

Summit Hill Borough Council
July 28, 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 Kosciolek, John O'Gurek, Bill Chapman, William O'Gurek and Solicitor Michael Greek were all in attendance. Vice President Michael Kokinda was absent. Mayor Paul McArdle arrived at 7:03 p.m.

Minutes – Motion was made by Bill Chapman and second by William O'Gurek to approve the June 23 and July 9, 2014 meeting minutes. Motion was opened to the floor for comment; none made. Motion carried unanimously by Council.

Floor Session

1. Manuel Lanzos, West White Bear Drive, he said that according to the Time News it states that there might be a group home opening in the White Bear section. Jesse Walck explained that as of right now there is only one person living in the home which technically does not make it a group home. Until there is more people living there, there is no variance required and no type of zoning regulation that is going to prohibit it. Manuel stated that his answer was not sufficient. Is it or is it not going to be a group home. He would like a determination on if this is or is not going to be a group home. Atty. Greek explained that currently there is a home there that is owned by Redco with only one person living in it, which is no different than a single family dwelling. If they put two people in there, they are required to get a zoning application. The person who is currently living there can have someone come in and care for them, which would be no different than any other person come in and provide care to them. Mike stated that if another person moves in, then they will have to apply for a zoning application. Mike explained under zoning it would fit under the category of nursing home. Manuel said I live next door and regardless of what kind of people are going to be in there, if it becomes a commercial enterprise and Council allows it, he is prepared to file a suit against the Borough. Atty. Greek said that there is nothing he could do to sue the Borough. The zoning ordinance has a provision in it that if someone feels there is a violation with the zoning ordinance, you can take a direct cause of action against the neighbor but you cannot file suit against the municipality to award the zoning ordinance. Manual also stated that he found out that there is a sex offender living in the home and wants to know why he was not notified. Chief Fittos explained that there are no laws being broken because there are certain tiers of offenders and he is a tier 3 so there is no need for notification. Mr. Lanzos wanted to make sure that he understood that as long as there is one person living in the home it is like a person renting and it does not change the status of the property. If there is more than one person living there, then it becomes a violation to the ordinance. Atty. Greek said he is not here to give him legal advice and it is for Mr. Lanzos to determine. As of right now, there is one person living there. Jesse Walck said that they would have to apply for a permit if another person moves in and right now they are ok. Manuel asked how the Borough will know if another person moves in. Jesse stated that everyone is to get a moving permit when moving in or out of town. Manuel said he will let it go for now but if he sees anyone else living there, Council will be the first to know about it. He added that he is very disturbed about the whole thing.

2. Elizabeth Coury, 354 East Ludlow Street, stated that she is in protest mode. She explained that she goes to visit with her children in Wisconsin and she does not have a permanent residence there. She received a phone call from someone in the office stating that she didn't pay her bill and also got a letter stating that Council will take legal action if not paid. She asked how Council can take legal action on her when she never received a bill because it was being sent to Wisconsin. She wants to know by what authority does the office have to change her mailing address without her permission. Kira Steber said that the office was notified by the Post Office with a sticker on her returned bill with the new address.

So at some point in time she must have had her mail forwarded to Wisconsin because we don't make up mailing addresses. She claimed that she does not live there and never has and has been getting her mail at 354 East Ludlow Street for the past 90 years. She wants to know why she is being threatened with a court fee. She said she would rather go to jail then pay the late fee. Council agreed to remove the late fee of \$25.00 on her account.

3. Mayor Paul McArdle explained a similar situation with Debbie Yanetti. He stated that she owns two properties in town and said she never received the bills for either property. Kira Steber explained that Council already agreed to remove the 2nd quarter penalty on each of the properties but will not remove the 1st quarter late fees. She received the bill for her personal property, which she paid, so she knew that the bills were mailed. Kira also expressed that once it leaves the borough office, we don't know what happens to the bills. Jesse Walck said it could be resolved by receiving e-bills. Kira explained that you need a different email for each property address.
4. Monroe Mechling, 17 West White Bear Drive, wants to know if things are moving along with the complaints that he filed. Jesse Walck stated that things are moving along. He also asked Mr. Mechling what the status of the driveway is. He said as soon as Earl gets there to do the work. Bill Chapman asked if all the permits were in place. Monroe said yes.
5. Wayne Gryzik commented on the expenses in regards to a particular bill paid. Bill said that we did not get to that yet. Mr. Gryzik asked if he could discuss it later in the meeting when it comes up. Jesse Walck stated that this is not the Panther Valley School Board, we actually take input.

Mayor's Report – Mayor Paul McArdle reported the magistrate income for June 2014 is \$710.86. **Motion was made by William O’Gurek and second by Bill Chapman to accept the Mayor's report for the month of June 2014.** Motion was opened to the floor for comment; none made. Motion carried unanimously by Council.

Police Report – Chief Fittos read the police report for the month of June 2014. The Chief also reported that the Civil Service written exam was given last Thursday. **Motion was made by Bill Chapman and second by Greg Kosciolk to accept the Police report for the month of June 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 Kosciolk to hire John Milkovitz as a part-time police officer for Summit Hill.** Motion was opened to the floor for comment; none made. Motion carried unanimously by Council.

