

**Summit Hill Borough Council**  
**June 13, 2023, 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 Michael Kokinda, Gino DeGiosio, Karen Ruzicka, Alan Kruslicky, Joseph Weber, David Wargo, Solicitor Robert Frycklund and Mayor Jeffrey Szczecina were in attendance. Vice President William O’Gurek was absent.

**Floor** –

1. Commissioner Chris Lukasevich spoke to Council about the draft of a bus schedule Route 741, which will commence on Saturday, July 1, 2023 through Labor Day weekend and will be on Saturdays only. It will provide residents of Summit Hill, Lansford, Nesquehoning, and Jim Thorpe with low-cost transportation to Mauch Chunk Lake Park. Cost will be \$2.00 for regular citizens, children 5 and under, as well as Seniors 65 and older, will be free and people with disabilities will be \$1.00. The entry fee will be \$2.00 for children and \$3.00 for adults for county residents. He encourages Council, the Mayor and the Chief of Police to advocate and promote this opportunity to get outside and enjoy fresh air. Seniors, families, and teenagers are all welcome.

He also gave a brief update on blight. They are moving forward with a blight demolition fund and expect a resolution to be finalized in the next few weeks and presented to the board of Commissioners with it to take effect January 1, 2024. The Planning Office has started developing a draft double home repair mediation program. It will be \$50,000 grants that will be made available to citizens with the assistance of the participation of municipalities to renovate double homes that have significant blight issues throughout the area. In January, Council was invited to come to a Commissioners meeting and utilize 15 minutes of public time to present a state of the municipality in which a representative of Borough Council can provide first hand indications of the first hand indications of the challenges, issues, strategies and vision that they have for Summit Hill, the Borough and the citizens. It was also to ensure how the Commissioners can best support them in their effort. Kira Steber asked if there will be a final draft provided that she would be able to place on the Borough’s Facebook page and website. Commissioner Lukasevich stated that within 48 hours the word draft will be removed and provided to everyone to distribute. Councilman Weber expressed his concern about the bus stop that is located in Summit Hill and asked if he would be open to relocating the stop so that is it not on the highway. Commissioner Luckasevich explained that there currently are stops on Hazard and Fell along North Pine, as well as flag down service. Anywhere you are and see a bus, you raise your hand, and it will find a safe location to pull over to allow you to embark and disembark. If there is a recommendation for an additional stop that makes sense, let him know and he will contact the planner at LANTA and he will see if he can incorporate it into the existing overall schedule.

2. Joanie Morana, 104 East Ludlow Street, stated that she was confused about the air conditioning project and asked about the bids for the project. President Kokinda said that HT Lyons is the contractor for the project, and it was not bid out because HT Lyons is under the CoStars program, which a contract with the state. Solicitor Frycklund explained that when there is a cooperative intermunicipal agreement, it is already preapproved. It is an exception to the advertising bidding requirements. President Kokinda said that we are in the boat we are because the lowest bidder was the one who did the initial work when the building was built.

Marlene Basiago questioned the last conversation that was had regarding the repairs to the units with one costing \$1,900 and the other costing around \$6,000. Now the cost has jumped to \$200,000, is this necessary or can the money be used for something else versus a brand-new air conditioner. President

Kokinda explained that how the money can be spent is limited. What he was referring to at the last meeting was the unit for the Council Chambers and the one for the Community Center is just for repairs. The plan has always been to replace those units. Instead of putting money into the units, with them being replaced in the near future, it was decided not to put money into the current units that will end up being replaced within the next 6 months. Ms. Basiago asked if the Borough received more than \$200,000 in funds. Ms. Steber stated that they received a little over \$300,000. Ms. Basiago asked if the funds had been spent on other things in the Borough or if they were still available. Ms. Steber explained that body cameras were purchased for the police department and there were funds paid to the employees for working through COVID.

3. Deborah Gigliotti, 83 Polar Court, was wondering about the status of the request for the Borough to take over the roadway in Polar Court. President Kokinda said that they did reach out to John Davis with the state, and he gave them a listing of the requirements and specifications of taking over a roadway. He personally took a ride down to look at it and the only issue he saw was the cul-de-sac because it needs to be 40 feet. He suggested having the Borough's engineer take a look at it and give their recommendation.
4. Marlene Basiago, 20 West Walter Street, asked that President Kokinda explain each of the items that will be discussed in detail so that the people there have an understanding of what they are discussing.
5. Betty Stumpo, 210 East Fell Street, stated that she is a new property owner and is concerned about the rat problem in town. She started noticing holes around her property and then she started seeing rats running through her property during the day. She is considering getting cameras so that she can record them running through her property. There is a home a few houses down on Richards Avenue that is abandoned and believe that is where the problem is located. The neighbor next to her has a beautiful home and they now have rat holes on their property. This is not neighbor against neighbor, but some do need to be monitored. President Kokinda stated that there is only so much that they can do. Charles Ziegler said the law states that you are responsible for the wellbeing of citizens of this Borough. He wants Council to do what was done in the 30s and 40s. The proper people need to be hired to get rid of the problem. Kim Runkle mentioned taxes and what they are funding. President Kokinda asked how high they want the taxes to be. They are doing the best they can. The town is getting police protection, the streets are getting plowed, swept, and paved and they have fire protection.

