

Summit Hill Borough Council
February 23, 2015, 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, Vice President Mike Kokinda, Michael Alabovitz, Greg Kosciolk, John O’Gurek, Bill Chapman, William O’Gurek, Solicitor Michael Greek and Mayor Paul McArdle were all in attendance.

Minutes - Motion was made by William O’Gurek and second by Bill Chapman to approve the January 26, 2015 meeting minutes. Motion was opened to the floor for comment; none made. Motion carried unanimously by Council.

Jesse Walck addressed the floor by stating that everyone is going to behave like adults tonight, in lieu of what has been going on in the last few months. Anyone who raises their voice, can leave. If you have comments, we can act all like adults and have a civil discussion. As far as the incident that occurred with the vehicles, at this point it is a police matter and personnel matter and you won’t be getting any comments from Council due to any possible legal action against us for making said comments.

Floor -

1. Dave Wargo, 236 E. Hazard Street, stated he is here on behalf of the GAR Cemetery. He is wondering when the other half of the street is going to be cleared because once you get across the garage, across Maple Street, it is impassable and we can’t get into the cemetery to open the upper road. He realizes they are not allowed to plow on public property but assumes they can plow inside the cemetery. Right now there is about 15 to 16 feet of snow and there is a single path and it is icy. He was wondering when they can get that open in case there is a burial. Michael Alabovitz said the Borough will address that tomorrow.

2. David Hiles, 219 E. White Street, said that he is here to address the difficulty that people are having with the snow ordinance and the amendment that Council gave last spring. He would like to avoid a whole lot of dialogue and yelling and bashing of teeth and ringing of hands. He asked if there is four councilmen that are willing to repeal the amendment and vote to have a workshop, not like the dog and pony show we had at the last meeting, and address the issues that people have in town. If someone is willing to make that motion and repeal that ordinance, he will sit down and shut up and talk at the work shop. Jesse Walck explained that even if we voted to repeal the ordinance tonight, it would put the Borough under liability for any actions on the streets. If we did this tonight, it wouldn’t go into effect for a while. Winter would essentially be over by the time it’s done. David Hiles asked why it wouldn’t go into effect tonight. Jesse said it has to be advertised and it takes time. William O’Gurek said he thinks we should start the process and is willing to make the motion tonight to appeal the amendment to the ordinance with the regards to private contractors. He feels it is causing so many problems and concerns in this town. We obviously we got an issue and if you look at this right here, it’s time to look at ourselves. He is willing to make the motion to repeal or advertise a repeal of the amendment to the snow ordinance that ban private contractors plowing on the streets. Michael Alabovitz said he is willing to have a workshop. John O’Gurek stated that he will second the motion to appeal the amendment. Jesse Walck said I think it’s irresponsible to open us up to a liability. Hiles asked if he could speak. He explained that his church sent a letter to the Borough concerning what happened him up there trying to clear the snow and said there is a perfect paragraph; Since Council enacted an ordinance banning private contractors from providing snow removal and did not provide us with an alternative means for snow removal, meaning they called the Borough and asked them to come up and clear the snow that was pushed up onto the sidewalk, they would like to advise Summit Hill Borough Council that if an incident occurs in the future the church would have no choice but to enjoin

the Borough in any liability claim that may be brought. So the Borough took an action to prevent him from clearing the snow. If someone does fall or a first responder can't get in there, he feels that Council would be criminally negligent because you are being told about the issues that they have and now they have a liability. He doesn't believe the liability part saying the Borough has a liability with contractors plowing. He has 4 million dollars of insurance on his equipment and now he has more insurance because he got an aluminum plate put on it. He knows that the Borough doesn't have 4 million dollars worth of insurance. He knows they don't have 4 million dollars in insurance because they are not paying for Bob Frederick's car. He has more insurance, he is sure Earl has more insurance and they all have more insurance than the Borough does. This is ridiculous. William O'Gurek said we have made things difficult for people in this town that take care of their properties. David said there are a few businessmen that are in this town, Lou Vermillion, Butch Marsolick, Earl, Tommy Parambo, and you're making it hard for us. The few businessmen that are here, you are chasing them away. William expressed the cause of this has been bordering on harassment because every time it snowed our officers had to go enforce this ordinance and they told volunteers and businessmen that if they didn't park it, they were getting cited. David stressed that he needs one person to testify that they heard someone say that they wanted to stop him from doing this and there will be a lawsuit. So whoever said we got to stop him, he just needs one person to testify that will say they heard him say it and there will be a lawsuit. Michael Alabovitz stated that he does not know what Hiles is getting at. Hiles stated that it all depends on what one particular Councilman said; it could go a lot more towards harassment. Especially with the history of what has happened to him over the last two weeks. Michael Alabovitz said I really do not know what you're talking about. Jess Walck asked if Hiles had anything else to discuss. Hiles stated that he would like to make one more statement. He explained that someone is going to ask for parking in front of the church. They are going to ask for parking in front of the Presbyterian Church because when he did get a plate on his loader and didn't go up and clear the snow off the sidewalk, the two girls that are teachers there put salt down, cleaned the sidewalks up and cleaned the steps off real nice. The next day when the preschool was letting in, his father (pointing to Councilman Alabovitz) moved his car over there and another day his father moved his car over there. Ash Wednesday service, his father moved the car over there. This town is out of control. What is happening in this town. We need some leadership; we need somebody to have common sense. That is all he is asking for is some common sense. William O'Gurek stated that he made the motion and John O'Gurek said that he seconded the motion. Jesse Walck asked William what the ordinance number was and if he was repealing the entire snow plowing ordinance. John O'Gurek explained it was only the amendment. Mike Kokinda asked Attorney Greek if he had an opinion on this and if it was repealed tonight, would it be effective immediately. Michael Greek said it would not be effective until its advertised and voted on. William stated it is Ordinance No. 3 of 2014, the winter parking regulations. Kira Steber corrected him stating is actually Ordinance No. 1 of 2014 which covers the plowing. Jesse said a motion is on the floor. **Motion was made by William O'Gurek and second by John O'Gurek to rescind Ordinance No. 1 of 2014 in its entirety.** Motion was opened to the floor for comment; none made. Motion carried by a 5 to 2 vote. Jesse Walck and Michael Alabovitz voted no. Jesse Walck read the amendment that was rescinded. Jesse explained that Councilman Alabovitz had a statement that he would like to read.

