

Summit Hill Borough Council
March 9, 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, Mike Kokinda, William Chapman, Mayor Paul McArdle and Solicitor Joe Matika were all in attendance. Harry Miller was absent.

Minutes – Motion was made by John O’Gurek and second by Ken Boyd to approve the minutes from the February 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. Donna Kulha, 245 W. Hazard Street, told Council that she hasn’t gotten any help from the police department and she doesn’t know who else could help her. Her son got into a fight at the bus stop; she stated that her son initiated the fight because he was being bullied. Now her son has been suspended from school and he is receiving consequences at home because of his poor judgment. She stated that Officer Hannon called her and requested that she bring her son down to the station to give his statement; she stated that officer Hannon wasn’t interested in receiving a statement from the child that her son beat up. She stated that she had received phone calls from three other parents stating that this child that her son beat up has been threatening other children as well and now they are afraid to speak on her son’s behalf. She stated allegations about the Police Department and Joseph Weber asked her to get to the point of what she needs from Council. She stated that she has been receiving threatening phone calls and that no one will help her. Chief Joe Fittos told her if she would like to go higher up that she should report this to the DA down at the courthouse and that they could help her.
2. Shireen Parsons, 113 E. Holland Street, told Council that she is pleased that we are recycling here in town and has a suggestion for recycling. She said that on her block only about 3 homes recycle and we might want to follow a program so that we could get more people in the town to get involved in recycling. She stated that we shouldn’t pick up trash if recycling is mixed in with the garbage and maybe we could get some kind of financial reimbursement if we start recycling more. John O’Gurek stated that we don’t have a mandatory recycling ordinance in place because we have less than 5,000 people in our town. Attorney Matika stated that we would need an ordinance to make it mandatory for all residents to recycle because the state requires there to be more than 5,000 residents for it to be mandatory. Shireen stated that her old town in Halifax, Virginia was about the size of our town and they made it possible and the now the whole town is recycling. She said that she could get us some more information if interested. Joe Weber asked that she drop the information off with the Borough Secretary.
3. Shawn Nalesnik, 120 N. Oak Street, stated that he has no complaints with the police department and he thinks that they are doing an excellent job. But, he did have some concerns with the last snow storm. He stated that during February’s snow storm he and his family left to go out to dinner around 12:00 p.m., he had left his vehicle on Hazard Street and when he came home around 5:00 p.m. he received a \$25.00 parking ticket and his car had been towed. He went down to Millionoclock Towing, where his car got towed to and received an additional bill for \$165.00 for towing costs. Joe Weber stated that vehicles

were towed because of the state of emergency that was in place. You must stay on the south side until the state of emergency is undeclared or per the ordinance we have the right to tow any vehicle left on the road. Chief Fittos mentioned that Officer Lienhard did what she could to get in contact with the owners of all the vehicles that were towed. Joe Weber stated that all tickets need to be addressed with the Police and the Mayor; Council has no control over Police citations. Shawn asked if someone from Council could speak to the towing company about their fees being so high. John O'Gurek stated that the amount that the towing company is charging is outrageous; there is no need to be charging \$165.00 for towing a vehicle. Joe Fittos also mentioned that some of the vehicles were really snowed in and it did take a lot of effort to get them out of the parking spaces.

