

**Summit Hill Borough Council**  
**May 10, 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, Ken Boyd, Harry Miller, Mike Kokinda, William Chapman, Mayor Paul McArdle and Solicitor Joe Matika were all in attendance. Mike Alabovitz was absent.

**BIDS** – President Joseph Weber opened bids received for 2010 road materials.

1. Hazleton Materials, LLC, Weatherly

a. Super Asphalt Mixture 9.5mm	No Bid		
b. Super Pave Asphalt Mix 25.0mm	No Bid		
c. 2A Modified	unit price per ton	plant \$5.64	delivery \$10.39
d. Anti-skid	unit price per ton	plant \$9.00	delivery \$13.95
e. PG 64-22	No Bid		

2. Eckley Asphalt, Weatherly

a. Super Asphalt Mixture 9.5mm	unit price per ton	plant \$55.04	delivery \$60.84
b. Super Pave Asphalt Mix 25.0mm	unit price per ton	plant \$46.42	delivery \$52.22
c. 2A Modified	No Bid		
d. Anti-skid	No Bid		
e. PG 64-22	unit price per gallon	plant \$4.00	delivery N/A

3. Lehigh Asphalt Paving & Construction, Co.

a. Super Asphalt Mixture 9.5mm	unit price per ton	plant \$59.85	delivery N/A
b. Super Pave Asphalt Mix 25.0mm	unit price per ton	plant \$49.90	delivery N/A
c. 2A Modified	unit price per ton	plant \$8.25	delivery N/A
d. Anti-skid	unit price per ton	plant \$9.00	delivery N/A
e. PG 64-22	unit price per ton	plant \$5.50	delivery N/A

4. Eastern Industries, Inc.

a. Super Asphalt Mixture 9.5mm	No Bid		
b. Super Pave Asphalt Mix 25.0mm	No Bid		
c. 2A Modified (Whitehall 29.5 miles)	unit price per ton	plant \$6.95	delivery \$14.21
d. Anti-skid (Ormrod 29.5 miles)	unit price per ton	plant \$8.00	delivery \$15.26
e. PG 64-22 (Wescosville 41.1 miles)	unit price per ton	plant \$4.50	delivery N/A

**Motion was made by John O’Gurek and second by Ken Boyd to table the 2010 road material bids for further review until the next scheduled Council Meeting.** The motion was opened to the floor for comment; none made. Motion carried unanimously by Council.

**Minutes** – Motion was made by John O’Gurek and second by Mike Kokinda to approve the minutes from the April 13, 2010 Summit Hill Borough Council Meeting. The motion was opened to the floor for comment; none made. Motion carried unanimously by Council.

**Floor** –

1. Carson Helfrich, Community Planning and Development, talked to Council about the joint comprehensive plan between Summit Hill, Lansford and Jim Thorpe Boroughs. He gave Council

an update as to the progress of the project and explained that the next step is to hold a public meeting to show the early stages of the plan. Carson then began a short presentation to show Council the progress of the project. He explained that a committee has been formed between the three boroughs and stated that members of the planning commission and additional members from Council would be helpful; the committee meets the first Wednesday of every month with in Summit Hill or Jim Thorpe. Some points that Carson presented to Council were as follows:

- a. They are gathering information on economic development, conservation and natural resources.
- b. The Western Carbon County project is comprised of 25 miles, 12,000 residents, 6,000 homes and 22.5 miles of PennDot roads.
- c. Explained that a comprehensive plan is a study and a report, it is a plan not a law and is an informational source. It is a plan that tries to balance growth in a community, maintain a healthy economy, maintains the quality of life and safeguards natural & historic resources. With this, they are trying to get public and private sectors to work together.
- d. Some of the Planning Elements are land use, natural resource conservation, environmental protection, community facilities, services and utilities, transportation, housing, historic preservation, open space, greenways and recreation, regional planning and intermunicipal cooperation and implementation strategies.
- e. Explained that the Carbon County Board of Commissioners and the Carbon County Office of Planning and Development are currently updating the county's comprehensive plan. The MPC provides for the county and local municipal review of the plans to ensure consistency.
- f. Explained the Goal and Objectives for the plan:
  - i. Goal #1 – Protect the Western Carbon County planning areas
  - ii. Goal #2 – Develop a land use plan for the planning areas
  - iii. Goal #3 – Conserve streams, lakes and other natural resources
  - iv. Goal #4 – Provide for secure and sound housing in a variety of types and densities
  - v. Goal #5 – Ensure that community facilities and services are provided to meet planning area needs
  - vi. Establish and maintain an adequate circulation system to safely and efficiently move people and goods
  - vii. Goal #6 – Protect historic resources as an important part of the character and economy of the planning area
- g. Explained the step that the group has or will be taking to complete the Western Carbon Comprehensive Plan:
  - i. Prepare draft based on planning process.
  - ii. Circulate to Borough Planning Commissions, County Planning Commission, contiguous municipalities and school districts for 45-day review.
  - iii. Local Planning Commissions conduct special public meeting
  - iv. Prepare final draft based on public comments.
  - v. Councils conduct public hearings.
  - vi. Councils adopt plan by resolution

At this time, Carson asked if there were any comments regarding the presentation. Shireen Parsons said that coal mining could be a good economic development. Carson explained that all three communities are similar in some ways and they are very different in others; he added that Jim Thorpe may be a little more active than the other two boroughs. Thomas Tkach stated that the

only way we will have economic growth is tourism; he said the residents of Jim Thorpe may hate it but have you seen the bumper stickers and go down there on the weekends, it is extremely busy. Tom asked why this area can't be the same way. Mr. Helfrich said that it potentially can be, but it is going to take a lot of effort by an organized business community; the Borough Council committee provides the atmosphere, but it is mostly up to the business community to create the growth in tourism. Shireen Parsons stated that tourism cannot flourish in an area where the water source is not clean enough; people will not come here because there are no tourism sites. Carson stated if you take a look at the water following map for the three Boroughs that he is working with, water quality is good in these three boroughs but once you get out of the three boroughs to the other side of the mountain it is a different story. If you look on the DEP website, there are at least 2 or 3 exceptionally good streams in the area. Carson then explained that the next step is to hold a public hearing and asked that Council schedule a date and participate in that public hearing. Joe Weber stated that the public meeting will be announced possibly at the June Council meeting.

2. Daniel Poncavage distributed information for Council to review about a residential development called Bloomingdale Village that he is proposing which will be located at the base of the mountain in the White Bear area. Mr. Poncavage also submitted a copy to the planning commissions for their review. He said that he represents a developer by the name of Albert Marcella and that Albert made an offer for the land but wants approval from Council before he commits to anything. He expressed that their interest in the land would be residential and having it zoned R1 in 1 acre lots with no exceptions. Although the acreage and dimensions aren't shown on the paperwork, there will be a total of 8 lots with a possible 9<sup>th</sup> lot; this will be near the intersection and might be zoned as a community neighborhood commercial. He stated that the land hasn't been perk tested yet but once the perk test is complete, all of these plans may stop because of its results. According to the county, the soil may have a heavy water table; this is another reason why they may not move forward with the project. Bill Chapman asked how much it will cost the borough to do all of this work; Joe Weber explained that it is the developer's responsibility to take care of all the fees. Mr. Poncavage said that the developer will be paying for the land if it is reasonably priced and that the whole project is questionable pending the perk test. Daniel also mentioned that the PPL street light costs will not go up because of the additional lights that they would like to add. Bill Chapman asked Mr. Poncavage what it exactly it was that he was looking for from Council. Daniel told him that he wants Council's input on the project. Chapman stated that this is a zoning and planning commission matter and Council can not give an ok for anything until it is presented and reviewed by them first. Poncavage again stated that all he is looking for from Council is their input before they go and commit to anything because what they are proposing is very pricey due to the surveyor, preliminary planning and submission to the planning commissions will be required for the preliminary findings, which in itself will be very expensive. Chapman said that all of this should be discussed with the Zoning Officer because he would know more about this matter and all the regulations; he added that he thought it would be a good idea and that growth in our area is always welcome. Poncavage said that they will respect the lake as much as possible and that if the septic doesn't pass, there will not be a sale of the land. They do plan to release the water if it is financially possible. Chief Fittos asked about the two driveways coming out of the proposed development. He expressed his concern about possibly accidents and mentioned that there are a lot of accidents that do happen in this particular area. Daniel explained that the driveways would be about 300 feet from the current intersection and that they would not be anywhere near the stop sign. He asked Chief Fittos if he could tell him about how many accidents occur at this intersection. Chief Fittos said that he does not have an exact number but there is quite a few each year. Daniel asked Council from a commercial aspect, how they would feel about it being zoned residential. Larry Marek did state that once this gets out the people in White Bear are going to complain about what is being proposed. Joe Weber suggested that Mr. Poncavage meet with the