Planning and Zoning Report – Borough Secretary, Kira Steber, commented that the Zoning Officer could not attend the meeting but everyone has a copy of his report. He gave an update on the property located at 113 East Fell Street. **Motion was made by Bill Chapman and second by William O’Gurek to approve the Planning and Zoning Report for the month of June 2014.** Motion was opened to the floor for comment; none made. Motion carried unanimously by Council.

Work Leader Report - **Motion was made by Michael Alabovitz and second by John O’Gurek to accept the Work Leader Report for the month of June 2104.** Motion was opened to the floor for comment; none made. Motion carried unanimously by Council. Bill Chapman stated that Billy and Ronnie are doing a wonderful job on the streets.

Tax Collector Report – Tax Collector, Alice Kane, submitted a total of \$10,842.64 with a commission of \$542.14 for the month of June 2014. **Motion was made by Bill Chapman and second by William O’Gurek to accept the Tax Collector Report for the month of June 2014.** Motion was opened to the floor for comment; none made. Motion carried unanimously by Council.

Wage Tax Report – Borough Secretary, Kira Steber, read the Wage Tax Report for the month of June 2014.

Berkheimer submitted a total EIT of \$29,447.83 with a commission of \$514.53 and postage charges of \$15.06. Total LST submitted was \$121.20 with a commission of \$2.48 and no postage charges. **Motion was made by Bill Chapman and second by Michael Alabovitz to accept the Wage Tax Report for the month of June 2014.** 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 June 2014. General Fund receipts were \$107,201.46, Sanitation Account receipts were \$11,415.00 and the Community Center receipts were \$500.00. **Motion was made by Bill Chapman and second by John O’Gurek to accept the receipts for the month of June 2014.** Motion was opened to the floor for comment; none made. Motion carried unanimously by Council.

Committee Reports

Streets – John O’Gurek stated that there is not much to report at this time. As for the paving, the reason for not going curb to curb is to try and get as much done as we could. We had a lot of damage to the streets this year. Mountaintop Road also needs to be graded on the west side of Mountaintop Road because it is in rough shape. We can see if Earl will go up and grade the road for us. Bill Chapman asked what the difference is between black topping and chipping and tarring the road. John explained that we had looked into it before and it would only be about a 10% savings. He spoke to Ron Tirpak and he suggested that the best thing would be to put base down. They did do a section with base and it held up pretty good. He suggested that the areas that are washing out, we can put base down. Mike Alabovitz said that it is washing out at the bottom of the base. John said he will talk to Earl and get a rough idea of a cost to do the work. Michael Alabovitz said that Billy went to Shippensburg to take a look at the roller and it was really beat up and not worth purchasing. He also stated that we are having a problem with the other boroughs because they are spending too much time up here and nothing is getting down in their towns. John stated that with the amount of paving left to do, we can do it by ourselves. He also mentioned that he talked to a guy from Caterpillar and is going to be getting a price on another paver. Under the Piggyback System, we can probably buy the paver for \$20,000 and would only end up paying 4-5% interest rate. The one we are using now is a Cat and only has 150 hours on it but we will have to work on getting some figures. Jesse Walck stated that we can work on getting one over the winter.

Buildings – Jesse Walck as Ronnie how things were coming along at the Community Center. Ronnie stated that they cleared out some garbage, working on getting rid of the projection TV that is there, they are going to put the other TV back on the wall, going to try and fix the broken table and they looked at the oven and there is nothing wrong with it.

Fire and Emergency Services – Kira Steber said a letter was received from Ed Nunemacher in regards to a rain date for the car show that is scheduled for September 21st. They would like to set the rain date on September 28, 2014. **Motion was made by Bill Chapman and second by William O’Gurek to approve the rain date of September 28th for the car show.** Motion was opened to the floor for comment; none made. Motion carried unanimously by Council. Shawn Hoben stated that the golf tournament could use volunteers for this weekend. If there are any interested sponsors out there, they would appreciate it.

Recreation – Nothing to report at this time.

Motion was made by William O’Gurek and second by Bill Chapman to accept the Committee Reports. Motion was opened to the floor for comment; none made. Motion carried unanimously by Council.

Communications –

Communication for the Month of July 2014

1. Notice of Property Assessment from the Board of Assessment and Revision of Taxes

2. Notice of Homestead Reduction from the Board of Assessment and Revision of Taxes
3. Letter from LVCIL in regards to Community Accessibility Program
4. 2013 Audit for District Court #56-3-03

Motion made by John O’Gurek and second by Greg Kosciolek to approve the Communications for the month of July 2014. 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 July 2014. General Fund bills were \$109,751.92, Sanitation Account bills were \$24,587.67, Community Center Account bills were \$160.00 and Street Account bills were \$1,215.61. **Motion was made by Bill Chapman and second by John O’Gurek to approve the bills for the month of July 2014.** Motion was opened to the floor for comment; none made. Motion carried unanimously by Council. Bill Chapman stated that he agrees to pay all the bills except for a bill submitted by Carl Wolfe for services he rendered in White Bear. The Borough wasn’t even aware of that service. As far as I am concerned, we did collect \$240.00 from the resident so under those conditions I will make a suggestion that we pay that bill, however, send him a letter stating that from this point on, letting him know we have a primary Sewer Enforcement Officer and he should be notified whenever something like this is going on in the White Bear. Also, if he acts as an independent contractor we are not responsible to pay any bills. Jesse Walck asked so are we paying him \$280.00 that he billed us or the \$240.00. Bill Chapman said to pay it in full, and send a letter stating that from now on the Borough is not responsible. Wayne Gryzik asked what kind of services were rendered at this property. Kira said the report shows that a permit was obtained as well as an inspection of the property.