4. Joe Barone, 728 E. White Bear Drive, asked Council if they make the budget available for the public to review, Kira stated that you may come up to the Borough office and fill out a right to know form to request a copy for \$0.25 cents per page. Joe Weber stated that anyone has a right to know anything that goes on with the Borough except pending litigation, personnel information, things that go on in executive sessions and a few other things. Attorney Matika stated that you must make your request and the open records officer will let you know if it can be disclosed and if it can't she will let you know. Mr. Barone stated that maybe Council would like to look into having the garbage bill rolled into taxes. Joe Weber stated that we have looked into this and there is a problem with this based on millage on a home where some homeowners will be paying more than others for garbage. Mr. Barone suggested that Council could put it in as a general fund on the tax bill or put it in with the municipality tax. Attorney Matika stated that the problem with having the Tax Collector collecting the garbage fee is that we will have to pay her a commission on that; the other reason is that the taxes don't go out until April 1st and the first round of garbage bills go out in February so the Borough has that to pay the hauler. He doesn't think that it is such a good idea because Alice Kane would have to know who is exempt from the garbage. Joe Barone asked Council what they plan on doing to cut expenses for the future. Joe Weber said that this is a good question. Mr. Barone asked if we could save by going in with other towns on purchasing shovels and other bulk items. John O'Gurek said that there is no discounted rate when you are purchasing these items from the state. Mr. Barone stated that Lehighton is saving 50% on their electricity because they are using energy efficient street lights. Joe Weber said that this is not an option; he added that a gentleman came last July to talk about buying the lights back off of PPL so that we could save power, Council listened to his presentation and we will not save immediately because we will be locked into a 20 year rate. But, after that, we could start saving money because even if the rates went up we will be locked in to one set rate. We cannot do this until we pay off our short term loan and we are still waiting for our state grant to come in; when that is paid off maybe we will consider this but we cannot do anything until the loan is paid off. Bill Chapman asked if we are still looking into solar power and Joe Weber stated that the Water Authority is still looking into this as an option.
5. Sara Ruch, 43 Park Ave, had a question pertaining to Tim Markleys' property. She asked if Council knows what is going on because it is being timbered. Joe Weber stated that Council does know of this, there were some branches and trees hanging over that were potentially hazardous that they were supposed to be trimming. Sara asked if Council has seen some of the machines that are down in White Bear on the property. She said that she doesn't think that they are trimming and right now they are on Barney's property because they have an agreement with him to make an access path to their property. Sara stated that she is concerned about water coming down over the mountain and flooding out the 14 acre farm that she is co-owner of. Joe Weber stated that someone has spoken with the Carbon Conservation District and they did discuss with Mr. Markley about him clearing a certain

acreage and if anything past that is cleared he can be cited. Sara mentioned that she spoke with DEP and they said that if he is cited more than 3 times he could be shut down but once the trees are gone they are gone. Larry Marek added that they have a track loader down there and with them running the machine on the road it can cause problems. Larry also stated that the machines have not moved for a week and all of the equipment is gone. Joe Weber said that the county has been called. The County Conservation does answer to DEP so if she has any problem please to call them.

6. Larry Marek expressed that he has problems with the snow removal; he said that he has a nice big yard and no one asked if they could dump 10 to 15 feet of snow onto his property. He said that he always has to snow blow the part of the road by his garage because the work force doesn't plow down that far, but now this past snow they did so that the 4 wheelers could get down the path. John O'Gurek stated that the road should be opened so that there is access to the cell tower. He also mentioned that snow should not be placed in his yard unless there is a state of emergency declared. Larry said that he doesn't care if they dump snow in his yard but he doesn't want his property damaged. John O'Gurek stated that he is not happy the way the snow removal was run and he will address the issues with the borough work force.

Mayor's Report – Mayor Paul McArdle read the Mayor's Report for the month of February. He reported the magistrate income for the month of February 2010 as \$1,134.65. **Motion was made by John O'Gurek and second by Ken Boyd to approve the Mayor's Report for the month of February 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 February 2010. Chief Fittos informed Council that the Crown Victoria is back in service. Chief Fittos also mentioned that the Jim Thorpe Borough has a telephone system that calls residents during snow storms to inform them when snow removal will be done. Jim Thorpe claims that this system has worked very well for them and he is looking into the cost of the system and will update Council as he gets more information. **Motion was made by Mike Kokinda and second by Bill Chapman to accept the Police Report for the month of February 2010.** The motion was opened to the floor for comment; none made. Motion carried unanimously by Council.

