

Summit Hill Borough Council
February 14, 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, Vice President William O’Gurek, Gino DeGiosio, Karen Ruzicka, Alan Kruslicky, Joseph Weber, David Wargo, Solicitor Robert Frycklund and Mayor Jeffrey Szczecina were in attendance.

Floor –

1. Larry Consoli, 117 East Walter Street, expressed his concern about his health and the issues that he is having with a neighbor and their parking situation due to Steve Wargo’s handicap parking space. He has issues with his neck which makes it hard for him to turn his head when trying to park his vehicle. He is asking that Council consider moving the handicap parking space back so that it give him a little more room when he is parking. Councilwoman Ruzicka said the issue is when the lines were painted they did not paint them within Mr. Wargo’s property lines and painted them two foot over into Mr. Consoli’s property line making his space smaller and harder to get in and out of. President Kokinda said that he will get together with Ronnie and take a look at it. Ronnie Yurichuck stated that they painted to lines to accommodate the closest area for Mr. Wargo to enter his home. But, if he would park his vehicle towards to back of the spot instead of forward, then it should give Larry enough room to get in and out of his parking spot.
2. Dave Brosious, 76 West White Bear Drive, stated his concerns regarding a diesel garage in West White Bear. A hearing was held on January 18th and at that hearing it was stated that the property owner was to receive a cease-and-desist order and to this day nothing has ceased or desist. President Kokinda said he is aware of the hearing being held and the application denied. He also knows that Mr. Reynolds withdrew his application. Mr. Brosious stated that they are almost at 30 days since the hearing and nothing has been done. Councilman Weber said that he was not sure but he thought that once the applicant withdrew his application to request the variance, so a cease and desist order is not needed. This would potentially be a separate issue if the work continues as a commercial business and would be in violation. Solicitor Frycklund said it appears that even though the application was denied by the board that night, the applicant withdrew his request for variance, it’s a nullity and there is nothing to cease and desist unless he is operating a commercial garage at the property. Even though they are indicating that he is, the Zoning Officer will need proof, not just a suspicion that he is operating a business. Solicitor Frycklund stressed that if there would be a cease and desist order and the property owner says there is no commercial activities going on and they wind up in court, he would have to prove, in court, that he is operating a commercial business. He could be asked if there are receipts and he could say that he is doing it for his friends and family at no cost. If they have physical proof that Mr. Reynolds is operating a commercial business at his property, he asked that they share it with the Zoning Officer. He cannot prove a case based on suspicion or what they think it looks like. There needs to be proof.
3. Manuel Lanzos, 132 West White Bear Drive, stated that they never had a chance to prove their point. There was a hearing held and then a second hearing was scheduled, which Mr. Reynolds did not show. Mr. Reynolds was allowed to show his side and they never got a chance to show their side. Solicitor Frycklund said he withdrew the application. President Kokinda stated that there are no sides because there is no longer an issue because there is no application. Mr. Lanzos stressed that it is his turn to speak. He said that he was advertising on Facebook and even had a video talking about White Bear Auto Diesel, which he withdrew from Facebook. The video showed the inside of the garage where he was working and he showed all the different things he was manufacturing in the garage. Solicitor Frycklund expressed that all this information is not relevant unless he could prove right now that he is operating a commercial business; not what happened before the hearing. Mr. Lanzos stated that he has documents showing the borough had

their vehicle fixed at his garage. Mr. Lanzos accused the borough of collusion and aiding abetting. Solicitor Frycklund recommended that they contact an attorney. Mr. Lanzos said they have an attorney, and he would like to know what is going on. Solicitor Frycklund asked that his attorney reach out to him. Mr. Lanzos asked for an answer right now and stated that this issue is now in the hands of Council and no longer in the hands of zoning. Frycklund said he is not going to give them legal advice and that Mr. Lanzos' statement is not accurate. President Kokinda stated that a question was asked, and an answer was given. It wasn't what they wanted to hear but it is the best that they can do at this time. Mr. Lanzos stated that it was not to his satisfaction.

Minutes – Motion was made by David Wargo and seconded by William O'Gurek to approve the meeting minutes from the January 10 and 23, 2023 Council meetings. Motion was opened for comment; none made. Motion carried unanimously by Council.