Michael Alabovitz stated that he felt the need to set the record straight. He said that recently there was an article in the Times News that mentioned some facts that he feels he needs to correct. The article states that the ordinance went into effect to prevent outside contractors from plowing street and piling it at intersections and corners which create traffic hazards. Alabovitz explained that this is partially true but the main reason the Borough passed the ordinance is for other reasons. One private operators removing snow from public property with heavy equipment, snow plows or trucks puts the Borough at risk for being sued if an accident occurs. While he is sure the operators have insurance, the Borough would still be exposed to become part of a lawsuit. The tax payers should not have to be faced with an increase in property taxes because of one person actions. Second, the private operators have been dumping snow on private property as well as Borough property and causing damage to the property in the process. People are dumping snow over the wall at the cemetery and it is causing damage. This

may not seem like an issue but it is and will cost the tax payers money to fix it. The article also states that Mr. Hiles clears the street to keep the drain open at the intersection of White and Pine because the water pools. This is the Borough's responsibility to clear the drains. Mr. Hiles started to address Alabovitz's comment; President Walck stated that he will get his time to comment. Later in the article it states that Mr. Hiles busted a snowmobile while trying to move the snow. He has never seen anyone using a snowmobile to clear snow. Mr. Hiles expressed that it was a typo. Alabovitz said he assumed it was a mistake that the Time News made. What he can recall is, for many years, Fenton Black using a snow shovel and snow blower to clear the sidewalks around the church and it was never an issue. Alabovitz continued stating that the article also states that Mr. Hiles said that he needed a police escort to get his equipment to the church to remove snow because the item was not licensed and had to spend \$250.00 to get it licensed. He doesn't doubt that but explained that Mr. Hiles a year ago at a meeting stated that he already had a plate for it and will put it on. Mr. Hiles stated that he said that he had insurance. Mike said that is not what was said at the meeting. Mike continued saying that Mr. Hiles' final statement states that the brother of a council member parked his car in the space in front of the church after it was cleared. He assumes that he was referring to his father and clearly it is just bad writing by the Times News. He explained that it is not illegal to park in public parking places because no one owns the street. If they want to get a sign and put it up, that's fine. He doesn't think anyone will have an issue with it as long as it is legitimate. Mr. Hiles states that this ordinance was put into place to target him but the truth is that it was put into place to protect the tax payers of Summit Hill from liability and to protect the citizens from civil suit and children of Summit Hill from the dangerous activity from the activity of an equipment operator on a public roadway. He knows that certain people dislike this but the ordinances and laws are in place to for a good reason. Some people want to be able to drive their snowmobiles and ATVs on public streets, he doesn't disagree with it and would like to do it too, but it is illegal. Finally, a businessman verbally attacked him with vulgarity while out to dinner with his wife and some friends. He would expect more as this person portrays himself to be a community leader and respectful to others.

David Hiles said that he does have another concern from the other night when, he believes, that eleven cars got hit by a plow driver. Jesse Walck said you realize I already told you we are not commenting on this. Hiles said that he knows Council is not going to say anything but has a statement to make. We live in a small town, everybody knows what led up to it. Everybody knows where he was and what he was doing but he is not there to attack anybody. Everyone knows what happened afterwards; there was no police report given and no voluntary blood test given. He is a CDL driver and everyone that is a CDL driver knows that they have to give a blood test right after they have an accident if there is property damage or personal injury. What didn't happen. Yet he was aware enough to tell Kira that he clipped some mirrors. He was aware enough to tell Kira yet he wasn't aware enough to call the police department and report what had happened. We have some very disturbing e-mails that one of the other drivers put out there. It said if someone knows Nathan Halenar's number, tell him to get his car off the hill before I tear the doors off with the plow. Here is another one, for those who are ignorant, Summit Hill had three trucks plowing today, two with spreaders, four trucks hauling, and it continues. Further down it states, working 14 plus hours today, eight blocks cleaned, if people don't like it they can move and kiss my ass. This is coming from one of your Borough workers whose salary is being paid with tax payer's money. He just has one question, we all know what happened before the accident and after the accident. We all know what didn't happen. Laws were broken, procedures weren't followed and he personally thinks most people here are waiting to see what the leadership is going to do in this town. He hopes it's not going to be to just give it some time and hope it goes away. The thing being under investigation will only go so long and we have to deal with it in executive session can only go so long. When people's property is being damaged and people are being abused by social media, it needs to stop. I am looking for some leadership. Thank you very much.

