

**Summit Hill Borough Council**  
**February 24 2014, 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 Jesse Walck presiding.

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

**Minutes** – Motion was made by John O’Gurek and second by Bill Chapman to approve the January 6, 2014 meeting minutes. The motion was opened to the floor for comment; none made. Motion carried unanimously by Council.

**Floor Session**

1. Diane Temples, 52 East Summit Avenue, stated that she was from the Presbyterian Church and wanted to give Council some information about the church and the celebration they will have in April. She gave some history of the church, Philip Ginder and Summit Hill. Diane said that the Presbyterian Church was started by the miners and is the oldest church in Summit Hill and in all of Panther Valley. They will be celebrating 175 years of the church on April 26th and 27th. There will be a celebratory dinner as well as a worship service.
2. John Gawlik, 215 North Spruce Street, stated that he is concerned about the ordinance that Council is going to pass in regards to private snow plowing in town. John said that he heard on the street that this is being passed because of a certain business man in town and feels that it is the wrong thing to do because of one person. If you have a problem with someone, address it with the person. Jesse Walck explained that the ordinance is not being passed to promote some sort of grudge. The purpose is to limit liability from the borough. John asked what liability does the borough have. If he is out plowing and hits a car, he has insurance that will cover the incident. Dave Hiles said you only liability if you sanction the private contractors to plow. Solicitor Greek stated that if there is an ordinance and you prohibit it, it will free you from any liability. John Gawlik said that since the borough started following the ordinance, there are all kinds of problems. He stated that he has nothing against Billy or Ronnie because they are doing a good job, but when you let the snow sit for two days it is like plowing through concrete.
3. Dave Hiles, 219 East White Street, asked if the ordinance is available for the public to read. Jesse Walck said that he can have a copy if he puts in a request. Dave stated that it wasn't available before Atty. Greek wrote it so he didn't think that you could legally give a copy. Solicitor Greek explained that it was advertised in the paper. Dave said he apologized because he did not see it in the paper. He asked if the only reason that Council is passing the ordinance is because of liability. Jesse Walck said liability and it is costing the borough money to have to go and fix what other individuals have been doing in town. Hiles asked for an example. Jesse when there is large piles of snow left at the end of the street and have been put there by individuals, the borough has to go back and clear the piles as well as do curb to curb. When there are big piles, they have not been able to move them. He explained that there are certain streets in town where that occurs and it gets moved eventually but not immediately. Hiles asked why they can't make that the ordinance. Jesse stated that it is unsafe to have the snow at the intersection where you can't see the traffic coming down the highway. Hiles asked why they can't make it the ordinance to cite the people who are putting the snow on the corners rather than stopping everyone from clearing their snow. He said the borough is not able to clear the street until two days after a storm and is ridiculous. He does understand why it is two days because of limited resources.

But if there are insinuations where people are willing to take it upon themselves to clear out their area, he doesn't understand the problem. Liability is not an issue because he has his own insurance. He said he feels that the borough is causing an unsafe situation by leaving the snow on the street for two days. He after the last storm, he had his block cleaned by lunchtime and the rest of the town was a mess because the borough crew got sent home for the day and everything froze overnight. He feels that Council is not thinking this through. Dave added that he feels it is a personal grudge and he wants Council to be aware that he won't plow a day after the snow storm but he will have people sitting where he knows people do and he will report it to the police department. If the police department doesn't cite the people who clear their own snow he is going to start doing it. If the police come up and cite him, he is going to file a lawsuit. He already had the police come and tell him that he couldn't do what he was doing. He said he was taking the snow off the sidewalk and the officer told him that an ordinance was passed and he couldn't remove the snow. He said that this is already starting to be harassment. He stated that there was a kid up on the 300 block of Ludlow Street on a quad with a plow doing donuts. Jesse Walck asked if he reported it to the police. Dave asked why he should have to be the watch dog for the town. He explained that he received a ticket because he was parked in a yellow box by his church. He drove around and counted eleven other vehicles parked in yellow boxes and not one of them had a ticket on them. He feels that it is selective enforcement and said that they cannot do it and they won't be able to get away with it. John Gawlik asked if a business like Stonyonesome was called to clear the snow at Tommy Parambo's or the Fell Street Deli. Hiles said that means people like Danny Matika can't clear his lot at his bar. He feels that Council is not thinking this through. Diane Temples stated that the plow comes through once in her alley and there was a mound of snow at the intersection to pull out into Oak Street, which was causing a problem. Diane said that allowing the private contracts is going to benefit the borough because they will be able to take the burden off the crew. Jesse said there is also damage possibility that needs to be taken into consideration. If someone plowing the borough street and hits a car or damages property, who are they going to complain to. Even if the borough doesn't cause the accident all tax payers of the town are responsible for the damage the plow causes. President Jesse Walck stated that we must move along with the meeting.