Mayor's Report – Mayor Jeffrey Szczecina said that the total collected from Carbon County was \$255.79. He added that there was a serious motor vehicle accident in West White Bear last month where a driver had a medical issue and drove into a house. He was contacted by the homeowner who expressed his gratitude to Officer Pituch, who responded to the accident within a few minutes. The driver was unconscious in the vehicle, the vehicle was still running, still in gear, and up against the garage. Officer Pituch had to force entry, secure the vehicle, and started first aid. The homeowner also expressed his gratitude for the Fire Dept. and said the professionalism shown by the firemen, the cooperation, and the effort they gave to the injured was extremely impressive. **Motion was made by William O'Gurek and seconded by Gino DeGiosio to accept the Mayor's report for the month of January 2023.** Motion was opened for comment; none made. Motion carried unanimously by Council.

Police Report – Motion was made by David Wargo and seconded by Joseph Weber to accept the Police report for the month of January 2023. Motion was opened for comment; none made. Motion carried unanimously by Council.

Planning and Zoning – Motion was made by William O'Gurek and seconded by Karen Ruzicka to accept the Planning and Zoning report for the month of January 2023. Motion was opened for comment; none made. Motion carried unanimously by Council.

UCC and Code Enforcement Report – Councilwoman Ruzicka asked if there was any progress made on the Mechling property in White Bear. Kira Steber said there isn't much that can be done other than citing the homeowner. Ms. Ruzicka asked if he is being cited and if the fine increases each time. Ms. Steber said that the judge makes the ruling on the fine they pay. **Motion was made by William O'Gurek and seconded by David Wargo to accept the UCC and Code Enforcement report for the month of January 2023.** Motion was opened for comment; none made. Motion carried unanimously by Council.

Work Leader Report – Motion was made by Joseph Weber and seconded by Alan Kruslicky to accept the Work Leader report for the month of January 2023. Motion was opened for comment; none made. Motion carried unanimously by Council.

Tax Collector Report – Nathan Halenar submitted the Exoneration list, Delinquent Real Estate and Delinquent Per Capita reports for the 2022 Tax Year. Ms. Steber said that Council needs to approve the reports so that she can forward them on to the collection agencies. **Motion was made by David Wargo and seconded by William O'Gurek to accept the 2022 Exoneration, Delinquent Real Estate and Delinquent Per Capita reports for the 2022 Tax Year and forward the lists to the appropriate agencies.** 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 January 2023. Total EIT submitted was \$15,729.24 with a commission of \$272.12 and postage charges of \$11.85. Total LST submitted was \$92.29 with a commission of \$1.89 and no postage charges. Total DLT submitted was \$258.50 in Summit Hill Borough – February 14, 2023 Council Meeting

delinquent Occupation Tax and \$77.00 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 January 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 January 2023. Total collected from Central Credit was \$757.75. Total collected from the Borough was \$63.00. **Motion was made by David Wargo and seconded by Gino DeGiosio to accept the Delinquent Garbage Collection Report for the month of January 2023.** Motion was opened for comment; none made. Motion carried unanimously by Council.

Receipts – Total receipts received for the month of January 2023 were \$86,554.10. **Motion was made by David Wargo and seconded by Karen Ruzicka to accept the Receipts for the month of January 2023.** Motion was opened for comment; none made. Motion carried unanimously by Council.

Committee Reports

Streets – Ronnie Yuricheck informed Council that with the nice weather they have been patching potholes and have serviced all the vehicles.

Police – David Wargo explained that during a discussion at last year’s budget meeting, at the request of the Chief and the Mayor, they will be transferring all Zoning and Code Enforcement issues and enforcement of the ordinances to the Police Department. A full-time officer will be designated to handle these duties through the police department. **Motion was made by David Wargo and seconded by William O’Gurek to transfer all Zoning Officer and Code Enforcement duties to the Summit Hill Police Department.** Motion was opened for comment; none made. Motion carried unanimously by Council.

Recreation –

1. Karen Ruzicka stated that yoga classes are going to be on hold until March 23, 2023.
2. Ms. Ruzicka said that she is going to be applying for a grant to put electric in Ludlow Park. She is working with the Rec Commission and if need be, they will hold fundraiser to support the project.
3. Ms. Ruzicka mentioned that Kathy Gieniec would like to make a donation to the Fire Department on Memorial Day in memory of the two fire fighters that were killed in the Line of Duty at a fire in West Penn.
4. Ms. Ruzicka said the Recreation Commission has submitted a list of events for 2023 that will need approval. The list of events are as follows:
 - Easter on the Hill – Saturday, April 1, 2023 in Ludlow Park. Rain date Saturday, April 8th.
 - Breakfast Sandwich Sale – Monday, May 29, 2023 at the Hill Top Community Center
 - Summit Hill Yard Sale Event – Saturday, July 8, 2023
 - Back to School Movie Night – Wednesday, August 16, 2023 in Ludlow Park
 - Ghouls and Gourds Halloween Event – Saturday, October 28, 2023 in Ludlow Park. Rain date Sunday, October 29th.
 - Christmas on the Hill Event – Sunday, December 3, 2023 in Ludlow Park. Will also need the use of the Hill Top Community Center.