3. Reverend Barb B. Lucia, 44 W. White Street, said that she has a major concern about the church and the fact that they don't have parking spaces because the snow is there. That is a major concern for Sunday mornings and Ash Wednesday. The purpose of a church is to bring people in, therefore they

need the spaces. She said she now hears about the ordinance and perhaps by the time that it takes effect the snow will stop. But in the meantime, she would appreciate if they could have space for the members to park to come to worship. Jesse asked the Reverend what she was asking for. She said she is asking to have the spaces cleared around the church, either to immediately let one of them clear the area so that they can, with this weather have people attend worship and a place to park, because they don't. And that is major! She thinks that people need to be able to get into their church. They happen to have a big corner and, as you heard, the one space that was cleared was taken by one of the neighbors who had a space in front of their own house. She asked that Council please get the crew there to clean so that they can have parking spaces or let David plow. This is her request to Council and asking that doesn't wait until the ordinance goes into effect but for the next Sunday. They have not had church for two weeks because of the weather. She would like to be able to have this done so that when it isn't snowing people can park. One of the concerns that she has with preschoolers being there, the number of elderly in the congregation and the people who have walking disabilities that walk with canes or any limitations, cannot get over the ice that is there by the curb. Even the children are at hazard and the parents and grandparents who are bringing them are at great risk. I am not going to say we will sue but hope that you would take this seriously to have that cleared as soon as possible or let David clear it. Thank you.

4. Glen Peabody, 235 E. Fell Street, stated his issue is with the snow removal. According to the sign it would be the odd side of the street, not the even side. He moved his vehicle over to the even side and they still got a ticket because they came down there. Kira stated that the first day of plowing was yesterday and today was the second day. The Peabody's said the East side of Fell Street was not done yesterday. They did what the sign said and still got a ticket. Jesse said he had them clear what they could on Sunday because of everything freezing over night. Joe Fittos said that it is fine but this is what confuses people. Jesse said if we aren't doing what the letter of the law states then we can't enforce it. He asked Fittos if he will address the tickets.
5. Karen Ruzicka, 144 W. White Street, also has concerns with the plowing. She stated that she is also a business owner and a resident and have their lots plowed by a private contractor. She is hearing that others are getting cited for doing this and is wondering if her private contractor will be cited as well. Jesse explained that as long as he stays on their lot and is not on the street, they are not in violation of the ordinance. The other thing is the way that the plows are plowing the street. In the past they used to plow everything straight ahead to the corner and then bring the loaders in and remove it. Now they are angling it up and onto the sidewalks. They are going to need coal and are totally blocked from getting a coal truck in there. She asked if they can change the angle of the plow. Michael Kokinda stated that he disagrees with this because they have always plowed this way unless it was a major storm. John O'Gurek said what they used to do in the past if anyone needed to get coal, as a courtesy, they would use the loader and clean it up. Karen asked if that is still in effect. Kira said that it is. Jesse said she can always call the office and if that is what it is for and the snow is excessive, they will clear it. One other concern that she has is if it matters how you remove snow from the sidewalks. Does it matter if it is a snow shovel, snow blower or someone with a quad with a plow and goes down the sidewalk. Someone was plowing with a quad and was told that they could not do it. Michael Alabovitz explained that under state law you are not allowed to drive on a sidewalk. The only things that are allowed to be driven on sidewalks are mobility equipment for handicap people and bicycles. Karen stated that it is not mentioned in the ordinance. Jesse said that it is superseded by the state.
6. Rosemarie Fredericks, 33 N. Walnut Street, wanted to bring to Council's attention that she spoke with Chief Fittos and the Mayor the other day since David is no longer allowed to plow for the church or clear the sidewalk. She is speaking about Winnie the Pooh preschool. A day after a snow storm they comes to school and if there is snow out there they try to clear a path until David can get there to finish. The ice was so thick and was very hard to get through and maybe got a path open. After school was over she along with Kendra and Kendra's father cleared a bigger area for the handicap, parents, grandparents and for the children's safety and in case of emergencies. There was a man

