux. Vote was 5-0 in favor.

-Mr. Brown made a motion to reimburse Sgt. John Owens \$500.00 for a gun repair course. The motion was seconded by Mr. Majewski. Vote was 5-0 in favor.

-Mr. Brown made a motion to purchase parts, materials, and ammo for less lethal force. The cost would be \$1,544.95.00. The motion was seconded by Mr. Olejnick. Vote was 5-0 in favor.

-Mr. Brown made a motion to approve Officer Roper's mandatory firearms training with payment by the Borough. The cost is \$800.00. The motion was approved by Mr. Christian. Vote was 5-0 in favor.

-Mr. Brown shared that there were no updates regarding Wyoming Valley Sanitary Authority projects for this meeting. Mr. Brown shared that Wyoming Valley Sanitary Authority did camera the Warsaw Street pipe and noted that it was 15 inches. A decision will need to be made as to what is the best approach to address the pipe size & flooding that occurs with heavy rains. The pipe runs under Warsaw Street down to the back road.

**Street Department:** Mr. Olejnick made a motion to advertise for 3 summer help positions for the Street Department. The rate of pay will be \$13.00/hr. with a total of 720 hours available between the hires. All required testing must be completed with results received by the Borough Manager prior to the new hire working. The motion was seconded by Mr. Lamereaux. Vote was 5-0 in favor. A discussion was held regarding increasing the available hours for 2025 budget.

**Parks and Recreation:** Mr. Olejnick reported that he was unable to attend the last Parks & Recreation meeting. No report was presented at this meeting. Mr. Christian shared that the Committee continues to work on the upcoming Wing Fling event. Mr. Majewski shared the upcoming Car Show event taking place on June 29, 2024 at Roosevelt Field from 10:00 am to 02:00 pm.

**Liaison:** Mr. Majewski shared details surrounding the Luzerne County Sports Hall of Fame Dinner taking place on June 9, 2024 at Mohegan Sun. Swoyersville resident Kathy Breznay's will be presented with the 2024 Community Service Award and an induction into the Hall of Fame Program. Congratulations were extended by Council to Ms. Breznay.

-Mr. Majewski made a motion to approve use of Cloud 10 Car Wash for police department vehicles. A wash will cost \$9.00 per vehicle washed and will be billed to the Borough on a monthly basis. Motion was seconded by Mr. Olejnick. Vote was 5-0 in favor.

**Attorney Yeager:** No report at this meeting. Attorney Yeager noted as absent.

**Mayor Concert:** Mayor Concert reported that the monuments have been ordered. There are still some funds remaining in the monuments account and will remain there to use for additional monument related items.

-Mayor Concert shared 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. A parade will be held starting at 2:00 pm. Extra insurance is in place for Bouncy Houses. The \$398.00 cost is covered by funds from the Mayor's Account. There were also two event related deposits made - \$920.00 & \$775.00. A full event report will be provided to Gene Breznay, Borough Manager, after the event. Report will include a copy of all checks and invoices.

-Mayor Concert extended a thank you on behalf of a resident for the Street Department's part in locating a lost bicycle.

## **ADDITIONAL COMMENTS FROM BOROUGH COUNCIL**

-Mr. Christian discussed the issue involving the Brdaric property. The section of property is still listed as belonging to Swoyersville Borough. A current resident of Brdaric Street has the property posted with "No Trespassing" signs. The issue of ownership needs to be addressed further. Mr. Olejnick recommends referring issue again to Attorney Yeager.

-Mr. Christian discussed a second water issue on the Warsaw Street hill. Sandbags & hay bales are placed at the edge of property owned by Mr. Booth. The sandbags/hay bales are a temporary step to control the flow of water during heavy rains. A permanent solution is needed to address the situation. Options including placement of storm drain & a permanent curb were discussed. In order to consider a curb, the resident will need to move his vehicle currently parked in the area in question. John Baker, EMA Director shared that water flowing down the street does not affect Mr. Booth's property; however, other residents at the Corner of Hughes & Hill Street are affected, some with flooding. Mr. Baker recommends having a curb placed as a resolution. Gene Breznay, Borough Manager, will send a letter explaining the Borough's plan for a permanent curb and to request Mr. Booth move his vehicle from the area.

