

Summit Hill Borough Council
April 25, 2016, 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, Greg Kosciolk, William O’Gurek, David Wargo, Solicitor Michael Greek and Mayor Paul McArdle were all in attendance. Karen Ruzicka and Bill Chapman were absent.

Minutes – Motion was made by John O’Gurek and second by Greg Kosciolk to approve the minutes from the March 28 and April 6, 2016 Council meeting. Motion was opened to the floor for comment; none made. Motion carried unanimously by Council.

Floor –

1. Paul Slivka, Jr., 151 West White Street, brought to Council's attention some problems that are not being taken care of in the town. People are getting frustrated that things are not being taken care of by the police and would like to know what could be done. Mike Kokinda explained that there is only one officer, sometimes two, on at a time and they cannot be everywhere all the time. If there is something going on, there needs to be a report and we need to be made aware of it. He mentioned that Councilman Wargo is in the process of trying to get the Crime Watch up and running and to get people involved and watch out for our neighbors. Slivka asked if it is legal to have surveillance cameras on your property. Dave Wargo said you can have surveillance cameras but you would need to turn the footage over to the police. Chief Fittos stated that he had a recent call where the person’s tires got stabbed but unfortunately, he has no suspects and nothing to go on. He encourages people to install cameras because they would like nothing more than to prosecute these people. There was another one where about 10 different vehicles tires were slashed all in one night but they still have not been able to solve it. It is not that they didn't try. It is very hard to solve when there are no witnesses or any type of evidence. Most of the time there is only one officer on duty. They are out patrolling the streets. The best scenario is being at the right place at the right time. We have already solved crimes for people who have surveillance systems. Fittos noted that the Mayor was up in the middle of the night and saw someone suspicious outside and called the police. It was when they had a bunch of thefts happening in town. Because he called them, they were able to catch the person. Slivka explained that he is not there to be condescending to anyone. He has lived at his home for 11 1/2 years and never had any problems. Now all of a sudden there have been four different incidents where things were stole off his porch. David Wargo said that back in March we started the Crime Watch. At their first meeting there were about 17 people in attendance. At the second meeting, about 11 people. The last meeting that was held, there were 2 people who showed up. There are 3,000 people in this community, 1,500 homes in the community and one police officer that has to cover all this area. If 10% of these people would join the crime watch, we probably would have more eyes on the ground to watch and help the police catch these people. The police cannot do this by themselves. We need people to step up. It is not like it was year ago and without people watching, listening and helping us out, there is nothing we can do unless you catch someone in the act. Wargo explained that he runs the GAR Cemetery for the last seven years. There have been at least five incidents of dumping up there and three incidents of vandalism. No one was ever caught for any of it but he still reported it. If you don't report things, we cannot gauge how much crime we have in the Borough, whether it is solved or unsolved. If people decide that it is not worth reporting, how is Council going to know if there is a rise in crime. We cannot have everyone sit on their hands and not say a word. The only thing Council has to go on is the number that the Chief report each month. This is how we can tell if there is an issue. If we need more cops, then we will hire more cops. One full-time officer costs the Borough about 2 mills of income. We can raise the taxes 20 mills to put a cop on every corner, but we cannot afford that. The community needs to step up and help. He personally asked the Mayor and Chief to do this one more time. If people really do care about their properties and community and they want to keep the town on a good steady track, then they need to step up and help. The Chief has applications with him tonight and he challenges everyone in the room to sign up tonight. The next meetings are the 2nd Wednesday of the month at 7:00 p.m. at the Community Center. Chief Fittos added that eventually they would like to see the Crime Watch Committee run the meetings themselves. They are there now to get things going. Once it is up and running, you can set your own meetings.

Mayor's Report – Mayor Paul McArdle reported receiving two checks from the District Justice for the month of March 2016 in the amount of \$1,439.90. **Motion was made by Dave Wargo and second by William O'Gurek to accept the Mayor's report for the month of March 2016.** Motion was opened to the floor for comment; none made. Motion carried unanimously by Council.

