

Summit Hill Borough Council
October 26, 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 Michael Kokinda presiding.

Roll Call – President Mike Kokinda, Vice President John O’Gurek, Michael Alabovitz, Greg Kosciolek, Jesse Walck, Bill Chapman, William O’Gurek and Mayor Paul McArdle were all present. Solicitor Michael Greek arrived at 7:10 p.m.

Minutes – Motion was made by John O’Gurek and second by Bill Chapman to approve the minutes from the September 28, 2015 Council meeting. Motion was opened to the floor for comment; none made. Motion carried unanimously by Council.

Floor –

1. Audrin Miller, 336 East Fell Street, stated that he was wondering about the no parking ordinance for the 300 block of East Richards Avenue. The last meeting he was at it was voted on to making that block a no parking alley but during the last Little League game the alley was parked full and he had to call the police again. During the week, while walking the dog up the alley, a gentleman from the Little League informed them that they are not very nice people and he is being nice. Mike Kokinda did not recall if they adopted the ordinance. Atty. Greek stated that it was not adopted. Joseph Fittos said it was tabled because they were talking about putting off street parking down at the tennis courts and by the concession stand. Kokinda asked why it was tabled. Fittos stated that Greek had the ordinance done but someone tabled it until Council talked to the Recreation Commission. Bill Chapman said to do it, get the signs up and get it done. Kokinda explained that they have to adopt the ordinance before they can put the signs up. They will have to get the ordinance from Mike Greek.

Mayor’s Report – Mayor Paul McArdle reported receiving a check from the District Justice for the month of September 2015 in the amount of \$745.91. Motion was made by John O’Gurek and second by Greg Kosciolek to accept the Mayors report for the month of September 2015. Motion was opened to the floor for comment; none made. Motion carried unanimously by Council.

Police Report - Chief Fittos noted that the new police cruiser is done and we should be taking ownership this week. He stated that Officer Stephen DeVore has submitted his letter of resignation; Joe added that he was never certified. We have rifles for the department but we cannot use them because we do not have an instructor. Instructors from other police departments do not want to certify other police department due to insurance purposes. He recommended sending Officer Todd Woodward to a Patrol Rifle Instructor course. The cost will be \$595 with a range fee of \$50 plus they need to supply 1200 rounds of ammo and 100 rounds of pistol ammo. Jesse Walck asked if there really was a need for the rifles. Fittos asked Walck if there is a need for the police to carry side arms; Walck said there is. Fittos explained that there is also a need for his officers to carry the patrol rifles due to the school district in our area. Motion was made by Bill Chapman and second by John O’Gurek to send Officer Todd Woodward to become a certified Patrol Rifle Instructor at the cost of \$595 with a range fee of \$50. Motion was opened to the floor for comment. Karen Ruzicka asked if we have the rifles in a profession where no one is going to use them, then why do we need them. Fittos explained that they were purchased with the hopes of someone training us but found out that no one from other departments would train us because of insurance purpose. That leaves us with the only option of getting one of our officers certified to be an instructor. Ruzicka asked if they can carry shotguns. Fittos explained that they are allowed to carry those because each officer is certified to carry them. Jesse Walck asked if the police run course for this; Fittos said only for shotgun. Mike Kokinda said that there is a motion on the table. Motion was again opened to the floor for further comment; none made. Motion carried unanimously by Council. Jesse Walck opposed. Mike Kokinda stated that it was discussed to hang on to the old cruiser. He asked if the light bar and radios were removed. Fittos said both have been removed but they

are being installed into the new police cruiser because they are LEDs and didn't see an issue putting them on the new car. Kokinda stated that we will need to get a price on a new radio for the older cruiser. John O'Gurek asked Chief Fittos to get some prices on a new radio and then they can make a decision next month. **Motion was made by John O'Gurek and second by William O'Gurek to accept the Police report for the month of September 2015.** Motion was opened to the floor for comment; none made. Motion carried unanimously by Council.

Planning and Zoning Report - Mike Kokinda said everyone has a copy. There is a resignation letter from Ryan Stoa from the Planning Commission due to relocating out of the Borough. **Motion was made by John O'Gurek and second by Bill Chapman to accept the resignation of Ryan Stoa from the Planning Commission.** Motion was opened to the floor for comment; none made. Motion carried unanimously by Council. Kokinda stated that there is an open seat on the Planning Commission. If anyone is interested, submit a letter of interest to the Borough office and they will take a look at it next month. **Motion was made by William O'Gurek and second by Greg Kosciulek to accept the Planning and Zoning report for the month of September 2015.** Motion was opened to the floor for comment; none made. Motion carried unanimously by Council.

Work Leader Report - Mike Kokinda said everyone has a copy of the report. **Motion was made by William O'Gurek and second by John O'Gurek to accept the Work Leader Report for the month of September 2015.** Motion was opened to the floor for comment; none made. Motion carried unanimously by Council.