Councilman Wargo explained what has been done so far and the plan that he came up with to help address the situation.

- a. Council hired a full-time Code Enforcement Officer who job is to investigate the complaints received.
- b. In November, Council adopted a Vector Control Ordinance, which provides Council the ability, with the Code Enforcement Officer, to go out, inspect properties and confirm the issue. The ordinance allows the Code Enforcement Officer to require some sort of abatement plan by the homeowner using a professional exterminator to get rid of the problem. This type of ordinance has been passed in 25 other communities. In the past 8 months, he has learned that Summit Hill is not the only town that is having the same issues. He understands everyone's concerns because he had an issue with rats when his car got severely damaged. He took the initiative to hire an exterminator to address his issue.
- c. Councilman Wargo explained his analysis of a town wide extermination program to eliminate rats.
  - According to the PSAB, any taxpayer money spent must be spent across the borough equally. They cannot pave someone's driveway and not do another, they are not allowed to cut someone's grass and not cut everyone else's. They must treat everyone in the Borough equally. They cannot spend taxpayer money on private property without spending it on all private properties with general

maintenance, such as extermination, lawn cutting or cleaning up garbage. An abatement program they would have to enact has to be in place and equal for everyone.

- Rodents do not know what property lines look like. To them, the entire community is a playground, and we are feeding them because they are looking for food and water. They are looking for sources and these sources include gardens, water fountains, bird baths, etc. Anything that they can use to sustain themselves, they will use. They burrow into places where there is a nearby food source.
- There is no way to exclude people because they cannot do a census on the rat population because they do not know where every rat is. They would have to treat the whole Borough as if it were infested.
- They would have to hire exterminators to handle all the properties. According to the exterminator, the average annual cost would be between 600 and 800 dollars annually for preventative care or over a \$1,000 per home with an active infestation. Since he hired an exterminator, he has not seen or had any further issues with rats.
- Once they start this program, they cannot stop because they will have to fight rats for the ongoing future.
- There are 1500 households in the borough that would need to be covered and would be eligible to have this service because it has to be equal across the borough.
- The current budget for Summit Hill is 1.5 million dollars. The revenue comes from various sources, with the majority coming from property taxes; roughly 52% is from property taxes. There is \$821,000 raised in revenue from property taxes. The other \$700,000 comes from state funding, federal funding, different programs, and miscellaneous revenue that comes from real estate transfers, etc. Every dollar is accounted for in the budget. There is no slush fund of extra money sitting around.
- The approximate cost for this program is 1.5 million dollars and the current budget is 1.5 million dollars. This means they would have to raise an extra 1 million dollars in revenue. To do that, they would have to raise the millage. Currently, 1 mill is equal to around \$44,000 in revenue. If you figure out the math, the millage increase would be approximately 24 mills just to provide town wide extermination.
- The tax increase would be approximately \$960 per household. Keep in mind, especially those that live in larger homes in White Bear and others in smaller homes in town, that property taxes are not equal, they are based on the property values. The higher your property value, the higher the tax increase. You are looking at \$960 more in taxes to several thousand dollars, if you live in a nicer home in White Bear. That tax liability would be crippling to the borough and to all of those sitting here tonight.
- In addition, the state realizes that it could be abused by Boroughs, so they passed a law that states they are not allowed to raise the millage more than a few mills each year. Even if Council wanted to do this, they are forbidden by law too but a tax increase into the budget to be able to pay for an extermination program.

- The Borough would need every resident in town to provide a waiver to bring extermination services onto their property and put hazardous substances onto their property.
- As an elected official, he is not comfortable with supporting this kind of tax increase without looking for alternatives.
- Rats, squirrels, skunks are wildlife and unfortunately something happened in the environment. Whatever preyed on rats may not be around anymore to control them and that is the reason for the problems they are having currently. It is not just Summit Hill, it is pretty much everyone on the Eastern Seaboard, including many other boroughs in Carbon County.
- The alternative is to hire an exterminator. Another alternative is to go to Lowe's and buy bait stations, which cost around \$14 each. You can buy 10 bait stations, at a cost of \$140, and put them around your property. A bait station is a passive attraction to animals and should be placed against the side of a building. A rat will run into a bait station because they are attracted to the scent of the bait and will eat it. This will cause them to get thirsty and will go back into their burrow and die. There are other homemade baits that you can find online that can also help.
- Even if they wanted to hire a town wide exterminator, he does not think they can find one that can service 1500 homes let alone pay for them. This analysis is just not feasible.