zoning officer and present everything to the planning commission so that it can be reviewed and then presented to Council for a final decision.

3. Shireen Parsons, 113 E. Holland Street, wanted to talk to Council about the litter around town. She said that there are trash cans all around town and there is litter on the ground instead of in the cans. She wanted to ask council if there could be a clean-up day before the Memorial Day Parade to get people involved in cleaning the town to make the town look decent for the parade. Monica Marshall told Shireen that there are at least 25 kids from the Panther Valley School District who need community service who can help clean up the town and she would get her the contact information. Shireen said that she thinks that it would be great to have the kids involved in the clean-up.
4. Charles Ziegler, 105 East Amidon Street, was wondering about permits for roofs and fences because he wants to make sure that the contractors that are doing the work around town have the proper licenses and permits. Joe Weber said that he knows that contractors now need a state wide permit if they are doing more than a set amount of work and that the Borough does require a contractors permit. Attorney Matika added that effective July 2009, all contractors must have the state wide permit to do construction and you can look it up on the internet to see if a particular contractor is on the list.

**Mayor's Report** – Mayor Paul McArdle read the Mayor's Report for the month of April 2010. He reported the magistrate income for the month of April 2010 as \$987.27. **Motion was made by Mike Kokinda and second by Harry Miller to approve the Mayor's Report for the month of April 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 April 2010. Chief Fittos wanted to remind council about the calling system, SWIFT 911, which he presented at the last council meeting. He added that this will be very beneficial when the citizens need to be notified about moving vehicles for plowing, emergencies and so on. He also wanted to let Council know that the department attended a seminar on RX for a better life, it dealt with healthy choices for officers and it was very informative for the department. Chief Fittos requested that the full-time employees attend an Advanced Roadside Impaired Driving Enforcement class that will be held on September 8 and 9, 2010 with no cost to the Borough. **Motion was made by Bill Chapman and second by Harry Miller to allow the full-time officers to attend the Advanced Roadside Impaired Driving Enforcement class on September 8 and 9 2010 with no cost to the Borough.** 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 Joe Weber to accept the Police Report for the month of April 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 April 2010. Larry talked about Daniel Poncavage's sketch plan that was submitted and said that he probably will have a lot of problems with the sketch because it may be hard to get a commercial permit for that location as well as trying to get permits for driveway accessibility. Joe Weber said that this will be a very expensive project. Larry added that residents in the area don't want anything commercial built down there, so over all this is not a very good idea. Larry also wanted to talk about the contractor rules and regulations in town; he said that in most towns you must register in the town before you do any work on a home. Attorney Matika stated that this will be a challenge because it will be a contradiction of the state law that is in place now. Joe Weber added that the state law states if a contractor does more than \$5,000 dollars worth of work they must be registered through the state. Larry stated that he is still receiving calls at home and it is becoming a daily issue. Joe Weber said that all calls about zoning should come through the borough and that Larry isn't a full-time employee. If there is a zoning question, you must call the borough office to talk with Larry or leave a message; Kira may also be able to

