

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

**Minutes** – **Motion was made by Ken Boyd and second by John O’Gurek to approve the minutes from the August 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, 31 East Ludlow Street, told Council that the people renting the second floor at 42 E. Ludlow Street are throwing their cigarette butts on the neighbor’s roof. Chief Fittos said that he will address this issue.
2. Leroy Hagerty, 250 E. Holland Street, spoke to Council about the fence at Dopira’s Mini Market. Joe Weber said that Leroy would have to speak with Larry Marek regarding this matter. Atty. Matika told Mr. Hagerty that Larry has completed his investigation and he needs to notify all of the parties involved as to what his decision will be; he will also have to let the parties know that they will be able to appeal the decision with the zoning hearing board. Leroy Hagerty told Council that he submitted a permit for his signs on August 2, 2010 and he still hasn’t heard anything yet.

**Mayor’s Report** – Mayor Paul McArdle read the Mayor’s Report for the months of July and August 2010. He reported the magistrate income for the month of July 2010 was \$1,216.21 and August 2010 was \$1,664.82. **Motion was made by John O’Gurek and second by Ken Boyd to approve the Mayor’s Report for the months of July and August 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 August 2010. Chief Fittos requested permission to sponsor an Ignition Interlock Class for other Police Agencies on October 27, 2010 from 9:00 to 11:00 am. This will be taught by Pennsylvania Alcohol Highway Safety Program. **Motion was made by Bill Chapman and second by Mike Kokinda to grant Chief Fittos permission to sponsor an Ignition Interlock Class for other Police Agencies on October 27, 2010 from 9:00 to 11:00 am.** The motion was opened to the floor for comment; none made. Motion carried unanimously by Council. Chief Fittos also requested that Officer Hannon attend 3 training courses held at Northeast Counterdrug Training Center. Identifying Deceptive Behavior on October 20-22, Forensic Statement Analysis on November 8-10 and Interview and Interrogation on December 13-15. There is no cost to the Borough for these courses. **Motion was made by Bill Chapman and second by Mike Kokinda to give Officer Brett Hannon permission to attend the 3 training courses 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 John O’Gurek to accept the Police Report for the month of August 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 August 2010. **Motion was made by John O’Gurek and second by Ken Boyd to**

**accept the Planning and Zoning Report for the month of August 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 August 2010. **Motion was made by John O’Gurek and second by Ken Boyd to accept the Work Leader Report for the month of August 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 August 2010. Alice Kane submitted total taxes of \$5,751.43 with a commission of \$287.57. **Motion was made by Bill Chapman and second by John O’Gurek to accept the Tax Collector Report for the month of August 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 August 2010. They submitted total Earned Income Tax of \$31,533.04 with a commission of \$645.13. The total LST submitted for July was \$98.10 with a commission of \$1.72. **Motion was made by Bill Chapman and second by Ken Boyd to accept the Wage Tax Report for the month of August 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 August 2010 as \$104,889.43. **Motion was made by Mike Kokinda and Second by Bill Chapman to accept the receipts for the month of August 2010.** The motion was opened to the floor for comment; none made. Motion carried unanimously by Council.

**Committee Reports** –

*Streets* –

- John O’Gurek said they are filling in potholes and cleaning out the storm drains and sewers to get ready for the winter.

*Building* –

- Mike Kokinda said that HT Lyons started the repair work for the HVAC system. Joe Weber said that there is an issue with the overhead exhaust system in the Fire Company and a company will be coming on September 22<sup>nd</sup> to look over the system.

*Fire and Emergency Services*- nothing at this time

*Recreation* –

- Monica Marshall told Council that the Recreation Commission will be holding Halloween on the Hill on October 23, 2010. The kids party will be from 2:00 to 4:00pm and a kids dance for ages 11-14 will be from 7:00 to 10:00 pm.
- Monica asked about putting a bid out for cleaning the Community Room; Mike Alabovitz said that we will need specifications first before we can put this out on bid.