Jayne Turner said that it is a state of emergency and someone from the Borough needs to call the CDC, like she did. She spoke to Mr. Smith and has his phone number that she will give to Council. She again said that it is a state of emergency. She stated that she also has medical papers with her because she ended up in the hospital because she had poisoning in her system from rodent urine. It is now personal, it is dangerous, it is dangerous to their children, and it is dangerous to anyone. This is a lawsuit. She asked for help, she cried, and they shot her down. President Kokinda stated that she was not ignored. Ms. Turner stated that she heard them say that they had not seen a rat and offered for them to come to her house for breakfast. She added that Mr. Kokinda said he had never seen a rat. President Kokinda stated that he did not lie because he has not seen one. Ms. Turner said she is a highway for rats. Her house is immaculate, her garden is beautiful, and she cannot sit outside and enjoy it, she cannot have her grandson outside and she cannot have company over because there are rats at her feet. It is an emergency, and the Borough can get funding from the state. She is not the only person getting sick, there are others and there will be a child and that is on them.

President Kokinda asked Jason Bell, Zoning Officer, to explain the process when he receives a complaint primarily vector control. Officer Bell explained if a complaint is received about infestation on a neighbor's property, he needs to contact that neighbor. If they are not home, will not answer the door or refuse to give him entry to their property, he cannot just walk on to the property without the homeowner's permission. The District Attorney said he would not sign an administrative search warrant for him to go on the property for this particular issue. If he is denied access to the property, there is not much more he could do. If he cannot see something that is active like rats, mice or other vermin running around, the complaint ends at that point. If there are other issues, they can be cited whether it be a Quality of Life ticket or a nontraffic citation at the District Magistrates office, depending on if they have been notified before or previously received tickets. He reached out to three different extermination companies that service our area and none of them will bomb the municipal sewer system. None of them have a plan or a program in place for town wide ratification of anything whether it be bees, mice, ants, etc. They do not have the manpower, staff, or equipment available to do it. He reached out to Terminix, Ehrlich and Seitz Brothers and they all said they cannot do a town wide program. Ms. Turner stated that she does not feel it is an extermination problem but a CDC problem when health is involved. They will help with state funding. She knows this because they

called her right back. She added that Officer Bell is not getting the answers he needs, people are getting sick, and it is very frustrating. He is one man and needs a few people to help him, which she said last month. She added that Betty reached out to her in tears. Officer Bell stated that they need to know the source of where they are coming from, it gives them a starting point. Ms. Turner said she provided that information to him last month. Officer Bell stressed that if he cannot get access to the property or inside the house, then he cannot address the issue. He cannot enforce the vector ordinance the way it is written without getting inside the house. Ms. Turner blamed the absentee landlords because the house across the street from her is now being rented out. Officer Bell stated that he is also dealing with bank owned properties, and they do not call him back. Ms. Turner added that she has taken pictures and she also posted the video on Channel 1 Method Up News because that rat ran right over her foot. President Kokinda said they are sympathetic to their problems, but he is not sure as to what more they can do. Ms. Turner said she wants action. Ms. Morana recommended that they hire an exterminator if they can afford it. She said it is not cheap and is unfortunate that it falls on the homeowner, but she hired a service, and it has helped. Ms. Turner said what is happening is that the rats are moving from home to home after extermination. President Kokinda stated that he is not trying to be smart but if someone has a wasps net on their porch are they going to remove the wasps nest or call the borough to come and remove it.

Ms. Turner said that she can see the frustration and is not trying to frustrate them. Councilman Wargo said that he is not frustrated with her and that he is sympathetic with her because he had the same problem and spent a thousand dollars on a car because of rats. Ms. Turner stated that she beat cancer, she beat COVID, she has been shot and she will not let a rat take her down. It did come close last month. Councilman Wargo stressed that if everyone can go to Lowe's and purchase some bait stations to poison these vermin. President Kokinda reiterated that if they cannot get access to a property, they cannot break the law to enforce the law. Ms. Turner stated the Jason is one man and there are 500,000 rats per block.