Old Business – Nothing at this time.

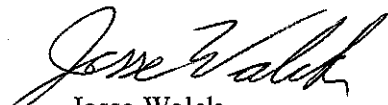
New Business –


1. Salt Shed Bids - Mike Tirpak stated that we put out bids for a salt storage shed and one bid was received. The bid came in at \$74,994.00. It is a bit higher than we were expecting. The company that bid was Wood Originals, Inc. and they do have all their paperwork in order. Council has options, one to reject the bid, which can hold us back and possibly not get the salt shed this year or two, award the bid and talk to the contractor about eliminating certain things. There is no itemized prices in the bid. John O’Gurek asked if he gave a price on the second option. Mike Tirpak said he did not bid the alternate. Mike Alabovitz asked is everyone understands and wants to be clear that there is not a lot of options. We can take away the enclosed bay but won’t save a lot of money. John stated that rebidding it is probably not a good idea. We can always add a closed bay down the road. Now that the bleachers are gone we have to put something up to cover the salt. John suggested making the motion to reject the bid and resubmit. The trouble is the time frame. We can re-advertise and hold a special meeting to make a decision. Mike Tirpak said that we are already close to the end of the year and for something this small they think it will be competitive and the price may increase. You are looking at close to three months before the project could start. Mike Alabovitz asked Council what they are willing to remove. John O’Gurek said that we should remove the enclosed bay and the Borough workers can put in the interior wall. Bill Chapman asked if we award the bid and remove some things how would this affect the legality. Mike Alabovitz said that we would have to award the bid and then ask for credit to remove the items. Atty. Greek said once its bid, you can’t change the project. Mike Tirpak stated that at this point we can eliminate doors, interior walls, fiberglass and wood but that might only bring it down about \$10,000. You are still looking at \$65,000 for the project. A brief discussion took place about the option of removing items to lower the price of the project. Mike Alabovitz and Ronnie what we have in salt and cinders. Ronnie said that right now we have about 100 ton, which is low right now. Usually there is close to 400-500 ton when they had about four bays under the bleachers. Mike Alabovitz said we either reject the bid and not have a salt shed this year or award the bid and try to get

what we can changed or build as is. We can ask for a credit with a change order. William O'Gurek asked what the alternative would be if we reject the bid; what kind of options do we have for storing the salt. Ronnie said the only option is tarps. Jesse Walck asked the cost to build it ourselves. Mike Tirpak said you can probably cut the cost in half but then you lose your workers for a few months. Ronnie added that you would also need to hire people to help and people to cut grass. **Motion was made by John O'Gurek and second by Mike Alabovitz to table the bid until further communication is received from the bidder.** Motion was opened to the floor for comment; none made. Motion carried unanimously by Council.

2. 3rd Quarter Garbage Exemptions - **Motion was made by William O'Gurek and second by Bill Chapman to approve the 3rd Quarter 2014 Garbage Exemptions.** Motion was opened to the floor for comment; none made. Motion carried unanimously by Council.
3. Handicap Parking - Kira stated that there are 3 new applications, 2 renewals but one of the renewals is also applying for the financial exemption based off of the household income. **Motion was made by John O'Gurek and second by Bill Chapman to approve the 3 new applications, award the 2 renewals and allow the fee waiver for the application for 342 West Iron Street.** Motion was opened to the floor for comment; none made. Motion carried unanimously by Council.
4. No Loitering Signs - Kira Steber stated that there is a lot of problems with kids skateboarding and hanging out around the Fire Company and community center. She went to lock up one night and the kids were in the building using the bathrooms. Kira asked Council for permission to order signs to place around the building. She also explained that we are starting to have problems at the Borough Hall; kids are trashing the bathrooms. Chief Fittos recommended locking the doors and giving the key to someone if they ask to use it. **Motion was made by Bill Chapman and second by William O'Gurek to purchase No Loitering signs for the Fire Company and Community Center.** Motion was opened to the floor for comment; none made. Motion was carried unanimously by Council.
5. Dennis Fritz, East Fall Street, complained about someone constantly driving up the wrong way and it is becoming an issue; someone is going to get hurt. There are little kids out there playing and the cars that are turning onto Fell Street off the highway are going to get hit.

Motion was made by Bill Chapman and second by William O'Gurek to adjourn at 8:15p.m. until the next regular scheduled meeting on August 25, 2014 at 7:00 p.m. Motion opened to the floor for comment; none made. Motion carried unanimously by Council.


Jesse Walck
Council President


Kira Steber
Secretary/Treasurer