-Mr. Lamereaux made a motion to change voting within Swoyersville Borough to "At Large." Mr. Majewski initiated a Point Of Order sharing that a full council and Borough Solicitor are not present for the meeting. Point of Order was acknowledged and accepted by Chairperson Olejnick who indicated he would like to wait until Council President Cwalina and Borough Solicitor, Attorney Yeager are present. Mr. Breznay, Borough Manager, shared that Attorney Yeager, communicating via text, shares that the Borough Code has a procedure. He has started the process of reviewing the Borough Code and County involvement and is gathering information & facts. He has reached out to the Election Board and is waiting for them to get back to him. The issue of voting "At Large" needs to appear on a ballot for residents to vote in favor or not. Council will wait for additional input from Attorney Yeager.

Mark Nenichka, 77 Brook Street, questioned if there is a current ordinance or is there anything in the Swoyersville Chapter that mandates voting for Councilman in Wards? Mr. Nenichka feels that further research is needed to determine what is currently in the books before any movement forward occurs.

Mr. Lamereaux initiated a discussion regarding a concern presented by a resident who attended the Council Agenda Meeting. There are few properties on Slocum Street where part of the property is owned by the Redevelopment Authority and a few where part of the property is owned by Swoyersville Borough. This, however, is not reflected on the property owners' deeds. There are restrictions regarding what can be placed on this section of property. Access way to the back section of the properties must remain clear so that Street Department vehicles can get to the areas to cut grass/maintain the area.

-Mr. Majewski extended a thank you to the Street Department for the assistance correcting the sign issue at the end of Church Street. A thank you was also extended to the department for helping out with the Little League opening weekend. In light of recent mine subsidence issues in the Borough, Mr. Majewski shared information regarding Mine subsidence insurance. Residents interested in purchasing Mine subsidence insurance can reach out to the [WWW.DEP.pa.gov](http://WWW.DEP.pa.gov) for information.

Mr. Majewski shared information regarding UGI \$25.00 rebates for placement of new air conditioning units. Mr. Majewski also shared, on behalf of the Kiwanis Club, A Flowerpot & Painting event that will take place on 5/19/24 at the American Legion. The cost is \$5.00.

-Mayor Concert shared that the Swoyersville Annual Community Yard Sale will take place on 6/8/24. Mayor Concert asked Kathy Breznay to comment on the Banner program as some residents have asked is it still in place. Ms. Breznay shared that the program is still in place and that it never stopped. Banners are still available and for any banner that falls, the committee will put it back up. If a banner is damaged and cannot be hung back up, the resident who purchased it will be contacted and offered the option to purchase a new banner. The damaged banner will be given to the family. Information regarding banners is available on the Kiwanis Club's Face Book website.

## MEETING OPENED TO THE PUBLIC

-Kathy Breznay, Church Street, questioned if a written report for the mayor's events is available. Mayor Concert shared that he provides a written report to Gene Breznay, Borough Manager. Ms. Breznay questioned where funds for the 125yr Anniversary event, previously reported, are being deposited. Mayor Concert reported that they are deposited into a personal account. Ms. Breznay shared a concern that all Borough event monies need to go through the Borough. A discussion was held regarding the concern. Council asked that Mayor Concert begin to forward all deposits through the Swoyersville Borough account. Mayor Concert agreed and shared that a complete report of all deposits will be provided to the Borough Manager with copies of all checks attached.

-Charles Jones shared a concern regarding the mine water issue on Simpson Street. The water bubbling up and out onto Simpson Street has gotten worse over the past two months. Mr. Jones questioned Council as to what was going on. He feels that a barrier should be placed around the area to prevent a large vehicle driving over it and having the road collapse. EMA Director, John Baker reported that the area was evaluated by the Bureau of Mining, and they currently feel all is fine and no concern exists. Mr. Baker shared that with all of the rain recently and no snow this winter, the water table is very high. Water is coming up through a few holes in Simpson Street. This occurrence has been going on for 30 years. Mr. Baker will follow up again with the Bureau of Mines.

Mr. Olejnick called an Executive Session at 7:58 pm. Executive Session ended at 8:41 pm.

With no further issues or comments, Mr. Olejnick requested a motion to adjourn the meeting. Motion was made by Majewski and was seconded by Mr. Brown. Vote was 5-0 in favor. Meeting was adjourned at 8:43 pm. Next meeting will be held on June 3, 2024 at 6:30 pm.

Barb O'Donnell  
Borough Council Secretary

Joseph Olejnick  
Council Vice President