Barbara Scott stated that she lives next door to a property and that the porch is going to fall down. President Kokinda asked if she reported the issue to the office. Ms. Scott said it was reported years ago. There is no way out of the house if there is a fire in the front of the house. She has pictures of this property, and it has been like this for 30 years. The man that lived there was a contractor and did nothing. The original boards on the house, which are well over 110 years old, are exposed, the windows are boarded up and smashed, they cannot get out the rear of the home and if they could, they will fall right through to the basement. There are skunks, cats, kittens, and birds going in and out of the house. President Kokinda asked that she talk to Officer Bell so he can address the issue. Ms. Scott said she heard the same thing 30 years ago. The last time she complained a window on her property was smashed. If the pictures she has go viral, they will see it. She also has videos.

Charles Ziegler thanked Kira for having the stop sign that was knocked over by the truck fixed so quickly. He added that there is a rat problem. He said they need to declare a State of Emergency to get funding right now. They are coming out of the sewers and going from house to house to house. There is a way to take care of it. Everyone in town is talking about rats. The speech that David gave about cost analysis was bull. It does not cost that much to kill rats. You can go onto someone's property when there is an emergency. President Kokinda stated that if they go and put out rats on people's property, you have the risk of a pet or kid getting into it and then they will be liable for it.

Betty Stumpo said that she understands this has been a chronic long-term issue that is not going to get a solution economically. She has a proposition to suggest to Council. She understands the issue with the money but if there is a will, there is a way. She suggested turning the community into a HOA, get the money and manage everyone with a garbage can assigned to their house so everyone is using a can and the grass will not be high. She has a nice property that she maintains, and the house two doors down has been vacant for almost two years and the property owner has not been there once in that time. Officer Bell stated that if the bank owns it or the owner lives out of state, it is impossible for him to get permission to enter the property. Ms. Stumpo said to the town into a HOA. President Kokinda stated that turning the

town into a HOA cannot be done. Unfortunately, what it all boils down to is that it is difficult to legislate courtesy and commonsense.

Sandy Dellicker asked Councilman Wargo if there was a way to buy the traps at Lowe's in wholesale, ask for a discount and make them available at the borough office so homeowners can get traps. Councilman Kruslicky added that an old-fashioned wooden trap costs \$3.00. If they were to purchase traps, how many would they buy. He asked out of everyone here how many people have an issue with rats. Three people raised their hands. They need an accurate number, so they know how many to buy so the borough is not stuck sitting on a pile of rat traps. It has to come down to the homeowner and it is hard. When you bring in an exterminator, they kill some and push some to the neighbor's property. Council cannot afford to get exterminators for everyone, and it would be great if they could. Any feedback they can get or a report of where the properties with the issues might be will be helpful. Rats have been around since the beginning of time. They sell chemicals and other things to help deter rats from coming onto your property. He has lived in White Bear his entire life and recently he has foxes coming on to his property looking at him like what is he doing there. They are able to do things to kill the rats, he cannot go out and kill a fox.

Ms. Turner asked if there are multiple complaints at the same address, will the fine keep on increasing. Officer Bell said it starts at \$25 and increases to \$50, \$75, \$100, and so on. But he can cite them five times and he still cannot force them to comply. If they are paying their fines he cannot go and hold their hands to make them cut their grass. Ms. Turner asked what happens if someone does not pay their fines. Officer Bell explained that if it is a borough ticket and not a citation, the person has 15 days to pay it. If it is not paid within the 15 days, then it goes to a non-traffic and goes to the district court. If they refuse to enter a plea of guilty or not guilty within 10 days, the judge will issue a warrant of arrest for that person. Even the judge cannot make them comply. They can fine them, and they can pay the fine, if they show up, or they can make payments every month. The borough can correct the issue but then the borough is responsible to pay for it. Even though the homeowner is responsible for restitution for the borough, in reality, they most likely will not pay it. If they want the taxes to go sky-high to remedy every property that has an issue, that is what is going to happen because the borough is going to be stuck holding the bill for it.

Ms. Basiago asked what the possibility of putting something on Facebook to get an idea of how many people have a problem and then idea of who would purchase a rat trap at a lower discount. President Kokinda said he personally would not have an issue with that, but it would be up to the rest of the board. Councilman Wargo asked if they could legally sell items that commercial business sell. He did not think they were allowed to compete against commercial establishments without the government providing the items to the borough. Solicitor Frycklund said that it would be an issue. Ms. Basiago asked if they could still put a post up asking how many people have a problem.

Nancy Kerestus asked if the property owners that are under an LLC do not pay their fines, do they lose their license to rent the property or would they register under a new company. President Kokinda explained that under the ordinance, they would lose their license to rent the property. Ms. Kerestus lives in White Bear and is the president of her church in Nesquehoning. There are dilapidated properties around the church. They ended up with a skunk problem and had to hire an exterminator at a cost of \$500-\$600 to take care of the skunk problem. It fell on the church and churches do not have that kind of money. She did go to the borough and unfortunately, like what is going on here, she was told that it was the churches responsibility. Her heart breaks for all the people but they had to put the money out to ratify the problem. President Kokinda added that there is no easy answer to the problem.

