

Summit Hill Borough Council
May 18, 2015, 7:00 p.m. Borough Hall

The regularly scheduled meeting of the Summit Hill Borough Council was held at the above time and place with President Michael Kokinda presiding.

Roll Call – President Michael Kokinda, Vice President John O’Gurek, Michael Alabovitz, Greg Kosciolek, Jesse Walck, William O’Gurek and Solicitor Michael Greek were all in attendance. Bill Chapman was absent and Mayor Paul McArdle arrived at 7:06 p.m.

Minutes - Motion was made by John O’Gurek and second by Greg Kosciolek to approve the April 27, 2015 meeting minutes. Motion was opened to the floor for comment; none made. Motion carried unanimously by Council.

Floor –

1. James Szczecenia, 128 East White Bear Drive, said that he and the Summit Hill Historical Society are willing and able to take care of the roof on the gazebo in Ludlow Park and provide the materials needed to do the job. Kira said she spoke with Mayor McArdle and he is pretty sure that his workers are willing to do the work and donate their time. He also told her that he would get an idea of what the cost would be. She has to follow up with him.

Mayor’s Report – Borough Secretary, Kira Steber, read the Mayor’s report. Total income from the District Justice is \$896.29 for the month of April 2015. **Motion was made by William O’Gurek and second by John O’Gurek to accept the Mayor’s report for the month of April 2015.** Motion was opened to the floor for comment; none made. Motion carried unanimously by Council.

Police Report – Mike Kokinda said everyone has a copy of the Police Report. Kira informed Council that a copier was purchased for the department. She was able to go with the lower priced one because the memory was the same for both and they knocked a couple hundred dollars off on top of the price they had quoted. She also mentioned that Joe followed up on the LSA grant for the police car and no decision was made yet. Kokinda said there is a note on the bottom of the police report about cars the parking issues during games at the Little League Field. Sounds like cars are blocking garages, driveways and off street parking areas. The Chief suggested posting the alley as No Parking. Kokinda said they will look into it. **Motion was made by John O’Gurek and second by Greg Kosciolek to accept the Police Report for the month of April 2015.** Motion was opened to the floor for comment; none made. Motion carried unanimously by Council.

Planning and Zoning – Borough Secretary, Kira Steber, said that everyone has a copy of the Planning and Zoning report; there is nothing out of the ordinary to report. **Motion was made by John O’Gurek and second by Greg Kosciolek to accept the Planning and Zoning report for the month of April 2015.** 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 Kosciolek to accept the Work Leader report for the month of April 2015. Motion was opened to the floor for comment; none made. Motion carried unanimously by Council. Tom Tkach asked John O’Gurek what the update is for paving the streets this year. O’Gurek said there will be a meeting with John Davis, Supervisor for Liquid Fuels. The Borough will have a list of street to be paved and will go over what they are going to do with him. Allies have not been done in about 2-3 years. There are three allies that need to be addressed this year. The one by the Little League Field, the one behind Zwiesdak’s house and a block of East McMurtrie Street.

Tax Collector Report – Borough Secretary, Kira Steber, read the Tax Collector report for the month of April 2015. Alice Kane submitted total taxes in the amount of \$128,240.60 with a commission of \$5,129.61. **Motion was made by Greg Kosciolek and second by John O’Gurek to accept the Tax Collector Report**

for the month of April 2015. 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 April 2015. Berkheimer submitted a total EIT of \$18,204.07 with a commission of \$314.93 and postage charges of \$39.15. Total LST submitted was \$137.60 with a commission of \$2.82 and postage charges of \$9.46. **Motion was made by John O’Gurek and second by William O’Gurek to accept the Wage Tax report for the month of April 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 April 2015. General Fund receipts were \$161,681.55, Sanitation Account receipts were \$20,245.01 and Community Center receipts were \$825.00. **Motion was made by Jesse Walck and second by Greg Kosciolk to approve receipts for the month of April 2015.** Motion was opened to the floor for comment, none made. Motion carried unanimously by Council.