watching us through his curtain and saw the three of them working their buns off. The next morning when they came to school, he was parked right there with enough room for a person or maybe a child to squeeze in front of it or in back of it. The person then moved after every child was in the school. This was very vindictive and she doesn't know if this person likes kids or doesn't like the elderly or whatever. David Hiles stated that this person doesn't like him. Jesse Walck told Mr. Hiles that he does not have the floor. Rose said that all they were trying to do was clear an area for the safety of our children. If he has an issue with David, it has nothing to do with the preschool. It takes a lot to get her upset but when you are trying to hurt a child from going into a preschool it really upsets her. If he has nothing better to do than to watch his clock and park in that area until after the parents come back to pick up their children. This has happened multiple times. You have two woman and their father cleaning the space for the safety of the children and the last time this was done she said it was enough and came over to the office. The next morning she and Kendra put cones out just so that there would be no way someone could park there and so they could get in and out of the school. They were told that he was parked there again directly in the spot. This was the last straw and she came over and talked to the girls in the Borough office and was told that they needed a parking sign which is apparently going into some type of effect. I went to talk to Chief Fittos, who also told me the same thing. But her point is while she was there he came and he probably thought that what are they are trying to pull today. They are putting cones there so I can't park; we didn't put them there for him. If he has a guilty conscience, we were putting them there for the safety of the kids. Jesse said he feels their best course of action is to request a parking spot between certain hours. Rose said for someone to do this is terrible. Would they want their grandchild jumping over a pile of snow or a grandparent or someone with a cane. Joe Fittos said he told her to request a zone, not an unloading zone for people to park there. It would be a no parking zone and will be strictly enforced no matter who parks there. Rose stated that they never had a problem before and if they could get some sort of drop off area for a certain period of time. She understands that if parents park there when dropping of their children that they can be ticketed. Jesse said that what the Chief is saying is that if the Borough makes a no parking zone, no one will be able to park there. Mike Alabovitz asked that since everyone is so concerned about the safety of the children and there is a parking lot on the other side of the rectory, why put a no parking area there at all when they can park in the parking lot and the children can then walk down the sidewalk. Rose said the entrance to the preschool is the side entrance of the church and the parking lot is a half a block away because the lot is located in the center of the block. Alabovitz said that it is not that far away. Everyone is concerned about safety and if you park in the lot you won't have to try crossing the street with the children because they can walk down the sidewalk. Rose directed her comment to Michael Alabovitz by saying that they never had issues there until his father started acting like an irresponsible child by parking there. Alabovitz said he lived there his entire life and people have double parked there and parked the wrong way on the block for as long as he remembers, he said that Chief Fittos can testify to this. If you want a loading zone, that's fine. He doesn't feel that anyone is acting irresponsible. Let the facts be spoken, the reason he was parking there was to take groceries into his house. Rose disagreed with Mike and said when she comes in at 7:00 in the morning and that man is parked there. When he came over to complain to Chief Fittos and the Mayor, she was in the back room. He was saying do you hear what they are trying to pull on me now. They have cones there so I cannot park there. She said this is guilty that he is hurting children. Hiles tried to comment and he was reminded by Jesse Walck that he did not have the floor. Rose asked Mike how his father would like to have to have Mike's children climbing over the snow. Chief Fittos said that he doesn't feel the answer is putting an unloading zone for a vehicle but giving them a walkway so there is no parking in that walkway. If anyone parks in the walkway, they will get a ticket. Fittos did say that he agrees with Mike because cars have been double parking there for years. Joseph Kosalko asked what you will do when it snows and the walkway is covered. Jesse said that we can work on getting a walkway there but it will take some time and they will have to measure from the corner. Rose said if people can just use common courtesy and not block them in, then there won't be any issues.

7. Donna Kaminitsky, 352 W. White Street, has concerns with the parking in 300 block of West Carbon Alley. People are parking on both sides of the alley and you have to drive in and out going down the

alley just to get through. She said if she can barely make it down the street with a car how is an emergency vehicle going to make it down. Chief Fittos said that he agrees that there is an issue there and that they can make it no parking on the one side of the street. Donna also asked that a Slow Children Playing sign be placed at the top of the alley, just like there was years ago. There is no stop sign down that end and there is a lot of new neighbors with small children living there. Jesse said that they can address the sign and also address the parking issue once they look at the ordinance.

8. Stanley Zuber, 127 E. Walter Street, stated that all he has been sitting there listening to is safety, safety, safety. He said everyone sitting up at the table passed the ordinance trying to save us. He wants to know from what and from whom. He said he is 80 years old and the problem that Council is talking about they never had. He stated that there is something wrong and feels that the something wrong was addressed by Mr. Hiles. He said there is a leadership issue and he agrees. Stanley addressed Michael Alabovitz and said that he was sorry because they seem to be picking on him tonight; Michael said he didn't disagree. Mr. Zuber explained that he had a legion hat on and the reason for it is because he read Mr. Gower's article and in that article it stated that Michael had a disagreement with a Council member and you took issue with the American Legion. He is now going to take an issue with him. He is there to speak to all the citizens of Summit Hill. He is 80 years old, most of our guys are dying. He said you are complaining about him plowing the Legion. He again said you are complaining about that; Michael said he was. Zuber stated that it is the David, Lotten, Yurko, Breslin, and Bevich Post 316. When he goes into the Legion he looks at those five pictures every time he walks in there. They are not here to sit at that table because if they were here, they would be taking care of us. When he looks at the World War II monument, there are 940 names on the monument. Thirty-eight of them never came back home and you are talking about one of your guys plowing the Legion lot. Shame on you! Michael said that is the way you feel. The audience clapped for Mr. Zuber. Stanley said he does have one more thing to say. He stated that he feels that Michael started this with all good intentions and mentioned that he even voted for him twice. When Michael first ran for Council he thought it is good that we have a young person wanting to get into politics. He voted for him twice and still think that he is a good person. For some reason or another, and he doesn't know what it is, but things have gone astray. He commended all of Council for serving because it is not an easy thing to do. He said that he wishes that as they serve they think about what they are going to do for the people and nit what they are going to do for themselves. The audience again clapped for Mr. Zuber. Michael Alabovitz asked if he could address Mr. Zuber. He said that it was not his intention to offend anyone in the American Legion; he is a member as well. Mr. Zuber told Michael that he loved him and thinks that he is a very bright man but that he needs to lighten up.
9. Nathan Halenar, 447 W. White Street, came to address some things that were posted about him on Facebook. He was alerted to it and was not even at home when it was posted by a Borough Worker. He said it stated that if someone knows Nathan Halenar's number tell him to get that car off the hill before I tear the doors off it with the plow. That would be fine and dandy if he was home, which he was not. It is also on a street that is not posted and has not been plowed curb to curb all winter, which he would like to make clear. We are all professionals no matter what we do in our career. Some of us are businessmen, some are owners of a business and some of us are teachers. We are held to a level of professionalism. We need to respect each other and he finds offense with the fact that someone would slander him with something that he was not guilty of. He said not only has this happened to him but there have been several instances in the last few years of this man going above and beyond his place by posting things that are degrading to other residents in this borough. He is asking that this person would be reprimanded for his actions. Nathan handed pictures of the comments to Council and asked that this issue is dealt with properly.
10. Louis Lisella, 1033 Mill Rd, Lehighon, stated that he understands that plowing is difficult and always has been and probably always will be. The intentions of people should be should be to make it better. He knows there are people in the room right now that have good intentions to make it better and David is one of those people; he supports him. He feels there is a safety concern. If it snows, they plow it