Tax Collector Report - Mike Kokinda read the Tax Collector's report for the month of September 2015. Alice Kane submitted total taxes in the amount of \$5,265.44 with a commission of \$263.27. **Motion was made by Bill Chapman and second by Greg Kosciulek to accept the Tax Collector report for the month of September 2015.** Motion was opened to the floor for comment; none made. Motion carried unanimously by Council.

Wage Tax Report - Mike Kokinda read the Wage Tax Report for the month of September 2015. Berkheimer submitted a total EIT of \$17,816.14 with a commission of \$308.22 and postage charges of \$105.78. Total LST submitted was \$21.24 with no commission and postage charges of \$6.83. **Motion was made by Bill Chapman and second by William O'Gurek to accept the Wage Tax report for the month of September 2015.** Motion was opened to the floor for comment; none made. Motion carried unanimously by Council.

Receipts - Mike Kokinda read the receipts for the month of September 2015. General Fund receipts were \$132,742.87, Sanitation Account receipts were \$1,980.00 and the Community Center Account receipts were \$375.00. **Motion was made by William O'Gurek and second by John O'Gurek to accept the Receipts for the month of September 2015.** Motion was opened to the floor for comment; none made. Motion carried unanimously by Council.

Committee Reports –

Streets -

1. Tree Trimming - John O'Gurek stated that they have a list of trees that will need to be trimmed before winter. He suggested sending a letter to all the property owners giving them ten days to take care of the tree or the Borough would trim their trees. Jesse Walck questioned sending letter out to all the people on the list. O'Gurek said that all the trees need to be trimmed and asked if he had a better idea. He feels it is common courtesy to give them the opportunity to take care of the trees before we start trimming them back. Michael Alabovitz asked is anyone actually read the Shade Tree ordinance; he can't believe that anyone would actually adopt it. It pretty much states that the Shade Tree Commission can plant trees wherever they want but if damage occurs due to the tree it is the homeowner's responsibility to fix it. So if it breaks up the sidewalk because of the roots growing, it is the homeowner's responsibility. O'Gurek said that years ago they gave the Shade Tree Commission

too much authority and we should consider revising the ordinance. Alabovitz said that he is not against the commission but he is against making it the homeowner's responsibility to maintain the tree. John asked Jesse what he thought about making phone calls instead of sending out letters. Walck stated that we should let the Shade Tree Commission take care of it. O'Gurek explained that this is for our benefit so that we do not damage our trucks. All we need to do is inform these people that we will address it if they don't. Karen Ruzicka asked if the Borough will be charging to trim the trees. O'Gurek said that we will not be charging anyone. Alabovitz stated that according to the ordinance it states that the homeowner needs to obtain a permit and pay for it. In the ordinance it reads the cost of pruning or removing of any shade trees and stumps in and along the streets and highways in the Borough and planting a replacement tree shall be the responsibility of the property owner of the real estate abutting where the work is done. Joe Kosalko said that only means if it is the property owner's tree. The Shade Tree Commission puts the trees in but they are not the property owner. Alabovitz said that is not what the ordinance reads. Dave Wargo stated that for historical purposes, the newer trees that have been planted in front of the homes were planted there by the request of the homeowners and as part of the request it is their responsibility to maintain those trees. A brief discussion took place in regards to who is responsible for the tree and if the homeowner should be charged if the Borough trims the trees. Attorney Greek said that it states right in the ordinance that the homeowner will be charged for trimming the trees. He also explained that the ordinance states that any tree, planted by the commission or not, that extends into the highway or Borough property is considered a shade tree. Once it is a shade tree, it becomes the homeowner's responsibility. John O'Gurek said that letter need to go out giving the homeowner ten days to cut the trees or the Borough will charge them for cutting the tree for them. Alabovitz said they should have 60 days, as stated in the ordinance. Greek stated that you can notify the property owner telling them they have so many days to do it or else the borough will do it at a cost. Wargo added that if you buy a house you are responsible for the sidewalk so if you buy the house you are also responsible for the tree. Mike Kokinda asked what the bottom line is. Greek stated that you have to send the letters notifying the property owner that their trees are encroaching into the Borough right of way, which is causing a safety hazard, and they have so many days to trim the tree in conjunction with the shade tree ordinance. If it is not done within that timeframe, then the borough will do it at a cost. Jesse Walck said they need to be addressed within the next month before the snow comes.

