

Summit Hill Borough Council
September 9, 2013, 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 Councilman William Chapman, President Pro Tem., presiding.

Roll Call – Vice President John O’Gurek, Michael Alabovitz, William Chapman, Greg Kosciolk, William O’Gurek, Jesse Walck, Mayor Paul McArdle and Solicitor Michael Greek were all in attendance. President Michael Kokinda was absent.

Minutes – Motion was made by Jesse Walck and second by William O’Gurek to approve the minutes from the regular Council meeting held on August 29, 2013. The motion was opened to the floor for comment, none made. Motion carried unanimously by Council.

Floor Session –

1. David Kasprzak residing at 10 West White Bear Drive. Mr. Kasprzak called the Borough office and requested a copy of the August meeting recording. He stated he was told by Gail Miller, Assistant Secretary, that he wasn’t allowed to have a copy. Kira Michalik, Secretary, said that she takes full responsibility for the misunderstanding because she was unaware that an audio recording was public knowledge until after speaking with Attorney Michael Greek.
2. David Kasprzak stated that on August 3, 2012, an incident occurred involving Officer Hannon when he was called to investigate a disturbance. After the disturbance, false information was filed to incriminate other parties. Chief Fittos was made aware of this after it occurred. Two episodes of perjury were committed under oath and while unsworn. Before the officer went into District Court, he was made aware of the evidence and preceded into court with Mr. Gryzik telling stories, which officer knew before he walked into court. The party was found guilty and then it was transferred down to Carbon County where the judge reviewed the video evidence which substantiates Mr. Gryzik’s story and again Officer Hannon sat there the entire time knowing the entire truth and left it proceed. This resulted in legal fines, loss of wages and none of which has been reimbursed to either party. Councilman William Chapman interrupted and asked if this was taken up with Chief Fittos; Mr. Kazprzak replied yes several months ago. Officer Fittos said he did and Officer Hannon did an investigation and Mr. Kazprzak is trying to say the Officer Hannon knew that there was wrongdoing and he did not. Chief Fittos explained that they do an investigation they talk with the parties involved and make an arrest. The Magistrate found the party guilty and that party appealed it to the court and that judge found the party not guilty. It happens all the time and it doesn’t mean that anyone lied. Mr. Kazprzak said he begs to differ with what Office Fittos has said. Mr. Kazprzak said he plans to pursue this matter further. Councilman William Chapman intervened and said this is going to have to be taken up with the Police Chief and then the District Attorney’s office.
3. David Kasprzak discussed the intersection of White Bear Drive and Route 902. Mr. Kazprzak refers to the Condemnation hearing of 1959 that was conducted in Carbon County Court for public domain. Councilman William Chapman asked if he is referring to the sight easement, to which Mr. Kazprzak answered yes. Councilman William Chapman stated that there is already a sight easement there. Mr. Gryzik states they are bringing his property into question and has become a daily harassment. Councilman William Chapman stated that this needs to be brought up in court because this is not the place for it.
4. Bill Searfoss residing at 230 West Ludlow Street. Mr. Searfoss addressed to Council that the leash laws are not being enforced. He states that dogs are running at large. His neighbor was bit and so was his dog. Councilman William Chapman turned the discussion over to Chief Fittos. Chief Fittos stated there have been a few incidents where people have received citations. Chief Fittos said the police

depend on the help from the people that if they are to see an animal running loose, they should call and report it. Chief Fittos also stated that they have taken quite a few animals to the shelter and also said that they sometimes call Canine Control to assist them. In closing Chief Fittos reminded Mr. Searfoss to not hesitate to call the Police Department and leave a message and they will get to it as soon as possible.