and it gets up on the curb and now it gets hard. This creates a safety hazard with walking. The ordinance states that the walkways must be clean but when they plow it gets pushed back up onto the walks and it is frozen so now you have created a safety hazard. You have people with equipment willing to help and you are hogtying them; there is absolutely no reason for this. If you have people who are willing to help voluntarily or by getting paid for it, let them do it.

11. Robert Watto, 232 S. Chestnut Street, stated that around January 17, 2015, he was away but when he came home he asked his wife what happened to their car. The windshield was all shot up and the hood was all shot up by a BB or pellet gun. Officers came to look, he gave them a statement and then he looked up and notice BB holes on his front porch. The police said the neighbor's son was questioned about it and he was told that the BBs didn't match the BBs that were picked up off the porch. The neighbor came over to his house and was willing to pay for the damages but nothing was in the paper about the shooting. He has heard nothing from Chief Fittos about it and he was given names of witnesses to the young man that did the shooting. All he wants is an answer and he hasn't gotten one. Chief Fittos said they are still investigating and the witnesses are not cooperating. Mr. Watto asked if the police brought them in. Chief Fittos said that they tried to. Mr. Watto asked what it takes to pick up a young man and bring him in for questioning. Chief Fittos explained that they can't force anyone to come in unless they are being arrested. Robert asked if they are withholding evidence. Jesse stated that this is a police matter and there is nothing that Council can do. They cannot compel someone to come in but he wishes they could. Fittos said that he heard some chuckles about the pellets but they were different colors. Watto agreed they were different colors but said the gun that the neighbor brought to his house was only so big and is the cheapest little Crossman that there is. That was not the gun that was shot towards his house because it could never reach his house or damage the car. He told the Chief that they are lying to him. Fittos expressed that everyone lies to them. Mr. Watto stated that somewhere down the line there was another gun; Chief Fittos agreed and said that they have to prove it. Watto said that the boy in question has been in multiple problems and the police where at the house again about 9:30 but he doesn't know why. Something needs to be nipped in the bud about this child and the people that hang out with him. Fittos stated that there are things that just cannot be discussed with him.
12. Earl Henninger 225 E. Ludlow Street, asked Council how close we are to the budget with snow removal and salt. How long does it take to plow the town with three trucks. When it snows and the town is plowed by lunchtime and all the cars are moved on the block, they are not going to the curb and the residents have to shovel their sidewalks out and have to wait until the next day. By then it is ice and the plow pushes to the curb and they have to reshovel their sidewalks. If the cars are moved, why can't they go to the curb. Jesse explained that this is the way that the ordinance has always been written. This is not something that has happened in the last couple years and they are merely enforcing it the way it is written. They tried for a few years to get something changed and there is no agreement on what to do with it. We will try again and have a workshop for it. Earl said you need to use common sense. Jesse asked if he noticed that the last two big storms they were doing to the curb at least on one side where they could where there were no cars parked. Earl stated that if you see the opportunity, take it and plow to the curb; that leaves you less to do on overtime. The night before Thanksgiving we had a snow storm and the middle of the streets were plowed. He drove around town and half the street were empty and it wasn't plowed to the curb. Then on Thanksgiving, people's families came and had nowhere to park but they had to move so the plows could come out on double time, or whatever rate they get paid, so they could plow to the curb. Earl then went back to his first question and again asked how close we were with the budget for salt. Jesse stated that he didn't know the number but there is plenty of money. Earl asked how much it costs to salt the town one time. Jesse was not sure of the answer. Earl then asked why we would buy a \$50,000 roller to use it less than 75% of the time. It would be much cheaper to rent one and you wouldn't have to store it or maintain it and it wouldn't take up space in the garage. When they are not removing snow or plowing, why aren't they loading it in the trucks and hauling it away. We have had weeks where is hadn't snowed and we could have gotten a lot of things cleaned up. If we have a catastrophic snow, we are

