

Summit Hill Borough Council
April 13, 2010, 7:00 p.m., Borough Hall

The regular scheduled meeting of the Summit Hill Borough Council was held at the above time and place with President Joseph Weber presiding.

Roll Call – President Joseph Weber, Vice-President John O’Gurek, Michael Alabovitz, Ken Boyd, Harry Miller, Mike Kokinda, William Chapman, Mayor Paul McArdle and Solicitor Joe Matika were all in attendance.

Minutes – **Motion was made by John O’Gurek and second by Harry Miller to approve the minutes from the March 9, 2010 Summit Hill Borough Council Meeting.** The motion was opened to the floor for comment; none made. Motion carried unanimously by Council.

Floor –

1. Monica Marshall informed Council that the community center furniture has come in, the tables and chairs are unpacked and the only thing missing is a cart for the chairs. She stressed that there is still no contract in place to allow people to use the building and she has residents who are asking to use the room in June and August and until there is a contract, she can not schedule the use of the building. Bill Chapman stated that Harry Miller has a generic one that she could probably use. Joe Weber said that Attorney Matika has one in the works and that he and Harry can combine the two of them to one for the Borough. Monica asked if the community room has a phone or a phone line for them to possibly use; Mike Kokinda stated that there are two working phone jacks but they are under the Fire Company number. Monica asked if it was at all possible for the Recreation Commission to get an extension through the Borough or could they get a phone line in the community room. Mike Kokinda said that he may be able to set something up at the Borough office so that she can remote in to get message; he will look into it and get back to her.

Mayor’s Report – Mayor Paul McArdle read the Mayor’s Report for the month of March 2010. He reported the magistrate income for the month of March 2010 as \$963.83. **Motion was made by William Chapman and second by Harry Miller to approve the Mayor’s Report for the month of March 2010.** The motion was opened to the floor for comment; none made. Motion carried unanimously by Council.

Police Report – Council received copies of Chief Fittos’ Police report for the month of March 2010. Chief Fittos stated that at the previous meeting he informed Council about a company called SWIFT which is a public notification service that would inform residents of Summit Hill concerning fires, state of emergencies, water boil advisories or any thing of that nature. He said the cost would be \$2,000.00 and if we could share it with the Water Authority then it would only be half of that and we could use it on an as needed basis. If we use up the \$2,000.00, then it cost \$50.00 per use. If there would a problem in town, we would be able to use this system to call the residents and inform them of the problem. If it is a state of emergency, it will inform residents to move their cars and where to park. Jim Thorpe has cut back on the amount of tickets that they write because of using this system. Chief Fittos informed Council that we can even use SWIFT to notify residents about cleaning the streets in town. Chief Fittos asked that there be a meeting to discuss the snow ordinance. He said that there were some changes to make it more user friendly; some of the changes and or suggestions that were made are to try odd day odd side of the street, the snow will be plowed no matter what time the snow stops; the following day the curb to curb will begin. Harry Miller asked if there will be a preliminary hearing to sit down with the street committee because there are probably more changes to be made. Chief Fittos stated that this is not a finished product so there still can be changes made. He said that it is something that we still have to work on so that it is ready for next winter and new signs could be posted. Chief Fittos also informed Council that the PA

Chiefs of Police Association has updates for the SOPs but it does cost \$100.00 to obtain the updates. He feels that since we haven't done this for a long time that it would be best to obtain the updates and only adopt what we need for the Summit Hill Police SOPs. **Motion was made by Mike Alabovitz and second by Ken Boyd to allow Chief Fittos to obtain a copy of the updated SOPs from the PA Chiefs of Police Association at a cost of \$100.00.** The motion was opened to the floor for comment; none made. Motion carried unanimously by Council. **Motion was made by Harry Miller and second by Ken Boyd to accept the Police Report for the month of March 2010.** The motion was opened to the floor for comment; none made. Motion carried unanimously by Council. Brian Binder stated that he has a concern about SWIFT. He was concerned that the system would not call cell phones. A lot of people use cell phones instead of having a land line. Chief Fittos insured him that the system does call cell phone but he would verify that with the company.