2. John O'Gurek stated that the estimated allocation for Liquid Fuels for 2016 is \$94,354.38. He also mentioned that we need to do an adjustment on the one snow plow. It is going to cost around \$300.00. The scoop plow will still fit so that will be the backup plow. Jesse Walck asked if he was doing the work as a contractor. O'Gurek explained that he is a certified welder and is currently not working. It shouldn't take more than ten hours. In the end, the plows will be interchangeable with all three vehicles.
3. Ron Gower asked what the final decision is on the tree issue. Mike Kokinda said that they are going to send letters to the property owners. The main problem is that the new plow trucks cannot get close enough to the curb because of some of the branches that are hanging out into the street. Gower asked if the property owner will need to get permission from the Shade Tree Commission. Mike Greek said no because it is a safety hazard so we don't have to follow the ordinance. Because we are stating it is a safety issue and we cannot navigate through the town, we are giving so many days to cut the trees. We know there is an ordinance in place but we are only giving so many days because of an emergency situation. Otherwise, we would not be able to do this and the Shade Tree Commission would have to. Mike Alabovitz do not feel that 10 days is enough. Jesse Walck said that people are not going to get a contractor to do it if the Borough is going to take care of it. John O'Gurek feels that we should go out and cut the trees. He added that the ordinance read that the branches will be no lower than fifteen feet from the surface. Bill Chapman suggested putting it in the paper that the trees will be cut. Alabovitz said just do it and cut the trees and that the ordinance is ridiculous. **Motion was made by Jesse Walck and second by John O'Gurek to have the Borough trim the trees from the list that are encroaching into the Borough right of way.** Motion was opened to the floor for comment. Tom

Tkach asked about the trees located in Ludlow Park. He was told by the Shade Tree Commission that the trees cannot be topped. He asked the commission what happens if a branch comes down on someone or falls onto a house and does damage. He was told that they are the Borough's trees, not the commissions. Karen Ruzicka asked what happens if the tree is infringing on other people's property. Jesse Walck stated that we can have a meeting on shade tree another night; let's move on. The motion was opened to the floor for comment again; no further comments made. Motion carried unanimously by Council.

4. John O'Gurek stated that they already have four loads of salt and anti-skid so they are ahead of the game for winter.

Buildings - Bill Chapman mentioned that the lock on the back door of the community center off the parking lot is very loose and should be fixed. Mike Kokinda said that Kira has a list of what cylinders are on the doors and she can order one to fix that door.

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

Recreation – Nothing to report at this time.

Motion was made by Jesse Walck and second by Bill Chapman to accept the committee reports for the month of September 2015. Motion was opened to the floor for comment; none made. Motion carried unanimously by Council.

Communications

Communication for the Month of October 2015

1. Letter from The Kilmer Group welcoming the Borough as a new client and for giving them the opportunity to provide the Borough insurance protection.
2. Letter from Lori Devonshire – Flag Football event to be held in the Ginder Field on November 7, 2015. Event will be free and will be asking local churches if they would like to have stand.
3. LTAP Fall 2015 Municipal Road Maintenance & Safety Training program.
4. USAgain letter informing Council that due to the operating costs of the program, they will be rescinding the current agreement and modify the future payment structure. They will now pay \$20.00 per ton on a quarterly basis
5. Letter from LTL Consultants, LTD offering their services.
6. PMRS October 2015 Newsletter
7. PMRS 2014 Comprehensive Annual Financial Report for years ended 2014 and 2013
8. Letter from Cohen Law Group in regards to legal assessment regarding cable franchise and wireless matters.

Motion was made by William O'Gurek and second by Greg Kosciolk to accept communications for the month of October 2015. Motion was opened to the floor for comment; none made. Motion carried unanimously by Council.

Bills – Mike Kokinda read the expense report for the month of October 2015. Total General Fund Expenses were \$86,923.05, total Sanitation Fund Expenses were \$25,018.58, nothing to report for the Community Center and total Street Account Expenses were \$9,222.08. **Motion was made by William O'Gurek and second by Michael Alabovitz to pay the bills for the month of October 2015.** Motion was opened to the floor for comment; none made. Motion carried unanimously by Council.

Old Business -

1. Crosswalks - Mike Kokinda asked Joe Fittos if there was any additional information on the crosswalks. Fittos said he is waiting to hear from Council as to where they would like the crosswalks placed. Once they are received, the workers will have to paint the lines.