Committee Reports –

Streets – John O’Gurek stated that the street to be paved were already discussed. They are preparing for the parade. There is some patching that needs to be done on the parade route. O’Gurek mentioned that he told the Borough workers it is ok to call John Moravek out if he is needed but for this week only. John said there are some big potholes that need to be repaired on Lehigh Street. Ronnie Yuricheck mentioned that they are getting sand for Bill Black Park to finish the diggers.

Buildings – Michael Alabovitz mentioned that the sidewalk behind the Fire Co. is lifted up about 4 to 5 inches and will need to be repaired. He said he doesn’t understand why we put grass behind the building because all that is back there is weeds. He would like to put something back there because it looks awful, maybe stone or something. Mike Kokinda said that he doesn’t think that stone is a very good idea. John O’Gurek said that we can dig up the sidewalk and pour a new one. Kokinda suggested contacting a contractor to get a price for the work to be done. Alabovitz said that there are only two slabs of concrete the need to be replaced. John said that he will take a look at it and see what the Borough workers can do.

Emergency Services - Mike Kokinda said he would like to thank our Emergency Services, Borough and County, and all that helped out with the situation that occurred on Ludlow Street over the weekend. Council appreciates all the help that we received. Thank God everything was resolved without any kind of major injuries or catastrophe. Jack said the Salvation Army deserves a big thank you for all they did with food trays and drinks. They did a great job helping out. Kira said that Kevin Steber, Borough EMA Coordinator, also wanted to thank everyone for all that they did assist with the situation.

Recreation – Jodi McAndrew informed Council that they are working on a grant with DCED, which is due June 30th. They received a \$10,000 commitment from Michael Bench, who use to be a resident in Summit Hill. They will be preparing to write a grant for \$100,000 to replace the equipment and bringing everything up to code. She is still in search of a park inspector. She spoke with Lorne Possinger and he said that he cannot refer someone to her but he can provide her a list. She will be meeting with Mike Tirpak to start the process for a budget. She gave Council a copy of the route for the 5K Run/Walk. They will be selling breakfast sandwiches on Memorial Day; stop by and have breakfast before the parade. There will be a Thirty-One basket bingo on September 20th. Paul McArdle informed Council that he took a look at the roof on the gazebo and feels that it does not need to be replaced. Some of the ridge caps need to be replaced. He said if they still want the roof replaced, the price for the materials would be around \$1,200 and the labor would be free. Jim Szczecnia asked if Paul feels that we can let the roof go as is for a while. Paul said he is guessing about another 10 years. Jim said that whatever is needed the Historical Society will handle the financial end of it.

Motion was made by John O’Gurek and second by William O’Gurek to accept the committee reports for April 2015. Motion was opened to the floor for comment, none made. Motion carried unanimously by Council.

Communications –

1. Council received a request from the American Red Cross to hold a Blood Drive in the Community Center on Wednesday, June 24, 2015. **Motion was made by William O’Gurek and second by John O’Gurek to approve the American Red Cross to hold a Blood Drive at the Community Center on June 24, 2015.** Motion was opened to the floor for comment; none made. Motion carried unanimously by Council.
2. Tom Tkach asked what the status of the request that John O’Gurek had for a PA system in the Council room. Kira said she received information of people to call. Tom again asked the status. She informed him that she just received the information right before tonight’s meeting and will have to make some phone calls. William Searfoss asked if the room was every wired for the system. Mike Kokinda said that the room was not wired for a PA system. The only thing that was addressed was the acoustics problem. John O’Gurek said he believes that you can now get something that would be wireless.
3. Mike Kokinda said a letter was received from the Heritage Center about a Summer Food Service Program that they will be holding. Kira explained that they are asking for donations for the program. She asked Mike Greek if the Borough could legally give a donation to an organization. Greek said he believes it does not qualify, but he will look into it and get back to Council.