Motion was made by Karen Ruzicka and seconded by Joseph Weber to approve the 2023 events for the Summit Hill Recreation Commission. Motion was opened for comment; none made. Motion carried unanimously by Council.

Handicap Committee – President Kokinda said that there are four new Handicap Parking Applications for review. David Wargo explained that each application was reviewed by Chief Woodward and the committee. He had some issues with them and would like to present his concerns with Council.

1. 32 West Walter Street, Apt. B

- a. The applicant lives on the second floor of the building.
- b. They have to walk 54 feet from the curb to the rear porch steps and 4 steps up to the rear porch, where the apartment must be accessed.
- c. There is a 2-car garage in the rear of the property.
- d. Unknown number of steps which leads to the apartment on the 2nd floor.
- e. The applicant states that there are a lot of cars on the street so they often have to park far, which makes it extremely hard to walk to.
- f. There is missing information from the doctor on the application. Part C, #2 B – Doctor did not complete what the ambulatory range of the applicant is with intermittent rest in feet.

Mr. Wargo feels the application is not complete without all the information and asked that it be tabled until the requested information is received. **Motion was made by David Wargo and seconded by William O’Gurek to table the handicap parking application until all the information requested is received.** Motion was opened for comment; none made. Motion carried unanimously by Council.

2. 36 West Walter Street

- a. Investigation revealed that the applicant currently works as a medical courier, yet they state that they cannot walk 12-15 feet from the curb to their front door.

Mr. Wargo feels the applicant should not be given the handicap spot because he knows that a medical courier transports items to labs, hospitals and other healthcare facilities, where they are getting in and out of their vehicle all day. **Motion was made by David Wargo and seconded by Gino DeGiosio to deny the handicap parking request for the resident at 36 West Walter Street due to the applicant’s current occupation and physical demand of the job.** Motion was opened for comment; none made. Motion carried unanimously by Council.

3. 240 West Hazard Street

- a. Part A – Missing the property owner’s information.
- b. There is missing information from the doctor on the application.
 - i. Part C, #2 B – Doctor did not complete what the ambulatory range of the applicant is with intermittent rest in feet.
 - ii. Part C, #3 – Doctor did not complete what the prescribed ambulatory aide is, if any.

Mr. Wargo feels the application is not complete without all the information and asked that it be tabled until the requested information is received. **Motion was made by David Wargo and seconded by Gino DeGiosio to table the handicap parking application until all the information requested is received.** Motion was opened for comment; none made. Motion carried unanimously by Council.

4. 346 West Iron Street

Mr. Wargo had concerns about the facts on the application. The person who is applying for the spot does not drive, their partner provides the transportation. In the past they have denied requests similar to this, especially in tight parking areas, like Iron Street. It was recommended in the past that the driver double Summit Hill Borough – February 14, 2023 Council Meeting

park in front of the home until they can get the disabled person inside the home and then the driver can park the car. **Motion was made by David Wargo to deny the request for a handicap parking spot at 346 West Iron Street.** Mr. Wargo withdrew his motion after further discussion with Council about the application. **Motion was made by William O’Gurek and seconded by Karen Ruzicka to approve the handicap parking request for 346 West Iron Street.** Motion was opened for comment; none made. Motion carried by majority vote with David Wargo opposing.

Economic Development – David Wargo stated a meeting was held on January 28th, where they discussed peddler’s and solicitation licenses. They reviewed 3-4 ordinances from different boroughs and plan to consolidate them to make one good one for the Borough. Their current ordinance was adopted in 1978, so it is time to update it. Next meeting will be held in March.

Motion was made by William O’Gurek and seconded by Joseph Weber to accept the Committee Reports for the month of January 2023. Motion was opened for comment; none made. Motion carried unanimously by council.