5. Monica Marshall of the Summit Hill Recreation Committee. The Recreation Committee will need to book the Recreation Center for a Saturday in October; the day for the younger children and the evening for the older kids. Monica had a question regarding children skateboarding in the parking lot of the Recreation Center. Monica suggested that they go down the tennis court behind the Little League Field. Monica would like to see the tennis court opened up for skateboarding and bikes and have them build their own ramps. Monica brought to Council's attention that Tamaqua and Coaldale have them and she is aware of the liability but believes no one has ever been hurt on them and gone after the Borough. She states that she would like Council to consider this idea. Monica stated that they are looking to put 6-8 tables at the pavilion at the Ginter Field but asked that the Borough make them permanent so that they can't be removed. They are also looking into purchasing a sign to hang at the entrance of the Ginter Field. There will be a breakfast fundraiser for the Recreation Committee, which will also be held in October.
6. Monroe Mechling residing at 17 West White Bear Drive. Mr. Mechling stated he needs a copy of correspondence from the SEO in regards to his property. Councilman William Chapman said he needs to contact the Borough Secretary and she will contact Carl Wolfe to get him what he needs. William Chapman told Mr. Mechling that he would need a written request as to what he needs to move forward. Mr. Mechling stated that there are 6-8 houses that have a lot of discharge from the spouting. The discharge from the septic occurs when there is excessive rain. There are other houses in that area that have septic issues and they are refusing to fix the problem. There should be a standard policy at the State level so we shouldn't have to keep going through this. Mr. Gryzik said he attended a meeting with DEP who said it happened before and there should be something in place.

Mayor's Report – Mayor Paul McArdle read the Mayor's report stating that for the month of August, Magistrate income is \$939.08 was collected. **Motion made by Jesse Walck and second by William O'Gurek to approve the Mayor's report for August.** The motion was opened to the floor for comment, none made. Motion carried unanimously by Council.

Police Report – Council received copies of Chief Fittos' Report for the month of August 2013. **Motion made by William O'Gurek and second by Jesse Walck to accept the Police report for August 2013.** The motion was opened to the floor for comment, none made. Motion carried unanimously by Council.

Planning and Zoning Report – Motion was made by Michael Alabovitz and second by Greg Kosciolk to accept the Planning and Zoning Report for the month of August 2013. The motion was opened to the floor for comment, none made. Motion carried unanimously by Council.

Work Leader Report – Motion was made by John O'Gurek and second by Greg Kosciolk to accept the Work Leader Report for August 2013. 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 Report for the month of August 2013. Alice Kane, Tax Collector, submitted a total of \$6,021.28 with a commission of \$301.07. **Motion was made by William O'Gurek and second by Jesse Walck to accept the Tax Collector Report for the month of August 2013.** The motion was opened to the floor for comment, none made. Motion carried unanimously by Council.

Wage Tax Report – Borough Secretary, Kira Michalik, read the Wage Tax Report for the month of August 2013. Berkheimer submitted a Total of \$27,727.14 EIT with a Commission of \$447.26 and Postage Charges of \$12.95. Total LST submitted was \$26.80 with no commission. **Motion was made by Jesse Walck and second by Greg Kosciolek to accept the Wage Tax Report for the month of August 2013.** The motion was opened to the floor for comment, none made. Motion carried unanimously by Council.

Receipts – Borough Secretary, Kira Michalik, read the receipts for the month of August 2013. General Fund Receipts were \$18,564.44 and Sanitation Account receipts were \$25,297.09. **Motion was made by William O’Gurek second Jesse Walck to accept the receipts for the month of August 2013.** The motion was opened to the floor for comment, none made. Motion carried unanimously by Council.

Committee Reports –

Streets – Councilman John O’Gurek said that the Borough won the truck auction with the bid coming in a \$10,241.00. John O’Gurek stated that since we did not spend what we anticipated for the truck, he would like to make a motion to purchase a line painter and paint. **Motion was made by John O’Gurek and second by Jesse Walck to purchase a line painter and paint.** The motion was opened to the floor for comment, none made. Motion carried unanimously by Council. John commended Bill and Ronnie for taking the drive and checking out the truck and for following the auction. He said that he consulted with Jesse to keep the old truck through the winter as a backup and sell it after winter. Council agreed. Tom Tkatch asked council if they were done with paving and patching projects for the summer. O’Gurek explained that the roller needs to be repaired and they hope to have it back in a week to 10 days. They will do what they can to get as much done. **Motion was made by Jesse Walck and second by John O’Gurek to accept the street report for the month of August 2013.** The motion was opened to the floor for comment, none made. Motion carried unanimously by Council.

Building – Nothing to report at this time

Fire and Emergency Services – John Poko reported that the Mum Sale at the Fire Company was very successful.

Recreation – Nothing to report at this time

Motion made by William O’Gurek and second by Jesse Walck to accept the committee reports for the month of August 2013. The motion was opened to the floor for comment, none made. Motion carried unanimously by Council.