Communication for the Month of May 2015

1. Request from American Red Cross to hold a Blood Drive in the Community Center on Wednesday, June 24th – *Letter is attached*
2. Letter from the Carbon County Fireman’s Association in regards to the Emergency Services Training Center - *Letter is attached*
3. Letter from the Summit Hill Heritage Center in regards to the Summer Food Service Program – *Letter is attached*
4. Letter from the Carbon County Conservation District in regards to the Dirt and Gravel Road Program – *Letter is attached*
5. April 2105 Central PA Teamsters Newsletter
6. Winter 2015 Community Connection Newsletter
7. Information received from Bureau Veritas North America in regards to their services

Motion was made by Greg Kosciolk and second by John O’Gurek to accept all communications for the month of May 2015. Motion was opened to the floor for comment, none made. Motion carried unanimously by Council.

Bills - Borough Secretary, Kira Steber, read the expenses for the month of May 2015. The General Fund Expenses were \$59,659.51, Sanitation Fund Expenses were \$23,865.20, Community Center Expenses were \$130.00 and Street Account Expenses were \$12,585.63. **Motion was made by John O’Gurek and second by Michael Alabovitz to accept the bills for the month of May 2015.** Motion was opened to the floor for comment, none made. Motion carried unanimously by Council

Old Business –

1. Quote to Repair the F-550 Dump Truck – John O’Gurek said they can nurse it around town but not take it out of town. Feels we have from now until August to make a decision. If we send it out to get fixed it could take up to a month to get it back. Hate to see us spending all kinds of money for the transmission to go. He added that it is absolutely worthless. Michael Alabovitz said that it has to be repaired. It cannot be sold in the condition that it currently is in. He also added that the blue pickup truck is done because the transmission blew. O’Gurek said he doesn’t know if it is worth putting a new transmission in it at this point. He will call around and get prices.

New Business –

1. Handicap Parking Renewal – Application for 35 East Walter Street. **Motion was made by William O’Gurek and second by Michael Kokinda to approve the renewal of handicap parking.** Motion was opened to the floor for comment, none made. Motion carried unanimously by Council.
2. Contract Renewal for the Website – Kira stated that she has a contract renewal with Bobby O’Gurek’s Web Design and Services. It is a 1 year renewal with no changes from the previous contract. **Motion was made by Michael Alabovitz and second by Mike Kokinda to renew the 1 year contract agreement with Bobby O’Gurek’s Web Design and Services.** Motion was opened to the floor for comment; John O’Gurek and Billy O’Gurek abstain due to being related. Motion was carried unanimously by Council.

Garbage Account Request – Kira explained that she received a phone call from Fairway Consumer Discount Company asking that the penalties be removed from a garbage account on a property that they recently took over. They are willing to pay all the garbage fees from 2013 to current, but they do not feel that they should be responsible for the penalties since they just took ownership of the property. Kira said she would remove half the penalties but they didn’t feel that was good enough. The property was owned by Carrie West and this company has been paying the taxes on it but were not aware of the garbage fees. Mike Kokinda asked if they bought the property. Kira stated that the gentleman explained to her that the property was now in their hands. She didn’t know if that meant it was going into foreclosure or something else. Kira said we would have to remove \$250 in late fees. Jesse Walck said that we would be setting a bad precedent if we remove the fees. Kira said she was willing to take half the penalties off. John O’Gurek said it is what it is and they should have to pay all fees. Walck said it would be between the company and the previous owner to figure out. Kira noted that the previous owner is paying the magistrate for a 2012 bill that was turned over for citation. Atty. Greek said we should see who is titled to the property. The ordinance states that the owner of the property is responsible for it but it is not a debt that runs with the property like taxes. The Borough may not have the ability to go after the company for the sanitation. If they are willing to pay the sanitation minus the late fees and costs, you would have to go after the previous owner for the late fees and costs through a civil action. If we would have done a municipal lien on the property and the property gets sold, the lien gets paid. Kira said she will call the company back and get more information and bring it back to the next Council meeting to discuss further.