Planning and Zoning Report – Council received copies of Larry Marek's Planning and Zoning report for the month of February 2010. John O'Gurek asked Larry Marek if solar panels and wind turbines fall under the zoning ordinance. Larry Marek said it does fall under the ordinance as an accessory use. John O'Gurek asked if what the cost of a building permit is. Larry informed him that it is based on the estimated cost of the project. Larry added that he all he is trying to do is protect the people who are looking into getting solar energy because the home owner may run into problems with the insurance companies. **Motion was made by John O'Gurek and second by Ken Boyd to accept the Planning and Zoning Report for the month of February 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 February 2010. Joe Weber mentioned that the work leader is asking that residents keep their pickup trucks and vehicles off the streets when it snows because it makes it harder for the borough trucks to get around. Joe Weber stated that people with there own plows are not to be cleaning the streets because it is the borough's responsibility. **Motion was made by Ken Boyd and second by John O'Gurek to accept the Work Leader Report for the month of February 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 February 2010. They submitted total Earned Income Tax of \$23,090.13 with a commission of \$414.70. The total LST Tax submitted for February was \$32.50 with no commission. **Motion was made by Ken Boyd and second by Joe Weber to accept the Wage Tax Reports for the month of February 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 February 2010 as \$147,427.21. **Motion was made by Mike Kokinda and Second by Bill Chapman to accept the receipts for February 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 there is nothing to report but they did go through two truck loads of cold patch to fill in the pot holes around town.

Building –

- Mike Kokinda stated that he received a report from HT Lyons for the mechanical system for the Fire House. He said that we will need to go through the bidding process for the repairs and also mentioned that there is some damage done to the roof and gutters because of the snow and ice

Fire and Emergency Services –

- Larry Black stated the annual drive will be going out soon, March 27th and 28th will be the Easter flower sale at the Fire Company and they are preparing for the Stay at Home Festival.

Recreation –

- Monica Marshall stated to Council that they are also preparing for the Stay at Home Festival.
- She said that Easter on the Hill will be held on Sunday, March 28, 2010 at 2:00 p.m. in Ludlow and Bill Black Parks. No one over the age of 12 will be able to participate in the Egg Hunt. She mentioned that if it rains it will be moved over to the Community Center.
- Monica said that she will need 1500 Copies of the Stay at Home Festival letter and with Council's permission she would like to ask the secretaries to make the copies at their convenience. Monica also mentioned that Easter on the Hill flyers will need to be copied as well but she would only need 25 copies of that flyer. Joe Weber said that he did not see a problem with this request.
- There will be a Recreation meeting Thursday, March 11, 2010 at 7:00 p.m. in the new Community Center to discuss furniture for that room.

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

Communications – See attached sheet.

1. Our Lady of the Angels Academy would like permission to have their race for education day in the Ginder Field on Friday, May 14, 2010 from 10:00 a.m. to 2:00 p.m. with a rain date of May 21, 2010. **Motion was made by Mike Kokinda and second by John O’Gurek to allow Our Lady of the Angels Academy to use the Ginder Field on Friday, May 14, 2010 from 10:00a.m. to 2:00 p.m. with a rain date of May 21, 2010.** The motion was opened to the floor for comment; none made. Motion carried unanimously by Council.

Communications

1. Letter from Cathy Higgins thanking Council for the great job removing the snow after the storm
2. Notice of Assessment from the Board of Assessment and Revision of Taxes
3. Notice of Assessment Appeal from the Board of Assessment and Revision of Taxes
4. NEPA letter in regards to Wind Conference
5. Letter from PPL in regards to their “Line & Safety” campaign
6. Newsletter from Blue Cross of Northeastern PA
7. Benchmark Winter 2010 Newsletter
8. PLGIT Investment Guide Update
9. PSAB 99th Annual Conference & Exhibit April 25-28, 2010 in Pittsburgh
10. Government Matter Winter Newsletter
11. 2010 Construction Buyers Guide

Motion was made by Mike Kokinda and second by Bill Chapman to accept all Communications for the month of February 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 February 2010 as \$44,227.72. Sara Rutch asked Council what is Writing Works. Joe Weber explained that it was a company that we used last year to do a study on wind mills and solar power for the Borough.

Motion was made by Bill Chapman and second by Mike Kokinda to pay all bills for the month of February 2010. The motion was opened to the floor for comment; none made. Motion carried unanimously by Council.