going to have to hire an outside contractor to come in and do it. Now we can get a handle on it and not have to hire an outside contractor and maybe pay for the roller. Jesse said the roller was purchased as part of the shared services. For us to pave streets we would spend a ridiculous amount of money in manpower that we don't have. It is our portion of the shared services, just like when the street sweeper comes up here, which is Lansford's contribution. Our contribution to that is the roller. We've always had one and it lasted a long, long time, but wasn't functional. So unless you wanted to rent a roller for Coaldale, rent a roller for Lansford and rent a roller for up here, we would be renting a roller all summer. Earl said that's not true because we don't pave all summer. Jesse said the borough doesn't but other municipalities pave using the same equipment. Earl stated that we do not have any borough workers for the whole summer. Once they are done paving in Summit Hill then they are paving in Lansford and Coaldale for the rest of the summer. Jesse stated that it wasn't all summer. Earl said I think we should have bought a street sweeper instead of a roller. Jesse said that would have cost a whole lot more. Joseph Kosalko asked why we have to supply a roller to the other municipalities when we already supply a paver and two dump trucks. Bill Searfoss added that we also send two guys. Michael Alabovitz said that he has been saying this for years but no one listens. We are not getting back from the other municipalities except for the street sweeper.

Mayor's Report – William O'Gurek said he would like to make a recommendation to suspend enforcement of the ordinance while we move forward with the process of the appeal. Michael Greek said you cannot direct the Chief to suspend the ordinance. Greek explained that you cannot make it an official policy to not enforce the ordinance, it is up to the Chief. Jesse said we are going to have a workshop on the snow ordinance where we can have everything addressed. John O'Gurek said he would like to make a motion to have Kira advertise it immediately about the repeal. Kira stated the Attorney Greek is handling it. John said that once it's in the paper we can create the workshop and make it legal so the rest of the winter we don't have these issues. Hiles asked if the public can be a part of it and would like to see a citizens group be a part of it. Stanley Zuber said he feels that these people should be an official part of this workshop and not just an attendee. He said that people should come in as so called experts on the issue to assist Council with this and look at the issues. Mayor Paul McArdle reported the magistrate income for January 2015 as \$1,052.32. **Motion was made by William O'Gurek and second by Bill Chapman to accept the Mayors report for the month of January 2015.** 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 February 2015. Fittos mentioned the server and records management system. He spoke to the tech person and he can get a server, which would not only address the Police's concern but the Borough's all in one shot because it would be all in one server. It would still be secured so that the Police couldn't get into the Borough files and the Borough couldn't get into the Police files. The cost would be around \$3,000.00, saving the Borough around \$2,000.00, plus the cost to transfer the data and taking care of both servers. Stanley Zuber asked what Mr. O'Gurek said because the people could not hear what he said. Someone asked what the timeline was. Attorney Greek said that it must be advertised for seven days prior to Council adopting it. Greek explained that a workshop is not need for the ordinance because the motion was already made to repeal the ordinance and in the advertisement it will state the date when the meeting will be held where the ordinance will be adopted and it must be at least 7 days from the date it is advertised. It was asked if it would be done this week. Greek explained that if it gets done this week then there would be a special meeting of Council otherwise it will be at the next regular meeting. William O'Gurek said he would like to schedule a special meeting to vote on it after it is advertised. Joseph Kosalko asked why they need a special meeting if it was already repealed at the meeting tonight. William O'Gurek explained that all they could do tonight is take action to repeal the ordinance because it has to be in the newspaper as a public notice for seven days and then they can take action to totally repeal it. Council stated that it must be formally adopted. Jesse asked if they want to pick a date tonight. William said as soon as possible. Greek stated that he will get it done and let Kira know when it will be in the paper. Jesse asked for someone to pick a date so that they can advertise the meeting. Mr. Szczecina said that he knows that legally we cannot tell the Chief to ignore this ordinance but common sense tells us to ignore it. Attorney Greek said that he understands what we are doing and that he understand that we are repealing it so it is at his discretion. **Motion was made by William O'Gurek and second by Bill Chapman to hold a special**

meeting to adopt the rescinded ordinance on March 9, 2015 at 6:30 p.m. Motion was opened to the floor for comment; none made. Motion carried unanimously by Council. **Motion was made by William O’Gurek and second by Bill Chapman to accept the police report for the month of February 2015.** Motion was opened to the floor for comment, none made. Motion carried unanimously by Council.

Planning and Zoning Report – Bill Kirklosky read the Planning and Zoning report for the month of February 2015. **Motion was made by Bill Chapman and second by Michael Alabovitz to accept the Planning and Zoning report for the month of February 2015.** Motion was opened to the floor for comment, none made. Motion carried unanimously by Council.