Kira asked Atty. Greek to explain to Council the outstanding garbage fees that the Borough has and instead of taking a municipal lien we can actually sue them. Every year it is the same people and they do not care if we are taking liens on their property and we still are not receiving the money. Greek explained that each one you will need to evaluate who it is and what the dollar amount it. If you put a municipal lien on the property and if the property gets sold, the lien gets paid. If they go to refinance, the lien gets paid. If they are not paying the trash, they are not paying the mortgage. If the mortgage company forecloses on it, you lose your lien. If it goes up for judicial sale, you will lose the lien. Kira stated that we just lost a lot of money because of judicial sales. Michael Greek said you sue the individual property owner at the magistrate, you take a judgement against the individual and then you

can transfer that to Carbon County. It's a lien on the real estate, not just that particular property but any property that the individual may own. He recommends this, especially for landlords, because they will own properties in other places, including their own home. If find out where they are, you can transfer that judgement to that county. The other ability you have if you have a judgement is that you can take that right to the magistrate and that can be transferred to the Court of Common Pleas. If they ever paid anything with a check, once you get that judgement in Carbon County, you can levy on things and garnish bank accounts. You will have more flexibility at the County level. A lien is the cheapest way to do it but you lose a lot and you will never lose with a judgment unless they file bankruptcy or they pay. John O'Gurek asked if we can have the hauler stop picking up the garbage. Greek said you can. Kira said doesn't that become an environmental hazard. Greek said that is exactly what happens. He stated that Jim Thorpe decided to do it but it was done up on the mountain in Bear Creek and not in town. If they have garbage that was not picked up and it is all over the place, you can cite them for that. Kira expressed that this is the second year of doing the liens and it is the same people all the time. They just do not care. She asked permission from Council to allow her to go after the people who just won't pay. This is the second year with most of the same people and we are losing a lot of money each year. She explained that we lost a lot of money with the recent judicial sales. There wasn't a property that sold that we didn't lose at least \$600-\$800 on and there was about 5-6 properties that sold. There is no way to get this money back. Mike Kokinda asked if this was something that needed to be added into the ordinance. Greek said that they can just do it but he would need to sit down with Kira and pick the ones that we would go after. You really need to look at them because there are some that you just want to put the municipal lien on. He said that no one wants to waste money and he doesn't want to be filing complaints and appearing in court for the things we are not going to collect on. You can add attorney fees to the ordinance by changing it. If you do add the attorney fees, you must send those by certified mail. We will take a look at it. Kira said she just wanted to bring it to everyone's attention so that we can all be on the same page.

3. DEP Meeting and Sewer Transmission Fees – Mike Kokinda said that we are in possession of a letter from the Department of Environmental Protect about the sewer lines and sewer treatment plant. He said that Jesse Walck attended the DEP meeting in Wilkes Barre a few weeks ago and he has an update that he will share. Jesse said he was at the meeting and DEP is not happy. The plant is overflowing, our lines are in bad shape, Lansford's lines are in bad shape, Coaldale's line are in bad shape and no one has any money to fix the problem, which is kind of the straw that broke the camel's back. They are not going to take "Oh we will get to it later" for an answer anymore, which they made abundantly clear. Failure to actually do something will not be pleasant for the municipalities. They told us we have two courses of action. One, we can individually, as municipalities and the sewer authority, have a plan put together where we do it individually on our own. Two, we would sell our sewer lines for one dollar, or whatever the cost would be, to the sewer authority or some other entity acting as a new sewer authority. Then they would be responsible for everything involving the sewage including the line repair, maintenance plan, everything. At least that way, all the money that was raised is going back into the sewage system like it is supposed to be. That's an issue that they have had in other places for years. We did not get a nice look from a few of the gentlemen from the DEP when they got to the point and said you don't have a transmission fee, do you. Jesse said no we do not. We need to come to some kind of consensus as to what we are going to do. Are we in favor of turning over the sewer lines or are we going to continue to maintain them. DEP is not playing games. They told us if the three municipalities and the authority don't have their act together, they are going to issue an order and it will not be pleasant. At least this way they are trying to work with us. There is going to be a meeting on June 3, 2015 at 6:30 p.m. at the Summit Hill Community Center. All three Boroughs and the Sewer Authority all need to be on the same page. So as a group, we need to figure out what we want to do. They need an answer from everybody by the end of July. If there is no plan in place, we are basically getting orders and that will not be cheap or fun for anybody on the system. Mike Kokinda asked if they looking for a total correction plan by the end of July. Jesse said they want to know which way we are going to go by the end of July. They want to know who they are dealing with so they know how to proceed. They have done this in other places like Hazleton. They had a number of municipalities sell