Communications –

1. Request from Kristen Haas, on behalf of the Cressona Band, to use Ludlow Park on Wednesday, June 28, 2023 from 7:00 – 8:30 p.m., for a community concert, as well as the use of the Community Center for a rain location. She is also requesting the use of electricity for an amplifier. **Motion was made by William O’Gurek and seconded by Joseph Weber to authorize the Cressona Band to use Ludlow Park on Wednesday, June 28, 2023 from 7:00 8:30 p.m. for a community concert, as well as the Hill Top Community Center as a rain location.** Motion was opened for comment; none made. Motion carried unanimously by Council.
2. Letter from Megan Beste, from the Office of Congresswoman Susan Wild, asking Council to consider a request to host mobile office hours in the borough hall on a day of Council’s choosing in February. **Motion was made by William O’Gurek and seconded by Karen Ruzicka to allow Congresswoman Susan Wild’s office staff to host mobile office hours in the Borough Hall.** Motion was opened for comment; none made. Motion carried unanimously by Council. Ms. Steber added that there will also be a Town Hall meeting at the Hill Top Community Center on March 14th, where everyone is invited to attend. It is the same day as the Council meeting but will be held from 5:00-6:30 p.m. and if any Council members are interested in introducing Congresswoman Wild, Kira will notify Ms. Beste.
3. Request from Christine LeClair, Director of Veteran Affairs in Carbon County, asking to use the Community Center for a chair yoga class on April 4th or 17th from 9:00 – 11:00 a.m. **Motion was made by William O’Gurek and seconded by David Wargo to allow Christine LeClair, of the Veteran Affairs office in Carbon County, to use the Hill Top Community Center for a chair yoga class on either April 4th or 17th from 9:00-11:00 a.m. at not cost to Ms. LeClair.** Motion was opened for comment; none made. Motion carried unanimously by Council.
4. Request from Lisa Lapos and the residents of Polar Court asking Council to consider taking over their private driveway. President Kokinda explained that they cannot give them an answer at this time without checking with the State and see if it would qualify under Liquid Fuels. They will also need the Borough’s engineer to look at it.

Communications for the Month of January 2023:

1. Request from Kristen Haas, on behalf of the Cressona Band, to use Ludlow Park on Wednesday, June 28, 2023, for a community concert, as well at the Community Center for a rain location. They will play from approximately 7:00 p.m. to 8:30 p.m. They will also need electricity for an amplifier.

2. Letter from Megan Beste, from the Office of Congresswoman Susan Wild, asking for Council to consider a request to host mobile office hours in the Summit Hill Borough Hall on a day of Council's choosing in February.
3. Request from Lisa Lapos and residents of Polar Court, asking Council to consider taking over their private roadway.
4. Request from Christine LeClair, Director of Veteran Affairs in Carbon County, asking to use the Community Center for a chair yoga class on April 4th or 17th from 9:00-11:00 a.m.
5. Notice of Occupation Assessment from the Carbon County Board of Assessment and Revision of Taxes
6. Information from the PSAB regarding the 111th Annual Conference Exhibition from June 4-7, 2023 at the Hershey Lodge in Hershey
7. PennDOT Planning for Transportation Safety Tool class.
8. PennDOT LTAP Winter 2023 Technical Information Sheet
9. PennDOT Winter 2023 Newsletter
10. Information from ET&T offering IT services

Motion was made by William O’Gurek and seconded by Karen Ruzicka to accept communications for the month of January 2023. Motion was opened for comment; none made. Motion carried unanimously by Council.

Bills – General Fund \$108,473.76, Community Center \$370.00, Sanitation Account \$28,747.50, Street Account \$10,485.33 and Capital Improvement Fund – Borough Building \$6,032.97. **Motion was made by David Wargo and seconded by Alan Kruslicky to pay the bills from January 11 – February 14, 2023.** Motion was opened for comment; none made. Motion carried unanimously by Council.

Old Business –

1. Appointment of a Borough Engineer – **Motion was made by David Wargo and seconded by Gino DeGiosio to appoint Arro Consulting, Inc. out of Orwigsburg as the Borough Engineer for 2023.** Motion was opened for comment; none made. Motion carried by majority vote with William O’Gurek opposed.

Motion was made by David Wargo and seconded by Michael Kokinda to accept Old Business for the month of January 2023. Motion was opened for comment; none made. Motion carried unanimously by Council.