- Monica asked if Council would be talking about the building itself; Joe Weber said that they would only be talking about appointing someone to approve scheduling. Monica said that when she rents out the building she is not discussing or making it mandatory for them to get a separate liability other than their home owners insurance.

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

**Communications** – See attached sheet.

## Communications

1. A letter from the Coaldale Borough thanking Council and the Borough Workers for helping pave the streets in their borough.
2. Notice of Assessment from the Carbon County Board of Assessment and Revision of Taxes
3. Notice of Assessment Appeals from the Carbon County Board of Assessment and Revision of Taxes
4. Notice of Board of Assessment Appeals Determination from the Carbon County Board of Assessment Appeals
5. Governor's Center for Local Government Services will be holding the following seminars:
  - a. Municipal bidding: Public Works Equipment & Services
  - b. Fleet Management
  - c. Basic Training & Examination for Municipal Tax Collector Qualification
6. PA DEP & DCED will be holding a Transforming our Communities, Strengthening our Economy course on September 28 & 29, 2010 in Allentown
7. Carbon County Conservation District sent a letter informing us of the retirement of the Conservation District's Manager, Jim Clauser
8. PSAB will be holding their Fall Leadership Conference October 15-17, 2010 in Gettysburg
9. PSAB sent information pertaining to a new program, the Cable-Telecom Alliance of Municipalities
10. PIRMA 2009 Annual Membership Report
11. PA Department of Transportation Fall 2010 newsletter
12. The Five Star Forum August 2010 magazine

**Motion was made by Mike Kokinda and second by John O'Gurek to accept all Communications for the month of August 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 August 2010 as \$171,305.17. **Motion was made by Bill Chapman and second by Mike Kokinda to pay all bills for the month of August 2010.** The motion was opened to the floor for comment; none made. Motion carried unanimously by Council.

### **Unfinished Business** –

1. Joe Weber talked about the Community Room and how the Borough would like to take the responsibility and turn it over to someone else to alleviate waiting for approval. Council will be giving it over the Borough Secretary in turn with Monica Marshall scheduling appointments. Joe

Weber said that Council needs to look into what the costs would be to have the hall cleaned. Once there are major events being held in the hall, it is going to be harder to keep up with it and the more we maintain the room the longer it will last. Chief Fittos said that we would need to include the police department in this bid. **Motion was made by Mike Alabovitz and second by Mike Kokinda to grant Kira Michalik permission to approve the contracts for the use of the hall.** The motion was opened to the floor for comment; none made. Motion carried unanimously by Council.

2. Monica Marshall talked to Council about the equipment for the kitchen in the community room. She said the equipment was purchased from Dean Anthony's and she arranged to get it in October. She told Council that the total cost for the equipment was \$4,200.00 which includes an 11 foot hood, deep fryers, stove, oven, dishwasher, shelving and a prep table.

### New Business –

1. Joe Matika talked about the Blue Ridge Cable Franchise fee agreement that will be expiring on December 31, 2010. He said that last agreement was made with Ordinance #5 of 2000. This ordinance set the franchise fee at 5% and Blue Ridge would like to know if Council is going to keep it at the 5% or lower the rate. Joe Weber said that if we lower the rate, we will need to raise taxes to make up for the loss of income from Blue Ridge. He also stated that 5% is the maximum allowed by law. **Motion was made by Bill Chapman and second by Mike Alabovitz to renew the agreement with Blue Ridge and keeping the franchise fee at 5%.** The motion was opened to the floor for comment; none made. Motion carried unanimously by Council. Mike Kokinda abstained because he works for Blue Ridge Cable.
2. Bill Chapman presented Council with one exemption for the 2010 garbage collection fee.
  - a. 13 East Ludlow Street. **Motion was made by Bill Chapman and second by Joe Weber to approve 13 East Ludlow 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.
3. Bill Chapman reported two handicap parking permits have been submitted, one for renewal and one new.
  - a. Robert O'Gurek, 56 West Walter Street, for renewal. **Motion was made by Mike Kokinda and second by Bill Chapman to approve the renewal of a handicap application for Robert O'Gurek at 56 West Walter Street.** The motion was opened to the floor for comment; none made. Motion carried unanimously by Council
  - b. Mary Kovatto, 55 East White Street, for approval. **Motion was made by Mike Kokinda and second by Bill Chapman to approve the handicap application for Mary Kovatto at 55 East White Street.** The motion was opened to the floor for comment; none made. Motion carried unanimously by Council
4. Kira told Council that Dave Unterburg would like to hold a public hearing regarding the home program on October 11, 2010 at 6:30pm. Council agreed to the public hearing.
5. Kira presented Council with an invoice from Community Programs Inc. in the amount of \$3,600, for services provided. Kira questioned the invoice; Atty. Matika explained that we are responsible to pay Dave for his services according to the contract. What he has submitted is only half of the total amount per applicant and the money does come from the program and not the general fund.