Planning and Zoning Report – Council received copies of Larry Marek's Planning and Zoning report for the month of March 2010. Larry talked about how he met with Jim Clauser from the Carbon County Conservation District regarding their procedures and regulations. He stated that there a lot of people that think that zoning is just in the town but people would be surprised about all the other rules that there are between Borough, Sate and County. Larry stated that he is getting calls at home very early in the morning and even on Easter Sunday about what people can do about dog dirt and high grass. He said that residents have to make complaints through the borough office then Kira will send a letter addressing the issues. If it is still not addressed, he will go to the home himself and inspect the property and then call in Barry Isett if needed. Joe Fittos stated that the Police can cite for dog feces under the ordinances. Harry Miller said that we should add more signs to the parks that say no dogs allowed to hopefully stop people from walking their dogs in the park. **Motion was made by John O'Gurek and second by Mike Alabovitz to accept the Planning and Zoning Report for the month of March 2010.** The motion was opened to the floor for comment; none made. Motion carried unanimously by Council.

Work Leader Report – Council received copies of the Work Leader Report for the month of March 2010. **Motion was made by Mike Kokinda and second by Harry Miller to accept the Work Leader Report for the month of March 2010.** The motion was opened to the floor for comment; none made. Motion carried unanimously by Council.

Tax Collector Report – Nothing at this time.

Wage Tax Report – Borough Secretary, Kira Michalik, read Berkheimer's Wage Tax Report for the month of March 2010. They submitted total Earned Income Tax of \$14,239.82 with a commission of \$261.89. The total LST Tax submitted for March was \$123.93 with a commission of \$2.17. **Motion was made by Mike Alabovitz and second by Ken Boyd to accept the Wage Tax Reports for the month of March 2010.** The motion was opened to the floor for comment; none made. Motion carried unanimously by Council.

Receipts – Borough Secretary, Kira Michalik, reported the total receipts for the month of March 2010 as \$53,276.03. **Motion was made by Mike Kokinda and Second by Bill Chapman to accept the receipts for the month of March 2010.** The motion was opened to the floor for comment; none made. Motion carried unanimously by Council.

Committee Reports –

Streets –

- John O'Gurek said that they are patching pot holes in town. He said it is time for street sweeping again so it needs to be discussed when this will take place.

- Mike Kokinda publically thanks the group of residents who volunteered to pain the street sign poles. He said that they look great! All of Council agreed with Kokinda

Building –

- Mike Kokinda stated that the temporary repairs with the HVAC system are working but we need to put out a bid to get the system up and running. He suggested that we get the original drawings so that the system can be repaired and perform according to the original specs. Mike informed Council that the system at the hall failed because of poor installation. Bill Chapman asked what would happen with the repairs if everything worked out in litigation. Kokinda said that things probably won't happen quickly and in the meantime the systems keep freezing up and not running properly because of the way they were installed. And, if this goes through the courts, how long will it be drawn out. Atty. Matika informed Council that we are going to have to get someone to look at the system and make a list of repairs, like HT Lyons did for us, instead of going off the original specs. We know that the design was adequate but the install was not so they can not compare the original specs to the work that has already been done. Since HT Lyons will not release the full report to us, we will need to have someone come in again and review the system and give us a full report so that we can put it out on bid.
- Monica Marshall asked Council if she would decide to get a sign saying Summit Hill Community Center for the building, does she need permission from Council. Joe Weber said that it would be a good idea to get permission. She also threw the idea of looking into a clock for the clock tower since there is no longer a town clock. Monica also mentioned that she is looking into signs to direct people to the buildings. She asked if there will be a liquor license for the community center or if it will be BYOB. Who makes this decision and will this require a liability waiver. Atty. Matika stated that the Borough's insurance company should be called regarding this issue. Council instructed Kira to call the insurance company to discuss and get an answer to the liability issue for the community center.

Fire and Emergency Services –

- Shawn Hoben asked Council when the paving would be done in front of the fire company. His concern is that it is going to be torn up for Memorial Day weekend and with everything going on that weekend it can not happen then. Joe Weber said that it will not be torn up during Memorial weekend, but does know that there is a time frame as to when it needs to be done.
- Shawn also asked when the wireless system is going to be mounted on the roof at the fire company. He said it has been sitting over there for a few months and doesn't want to see anything happen to it. Joe Weber said that the issue right now is that is supposed to be mounted on the roof and we are afraid of it damaging the roof or possibly voiding the warranty. Further discussion needs to take place before this can happen.
- Shawn informed Council that the Fire Company will be holding the dedication on Saturday, July 24, 2010.