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help. **Motion was made by Mike Kokinda and second by Bill Chapman to accept the Planning and Zoning Report for the month of April 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 April 2010. **Motion was made by Harry Miller and second by Mike Kokinda to accept the Work Leader Report for the month of April 2010.** The motion was opened to the floor for comment; none made. Motion carried unanimously by Council.

**Tax Collector Report** – Borough Secretary, Kira Michalik, read the Tax Collector's Report for the month of April 2010. Alice Kane submitted total taxes as \$106,924.24 with a commission of \$4,276.96. **Motion was made by Mike Kokinda and second by Harry Miller to accept the Tax Collector Report for the month of April 2010.** The motion was opened to the floor for comment; none made. Motion carried unanimously by Council.

**Wage Tax Report** – Borough Secretary, Kira Michalik, read Berkheimer's Wage Tax Report for the month of April 2010. They submitted total Earned Income Tax of \$16,606.80 with a commission of \$302.50. The total LST Tax submitted for April was \$207.90 with a commission of \$3.64. **Motion was made by Mike Kokinda and second by Joe Weber to accept the Wage Tax Report for the month of April 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 April 2010 as \$150,837.27. **Motion was made by Mike Kokinda and Second by Harry Miller to accept the receipts for the month of April 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 and sweeping the streets in town.
- Harry Miller said that they completed painting the signs in town and wanted to thank all of the volunteers for doing a great job; Council agreed with Miller. Joe Weber said that he thinks that all of the stop sign poles should be painted too.

##### *Building –*

- Mike Kokinda stated that the building dedication for the Fire Company will be on July 24, 2010 and that he thought it would be a good idea to get the Borough involved as well and have an Open House/dedication for the Borough's Municipal Building.

##### *Fire and Emergency Services –*

- Kira stated that the Fire Company will be selling geraniums on May 14, 21 and 28, 2010 and all orders must be in by the Wednesday before to have the flowers in for that Saturday.
- There will be a meeting to discuss the paving at the Fire Company on Wednesday, May 12, 2010 at Carbon Engineering.

##### *Recreation –*

- Monica Marshall asked if the grass in the Ginter Field could be cut on Wednesday, May 26, 2010 for the Stay at Home Festival.

- Monica asked if the swing sets at the Ginter Field could be painted. Harry Miller said that the insurance company is saying that the swing set needs to be replaced so why waste time painting them. Joe Weber said that we could possibly get the borough crew to use the bucket truck to paint the top of the swing sets.
- Monica said that they will be holding off on ordering new benches and asked what happened to the cement slabs that used to hold the old benches. John O'Gurek said that Kossie has them over in the borough garage and she would need to talk to him about them.
- Monica said that she is purchasing a Fun Ball for the Ginter Field. She stated that it doesn't need to be cemented into the ground but she will need volunteers to put it into the ground. Joe Weber said that the borough workers will help her install it.
- Monica talked about the User Agreement for the Recreation Center; she talked about the fees being \$150.00. Joe Weber said that they would discuss this under the old business.
- Monica wanted to thank everyone for getting her a phone line.

**Motion was made by Mike Kokinda and second by Harry Miller to accept all Committee Reports for the month of April 2010.** The motion was opened to the floor for comment; none made. Motion carried unanimously by Council.