Police Report – Chief Fittos read his report for the month of March 2016. He mentioned that four officers attended mandatory update training and the rest of the department will be attending in May. He would like to bring to Council's attention that there is another police agency doing a background check on one of our part-time officers, with him being hired full-time in July. There is another officer that is also testing for full-time and will most likely be hired. Last time we advertised for part-time we did not get any applications. He is asking Council to consider re-advertising for part-time officers again. **Motion was made by William O'Gurek and second by John O'Gurek to re-advertise for part-time police officers.** Motion was opened to the floor for comment; none made. Motion carried unanimously by Council. Wayne Gryzik asked what the rate for part-time; Chief Fittos said \$17.00 an hour. Tom Tkach noted that there seems to be a lot of resignations over the past few months and asked if this is a trend going on and why are they leaving. Fittos explained that one officer was hired with another agency. Sometimes we get good part-time officers and they get hired full-time elsewhere. Gryzik asked what the time span is on the officers coming in and then leaving. Fittos explained that the last two applied at the large agencies about a year ago. So depending on when the other agencies decide to hire is when then get called. Gryzik also asked if the Borough purchases their uniforms when they are hired part-time. Fittos explained that they are given what we already have, if not, they pay for them and then are reimbursed if they work for a year with the department. Mike Kokinda said they received a letter of resignation from Officer John Milkovits. **Motion was made by William O'Gurek and second by David Wargo to accept the resignation from Officer John Milkovits effective March 30, 2016.** Motion was opened to the floor for comment; none made. Motion carried unanimously by Council. **Motion was made by David Wargo and second by John O'Gurek to accept the Police Report for the month of March 2016.** Motion was opened to the floor for comment; none made. Motion carried unanimously by Council.

Planning and Zoning - Bill Kirklosky read his report for the month of March 2016. He noted that the variance for the commercial storage building on the corner of White and Chestnut Streets was denied by the Zoning Hearing Board. David Wargo questioned the rental inspections. He read through the ordinance and was wondering if it is implied that if a landlord loses a rental certificate because of a bad property or that they are in arrears that their tenants should have to leave the property and finding housing elsewhere. He was wondering what this has to do with the tenants. He asked Mike Greek if it was legal; Greek said he will need to look at the ordinance. Greek explained that if you lose your license the fines are for the landlord. Usually the only time it is implied that a tenant has to leave is if it was deemed unfit for human habitation. Wargo asked what good is a fine if they do not pay them and the tenants are allowed to stay at the property. Greek said it is a daily fine. Kirklosky said there is a bigger issue than that. He has his database together and a number of residents who rent properties are delinquent in property tax and trash bills. If they are not going to pay their property tax, they sure aren't going to comply with an ordinance. That is part of the ongoing process to find out exactly what residents are still renting properties and still owe the Borough money. At least now we have the information available to look at and have been sending out documents to the landlords explaining the ordinance because a lot of them do not know anything out it. He hasn't had a ton of responses but he had gotten some so it is heading in the right direction. He is concerned about heading in the right direction and feels citing people is a little premature. Wargo feels that there should be some sort of provision in the ordinance to address what to do with a tenant if a landlord loses his license. If they do not take the steps to have a license or certificate, why should they be able to reap the benefits if they are breaking the law. **Motion was made by John O'Gurek and second by Greg Kosciolk to accept the Planning and Zoning Report for the month of March 2016.** Motion was opened to the floor for comment; none made. Motion carried unanimously by Council. Patty Gledhill asked if a housing authority would protect a tenant in this type of situation. Mike Greek explained that it all depends on if they sign an agreement through the housing authority. Our ordinance does not address this but the housing authority only deals with certain buildings that the

authority manages or if you are looking through renting with HUD. This is a different program that is not associated with the Borough. They do not regulate rental licenses because it is a private agreement. Bill Searfoss mentioned that it is time to update the zoning book because it is outdated.