**Mayor's Report** – Mayor Paul McArdle reported the magistrate income from December 2013 was \$822.26 and from January 2014 was \$1,054.29. **Motion was made by Bill Chapman and second by Greg Kosciolk to accept the Mayor's report for December 2013 and January 2014.** Motion was opened to the floor for comment, none made. Motion carried unanimously by Council.

**Police Report** - Chief Fittos said that all of Council has a copy of a resignation letter from Officer Lienhard. She will be taking a position with the Jim Thorpe School District. She will be leaving her position as a full-time officer for the borough. The Civil Service list is good for two years and it was only given last year. There are three names remaining on the list and Council could hire any of the three being there are no veterans on the list. He feels it would be in the best interest for Council to act on this quickly. There is one officer on the list that he highly recommends due to the fact that he is currently working for us part-time. Dave Hiles asked a police related question. He said that he sees a lot of quads riding around and he saw a quad come down the highway past the carwash with the police chasing them with light and sirens on. He said during the last snow storm he heard quads riding up and down the street at 2:00 in the morning. Is there a way to cite them or is Council thinking of any way to remedy this. There was a kid that almost lost his foot in a quad accident because he was coming across the highway. He said everyone knows where they belong so there has got to be a way to do something to stop it. Mike Alabovitz said one of the problems is that they drive with helmets on and unless you know who they are or see them parking in the garage, you cannot do anything about it. Dave said the way to stop them is to give an officer a paintball gun and when they drive by shoot the quad and then go and inspect the quad when they park it. Chief Fittos said if you miss and hit the person, we are going to be sued. A brief discussion took place. **Motion was made by William O'Gurek and second by John O'Gurek to accept Officer Lienhard's resignation effective March 11, 2014.** Motion was opened to

the floor for comment, none made. Motion carried unanimously by Council. **Motion was made by Michael Alabovitz and second by Greg Kosciolek to accept the Police Report for January 2014.** Motion was opened to the floor for comment, none made. Motion carried unanimously by Council.

**Planning and Zoning Report** – Zoning Officer, Bill Kirklosky, read the zoning report for the month of January 2014. **Motion was made by Bill Chapman and second by William O’Gurek to accept the Zoning Report for the month of January 2014.** The motion was opened to the floor for comment; none made. Motion carried unanimously by Council.

**Work Leader Report** - Motion was made by Greg Kosciolek and second by William O’Gurek to accept the **Work Leader Report for the month of January 2014.** The motion was opened to the floor for comment; none made. Motion carried unanimously by Council.

**Tax Collector Report** – Nothing to report at this time.

**Wage Tax Report** – Borough Secretary, Kira Steber, read the Wage Tax Report for the month of January 2014. Berkheimer submitted a total EIT of \$14,920.63 with a Commission of \$260.55 and Postage Charges of \$57.61. Total LST submitted was \$11.28 with no commission. **Motion was made by Bill Chapman and second by Greg Kosciolek to accept the Wage Tax Report for the month of January 2014.** The motion was opened to the floor for comment; none made. Motion carried unanimously by Council.

**Receipts** – Borough Secretary, Kira Steber, read the receipts for the month of January 2014. General Fund receipts were \$24,789.04, Sanitation Account receipts were \$49,827.63, Community Center receipts were \$250.00 and Sewer Account receipts were \$24,458.73. **Motion was made by Bill Chapman second William O’Gurek to accept the receipts for the month of January 2014.** The motion was opened to the floor for comment; none made. Motion carried unanimously by Council.

### **Committee Reports**

***Streets*** – John O’Gurek stated that they need to start addressing potholes around town.

***Buildings*** – Mike Alabovitz explained that the Community Center is still being cleaned up from the fire and smoke damage. He added that the heating system in the borough building is not working properly. The program was altered at one point and there may be a possible replacement necessary. First they have to diagnose what the issue is and what the cost will be to repair the system.

***Fire and Emergency Services*** – Nothing to report at this time.

***Recreation*** – Nothing to report at this time.

**Motion made by William O’Gurek and second by Bill Chapman to accept the Committee Reports for the month of January 2014.** Motion was opened to the floor for comment, none made. Motion carried unanimously by Council.

### **Communications**

#### **Communications for the Month of January 2014**

1. Notice of Assessment from the Board of Assessment & Revision of Taxes
2. Letter from Lehigh Engineering, LLC – See attached
3. Letter from John and Geraldine Petro – See attached

**Motion made by Bill Chapman and second by John O'Gurek to accept all communications for the month of January 2014.** The motion was opened to the floor for comment; none made. Motion carried unanimously by Council.