Chief Fittos asked where do we draw the line. A brief discussion took place in regards to how the program works and the fees paid to Community Services, Inc. **Motion was made by Mike Kokinda and second by Bill Chapman to pay the invoice for Community Programs, Inc. in the total amount of \$3,600.00.** The motion was opened to the floor for comment; none made. Motion carried unanimously by Council. Mike Alabovitz opposed.

6. Joe Weber talked about ETA Insurance becoming the health insurance agent for the Borough. Joe said we talked with ETA about a year ago regarding the health insurance for the Borough. The Borough's current insurance is with Blue Cross but our agent is out of the Stroudsburg area and ETA would like to be our agent because they are located in Tamaqua which is more local for us. We would not be changing the Borough's insurance just changing the agent. Bill Chapman said he would like more information and asked that we table this until we have something in writing from ETA. **Motion was made by Bill Chapman and second by Mike Kokinda to table changing the Borough's health insurance agent until ETA submits something in writing.** The motion was opened to the floor for comment; none made. Motion carried unanimously by Council
7. Joe Weber stated that a few months ago the Borough meet with First Niagara in regards to being able to process credit cards for residents to pay their garbage bills, taxes, zoning fees and citations. Joe said that if you want to pay garbage utilities for example there would be a flat fee of \$1.00 per transaction, a monthly fee of \$5.00 and a one time set-up fee of \$150.00. Atty. Matika asked with all the money it's going to cost is it worth the hassle. Joe Weber said to table this for future discussion. **Motion was made by Bill Chapman and second by Ken Boyd to table the proposal from First Niagara for future discussion.** The motion was opened to the floor for comment; none made. Motion carried unanimously by Council
8. Kira Michalik stated that the 2010 fall clean-up dates have been set and they will be Thursday October 7, 2010 for the East side of the town including Knepper's Trailer Court, East and West White Bear Drive; Tuesday October 12, 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.
9. Atty. Matika talked to Council about the collective bargain agreement with PMRS. An agreement was made a while back but both the Borough and PMRS overlooked a change that should have been made to paragraph 7 of the agreement. A motion needs to be made to advertise an ordinance to amend the agreement with PMRS. This change will be an addendum to the existing agreement. **Motion was made by Bill Chapman and second by Ken Boyd to advertise the ordinance to amend the existing agreement between the Borough and PMRS by correcting paragraph 7 of the agreement, the addendum being to add the service to the agreement.** The motion was opened to the floor for comment; none made. Motion carried unanimously by Council.

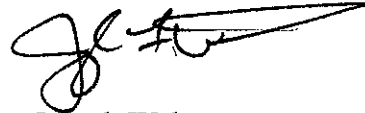
Council entered into a short executive session at 8:21 p.m. to discuss potential litigation.

Council entered back into regular session at 8:48 p.m.

**Motion was made by John O'Gurek and second by Ken Boyd to adjourn at 8:50 p.m. until the next regular scheduled meeting of the Summit Hill Borough on October 11, 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