Work Leader Report – John O’Gurek said he has a question in regards to the Borough Workers having to go pick up garbage on two different days for the same area. Kira explained that they garbage truck could not get up the hill because of the snow and they received two different call about garbage not being picked up. **Motion was made by Michael Kokinda and second by William O’Gurek to accept the Work Leader report for the month of February 2015.** 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 2015. Berkheimer submitted a total EIT of \$13,249.92 with a commission of \$229.22 and postage charges of \$8.06. Total LST submitted was \$5.65 with no commission and no postage charges. **Motion was made by Bill Chapman and second by Mike Kokinda to accept the Wage Tax Report for the month of February 2015.** 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 2015. General Fund receipts were \$26,097.49, Sanitation Account receipts were \$35,052.25 and nothing for the Community Center. **Motion was made by Bill Chapman and second by Greg Kosciolk to accept the Receipts for the month of January 2015.** Motion was opened to the floor for comment; none made. Motion carried unanimously by Council.

Committee Reports

Streets – Nothing to report at this time.

Buildings – Michael Alabovitz said there is a problem with frozen pipes in the men’s restrooms in the Community Center. It is something that is going to have to be addressed and it has happened more than once. John O’Gurek said the gutter is off the building on the Fire Company side for a long time and it needs to be addressed. Alabovitz said that we will need to contact the insurance company. Kira stated that she did contact the insurance company and there is no open claim with them for this and that we can open a claim now if we had to. Michael explained that they originally called in the contractor that did it because no one else does it. Shawn Hoben said it starting to cause damage to the foundation. Jesse said the manufacture won't come out and no one else works with it.

Fire and Emergency Services - Nothing to report at this time.

Recreation – Kira read a request from Jodi McAndrew of the Recreation Committee requesting permission and assistance of the police department for their 2nd Annual 5K race/walk on Sunday, May 24, 2015 at 9:00 a.m. They will provide a map of the route as soon as the route is determined. **Motion was made by Michael Kokinda and second by Greg Kosciolk to grant permission to the Summit Hill Recreation Commission to hold their 2nd Annual 5k run/walk on May 24, 2015 at 9:00 a.m.** Motion was opened to the floor for comment, none made. Motion carried unanimously by Council.

William O'Gurek said that he had a question about committee assignments. He found it ironic that last month after a Council member had some questions that not everyone on this Council appreciated. It just seemed a little ironic that committee assignments came out that same week and he was removed from his chairmanship of his committee. Just wondering if there was an explanation for it or if it was done for a reason and if the reason was because he spoke out at a meeting and I am now expecting to be removed from my committee chairmanship as well. Jesse explained that the reason he was removed from his committee chairmanship is because he could not recall facts that took place at meetings and if you can't recall this that are taking place at a meeting and it impacts the budget and money then you shouldn't be involved in spending that kind of money. William asked whose estimation it was. John O'Gurek stated that if he disagrees with something that you do, that is wrong and he gets taken off the committee. He expressed that the reason he was taken off the committee was because he wouldn't have a personal meeting with Jesse. This is the exact reason and he has emails to prove it. You are lying. You are a bare faced liar and I have the emails to prove it. Jesse told John to print them. John said they will be sent to every Councilman tomorrow. He stated that an hour after the email was sent he got a response that said I tried. Jesse agreed. John asked Jesse what he was trying to do. Right after he said I tried, he wrote the new committees will be coming out. We do not redo the committees unless there is an election year. This was done for spite and now you are sitting here lying to everyone. Jesse stated that he was not being spiteful. John said spite my butt, buddy, you are lying. Jesse said that if you cannot manage what you are doing. Jack expressed that he cannot manage what he is doing. I find you doing something illegal; I am doing my job and you are not. You had no business buying that wood without the permission of everyone else on this board. Who do you think you are. All we have heard since you have been up here is Jesse said, Jesse said. Jesse said, my butt. I am not listening to your crap and you go ahead and take me off the committee. I don't have to do anything and I am still getting paid so how do you like that. He could care less. Jesse said well it isn't any different from what he has been doing. John said like I don't do anything. I do more in this town than you will ever do. You are dragging this town down. Joseph Kosalko said that was a very unprofessional remark. David Hiles asked what Jesse was running for. Jesse answered no. John said he couldn't even be a dog catcher. David Hiles asked if he could ask question. Jesse again stated no because floor time is over. Walck hit the gavel to gain order of the meeting and told Mr. Hiles that he was out of order; Hiles said he knows he is. David Hiles said that you can't even talk to him because his phone number is not listed in the book and neither is yours, as he pointed to Michael Alabovitz. Jesse asked Chief Fittos to escort Mr. Hiles out of the meeting. Joseph Kosalko said this is how you are going to do business with people in this town by escorting people out when they are trying to prove a point; that is not right. This is very unprofessional. Joseph asked why he doesn't escort him out. He said you won't have to because he will go on his own.

Motion was made by William O'Gurek and second by Bill Chapman to accept the Committee Reports for the month of January 2015. Motion was opened to the floor for comment; none made. Motion carried unanimously by Council.

Communications

Communication for the Month of February 2015

1. Notice of Assessment from the Board of Assessment and Revision of Taxes
2. PSAB 2014 Annual Report
3. Letter from James L. Smith Insurance Agency, Inc. offering a bid or proposal on insurance services.

Motion was made by Michael Kokinda and seconded by Bill Chapman to accept the Communications for the month of February 2015. Motion opened to the floor for comment; none made. Motion carried unanimously by Council.