Work Leader Report - Motion was made by John O'Gurek and second by William O'Gurek to accept the Work Leader Report for the month of March 2016. 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 March 2016. Berkheimer submitted a total EIT of \$14,137.43 with a commission of \$244.58 and postage charges of \$19.89 Total LST submitted was \$50.00 with commission of \$1.03 and no postage charges. **Motion was made by Greg Kosciolk and second by John O'Gurek to accept the Wage Tax report for the month of March 2016.** 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 March 2016. General Fund receipts were \$18,945.80, Sanitation Account receipts were \$3,728.00 and Community Center receipts were \$415.00. **Motion was made by John O'Gurek and second by Bill Chapman to accept the Receipts for the month of March 2016.** Motion was opened to the floor for comment; none made. Motion carried unanimously by Council.

Committee Reports –

Streets - John O'Gurek asked Chief Fittos if there have been any issues with street sweeping. Fittos said that there have been cars ticked for not moving for the sweeper but for the most part people are moving their vehicles. O'Gurek said they have received a lot of compliments on the street cleaning. William O'Gurek said it looks like the sweeper is doing a good job and added that maybe we can consider doing it on a regular basis.

Buildings – Nothing at this time.

Fire and Emergency Services – Nothing at this time.

Recreation – Kira Steber mentioned that the Recreation Commission has their Stay-At-Home Run/Walk coming up over Memorial weekend.

Motion was made by William O'Gurek and second by David Wargo to accept Committee Reports for the month of March 2016. Motion was opened to the floor for comment; none made. Motion carried unanimously by Council.

Communications –

Mike Kokinda read a letter from the County Parks and Recreation Department in regards to the gypsy moth suppression. It stated that a portion of the spraying will be conducted within the jurisdictional boundaries of our Borough and are asking that we notify them of commonsense precautions to take if in a treatment area. To avoid the possibility of eye irritation, persons should not look up as the spray droplets are descending. If eye irritation does occur, an eye wash should be used and a family physician consulted. If the material gets on the skin, soap and water are sufficient to remove it.

Communications for the Month of April 2016:

1. Letter received from the County Park and Recreation Department in regards to Bureau of Forestry conducting gypsy moth suppression in certain sections of Carbon County in spring
2. Letter from C.A.R.E.S. asking if there is a need for their volunteer services

3. Notice of Property Assessment from County Board of Assessment and Revision of Taxes
4. Notice of Occupational Assessment from the County Board of Assessment and Revision of Taxes
5. 2016 Pipeline Safety Bulletin from PA One Call
6. PennDOT LTAP information sheet
7. PennDOT Moving Forward Spring 2016 Newsletter
8. PennDOT Technical Information Sheet Spring 2016 Edition
9. Esri News Spring 2016 Newsletter
10. Community Connection Winter 2016 Newsletter

Motion was made by John O’Gurek and second by Greg Kosciolk to accept Communications for the month of April 2016. 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 April 2016. Total General Fund Expenses were \$95,112.67, total Sanitation Fund Expenses were \$24,447.23, total Community Center Expenses \$645.85 and total Street Account Expenses were \$ 1,867.93. **Motion was made by John O’Gurek and second by Greg Kosciolk to approve the bills for the month of April 2016.** Motion was opened to the floor for comment, none made. Motion carried unanimously by Council.