6. Kathy Gieniec, Recreation Commission President, said that they would like to hold a Pickleball Meet and Greet on Tuesday, June 27, 2023 at 6:30 p.m. Once they hold the Meet and Greet, a night will be set to hold weekly games and cost will be \$5.00. July 8, 2023 will be the community yard sale and the cost will be \$5.00 for anyone who would like to be on the map. They can register at the borough hall. Sheree Grant proposed a Youth Gardening Program in conjunction with the Heritage Center. She would like to kick the

program off in September. She plans to do a Fall/Winter and Spring/Summer program at a cost of \$25 a person per session. The program will be limited to just Summit Hill kids.

**Motion was made by David Wargo and seconded by Karen Ruzicka to amend the agenda to add the approval of the Meet and Greet for the Recreation Commission.** Motion was opened for comment; none made. Motion carried unanimously by Council.

**Motion was made by David Wargo and seconded by Karen Ruzicka to grant permission to the Summit Hill Recreation Commission to hold a Pickleball Meet and Greet on Tuesday, June 27, 2023 at 6:30 p.m. in the Community Center.** Motion was opened for comment; none made. Motion carried unanimously by Council.

7. Mary Ann Szczecina, 221 West White Bear Drive, asked how many citations had been issued since the last meeting. Since the lines were painted, how many were for speeding and how many warnings and/or citations were issued for Quality of Life. Mayor Szczecina said that 49 traffic citations were issued but he does not know what they were for specifically. There were 7 Quality of Life tickets issued and there were 40 traffic contacts, which are typically warnings. Ms. Szczecina appreciates the fact that the lines were painted and hopes that it continues.
8. Kim Runkle, 54 East Hazard Street, knows there is an ordinance about commercial vehicles parking on the streets in town and wants to know why they are allowed to park where they are not supposed to. She said there is one parking near her home. Councilman Wargo asked what type of vehicle she is seeing. A commercial vehicle is one that has a commercial plate on it, as it specifies in the ordinance, which is also how the state registers commercial vehicles. The vehicles are of a certain size that could damage the streets if parked long-term or repeatedly, such as dump trucks, campers, mobile homes, tri axle, tractors, etc. If someone has a pickup truck and puts a sign on it for a business, that does not make it a commercial vehicle in the eyes of the state. Ms. Runkle said it is a Seitz truck that a neighbor brings home every day. Councilman Wargo said that vehicle does not meet the criteria. The ordinance can be changed to include those types of vehicles if they could figure out how to classify it. Ms. Runkle also mentioned that there is a vehicle that has been parked on the block and has not moved in weeks. She was informed to report it to the police. Councilman Wargo added that Summit Hill is the only town in the county that has a full-time officer that is dedicated to Code Enforcement and Zoning. It was done because police officers know the citation system better than any civilians. In the past 20 years, they only had part-time Zoning Officers, who did not work more than 16 hours a week, so it is going to take some time for Officer Bell to get caught up and get things back in order. With that, things need to be reported to him so he can have the issues addressed.

**Minutes – Motion was made by David Wargo and seconded by Gino DeGiosio to approve the meeting minutes from the May 9 and May 22, 2023 Council meetings.** Motion was opened for comment; none made. Motion carried unanimously by Council.

**Mayor's Report** – Mayor Szczecina reported the total collected from the District Justice was \$549.97 and from Carbon County was \$105.98. He also mentioned the following happened during the month:

- He thanked all that assisted on Memorial Day. He said it was one of the best Memorial Day showings that they have had since COVID. There were a lot of organizations that took part in it, and they recognized two great people. Connie McHugh, a resident, and WWII veteran, as well as resident and Lieutenant Colonel John McFadden. It was a great weekend for the Fire Company, the Legion, and the community.
- The Hootenanny will be on Sunday, June 25, 2023 in Ludlow Park

- The Cressona Band will be holding a concert in Ludlow Park on Wednesday, June 28, 2023.
- The community Cornhole Tournament will be held at the Community Center on Saturday, August 19, 2023.
- A basketball tournament will be held at the courts across from the borough hall and the lines have not been painted on the courts in the past 15 years. He spoke with the borough crew, and they repainted the lines last week. The rims are the original basketball rims and need to be replaced. They are commercial sized rims, and the cost is \$200 a rim. He reached out to the American Legion and the SALS and they both agreed to purchase two rims with the total cost being \$800. He is going to order them, and the borough crew will install them once they come in.
- As a follow up on the speeding complaint, the fastest speed recorded in White Bear was 57mph. An officer conducted a stationary patrol at the cemetery with 69 vehicles driving through in a one-hour period with the average speed of 47.8mph.
- There were 15 parking violations issued during the month.