**Bills** – Borough Secretary, Kira Steber, reported total expenses for the month of January 2014. General Fund bills were \$87,691.16, Sanitation Account bills were \$22,924.67 and Community Center Account bills were \$90.00. **Motion made by William O'Gurek and second by Bill Chapman to approve the bills for the month of January 2014.** The motion was opened to the floor for comment; none made. Motion carried unanimously by Council.

### Old Business

1. Snow Plowing Ordinance - Mike Alabovitz expressed that there is no personal vendetta with the ordinance. There are more and more people pushing snow onto other people's property. It is more of a safety issue and he is not 100% sure what is the proper way to do it. There is a major safety concern when you have people backing out into traffic. He is concerned about the safety of the public driving down the street. He is willing to table the ordinance until it can be discussed further. Dave Hiles suggested holding a workshop and invite the public. Ronnie Yuricheck stated that people are plowing the snow with smaller plows and cannot push it like the borough can and then it is left there and freezes over night, which in turn damages the Borough's plows. Joseph Kosalko suggested amending the ordinance that will allow people to plow snow on the street providing that where they are taking it is off the borough streets. A brief discussion took place. **Motion was made by Mike Alabovitz and second by William O'Gurek to table the ordinance until further discussion takes places.** The motion was opened to the floor for comment, none made. Motion carried unanimously by Council. Mike Alabovitz said that the snow ordinance has been discussed since the day he got on council. William O'Gurek commented that we are letting the letter of the law get in the way of the intent of the law. The intent of the law is to make sure the streets are cleaned and we are using the ordinance and people are getting confused. We are going by the letter of the law and we should be focusing on making sure the streets are clean. Stanley Szczecina asked why it is being changed in the middle of winter, which will create another situation. Another discussion took place about the removal of snow by private contractors and the ordinance. Council agreed to hold a workshop on March 10, 2014 at 7:00pm to discuss the snow ordinance.

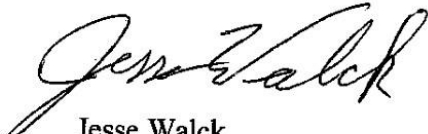
### New Business


1. Ordinance No. 2 of 2014 - Tax Rates for 2014. **Motion was made by William O'Gurek and second by Bill Chapman to adopt Ordinance No. 2 of 2014 fixing the tax rates for 2014.** The motion was opened to the floor for comment, none made. Motion carried unanimously by Council.
2. Resolution 2014-01 - Noise Complaints in regards to the Liquor Control Board. **Motion was made by Mike Alabovitz and second by Greg Kosciolk to adopt Resolution 2014-01 allowing the borough to enforce all noise complaints within the borough limits.** The motion was opened to the floor for comment, none made.
3. Petition of the Summit Hill Borough to the Liquor Control Board - Noise Complaints. **Motion was made by Mike Alabovitz and second by Greg Kosciolk to approve the Petition of the Summit Hill Borough to the Liquor Control Board to allow the borough to enforce noise complaints within the borough limits.** The motion was opened to the floor for comment, none made. Motion carried unanimously by Council. Motion carried unanimously by Council. Bill Chapman abstained due to his business having a liquor license.



4. Resolution 2014-02 - Carbon County Council of Governments. **Motion was made by Bill Chapman and second by Greg Kosciolek to adopt Resolution 2014-02 Membership into the Carbon County Council of Governments with William O'Gurek being the representative for the Borough and Greg Kosciolek the alternate.** The motion was opened to the floor for comment, none made. Motion carried unanimously by Council.
5. Handicap Application - Council received a new handicap application from William Polakovich at 210 West Hazard Street. **Motion made by William O'Gurek and second by Greg Kosciolek to approve the handicap application for William Polakovich at 210 West Hazard Street.** The motion was opened to the floor for comment, none made. Motion carried unanimously by Council.
6. Garbage Exemption List for the 1st Quarter 2014 - **Motion was made by Bill Chapman and second by William O'Gurek to approve the Garbage Exemption list for the 1st Quarter 2014 with the understanding that the properties carrying a balance must pay in full before becoming exempt.** The motion was opened to the floor for comment, none made. Motion carried unanimously by council.
7. John Gawlik stated that he feels that Council should thank Officer Lienhard for her 22 years of service with the Borough. William O'Gurek agreed and thanked her for her services and wished her luck with new position.
8. Chief Fittos asked Council to promote Josh Carter to the full-time position to replace Officer Lienhard. **Motion was made by William O'Gurek and second by John O'Gurek to promote Officer Josh Carter to full-time officer.** The motion was opened to the floor for comment, none made. Motion carried unanimously by Council.

**Motion was made by William Chapman and second by William O'Gurek to adjourn at 7:57 p.m. until the next regular scheduled meeting of the Summit Hill Borough on March 24, 2014.** The motion was opened to the floor for comment; none made. Motion carried unanimously by Council.

  
Jesse Walck  
Council President

  
Kira Steber  
Secretary/Treasurer