Unfinished Business –

1. Joe Weber stated that he would like to make an apology to the Summit Hill Heritage Center for the comments that he made at the February council meeting he said that he vented some frustration that he had towards the organization based on word on the street or hear say about what the organization was about. He stated that his lack of understanding lead him to believe that they wanted to be a competitor with the Borough with renting out the Heritage Center, which is not the case. They are trying to save the church and keep it in good use instead of letting it fall apart like every other church in town.
2. Attorney Matika said that we had advertised for adoption to amend our pension plan. He stated that we needed to resolve some litigation before we did this, litigation has been resolved and now we need to adopt an ordinance. The ordinance will make some changes to the pension plan which we have agreed to do so in the previous collective bargaining agreement. It has been prepared and reviewed by himself and the PMRS Council and has been advertised in the Times News as required by law. This would make some changes to

the social security offset to make the service age and retirement provision that any officer that retires at the end of the year 2008 and so on will be entitled to step up retirement payment based on the year's experience. Council needs to adopt this ordinance and make it retroactive to January 1, 2009. **Motion was made by Mike Kokinda and second by Ken Boyd to adopt Ordinance #2, 2010 which changes the police pension benefits making it retroactive to January 1, 2009.** The motion was opened to the floor for comment; none made. Motion carried unanimously by Council. Larry Marek asked how many years of service are required for retirement. Attorney Matika stated that it is 12 years of full-time services and 50 years of age. Attorney Matika stated that we need to execute an addendum to PMRS authorizing those changes to the plan. **Motion was made by Mike Kokinda and second by Bill Chapman to send an addendum to PMRS authorizing the changes to the police pension plan.** The motion was opened to the floor for comment; none made. Motion carried unanimously by Council.

3. John O'Gurek said that we need to set a date to clean the streets. He mentioned that some members from the Lansford Borough stated that when they come up to clean the streets it is costing them between \$600 and \$800 to do this and were wondering if Summit Hill could supply them with fuel and vice versa but this would need to be voted on by Council. Joe Weber stated that he knows there is an agreement between the boroughs in regards to shared services and that there wouldn't be a score card kept between the communities. As far as he knows, the municipalities did not agree to pay for each others fuel. Attorney Matika stated that we would have to make an amendment to the agreement to add the fuel.

New Business –

1. Joe Weber said that he has the list of garbage exemptions in front of him and after reviewing them he suggests that all on the list should be approved for exemption. Atty. Matika asked if the Garbage Committee reviewed the list. Weber said that they did not. Matika stated that the committee must review the list and make a recommendation to be exempt. The approval for exemptions was placed on hold until the committee had a chance to review the list.
2. Kira stated that Council needs to make a decision on a computer service contract because we currently do not have one. Our current contract is changing slightly but she did give Council information on other possible companies that we could look into. **Motion was made by Mike Kokinda and second by Bill Chapman to table approval of a computer service contract upon further review by Council.** The motion was opened to the floor for comment; none made. Motion carried unanimously by Council.
3. Borough Secretary, Kira Michalik, made a statement to the public about residents calling and screaming at the secretaries because of snow removal. She said that we understand that during the last snow storm it was very frustrating for everyone but we are just the messengers. We, the secretaries, do not get in the trucks and plow the snow in front of your house. Residents were very mean and ignorant and if they didn't get the answer that they wanted on the phone they came to the office and screamed in our faces. Some people made it clear that if their snow didn't get removed that they would keep calling until it was done or until we would get sick and tired of them calling and send someone to their house to remove the snow. Again, Kira stated that we are only the messengers and we can only do so much. We take the complaint and forward it to the proper people. Once we give the message, it is no longer in our hands. Joe Weber asked that resident please not harass the Borough Secretaries, Council or the Work Force. If the harassment continues, these matters will be taken up with the police force.

Motion was made by Mike Kokinda and second by Bill Chapman to adjourn at 8:40 p.m. until the next regular scheduled meeting of the Summit Hill Borough on April 13, 2010. The motion was opened to the floor for comment, none made. Motion carried unanimously by Council.



Kira Michalik
Summit Hill Borough
Secretary/Treasurer



Joseph Weber
Summit Hill Borough
Council President