President Kokinda asked the Mayor to pass along Council thanks to the American Legion and the SALS for purchasing new rims for the basketball courts.

**Motion was made by Joseph Weber and seconded by Gino DeGiosio to accept the mayor's report for the month of May 2023.** Motion was opened for comment; none made. Motion carried unanimously by Council.

**Police Report** – Chief Woodward informed Council that paper traffic citations will be going away by the end of 2023. There is one company left that will issue paper citations and the state will not renew the contract because they want to move forward with electronic citations. He currently has 100 traffic citations left and does have an order in, but they are on backorder. They are going to need some type of computerized device and a printer for the vehicle because you have to be able to print citations out and issue them on the spot. He was considering getting tablets with a mobile printer that is compatible. The software from the state is free and they will provide three scanners. He is looking to get the equipment for three of the vehicles, which is somewhere around \$1,500 but that is preliminary. He needs to contact the state to see about the criteria that need to be met with the computer and what type of program will be compatible. President Kokinda said there is money in the Capital Improvement Fund that can be used. Karen Ruzicka asked if the ARPA money could be used to purchase the equipment. Chief Woodward believes that only the computers can be purchased with that money but nothing else. This is why he would like to get tablets instead of laptops because the amount for a tablet is \$90 a piece on Amazon and mounts for a laptop is a couple hundred dollars and you have to get someone to install them for you. The soonest that it could be installed would be October. The guy from the state would need to come up and install the software and train everyone. **Motion was made by David Wargo and seconded by Joseph Weber to accept the Police report for the month of May 2023.** Motion was opened for comment; none made. Motion carried unanimously by Council.

**Planning and Zoning** – Councilwoman Ruzicka mentioned that the report states as of June 1st foot patrol will start and asked if it has started. Officer Bell explained that it is just for him to do Quality of Life. President Kokinda asked who the Vector Control Officer is currently. Councilman Wargo said that they were waiting officially hire Jason to appoint him as the officer. They also have to ask the codification company what the section number is so he can cite properly under that section. Charles Ziegler mentioned that they are starting foot patrol and was wondering if the department has a bike. Officer Bell said they would need certain training for the officers that would be utilizing the bike. Legally they cannot use a bike unless they are certified to be a

bike patrol officer. **Motion was made by Alan Kruslicky and seconded by Karen Ruzicka to accept the Planning and Zoning report for the month of May 2023.** Motion was opened for comment; none made. Motion carried unanimously by Council.

**UCC and Code Enforcement Report** – Councilwoman Ruzicka said she was approached by someone who was asking what they need to with a property that is condemned. If they have fixed the issues, what do they need to do to get the property uncondemned. Ms. Steber explained that no one is supposed to be doing anything with a condemned property until they talk to Lehigh Engineering because they are the ones who give the permission to fix up the property. They would remove the condemned status once it is inspected and found to be brought up to code. Charles Ziegler stated that the property on Ludlow Street, which he thought was condemned, is being worked on and thought that it was not able to be fixed and was going to be torn down. Ms. Steber explained that the current owner spoke to Ralph at Lehigh Engineering and submitted plans. They are repairing the building, as per the plan, with Ralph coming in and inspecting it to make sure everything is being done properly and by the code. Councilman Weber stated that just because a property is condemned does not mean it has to be torn down. **Motion was made by Joseph Weber and seconded by Alan Kruslicky to accept the UCC and Code Enforcement report for the month of May 2023.** Motion was opened for comment; none made. Motion carried unanimously by Council.

**Work Leader Report** – Marlene Basiago asked if this report has to do with the employees. She asked what projects they are doing. President Kokinda stated that they are currently working on storm drains and cutting grass. Councilman Kruslicky said that the May report is getting ready for Memorial Day. Ms. Basiago stated that Council never knows what they are doing next week or next month. Councilman Weber said that in the summer months they cut grass, replace storm drains, pave the streets and will be in Lansford helping pave with the shared services. President Kokinda added that they maintain all their vehicles, change oil in the police cars, change tires, change breaks, work on the big trucks and doing maintenance on the buildings. It all depends on the needs of the day. **Motion was made by Joseph Weber and seconded by David Wargo to accept the Work Leader report for the month of May 2023.** Motion was opened for comment; none made. Motion carried unanimously by Council.

**Tax Collector Report** - Nathan Halenar submitted his Tax Collector Report for the month of May 2023. Total collected was \$514,332.58 with a commission of \$15,429.98. **Motion was made by David Wargo and seconded by Karen Ruzicka to accept the Tax Collector Report for the month of May 2023.** Motion was opened for comment; none made. Motion carried unanimously by Council.