Recreation –

- Monica Marshall asked Harry Miller if he would call Tamaqua Transfer and get a dumpster for the Stay at Home Festival like he has done in the past. She informed Council that donations have been coming in and that they are in need of vendors and volunteers for the festival.
- Monica mentioned that the Craftin' and Crusin' will be held on Saturday, July 17, 2010 from noon until 3:00 p.m. in Ludlow Park.
- Monica said that she has been looking into blacktopping the track at the Ginter Field and was wondering if the street committee could get her an estimate for 880 square yards.

- Monica wants to make everyone aware that anyone using the field, parks or the basketball courts needs to provide a certificate of insurance and sign and submit an acknowledgement and release form which can be obtained at the Borough office. She said this doesn't mean that we don't want residents to use the parks or Borough facilities; we just need to be aware of who is using them and to make sure no other events are scheduled for that particular date. Joe Weber stated that we need to protect the tax payers in this town and a football team cannot just show up and decide that they are going to play on the field without proper paper work and approval from Council. Harry Miller stressed that the bleachers are off limits and no one is permitted to be on them. Bill Chapman stated that the bleachers should be torn down since they can not be used. Joe Weber said that the bleachers are used as a salt shed for the borough and if they come down a building would need to be put there in their place. Monica mentioned that she looked into a pole building for there and it would cost around \$79,000. Mike Kokinda said that a cheaper route would be to get a shed like Penn Dot has for their salt.

Motion was made by Ken Boyd and second by John O'Gurek to accept all Committee Reports for the month of March 2010. The motion was opened to the floor for comment; none made. Motion carried unanimously by Council.

Communications – See attached sheet.

- Summit Hill Girls Softball submitted a request, along with a schedule for their 2010 season, asking permission to use the Ginter Field for practices and the games as listed on the schedule. Kira mentioned that she is waiting for a copy of their liability insurance. **Motion was made by Mike Kokinda and second by Mike Alabovitz to allow Summit Hill Girls Softball to use the Ginter Field for their 2010 season, subject to receipt of their liability insurance.** The motion was opened to the floor for comment; none made. Motion carried unanimously by Council.
- Julianne Tomaro would like to request permission from Council to use the Ginter Park for her son's 3rd birthday party on April 24, 2010 at 1:30 p.m. There will be no alcohol, no live band, it is handicap accessible for her family members and there will only be 7 children at the party. **Motion was made by Bill Chapman and second by Joe Weber to allow Julianne Tomaro to use the Ginter Park for her son's 3rd birthday party on April 24, 2010 at 1:30 p.m. with the understanding that everything must be cleaned up when the party is over.** The motion was opened to the floor for comment; none made. Motion carried unanimously by Council.

Communications

1. Notice of Assessment from the Board of Assessment and Revision of Taxes
 2. Letter from the Summit Hill Memorial Day Parade Committee extending an invitation to join in the endeavor. Please respond by the first week in May.
 3. Benchmark Energy Solutions, Inc. is requesting a council meeting to meet and discuss power and energy purchase program
 4. Received the 2010 safety guideline from Pipeline Safety Bulletin
 5. Governor's Center for Local Government Service will be holding a Capital Improvement Planning and Financing seminar in May
 6. PSATS will be holding the following seminars:
 - a. CDL Drug and Alcohol Testing Supervisory Training
 - b. CDL Records Management
 7. PSAB will be holding Confined Space training
 8. PIRMA sent information regarding the Board of Directors extended free online training courses
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9. PLGIT sent information regarding the annual shareholders meeting on May 21, 2010 in State College
10. PA One Call System will be holding their board meeting April 28, 2019 in West Mifflin
11. Information received from Carbon County Groundwater Guardians
12. Riley and Company, Inc. sent information regarding their business advisors and certified public accountant services
13. SJ Thomas Company, Inc. sent information pertaining to their commercial contracting service and that they are now members of COSTARS
14. Copy of the final report on the switchback gravity railroad study from Dale Freudenberger
15. American City & County February 2010 magazine
16. EMC Spring 2010 newsletter
17. PIRMA newsletter
18. Five Star Forum March 2010 newsletter

Motion was made by Mike Kokinda and second by Mike Alabovitz to accept all Communications for the month of March 2010. The motion was opened to the floor for comment; none made. Motion carried unanimously by Council.

Bills – Borough Secretary, Kira Michalik, reported total expenses for the month of March 2010 as \$117,278.51. **Motion was made by John O’Gurek and second by Ken Boyd to pay all bills for the month of March 2010.** The motion was opened to the floor for comment; none made. Motion carried unanimously by Council.