Bills – Total General Fund expenses for the Month of February 2015 were \$ 22,482.61, Total Sanitation Fund Expenses were \$23,903.04, nothing for the Community Center, and Total Street Account Expenses were \$

7,784.38. **Motion was made by Bill Chapman and second by Michael Kokinda to pay the bills for February 2015.** Motion was opened to the floor for comment, none made. Motion carried unanimously by Council. Wayne Gryzik had a question on the bills for a January invoice from Carl Wolfe, which was the SEO officer for the Borough; he thought his appointment ended in December. Kira Steber explained that he billed in January for his services in December.

Unfinished Business

1. Ordinance No. 1 of 2015, 2015 Tax Rates - **Motion was made by William O'Gurek and second by Bill Chapman to adopt Ordinance No, 1 of 2015 which sets the tax rates for the Borough.** Motion was opened to the floor for comment; none made. Motion carried unanimously by Council.
2. Police and Borough Pension Agreements - Kira explained that the Police and Borough received new pension agreements with PMRS. It was already discussed with Mike Greek and Chief Fittos. It was brought to her attention about no cost of living and excess interest. For PMRS to move forward with this, they would need to do a cost of living study and Council would need to approve PMRS to do so. There would be no cost to the Borough. **Motion was made by Bill Chapman and second by Michael Alabovitz to allow PMRS to do a cost study on the Police and Borough's pension plans.** Motion was opened to the floor for comment; none made. Motion carried unanimously by Council.
3. Water Authority Update - William O'Gurek asked what the status is and meeting progress with the Water Authority. Mike Greek explained that he spoke with Kathy Slog and she said that she is just about done with the search for real estate on records, liens and encumbrances. He spoke with Mike Tirpak and has a letter out to Council. There is no problem with any of the grants that the Authority obtained. There is an issue with litigation regarding final work that was done with an electrical contractor; work was done but they are withholding money. Mike Tirpak feels that their engineering firm plus the electrical engineering firm should have an offset. They wrote back to the company back in October but has not heard back from them. There are a couple agreements that we need to be signees on, didn't seem to have a problem with the DEP permits and everything else is detailed in the letter that he sent. As far as getting things from the Water Authority itself, he received a letter from Michele stating that she is getting together a list of all the assets and liabilities. He hasn't appeared at the office to go through the books and records but she said she is doing for him. Mike said they are rolling along.

New Business

1. Carbon County Council of Governments - William O'Gurek went over the resolution with Council. He feels that it is a good idea. By joining it the Borough, by no means, ties yourself to all or any functions that the Council of Governments would be undertaking. It is sort of a pick as you go along with what projects that you want to participate in. He is a believer in shared services program and feels it is beneficial and something we should consider. Michael Alabovitz asked what the cost is; William said \$50.00. Mike Kokinda asked Attorney Greek if he had a chance to look at the agreement. Greek said he has seen it and everything looks good. **Motion was made by William O'Gurek and second by Greg Kosciolk to adopt the resolution with the Carbon County Council of Governments.** Motion was opened to the floor for comment; none made. Motion carried unanimously by Council.
2. Handicap Parking Renewal – Bill Chapman stated that while we are on this subject we discussed changing the format of this process a few meetings ago and charging these people a fee every year. Kira said she got the information over to Attorney Greek. Greek said that he will have it for the next meeting. What he did was a waiver that will be at the discretion of Council. Jesse Walck said there is a handicap renewal for 210 West Hazard Street, which Chief Fittos has approved. **Motion was made by Bill Chapman and second by William O'Gurek to approve the renewal of a handicap parking**


application for 210 West Hazard Street. Motion was opened to the floor for comment; none made. Motion carried unanimously by Council.

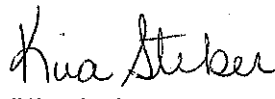
3. Garbage Exemptions – Kira explained that the list was sent to Billy for review. There are some new applicants, most are reoccurring people but Billy asked that we send letters that certain ones will be approved contingent on payment plans being set up with the Borough. **Motion was made by William O'Gurek and second by Bill Chapman to approve the garbage exemptions with the ones with balances being contingent upon setting up a payment plan with the Borough.** Motion was opened to the floor for comment; none made. Motion carried unanimously by Council.
4. Michael Alabovitz said he had Kira contact Leighton in regards to their Recreation Center and the fees. He feel that our fees are a little on the light side. He stated that we seriously need to look at it because we are charging \$25.00 an hour and it doesn't even cover the electric or heat. He feels that it needs to be adjusted. He is not looking to make money on it but at least make enough to cover the expenses. He said right now Leighton is charge \$150.00 for 4 hours or less and \$200.00 for 5 or more hours. He suggested looking into it for the next meeting.

Council entered into an Executive Session to discuss personnel matters at 8:27 p.m.

Council entered back into Regular Session at 9:08 p.m.

Motion was made by William O'Gurek and second by Mike Kokinda to adjourn until the next regular scheduled meeting of the Summit Hill Borough on March 23, 2015. Motion was opened to the floor for comment; none made. Motion carried unanimously by Council.


Jesse Walck
Council President


Kira Steber
Secretary/Treasurer