New Business -

1. Request from Lehighon Ambulance - Mike Kokinda said a request has been received from the Lehighon Ambulance asking for some financial help. He thought they received a letter last year as well.
2. Quote for New Server - Mike Kokinda said they received a quote from Leztec Systems to purchase a new server for the Borough and Police Department. The current server is full. It will not be supported anymore, there are currently issues with it and will need to be replaced in the very near future. Bill Chapman asked how old the server was; Joe Fittos said it was purchased when we moved into the current building, so about 7-8 years. William O'Gurek suggested waiting until budget time. Fittos explained that their current Records Management Server is its own server and once a new one is purchased, Jeff is going to put everything into on server. **Motion was made by Bill Chapman and second by William O'Gurek to table the quote until budget time.** Motion was opened to the floor for comment; none made. Motion carried unanimously by Council.
3. New Router Proposal - Mike Kokinda said there is a proposal from PenTeleData to purchase a new router. The current router is no longer under a payment plan and there is nothing they can do to repair it if something happens. **Motion was made by Jesse Walck and second by William O'Gurek to table the proposal from PenTeleData to purchase a new router.** Motion was opened to the floor for comment; none made. Motion carried unanimously by Council.
4. Electric Supply Proposal - Mike Kokinda said there is a proposal from Craig Witt of BidURenergy, Inc. to bid out the electricity purchase to get a cheaper rate on the electric bills. Kokinda said the Craig is recommending that we lock in for two years, which will be about a 22% savings. Jesse Walck stated that he does not see the need to lock in for two years. It is a good idea but a year is more than sufficient. It is a lower rate and we might get better pricing on it a far as marketing power. **Motion was made by Jesse Walck and second by John O'Gurek to accept the twelve month electrical rate at the quoted price of .06391 with GDF Suez contingent that there are no additional monthly fees attached to it.** Motion was opened to the floor for comment. Joe Kosalko asked why the Borough is not shopping around for prices. Kokinda stated that is what BidURenergy did for the Borough. A brief discussion took place about the difference between residential and commercial. Motion was again opened to the floor for comment; none made. Motion carried unanimously by Council.
5. Handicap Renewals - Mike Kokinda said there are two handicap applications for renewal; 46 East White Street and 19 North Oak Street. Both were approved by Chief Fittos. **Motion was mad by Bill Chapman and second by William O'Gurek to approve the handicap renewal applications.** Motion was opened to the floor for comment; none made. Motion carried unanimously by Council.
6. Garbage Exemptions - Mike Kokinda said there are two applications for garbage exemptions; 20 West Amidon Street and 127 East Amidon Street. **Motion was made by Bill Chapman and second by William O'Gurek to approve the garbage exemptions.** Motion was opened to the floor for comment; none made. Motion carried unanimously by Council. William Searfoss asked about the garbage cans in Ludlow Park. He said the garbage men are not taking care of emptying the cans in the


parks. Mike Kokinda said that the ones that are concrete are too heavy to be placed out to the curb so we can have the workers take care of them by emptying the garbage and replacing the liners.

7. Michael Alabovitz asked if he could make a general statement. He explained that one day on his way home from work he turned onto the 200 block of Fell Street. There are road horses, a hole in the road and they are fixing the water line. The horses have been sitting there for a while. Then they patched the holes half-ass and then re-patched it half-ass again. Today he came home from work and on the 300 block of Fell Street there is another hole in the street. He is sure it will get patched but half-assed. Eventually the rest of Fell Street will be destroyed in six months time. Once there is a hole in the road, the road just keeps ripping up. The Water Authority does nothing. They do nothing to replace the water lines, there are hydrants in this town that do not work and there are holes all over town. Someone need to get on them and get something down because the water lines are a disgrace in this town. John O'Gurek said that Kira sent him an email with suggestions from Carbon Engineering about the problem with the street opening and closing. Sure you can get a permit to open the street, which is not the problem. There should be something that states not being able to work on them after hours because you can't see through the blacktop. Alabovitz stated that \$300.00 is nothing because once you rip it up, it is ripped up forever. O'Gurek said that we need to adopt something that states the cement has to be poured by a certain date and it must be inspected by a Borough worker or the Borough engineer. Once that is done, they can go ahead and put the blacktop on it. Alabovitz said the bottom line is the root cause is the water lines are in piss poor conditions. They need to be replaced. The last time the Water Authority was here they said they did not have any official plans in place. He thinks that it is about time they get some official plans in place. Wayne Gryzik stated that they are going to be doing the Hazard Street project and he suggested to Council the last time about getting together and looking at the sewage lines and storm drains and working together to get things replaced. John O'Gurek suggested using a camera to see what shape the lines are in before we do anything. Mike Kokinda asked when the next Water Authority meeting will be held. Gryzik said they are held on the third Tuesday of the month. O'Gurek said there is a big issue with the holes in town. If you drive around and look at the holes, you can see things are not being done right. Whoever is doing the work needs to be told that it needs to be done right or they will be coming back to make it right. He stated that when the paved the one block of Fell Street there were about 7-10 areas where the water lines were changed and you can see where the patches had sunk. The key is that the areas need to be sealed.
8. Mike Kokinda said there is a reminder that Trick or Treat night will be held on Saturday, October 31st from 6-8 p.m. and the rain date will be Sunday, November 1st from 6-8 p.m.

Motion was made by Bill Chapman and second by John O'Gurek to adjourn at 8:03 p.m. until the next regularly scheduled meeting on November 23, 2015. Motion was opened to the floor for comment; none made. Motion carried unanimously by Council.



Mike Kokinda
Council President



Kira Steber
Secretary/Treasurer