

Summit Hill Borough Council
November 08, 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.

A brief moment of silence was held for Steve Redash.

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

Minutes – Motion was made by John O’Gurek and second by Ken Boyd to approve the minutes from the October 11, 2010 Summit Hill Borough Council Meeting. The motion was opened to the floor for comment; none made. Motion carried unanimously by Council.

Floor – nothing at this time

Mayor’s Report – Mayor Paul McArdle read the Mayor’s Report for the month of October 2010. He reported the magistrate income for the month of October 2010 was \$1,306.29. Motion was made by Mike Kokinda and second by Harry Miller to approve the Mayor’s Report for the month of October 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 October 2010. Chief Fittos told Council that Buckle-Up PA and North Central Highway Safety Network has been in contact with the department about taking part in seat belt enforcement. Chief Fittos said that funds are available to reimburse the Borough for hours worked by officers conducting the details. He said this is similar to the way we are involved in the DUI programs. Officers would hand out informational literature to the motorists during the detail. Should Council agree to take part in the program, the forms would need to be signed and mailed. Joe Weber asked if it was sponsored by the state. Chief Fittos said that it is. Atty. Matika said that he has talked to Chief Fittos about the program, the next funding would be Thanksgiving and the Borough would be reimbursed any wages for the officer who participates in this program from November 19 through December 3, 2010. Any time that an officer would put time into the program the Borough would be reimbursed. If an officer puts in time, he is obligated to pay one hour of in time work. Mike Alabovitz asked about the educational part of the program. Chief Fittos said that they may be required to attend state or county conferences, but it is not mandatory. Kira Michalik asked about the reimbursement procedures and asked who would be filling out the reimbursement forms. Joe said that he and Kira would have to fill out the forms. Motion was made by Bill Chapman and second by Harry Miller to opt into the Buckle-Up PA program with the Highway Safety Network. Charles Ziegler asked if the Police will be going to the high school to teach the kids about the program. Chief Fittos said that are going to two programs at the high school; one being 16 Minutes and the other will be Survival 101. Joe Barone asked what the cost will be to the Borough for this program; Joe Fittos said that it will be about 10 percent. Larry Marek asked about the education of police laws at schools. Chief Fittos said that it is Summit Hill’s responsibility to teach students because the high school is our jurisdiction. Mike Alabovitz said that this does not cover fringe benefits. Joe Weber said that they will reimburse wages that’s it. The motion was opened to the floor for comment; none made. Mike Alabovitz and Ken Boyd opposed. A roll call vote was taken.

Mike Alabovitz	No
Ken Boyd	No
John O’Gurek	No

Harry Miller	Yes
Bill Chapman	Yes
Mike Kokinda	Yes
Joseph Weber	Yes

Motion carried by unanimous vote to opt into the Buckle-Up PA program with the Highway Safety Network. Chief Fittos is asking Council for permission for 4 full-time Officers to attend a computer technology workshop on November 16, 2010 at 9:00 a.m. at the Carbon County Communication Center in Nesquehoning. Bill Chapman asked if it was a certification or informational workshop; Joe Fittos said that it was an informational workshop. Mike Kokinda asked if it is only informational why don't 1 or 2 officers go and then bring the information back to the rest of the officers. **Motion was made by Mike Kokinda and second by Ken Boyd to give Chief Fittos permission to attend the computer technology workshop at the Carbon County Communication Center in Nesquehoning on Tuesday November 16, 2010 at 9 a.m.** The motion was opened to the floor for comment; none made. Motion carried unanimously by Council. Charles Ziegler said that he believes that it is an injustice to the police department because the more they know the better it serves us. Chief Fittos said that he has received an application from Joshua Carter looking for part-time employment. Chief Fittos also informed Council that he received a resignation letter from Jason Helmer. In his letter Jason thanked Council for the opportunity to be able to serve the Borough. **Motion was made by Bill Chapman and second by Harry Miller to hire Joshua Carter as a part-time officer for the Borough.** The motion was opened to the floor for comment; none made. **Motion was made by Mike Alabovitz and second by Ken Boyd to accept the resignation letter from Jason Helmer effective November 11, 2010.** 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 Mike Kokinda to accept the Police Report for the month of October 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 October 2010. **Motion was made by Mike Kokinda and second by Bill Chapman to accept the Planning and Zoning Report for the month of October 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 October 2010. Bill Chapman said that the table in Ludlow Park is fixed but it is knocked over again. **Motion was made by Mike Kokinda and second by Harry Miller to accept the Work Leader Report for the month of October 2010.** The motion was opened to the floor for comment; none made. Motion carried unanimously by Council. Thomas Tkatch told Council that there are two sewer drains that back up on West Holland Street and they flood when it rains. John O'Gurek said that he can have the Borough crew go over it again. Charles Ziegler told Council that last month the sewer backed up into his basement and was wondering who was responsible for this. Joe Weber said that from the main into his house is his responsibility and from the main out is the Boroughs responsibility.