Unfinished Business –

1. Atty. Matika stated that he received the signed contract from Tamaqua Transfer and is looking for a motion to approve the contract effective April 10, 2010. This is a four year contract and will expire April 9, 2014. **Motion was made by Harry Miller and second by Joe Weber to accept a four year garbage contract with Tamaqua Transfer effective April 10, 2010 and expiring April 9, 2014.** The motion was opened to the floor for comment; none made. Motion carried unanimously by Council.
2. Atty. Matika asked for a short executive session to discuss possible litigation.
3. Kira Michalik mentioned that at the last meeting she brought up the Borough’s computer service and asked that Council review the information given for a possible change in technology providers. Kira said that three bids were received from S&O Computers, Schuylkill Computers and Leztek Systems. **Motion was made by Bill Chapman and second by Harry Miller to hire Leztek Systems under a one year contract paying \$200.00 a month for services.** The motion was opened to the floor for comment; none made. Motion carried unanimously by Council.

New Business –

1. Harry Miller reported one handicap parking permit has been submitted for renewal.
 - a. Marie O’Donnell, 24 West Walter Street for renewal. **Motion was made by Harry Miller and second by Mike Kokinda to approve the renewal of a handicap application for Marie O’Donnell at 24 West Walter Street.** The motion was opened to the floor for comment; none made. Motion carried unanimously by Council

2. John O’Gurek asked if the Council meetings could be changed from the second Tuesday of the month to the second Monday of the month starting in May. Joe Weber said that the next meeting would then be held on Monday, May 10, 2010 and then the meeting would be the second Monday of every month after that. **Motion was made by Ken Boyd and second by John O’Gurek to change the Council meetings from the second Tuesday of each month to the second Monday of each month starting in May.** The motion was opened to the floor for comment, none made. Motion carried unanimously by Council.
3. Kira Michalik would like a motion to advertise for road materials for the 2010 season. **Motion was made by Bill Chapman and second by Ken Boyd to advertise for road materials for the 2010 season.** The motion was opened to the floor for comment, none made. Motion carried unanimously by Council.
4. Kira Michalik stated that the 2010 spring clean-up dates have been set and they will be Thursday April 22, 2010 for the East side of the town including Knepper’s Trailer Court, East and West White Bear Drive; Tuesday April 27, 2010 for the West side of town including Laurel Drive, East and West Mountaintop Road. Items to be picked up will be 5 tires, tire rims, auto body parts, refrigerators, freezers, vending machines, humidifiers, water coolers, heat pumps, washers, dryers, stoves, all items should have the chemicals removed and doors taken off in addition up to 10 bags of garbage will be taken.
5. Mayor Paul Cradle informed Council that the fire police do not get called out all the time to assist for accidents and other emergencies but they do go to all fires. However, he does have a police radio and when he hears accidents he does go to help with traffic. He wanted to bring this to Council’s attention for insurance purposes so that they are aware that he does respond even if not called out to assist the police.

Council entered into a short executive session at 8:56 p.m. to discuss potential litigation.

Council entered back into regular session at 9:30 p.m.

6. A brief discussion took place in regards to St. Paul’s UCC Church located at the corner of East Hazard and North Chestnut Streets. Bill Chapman said that they are no longer holding services in the church and they should be back on the tax roles. Harry Miller informed Council that there is still services held every once in a while. Council decided that since it is not used as a church on a regular basis that it should be back on the tax roles. **Motion was made by Bill Chapman and second by John O’Gurek to have a letter sent to the Carbon County Tax Assessment Office asking that St. Paul’s UCC Church located at the corner of East Hazard and North Chestnut Street be placed back on the tax roles.** The motion was opened to the floor for comment; none made. Motion carried unanimously by Council. Harry Miller opposed.
7. Harry Miller reported that he has reviewed the list of residents who have applied for an exemption for the 2010 garbage collection fee. He presented the list to Council and asked that all 37 properties on the list be granted the exemption. **Motion was made by Harry Miller and second by Bill Chapman to grant the exemption from the 2010 garbage collection fee for the Summit Hill Borough to all 37 properties.** The motion was opened to the floor for comment; none made. Motion carried unanimously by Council.

Motion was made by Mike Kokinda and second by Bill Chapman to adjourn at 9:43 p.m. until the next regular scheduled meeting of the Summit Hill Borough on May 10, 2010. The motion was opened to the floor for comment; none made. Motion carried unanimously by Council.

Kira Michalik

Kira Michalik
Summit Hill Borough
Secretary/Treasurer

Joseph Weber

Joseph Weber
Summit Hill Borough
Council President