Old Business –

1. Garbage Exemptions - Kira Steber said there was a long discussion at the last meeting about the exemptions and renewals. Since then one new application was received, which is ok to approve. There was also a handful of people who applied and paid the first quarter, as Council instructed. Then there is about four people who reapplied but did not pay the 1st quarter and then the rest are just refusing to pay the 1st quarter. Steber stated that the new applications as well as the renewals who paid are ok for approval. As for the rest of them, it would be Council's decision as to what they would like to do with them. **Motion was made by William O’Gurek and second by Mike Kokinda to approve the new application for exemption as well as twelve reapplications.** Motion was opened to the floor for comment; none made. Motion carried by the majority of Council with David Wargo opposing. David Wargo asked Kokinda to call a sanitation committee meeting to discuss this further because he still has a problem with the enforcement of the exemptions. Kokinda said if the committee would like to get together and look at it or even get rid of it, he is ok with it. Kokinda asked what the next step is. Steber stated that there is still a problem. One of the people who reapplied told her right out that she was not going to pay the bill. She then sent a letter to Council stating that she had the water turned off at the property and feels that if the water is turned off then everything should be turned off and she shouldn't have to pay for it. Steber told her that she wouldn't have to pay for it if she would have reapplied before January 1st. The person then argued with her and said to take her to court. A few people told her to take them to court. Does Council want her to send another letter telling them they have to pay the bill? Wayne Gryzik stated that water does not generate the garbage. Steber said she understands that but these people think that just because the water is turned off, they do not have to pay for any other services or utilities. Kokinda further explained that people think that because they filled out the initial application that it is forever. We have no way of knowing if the property is vacant, sold or being rented. Steber said there have been times where people decided to rent the property and not inform the Borough and then they are getting free garbage. Kokinda said he can see both sides of the argument. Should people be paying for services they are not utilizing. Your house is vacant and is metered so if you are not using electricity you are not paying for something you are not using. Kira explained that the garbage contract is based off of the amount of homes within the Borough so we are paying for it regardless if you use the service or not. Mike stated that there might be a better way to enforce it. David Wargo feels that the whole ordinance should be repealed because this exemption business is bull. You do not get exempt from property taxes because you don't have kids in school, you don't get exempt from income tax and you don't get exempt from paying welfare. The jist of the whole thing is that if you use them or not, if you are eligible for them or not, you still have

to pay for them and everyone should pay their fair share. The garbage hauler is charging us for every bag of garbage they pick up whether a property is exempt or not. This is causing harassment to our employees and people are still using the service without paying. Kira asked if Council wants her to send letters to the people who are not reapplying. Kokinda asked if someone would refresh his memory as to what exactly the ordinance states. Kira said that you must reapply before January 1st of each year. We sent letters telling those who did not reapply that they would be responsible for paying the first quarter and they must reapply. Kokinda said they told us to go to hell; Kira said yes pretty much. Kira stated that the second quarter billing just went out so now they have received another bill. She said she cannot repeat what some people have said to her but they are not happy with having to pay. If they refuse to pay or reapply, they will continue to be billed and then at the end of the year they will get turned over to Mike Greek and he will place a lien on their home. People said they don't care if we put a lien on their home and also said to take them to court. Mike Greek said the case law is clear that when you provide a service like this, it is a benefit so whether you utilize it or don't utilize it, you are allowed to bill for it. Kira said as an example, you have water service going into your home and you don't use it, you still get a bill for the basic charge. Greek said you are making them pay for a portion of the services before they would be exempt. He asked if they are being refunded for the payment. Steber said they are not refunded. If you were exempt you would have to provide documentation of certain things and have them sign something that you would not charge them a fee each year. Kira stated this is why we ask for everyone to reapply by January 1st of each year. Greek asked how long it has to be vacant before they can apply. Kira said six months. She said that people are coming in and saying it is unfair because they were never told they had to reapply. But, every person that applies and is approved gets a letter. In the letter it states that they must reapply before January 1st of each year. She even made it large font in bold so that people would see it. No one reads it. They only read the part that states they were approved. Greek said that the system that is in place is not a bad system, however, it does get difficult for you to enforce. The only other alternative is that everyone pays. Patty Gledhill asked what the reason is for the exemptions. Are the houses vacant? Mike Kokinda said yes, the houses are vacant. We have had residents ask why they should pay a garbage bill if they are not putting anything out. They are saying that they are being charged for a service they are not using. David Wargo stated that the problem is some of these people do not realize that their neighbors are utilizing their garbage service. Some people are putting their garbage out on properties that are exempt and the garbage men do not know if the property is exempt or not because there is no way of knowing because there are not house numbers on the back of the houses. Kokinda said that we get a tipping charge to have the hauler come in. It is divided by the 1,500 homes and that is what everyone pays. Patty asked if they could look into a bin type of program where the people can come and dump their stuff and pay that way. Kokinda said they have looked into a per bag type thing and it would be just as bad, if not worse, then what we are currently doing. Let's have the committee look into it. Mike told Kira to look into the ordinance and see what the next step of the process would be and move on with it.