**Delinquent Real Estate Tax Report** – Portnoff submitted their Delinquent Real Estate Tax Report for the month of May 2023. Total collected was \$7,786.04, with nothing to report for the monthly expense reimbursement. **Motion was made by David Wargo and seconded by Gino DeGiosio to accept the Delinquent Real Estate Tax Report for the month of May 2023.** Motion was opened for comment; none made. Motion carried unanimously by Council.

**Wage Tax Report** – Berkheimer submitted their Wage Tax Report for the month of May 2023. Total EIT submitted was \$60,254.16 with a commission of \$1,042.40 and postage charges of \$29.78. Total LST submitted was \$754.22 with a commission of \$15.46 and no postage charges. Total DLT submitted was \$79.21 in delinquent Occupation Tax and \$22.00 in delinquent Per Capita Tax. **Motion was made by David Wargo and seconded by Karen Ruzicka to accept the Wage Tax report for the month of May 2023.** Motion was opened for comment; none made. Motion carried unanimously by Council.

**Delinquent Garbage Collection Report** – Central Credit Audit submitted their Delinquent Garbage Collection Report for the month of May 2023. Total collected from Central Credit was \$96.75. **Motion was made by David Wargo and seconded by Alan Kruslicky to accept the Delinquent Garbage Collection Report for the month of May 2023.** Motion was opened for comment; none made. Motion carried unanimously by Council.

**Receipts** – Total receipts received for the month of May 2023 were \$560,656.43. **Motion was made by Karen Ruzicka and seconded by Gino DeGiosio to accept the Receipts for the month of May 2023.** Motion was opened for comment; none made. Motion carried unanimously by Council.

### **Committee Reports**

**Recreation** - Received the May 2 and June 6, 2023 meeting minutes.

**Buildings** - President Kokinda mentioned that there is a meeting this Friday at 8:00 a.m. with H.T. Lyons to discuss the plan of attack to replace the HVAC units for the Council Chambers and the Borough office. All the units are reaching their end of life. They were installed in 2008 and are 16 years old. They will be upgrading from electric heat to propane. He stated that by having a reputable firm do the work, they will not have the issue that they had in the past.

**Emergency Services** - Councilman Weber said that the annual Golf Tournament will be held on July 29th at Mountain Valley Golf Course. If anyone is interested in attending, contact someone from the fire company. It is one of their largest fundraisers. They are also looking to schedule a meeting with the Emergency Service Committee to discuss the new tanker truck that is supposed to start being built in July.

**Economic Development** – Councilman Wargo said that he provided Council with a draft of the Peddling and Soliciting ordinance to update the borough’s current ordinance since it has not been looked at since 1977. He and the committee went through the ordinance to make sure the language was up to date and patterned it after Jim Thorpe and Leighton. He asked that Council review it and that it be added to next month’s agenda to discuss further.

**Motion was made by Karen Ruzicka and seconded by Gino DeGiosio to accept the Committee Reports for the month of May 2023.** Motion was opened for comment; none made. Motion carried unanimously by council.

### **Communications** –

1. A letter was received from Rev. Robert George of St. Joseph Parish of the Panther Valley giving notice of their annual festival to be held from July 14-16, 2023 on the church grounds. They will be acquiring a liquor license and serving alcohol beverages. There will not be any fireworks at the event this year. Rev. George is also requesting permission to block off the streets that are closest to and that run parallel to the church during the event. **Motion was made by David Wargo and seconded by Karen Ruzicka to grant permission to St. Joseph Parish of the Panther Valley to block off the proper streets during the festival and to provide them barricades.** Motion was opened for comment; none made. Motion carried unanimously by Council.

### **Communications for the Month of May 2023:**

1. Letter from Rev. Robert George of St. Joseph Parish of the Panther Valley giving notice of their annual Festival to be held from July 14-16, 2023 on the Church grounds. They will be acquiring a liquor license and serving alcoholic beverages. They will not be having fireworks this year. Rev. George is also requesting permission to block off the streets that are closest to and run parallel to the church during this event.
2. Notice of Property Assessment from the Carbon County Board of Assessment and Revision of Taxes.
3. Notice of Occupation Assessment from the Carbon County Board of Assessment and Revision of Taxes.

**Motion was made by David Wargo and seconded by Gino DeGiosio to accept communications for the month of May 2023.** Motion was opened for comment; none made. Motion carried unanimously by Council.

**Bills** – General Fund \$147,016.91, Community Center \$859.81, Sanitation Account \$28,472.47 and Street Account \$2,708.79. **Motion was made by Joseph Weber and seconded by Alan Kruslicky to pay the bills from May 10 - June 13, 2023.** Motion was opened for comment; none made. Motion carried unanimously by Council.