lines and it's one big sewer authority up there now and the sewer authority actually does the lines, replaces them on a scheduled basis and that's where all the revenue comes from. They are in control of revenue. When you turn the lines over, that's that. You no longer control anything to do with the bills. He noted that the only other larger issue that people will have is that Lansford already has some sewer debt on the books somewhere in the neighborhood of 3 million dollars. That is assumed by whatever the entity would be because it is sewer debt. John O'Gurek said if we sell our lines to them for a dollar they get all the nightmares, they are going to say gee thank you and send us a card. Mike Alabovitz said they are going to send you a bill is what's going to happen. Kokinda said what's going to end up happening is everybody's sewer bill is going to go through the roof. John O'Gurek said either way the sewer bill is going to go up, we do need the transmission fee. He said he spoke with Jesse earlier today on that issue and we are going to table that. We need to see where we are going with this. Jesse said that DEP made it very clear that they would rather deal with one entity than four. Mike Kokinda said he understands that but part of the issue is the lower lying municipalities. When the mines were there they had water running into the mines and they tied into the sanitary sewer. Our rates are going to go up and no money is going to be spent elsewhere. Jesse said the rates in town are going to go up anyway. Mike Kokinda doesn't understand that. Is there a way to make it more economical. What if we keep it ourselves. Jesse stated that the lines in the municipality are not the only issue, the plant has issues too. It's a matter of when they get around to doing the engineering and things to see what that looks like, it could be a year from now. Mike Kokinda said in his mind he could be less of a bad guy than the sewer authority. Jesse said no you can't. Mike asked if it is going to be fifty dollars from us and two hundred dollars from the sewer authority. He would rather pay fifty dollars rather than two hundred. John O'Gurek said let's just wait and see what happens with this June meeting. DEP said either you become your own sewer authority or let them do it. Jesse stated that they are being very gracious with us because they could be levying some fairly decent fines on us. They have not yet to this point and it will not be to just Lansford and Coaldale. Michael Greek said when it rains, there is so much it overflows at the plant. John O'Gurek added that about 6 or 7 years ago we were at the meeting down in Coaldale, they told us the rates were so low that we were about the fifth lowest in the state with water and sewer. Since then, we did double the minimum cost from \$20.00 to \$40.00 as the minimum and they said if we don't do something they can come in and take it over. Jesse said they gave us a timeline dating back to 1991 showing that nobody did anything except for the project that was done in Lansford years back and that is it. Jesse stated that he thinks we need to go over there with some kind of consensus or it's just going to be screaming back and forth. It's going to be like monkey's running the zoo. That's not what we need, we need a constructive discussion going on. The other communities will have their own ideas when they come in. The Coaldale representative said they are concerned with the fact that if they do this are we going to have to go out and buy new equipment. The big thing is the lines and making sure we have a functional system. Mike said we basically know what our two options are, we do it ourselves or turn it over to them. Jesse stressed that they are not going to let it go and that's why this was brought up a few years ago. Mike Alabovitz feels the best thing to do is have funds put away and have a plan in place, but now it's too late. Mike Kokinda said he feels it wouldn't do justice to the people of Summit Hill if we just turned the lines over since 50% of the problem is the mines run into the sanitary sewer in Lansford and Coaldale. Karen Ruzicka asked if this happens will the fee go up gradually. Mike Kokinda said we have no way of knowing. Jesse explained that right now DEP is running the show and we just need to figure out how it's going to be dealt with. Kokinda said that maybe we can get some more information before the end of July. He asked if anyone has anything else to add.

Mike reminded everyone that tomorrow is Election Day, so make sure to go out and vote.

Motion was made by Jesse Walck and second by John O'Gurek to adjourn at 8:03 p.m. until the next regular scheduled meeting of the Summit Hill Borough on June 22, 2015. Motion was opened to the floor for comment; none made. Motion carried unanimously by Council.



Mike Kokinda
Council President



Kira Steber
Secretary/Treasurer