2. Gazebo in Ludlow Park - William O'Gurek said that Lisa Hiles contacted him and said they were asked by the Historical Society to do the work on the gazebo but they didn't want to move forward without Council's permission. Mike Kokinda said they gave their approval at the last meeting so tell them to move forward with it.

New Business -

1. Ordinance No. 4 of 2016 - Mike Kokinda said this ordinance is to adopt the agreement to enter into the Carbon County Council of Governments. William O'Gurek said this is the final step to incorporate the organization. **Motion was made by John O'Gurek and second by Greg Kosciolk to adopt Ordinance No 4 of 2016 to enter into an agreement to join the Carbon County Council of Governments.** Motion was opened to the floor for comment; none made. Motion carried unanimously by Council.
2. Handicap Parking Applications - Mike Kokinda said there are two handicap renewal applications for approval. David Wargo said that the Chief reviewed and approved them and he did not see anything wrong with them either. Kokinda said the two for renewal are 342 west Iron Street and the other for 314

West Ludlow. Kira said the one for 342 West Iron is for Lois Ciavaglia, who is also asking for the financial exemption based off of her household income. Kokinda added that there was also a new application for 50 East Summit Avenue. **Motion was made by David Wargo and second by John O'Gurek to approve all three handicap applications and granting the waiver of the fee for Lois Ciavaglia based on her household income.** Motion was opened to the floor for comment; none made. Motion carried unanimously by Council.

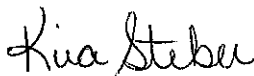
3. Website Service Agreement - Mike Kokinda said they received a new service agreement from Bobby O'Gurek's Web Design & Services. The terms are \$40 per month for three updates with any additional changes at \$20 per request. Everything is the same as in the past. **Motion was made by David Wargo and second by Greg Kosciolk to enter into a new agreement with Bobby O'Gurek's Web Design and Services for the Borough's website at a rate of \$40 per month for three updates with any additional changes at \$20 per request.** Motion was opened to the floor for comment; none made. Motion carried by the majority of Council with William O'Gurek and John O'Gurek abstaining due to Bobby O'Gurek being family.
4. Letter of Interest for the Planning Commission - Mike Kokinda said a letter of interest was received from Nathan Halenar for consideration to sit on the Borough's Planning Commission. **Motion was made by David Wargo and second by John O'Gurek to appoint Nathan Halenar to the Summit Hill Borough Planning Commission.** Motion was opened to the floor for comment; none made. Motion carried unanimously by Council.
5. Generator Service Agreement - Mike Kokinda said a proposal was received from Cleveland Brothers Equipment Company, Inc. for maintenance to the generators at the Borough Hall and Fire Company buildings. Option #1 is a one year service for \$1,787.00 and Option #2 is a three year service starting at \$1,787.00 for 2016 and increasing slightly over the next two years. Mike said that we have never had service done to the units other than the borough workers changing the oil. Kira Steber mentioned that Ronnie had a suggestion that we can have Cleveland Brothers do the service every other year since he and Billy have already been taking care of them. **Motion was made by David Wargo and second by William O'Gurek to enter into a one year service agreement with Cleveland Brothers Equipment Company, Inc. at a cost of \$1, 787.00.** Motion was opened to the floor for comment; none made. Motion carried unanimously by Council.
6. No Parking Zone at Post Office - Mike Kokinda said it was brought to his attention about parking at the post office. Sometimes people are parking in front of the post office and you are not able to swing in to drop something into the mailbox. William O'Gurek said that people are parking right on the yellow line which makes it impossible to get close to the mailbox. Chief Fittos suggested making the no parking area double the size to allow cars to be able to swing into the drop off area. **Motion was made by William O'Gurek and second by John O'Gurek to have the borough workers make the no parking area for the mailbox in front of the post office bigger.** Motion was opened to the floor for comment; none made. Motion carried unanimously by Council.
7. PPL LED Program - William O'Gurek said PPL has a program to switch the street lights to LEDs, which are more cost efficient. We have 309 lights within the Borough limits and to switch over to LEDs would cost the Borough \$371.00 to do it but it would save us approximately \$123.44 per month. It isn't a lot of saving but it is something. You have to do everything online, which Kira went so far to get the numbers but he didn't want her to move forward with anything until he discussed it with Council. Mike Kokinda said to get it taken care of. O'Gurek stated that the cost of savings isn't that great but the light quality would be better and it would help neighbors see what is going on in their community. **Motion was made by William O'Gurek and second by Greg Kosciolk to contact PPL and enter into their program to have all the street lights within the Borough limits switched over to LEDs.** Motion was opened to the floor for comment; none made. Motion carried unanimously by Council.