Tax Collector Report – Borough Secretary, Kira Michalik, read the Tax Collector's Report for the month of October 2010. Alice Kane submitted total taxes of \$3,306.58 with a commission of \$165.32. **Motion was made by Bill Chapman and second by Harry Miller to accept the Tax Collector Report for the month of October 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 October 2010. They submitted total Earned Income Tax of \$16,114.65 with a commission of \$322.13. The total LST submitted for October was \$79.80 with a commission of \$1.40. **Motion was made by Bill Chapman and second by Harry Miller to accept the Wage Tax Report for the month November 8, 2010 – Council Meeting**

of October 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 October 2010 as \$75,458.38. **Motion was made by Mike Kokinda and Second by Bill Chapman to accept the receipts for the month of October 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 getting ready for winter and cleaning out the storm drains.

Building –

- Mike Kokinda said Miller Brothers was here to do some final things HT Lyons has been here as well and they are working on the control system and trying to get the air balanced.

Fire and Emergency Services–

- Bill Chapman said that he never received any information as to what is going on over at the Fire Company and he would like something before the next Council meeting.
- John Poko said that the calls are lower this year than previous years.
- Shawn Hoben said that they will be holding a Chinese Auction on November 14, 2010 browsing will be from 11:00-3:00 and the auction will begin at 3:00 p.m.

Recreation –

- Bill Chapman asked about the money for the events in the Community Room. Kira informed him that most of the money was received and Monica was to drop the rest off.

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

Communications – See attached sheet.

Communications

1. Notice of Assessment from the Carbon County Board of Assessment and Revision of Taxes
 2. Notice of Assessment Appeals from the Carbon County Board of Assessment and Revision of Taxes
 3. PIRMA will be considering candidates to fill this vacancy at the next board meeting on January 6, 2011.
 4. Peter J. Radocha & Sons, Inc. sent their 2010-2011 rate for machine and operators
 5. NEPA sent a letter asking for Council to include them in the 2011 budget to support a membership of \$250.00
 6. Career Track will be holding a Criticism & Discipline – Skills for Managers and Supervisors seminar
 7. PLGIT 3rd Quarter Newsletter
 8. The Five Star Forum September 2010 newsletter
 9. BlueCross newsletter
 10. PIRMA newsletter
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11. October volume of Business Journal
12. ArcNews Fall 2010 magazine
13. Rock & Dirt October 2010 magazine
14. The American Lung Association in PA sent information pertaining to the new Diesel-Powered Motor Vehicle Idling Law. It states that certain diesel-powered vehicles weighing over 10,000 pounds may idle for no more than five minutes per hour. More information is provided – ask Kira.

Motion was made by Mike Kokinda and second by Mike Alabovitz to accept all Communications for the month of October 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 October 2010 as \$92,035.05. Thomas Tkatch asked what is the expense site overview. Joe Weber explained that it is for Carbon Engineering and a majority of the money was for the concrete and the parking lot issues at the fire company. Tom asked when the Borough will be given the money for the grant. Bill Searfoss asked why we didn't sue two years ago when all of this began. **Motion was made by Mike Kokinda and second by Mike Alabovitz to pay all bills for the month of October 2010.** The motion was opened to the floor for comment; none made. Motion carried unanimously by Council. Charles Ziegler asked what is fireman's relief. Kira explained that it is money that can only be spent on certain things like the Borough's Liquid Fuels money.

Unfinished Business –

1. Atty. Matika told Council that Atty. Sbrocchi entered a counter claim against Hoch Mechanical on behalf of the Borough for breach of contract and expenses related to un-workman like manor which they preformed the install of the HVAC systems. Atty. Sbrocchi also filed a separate action against Western Surety Company which is the company who provided the bonding for Hoch Mechanical and that action was filed against them late last week which is a result of them failing to pay out under the terms of the bond. Atty. Matika also added that we defended the lawsuit that Hoch Mechanical has filed against the Borough and now the Borough is counter suing Hoch Mechanical on the basis that they breached the contract by not providing their services and it has cost the Borough a great amount of money to try and correct their problems or pay other monies out as a result of their bad workmanship.

New Business –

1. Mike Kokinda said we need to revisit the Garbage Ordinance and bring it back to the next meeting.
2. Harry Miller presented Council with four exemptions for the 2010 garbage collection fee.
 - a. 27 North Market Street. **Motion was made by Harry Miller and second by Joe Weber to approve 27 North Market Street for a garbage exemption for the 2010 collection fee retroactive from the date of the application.** The motion was opened to the floor for comment; none made. Motion carried unanimously by Council. Mike Alabovitz opposed.
 - b. 10 East Lehigh Street. **Motion was made by Harry Miller and second by Mike Kokinda to approve 10 East Lehigh Street for a garbage exemption for the 2010 collection fee retroactive from the date of the application.** The motion was opened to the floor for comment; none made. Motion carried unanimously by Council.