Communications –

Communication for the Month of August 2013

1. Letter from the Summit Hill Water Authority.
2. Representation Letter from the Joseph F. Collura, Auditor, in regards to the 2012 Financial Statements.
3. Letter of Communications and Findings from Joseph F. Collura, Auditor, in regards to the 2012 Financial Statements.

Councilman John O’Gurek stated that he would like to comment on the letter received from the Water Authority. He expressed that he would like to clarify something about the snotty letter that Michele wrote. He wants to make it clear that he did not slam the door, he closed it. He stated that the door is supposed to be shut; our office is our side, their office is their side. If they don’t like it, let them go somewhere else. He is sick and tired every time he comes into the office that the door is open. First of all they use our fax machine and copier. Let them buy their own fax machine and copier. They are supposed to be self-sufficient, not using our stuff. One of our members there made a remark to me that why should we be charging them \$250.00 a month. He said I think you are right. The fact is we’re all taxpayers we should be charging \$450.00 a month.

174 He wanted to make sure to get it on record. He will close the door anytime he wants. It's not locked and they can get out if there's a fire. If they need to use the bathrooms, let them use the ones in the hall. He said who do they think they are and apologized for the outburst. **Motion made by Jesse Walck and second by William O'Gurek to accept all communications.** 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 2013. The General Fund bills were \$111,144.78 and the Sanitation Account bills were \$952.97. **Motion made by William O'Gurek and second by Jesse Walck to approve the bills for the month of August 2013.** The motion was opened to the floor for comment, none made. Motion carried unanimously by Council.

Old Business


1. Quality of Life Ordinance – Attorney Michael Greek stated that he made the change about the wooded areas and now we need to advertise the changes. **Motion was made by Jesse Walck and second by William O'Gurek to advertise the Quality of Life Ordinance.** The motion was opened to the floor for comment, none made. Motion carried unanimously by Council.
2. Bill Chapman said at the last meeting we discussed new addressing for the Knepper's Trailer Court. John Poko stated that a recommendation has been made to Council and it is now up to them to approve the new address for that area.
3. Jesse Walck made note that the loader is now the boroughs because the final payment has been made.

New Business

1. Resolution No. 2013-5 – Appointing Kira Michalik as the Borough's authorized representative to make request upon and receive any and all tax information and record from Berkheimer, as well as the authorized contact representative. **Motion was made by William O'Gurek and second by Jesse Walck to accept Kira Michalik as the Borough's authorized representative.** The motion was opened to the floor for comment: none made. Motion carried unanimously by council.
2. Council received a letter from William Anders, Lehigh Engineering, in regards to the Mansion House. William is asking Council to adopt an ordinance amending the UCC Code waiver. The building is considered to be an "Uncertified Building" which will require them to meet several requirements in the code. If the Borough would adopt an amendment, it would lessen the impact on the requirements for the building. Attorney Greek explained the UCC Ordinance and stated that the Borough opted into the State Code. A brief discussion took place. Attorney Greek said that he will contact Lehigh Engineering to discuss this further but he does not recommend changing the ordinance.
3. Tom Tkatch residing at 55 W. Holland Street. Asked about the status of the Stone Estate and to see if citations were issued. Bill Chapman said that he would like to see that it is made secure because it is wide open.
4. Monroe Mechling questioned the letter received from DEP. Attorney Greek read letter and explained that is more or less states that Mr. Mechling has a non-functioning well and that the municipality waive the well isolation distance in accordance with the best technical guidance policy. Bill Chapman asked if we could make a motion to grant waiver from minimum requirement upon receipt of letter received from Mr. Mechling. **Motion was made by Jesse Walck and second by William Chapman to grant waiver from minimum requirement upon receipt of a letter received from Monroe Mechling.** The motion was opened to the floor for comment: none made. Motion carried unanimously by council.

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Motion was made by Jesse Walck and second by William O'Gurek to adjourn at 7:48 p.m. until the next regular scheduled meeting of the Summit Hill Borough on September 9, 2013. The motion was opened to the floor for comment, none made. Motion carried unanimously by Council.



Michael Kokinda
Council President



Kira Michalik
Secretary/Treasurer