**Communications** – See attached sheet.

- Anthracite Triathlon would like permission to hold the 2010 edition of the Anthracite Triathlon in the Borough on Sunday, July 18, 2010 at 7:30 a.m. Chief Fittos asked if Anthracite Triathlon could give more notice next year. **Motion was made by Mike Kokinda and second by Bill Chapman to allow Anthracite Triathlon to hold their 2010 edition of the Anthracite Triathlon in the Borough on Sunday July 18, 2010 starting at 7:30 am.** The motion was opened to the floor for comment; none made. Motion carried unanimously by Council.
- Summit Hill class of 1960 would like permission to use the community center for their 50<sup>th</sup> high school reunion on Saturday, July 17, 2010 from 1:00pm to 11:00pm. Joe Weber asked if it would be up to the recreation commission. Attorney Matika stated that the recreation commission can not sign off on the user agreement only Council can and that anyone who wants to use the building needs to give Council 6 weeks notice so that it can be approved at a meeting.
- Summit Hill Adult Basket Ball League would like permission to use the Ginter Courts for their adult basket ball league Sunday's, Tuesday's and Thursdays from 5:00pm to 9:00pm until the middle of August. **Motion was made by Mike Kokinda and second by Ken Boyd to allow Summit Hill Adult Basket Ball League to use the Ginter Courts Sundays, Tuesdays and Thursdays from 5:00pm to 9:00pm until the middle of August.** The motion was opened to the floor for comment; none made. Motion carried unanimously by Council.

## Communications

1. Thank you card from Lezteck Systems (Jeff Leslie) for choosing Lezteck Systems as the Borough's technology provider.
2. Invitation to all of Council and the Mayor to attend the "Celebrate! Education & Technology" event at the Panther Valley High School Library on May 14, 2010 – PLEASE RSVP by May 11<sup>th</sup> (Invitation is attached for your review)
3. Notice of Board of Assessment Appeals Determination from the Board of Assessment Appeals
4. Notice to change 2010 Tax Duplicate for David & Robin Lutz – 155 W. Mountaintop Road from the Board of Assessment and Revision of Taxes
5. PA One Call April 2010 newsletter

6. Info. from Penn Forest Township Board of Supervisors extending the invitation to join them in exploring the possibility of retaining a Philadelphia law firm for the purpose of initiating a Class Action against Commonwealth of PA regarding the Weighted Vote System that has been imposed upon us by DCED.
7. F.C. Spott Company sent information regarding their equipment and services for road maintenance
8. Financial Resource Services Inc. sent information about investment advisory services to police and non-uniformed pension plans.
9. Info about the 2010 United States Census
10. NEPA sent info about Integrating Transportation and land Use into Comprehensive Plans
11. NEPA sent info about the ARC & EDA project funding notice
12. Riley and Company, Inc. sent info about the CGFM-Certified Government Financial Manager
13. CSI Corporate Security and Investigations, Inc. sent info about Gentile-Meinert and Associates National Expansion
14. Received 2008 Carbon County Needs Survey from the Carbon County Partners for Progress
15. 2009 PLGIT Annual Report
16. ArcNews Spring 2010 magazine

**Motion was made by Bill Chapman and second by Mike Kokinda to accept all Communications for the month of April 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 April 2010 as \$120,369.07. **Motion was made by Mike Kokinda and second by Bill Chapman to pay all bills for the month of April 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 prepared the User Agreement for the Community Center. Mike Kokinda expressed his concern about having people parking in front of the Fire Company. If there would be an emergency, the trucks will not be able to get out. Harry Miller said that we have to be more specific about the cleaning section in the contract and state exactly what we are looking for because the way it is worded now, it is very vague. Atty. Matika stated this is already built into the deposit but Harry is right, it is not very specific on the cleaning part of the contract. There is a \$100.00 security deposit so if the building isn't cleaned, we can apply the deposit to cleaning the building. Atty. Matika talked about how the contract states that if the tables and chairs are not returned to their original status, then their security deposit will be forfeited. Bill Chapman asked about the liability insurance issue. He said that he would like to see it in the agreement and asked which option is the Borough is going offer the interested parties. Monica mentioned that she has shown the hall to three different people already and if people are interested in seeing the hall, they should make an appointment with her. She did make people aware of the fact that there is no parking out front of the building in case there is an emergency and the Fire Company would have to get out. Monica asked what we will be doing about locking and unlocking the building when there is an event scheduled. Atty. Matika said that the verbage on keys will be changed in the contract because it originally stated that the applicant would receive the keys prior to the scheduled event but Council did not like that idea. Atty. Matika asked Bill Chapman what exactly he was looking for on the liability waiver. He said the agreement states that we do not provide alcohol, it is BYOB, which will absolve the Borough from responsibility, and any one who uses the hall has to provide liability insurance to the Borough. They also discussed that non-profit