### Old Business -

1. President Kokinda said that they are going to have the Borough Engineer take a look at Polar Court and discuss it at the next meeting.
2. Councilman Wargo stated that he would like to make sure that the media gets copies of the aggregated reports of the borough every month as they did in the past. He would like to go back to the past practice of what was given to Ron for the newspaper every month. Mary Ann Szczecina said that her understanding was in the past a packet was given at each meeting with items from the agenda. Councilman Wargo stated that the laws have changed, and it was also before the Right to Know law went into effect. **Motion was made by David Wargo and seconded by Karen Ruzicka that starting tonight and continuing after each meeting, Council authorizes the Borough Secretary to release the police report, the aggregated zoning officer's report, the receipts, and the expenses to the news media.** Motion was opened for comment; none made. Motion carried unanimously by Council.

Charles Ziegler mentioned that in the past everything was provided except for the items that were for executive session and wants to know what changed. Solicitor Frycklund explained that it all began with a Right to Know request, which is distinct from the Sunshine Act. Under the Open Meetings law, Borough Council has the authority to release whatever documents they like. When a Right to Know request comes in, it goes to the Right to Know Officer and indirectly to him. A Right to Know request has to be formally responded to within the context of the Right to Know law. He and Kira do not have the authority to release documents that are not subject to disclosure under the Right to Know law. Borough Council does have that authority. This is where the confusion comes out and there have been some mix-ups in the media reports. If Borough Council sets a policy that dictates what additional reports that will allow them to disclose, that is different, because the Right to Know law does give Borough Council the authority to set a blanket policy. As far as the reports that are disclosed to the media and other attendants, that is completely in Borough Council's discretion. Mary Ann Szczecina asked where this information could be found. Solicitor Frycklund said to Google the Right to Know law. The website has the law, and they have decisions. He encourages everyone, including the media, to look at the website. It is not difficult to understand but there are exclusions. They are bound by the restrictions in that law. Neither he nor Kira have the right to make executive decisions. Public records are subject to disclosure but there are exceptions. Not every record is a public record. For example, if he is giving advice that is contained in a memo, that is attorney work product and is entitled to attorney client privilege. There are predecisional documents like a draft ordinance. Borough Council can opt to disclose it, but neither he nor Kira would be able to do that because there is a specific exception for it. There was confusion with the media when it came to the police reports. You want transparency but you also do not want to compromise a criminal investigation by giving out information without taking into account what bad actors might do with that information. It is a police record. The law provides for the disclosure of the police blotter, which is a chronological listing of arrests, which is limited. Chief Woodward and Borough Council can decide to go beyond that, but that is up to them not the Right to Know Officer. He does not agree with every aspect of the Right to Know law, but they are bound by it. Councilman Wargo asked for permission to continue working with Solicitor Frycklund on the policy. Council agreed to his request.

**Motion was made by David Wargo and seconded by Gino DeGiosio to approve Old Business for the month of May 2023.** Motion was opened for comment; none made. Motion carried unanimously by Council.

**New Business** –

1. Ms. Steber presented information from Keystone Technology regarding ransomware. They strongly suggesting Council invest in the better software to protect the borough because there is an uptick in ransomware and malware. They currently use Malware Bytes Antimalware software at a cost of \$5.00 per computer. There are 11 computers so the total cost would be \$55 per month. Councilman Wargo stated that in his profession he has seen hospitals and governments under attack because they are a source of weakness. He is in favor of doing whatever they need to ensure the borough's security. **Motion was made by David Wargo and seconded by Joseph Weber to enter into an agreement with Keystone Technology to upgrade the malware software at a cost of \$55.00 a month.** Motion was opened for comment; none made. Motion carried unanimously by Council. Councilman Kruslicky asked if the employees will be getting any type of ransomware training because that is just as important.
2. Reminder that the July Council meeting will be held on Monday, July 17, 2023 at 7:00 p.m. due to a scheduling conflict.
3. Councilman Weber mentioned the bus stop for the transportation to the lake. He does not feel comfortable with it being on the highway. Councilman Wargo recommended the corner of Chestnut and Ludlow Streets by the bank.

Council entered into an Executive Session to discuss possible litigation at 9:01p.m.

Council entered back into Regular Session at 9:25 p.m.

**Motion was made by Joseph Weber and seconded by David Wargo to adjourn at 9:27 p.m. until the next regular meeting of the Summit Hill Borough on July 17, 2023.** Motion was opened for comment; none made. Motion carried unanimously by Council.

Michael Kokinda  
Council President

Kira Steber  
Secretary/Treasurer