- c. 38 East Richards Avenue. **Motion was made by Harry Miller and second by Mike Kokinda to approve 38 East Richards Avenue for a garbage exemption for the 2010 collection fee retroactive from the date of the application.** The motion was opened to the floor for comment; none made. Motion carried unanimously by Council. Mike Alabovitz opposed.
- d. 13 West White Bear Drive. **Motion was made by Harry Miller and second by Mike Kokinda to approve 13 West White Bear Drive for a garbage exemption for the 2010 collection fee retroactive from the date of the application.** The motion was opened to the floor for comment; none made. Motion carried unanimously by Council.

Charles Ziegler asked if there is anyone who lies and puts out garbage anyway. Kira told him that the Borough gives Tamaqua Transfer a list every month to let them know who is exempt. Larry Marek asked what happens if they are caught putting out garbage. Atty. Matika said that if someone isn't honest with the Borough, they will be fined and will have to pay the year's garbage bill as well.

3. Harry Miller reported six handicap parking permits have been submitted, five for renewal and one new.
 - a. Richard Jones, 19 N. Oak Street, for approval. **Motion was made by Harry Miller and second by Bill Chapman to approve the handicap application for Richard Jones at 19 North Oak Street.** The motion was opened to the floor for comment; none made. Motion carried unanimously by Council
 - b. Lewis Pelo, 116 North Oak Street, for renewal. **Motion was made by Harry Miller and second by Ken Boyd to approve the renewal of a handicap application for Lewis Pelo at 116 North Oak Street.** The motion was opened to the floor for comment; none made. Motion carried unanimously by Council
 - c. Rosalie Skodacek, 37 East Berea Street, for renewal. **Motion was made by Harry Miller and second by Mike Kokinda to approve the renewal of a handicap application for Rosalie Skokacek at 37 East Berea Street.** The motion was opened to the floor for comment; none made. Motion carried unanimously by Council
 - d. Walter Porambo, 17 East Walter Street, for renewal. **Motion was made by Harry Miller and second by Mike Kokinda to approve the renewal of a handicap application for Walter Porambo at 17 East Walter Street.** The motion was opened to the floor for comment; none made. Motion carried unanimously by Council
 - e. William Mansberry, 118 East Amidon Street, for renewal. **Motion was made by Harry Miller and second by Mike Kokinda to approve the renewal of a handicap application for William Mansberry at 118 East Amidon Street.** The motion was opened to the floor for comment; none made. Motion carried unanimously by Council
 - f. James Derby, 9 West Holland Street, for renewal. **Motion was made by Harry Miller and second by Mike Kokinda to approve the renewal of a handicap application for James Derby at 9 West Holland Street.** The motion was opened to the floor for comment; none made. Motion carried unanimously by Council

4. Kira asked Council for permission to write a letter to CLSH Sewer Authority asking for the Fire Company to be exempt from paying a sewer bill. All of Council agreed to have Kira write a letter to CLSH Sewer Authority asking for the Fire Company to be exempt from paying a sewer bill.
5. Kira asked Council if they would like an off-site backup agreement with Leztek; the cost is \$30.00 per month. **Motion was made by Bill Chapman and second by Harry Miller to table the Off-Site back-up service until further down the road.** The motion was opened to the floor for comment; none made. Motion carried unanimously by Council.
6. Kira asked Council about the cleaning service bids. **Motion was made by Mike Alabovitz and second by Ken Boyd to reject all bids for janitorial services at this time.** The motion was opened to the floor for comment; none made. Motion carried unanimously by Council. Mike Kokinda opposed.
7. Charles Ziegler asked how many times in the last five years were taxes raised. Joe Weber said it's been either 3 or 4 times. He also asked if the Borough gets audited every year. Kira said that we do. Charles said people on disability aren't getting raises so the Borough can't raise taxes; a brief discussion took place on the budget. Larry Marek asked about the grant money that the Borough hasn't received. Joe Weber said we are hoping to get it but we don't know when it will come.
8. Atty. Matika said that Officer Lienhard has filled out an application for Heart and Lung benefits based on a temporary disability she incurred while working for the Borough. Council determined that she is eligible for these benefits for the period of September 2, 2010 through October 7, 2010. Based on the calculations and deducting from that the workman's compensation benefits she received the Borough would be required to pay her the sum of \$1,186.15 under the Heart and Lung act. **Motion was made by Harry Miller and second by Mike Kokinda to adopt Resolution #3 of 2010 which is authorizing a payment to Officer Lienhard in the amount of \$1,186.15 in Heart and Lung benefits.** 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 John O'Gurek to adjourn at 8:38 p.m. until the next regular scheduled meeting of the Summit Hill Borough on December 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