8. Energy Proposal Bid - Kira Steber said that in October Council locked into an agreement for lower pricing on our electric bills. We are currently working with Craig at BidUREnergy and he reached out to her to start looking into pricing for a new contract. We renew in November but he would like for us to get locked in now before the pricing rises. Last year we only opted in for one year. Prices do change daily so he would like to lock in now. Our current rate is \$0.06391 with Suez. **Motion was made by John O'Gurek and second by Greg Kosciolk to give Kira Steber permission to watch the energy market and have her lock in on a one year agreement on energy rates for renewal in November.** Motion was opened to the floor for comment; none made. Motion carried unanimously by Council.
9. Report to Management – Kira Steber said that she received a Report to Management from the Kilmer Group, which is the Borough's new insurance agents. They want everyone to be aware of everything that they have been doing over the past year. It also shows that over the past year we have saved \$19,144.00. If anyone is interested in seeing the report, she will have it in her office.
10. Thomas Tkach stated that he has something in regards to the ordinance for the parks in Summit Hill. It would be for all of them, Ludlow, Bill Black, Philip Ginder and Memorial Park. The ordinance reads that during the months of May through September the park shall be open to the public daily between the hours of 5:00 a.m. to 9:00 p.m. in which time all activities shall cease immediately. No person shall be in the park after 9:00 p.m. or before 5:00 a.m. the next morning. Since we are approaching the season now, the kids are utilizing the park now, especially Ludlow Park. There was all that extensive work done in the park with the cobblestone and pavers. The kids have been skateboarding and playing football on it. This is a no no. He is talking about after 9:00 p.m. The summertime is approaching and it is going to get later and later. There have been a lot of shenanigans going on after 9:00. He knows the police are tied up but he is asking that they police the area once or twice after 9 p.m. and tell them that they are no longer supposed to be in the park. If they do create vandalism, then they need to be cited. Chief Fittos said that they do a change of shift at 9:00 so he will have the officers swing by to make sure no one is in the park. Tom also asked if there is a curfew. Fittos said the curfew is 10:30 p.m. during the week and 11:00 on the weekends. Tom asked if a whistle could be blown to notify everyone like we did in the olden days. What 10 year old has to be out at 11:00 at night. His concern is the vandalism. We have a beautiful park and don't want to see it ruined. Tom also mentioned a castle doctrine law which enforces the right to carry firearms. According to that ordinance no one but the police can carry firearms in the parks. Now under the state law, as long as you have your license to carry, you may take it to Locust Lake, Tuscarora, Beltzville or any state parks. As long as you have the license for it, it is concealed. This should supersede our Borough ordinance. He is saying this because he carries and he knows he is not the only one. He is not looking for trouble. Tom asked when they will be paving Holland Street. John O'Gurek said he is not sure but it will not happen until after Memorial Day.
11. Wayne Gryzik welcomed Nathan Halenar to the Planning Commission and also mentioned that the will still need another member on the board because they need 5 members and right now only have 4.

Motion was made by William O'Gurek and second by Greg Kosciolk to adjourn at 8:13 p.m. until the next regular scheduled meeting on May 23, 2016. Motion was opened to the floor for comment; none made. Motion carried unanimously by Council.



Mike Kokinda
Council President



Kira Steber
Secretary/Treasurer