organizations will pay \$20.00 to use the center. Monica asked if we can put more receptacles in the kitchen so that the refrigerator can be moved against the wall. John O’Gurek said that he would like to add additional fees for the use of air conditioning. Atty. Matika said that it is already included in the rental fee and that for every hour that you go over the allotted 8 hours there will be an additional \$25.00 per hour charge. Atty. Matika also talked about section 7c – user regulations. The building is available for group meetings for a rate of \$20.00 per hour for a 5 hour maximum time; for example democratic and republican meetings, etc. Atty. Matika stated that he will be changing the user fees to \$25.00 for all functions for as many hours as necessary. **Motion was made by John O’Gurek and second by Ken Boyd to approve the user agreement for the community center with the additional changes to be added.** The motion was opened to the floor for comment; none made. Motion carried unanimously by Council.

2. Summit Hill class of 1960 would like permission to use the community center for their 50<sup>th</sup> high school reunion on Saturday, July 17, 2010 from 1:00pm to 11:00pm. **Motion was made by Bill Chapman and second by Mike Kokinda to allow the Summit Hill Class of 1960 to use the Community Center for their High School reunion on Saturday, July 17, 2010 from 1:00pm until 11:00pm with the understanding that all proper paperwork must be submitted to Monica Marshall.** The motion was opened to the floor for comment; none made. Motion carried unanimously by Council

#### New Business –

1. Harry Miller presented Council with additional exemptions for the 2010 garbage collection fee. Atty. Matika had some questions about a few of them and suggested that Council get clarification on them before approving them for exemption. **Motion was made by John O’Gurek and second by Ken Boyd to table the garbage exemptions until the next regularly scheduled Council Meeting.** The motion was opened to the floor for comment; none made. Motion carried unanimously by Council.
2. Harry Miller reported one handicap parking permit has been submitted for renewal.
  - a. Charles Ziegler, 103 East Amidon Street for renewal. **Motion was made by Harry Miller and second by John O’Gurek to approve the renewal of a handicap application for Charles Ziegler at 103 East Amidon Street.** The motion was opened to the floor for comment; none made. Motion carried unanimously by Council.
3. Mike Kokinda said that the area between the Fire Company and Elk Lighting is being used as a driveway and the cars are coming through there really fast. He is afraid that someone is going to really get hurt or cause an accident. He said that he knows it is not an ordained street and was wondering if we could post a no through way sign at each end of the driveway. Atty. Matika stated that if an accident would occur, the Borough would be liable because it is Borough property and they did not have it posted properly. Council instructed Kira to get together with Chief Fittos and get no through way signs ordered for the area between the Fire Company and Elk Lighting.

Council entered into a short executive session at 9:50p.m. to discuss potential litigation.

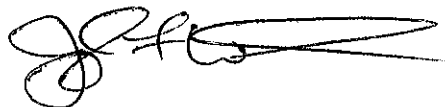
Council entered back into regular session at 10:27 p.m.

**Motion was made by Mike Kokinda and second by Ken Boyd to adjourn at 10:29 p.m. until the next regular scheduled meeting of the Summit Hill Borough on June 14, 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  
Summit Hill Borough  
Council President