New Business –

1. **Motion was made by William O’Gurek and seconded by Gino DeGiosio to adopt Resolution No. 01-2023 to fill the Vacancy on Borough Council.** Motion was opened for comment; none made. Motion carried unanimously by Council.
2. **Motion was made by Joseph Weber and seconded by Karen Ruzicka to adopt Resolution No. 02-2023 Eliminating Contributions by Members of the Summit Hill Borough Police Pension Plan for the year 2023.** Motion was opened for comment; none made. Motion carried unanimously by Council.
3. David Wargo explained that he and Councilman Weber attended the Carbon County Council of Governments meeting, where a presentation was held by Linda Christman, who was part of the Save Carbon County group, who opposed the Penn-East Pipeline that was supposed to run through Carbon and Monroe County. They learned about a movement to use sewage sludge from Lehigh Valley on fields in Carbon County. Farmers are buying the sludge, which is a comparable situation they had years ago with

the fly ash situation. The sewer sludge is full of PFAs, heavy metals, and bacterial and viral contaminants, which are being introduced into the soil on the farms. The state has shielded farming in Pennsylvania. The big agricultural industry has moved in the state to deregulate, as much as possible, the application of these things as fertilizers. This group contends that the material being introduced to the soil is contaminating the prime ground that is used to grow our food and is a danger to everyone. They are asking for support from everyone to help drum up support for them to take to Harrisburg to fight for the regulation of this material and that the quality is safe for humans. Mr. Wargo asked that they refer it to the solicitor to have the corrections made. Solicitor Frycklund added that he does not see any issues with the resolution and to have the secretary make the proper corrections. **Motion was made by David Wargo and seconded by Joseph Weber to adopt Resolution No. 03-2023 to Revise the Law Regarding the Land Application of Sewage Sludge within the Borough of Summit Hill, once all the corrections have been made.** Motion was opened for comment; non made. Motion carried unanimously by Council.

4. David Wargo said he and other councilmembers attended a meeting to discuss blight in Carbon County and to discuss urging the County to enact Act 152, which would establish a county demolition fund. A \$15 fee would be applied to every mortgage and deed that is recorded by the Recorder of Deeds office. This fee has been turned down before by the Commissioners. Nesquehoning is going to go on February 23rd to present the case as a county. They have been asked to provide a photograph of a blighted building within the Borough and forward it to Councilwoman Guardiani. **Motion was made by David Wargo and seconded by William O’Gurek to adopt Resolution No. 04-2023 Addressing the Implementation of County Demolition Fund and to Impose Fees upon Recordings in the County Recorder of Deeds Office to Address Blight within Carbon County.** Motion was opened for comment; none made. Motion carried unanimously by Council.
5. **Motion was made by Dave Wargo and seconded by Joseph Weber to amend the agenda to add advertising the next committee meeting of the Carbon County Blight Committee to be held in Summit Hill with all county Boroughs and Townships.** Motion was opened for comment; none made. Motion carried unanimously by Council.
6. **Motion was made by David Wargo and seconded by Karen Ruzicka to advertise the Blight Committee meeting to take place in the Summit Hill Borough Hall at 6:00 p.m. on March 1, 2023 inviting all the officials from the County Boroughs and Townships to attend.** Motion was opened for comment; none made. Motion carried unanimously by Council. President Kokinda asked if it is a public meeting. Mr. Wargo said it is open to the public and if necessary, they can move over to the Community Center.
7. **Motion was made by William O’Gurek and seconded by Gino DeGiosio to approve the transfer of \$110,000 from the Home Account and \$55,000 from the Sewer Account into the General Fund for Operating Expenses.** Motion was opened for comment; none made. Motion carried unanimously by Council.
8. Manual Lanzos suggested that “No Jake Brake” signs be posted on the White Bear hill and on West White Bear Drive. There are a lot of problems with trucks coming down the hill on the jake brake and one in particular that drives down West White Bear Drive by his house every day. Solicitor Frycklund said that signs cannot be placed without consulting PennDOT since it is a state roadway.
9. Mr. Lanzos also suggested that Council consider creating an office for the Mayor so if there are any complaints or concerns from the citizens, they can come address them with him during his office hours. You shouldn’t have to call the secretary for her to call the Mayor and then he calls the citizens. If he doesn’t want him to have his number, then I don’t want him to have my number. Mayor Szczecina said that he does not have any problems with his number being given out. Mr. Lanzos also stated that they have an opportunity to speak with the Mayor face to face and not over the phone. Mayor Szczecina explained that he doesn’t have an issue meeting with people in person but he did not feel it was proper to meet with

twelve people and have no one else but him. Mr. Lanzos asked for the opportunity to meet with Mayor Szczecina after the meeting; Mayor Szczecina agreed to meet with him.

10. Mary Ann Szczecina thanked all of Council, except for Karen Ruzicka, for making the White Bear section of Summit Hill, where they get the most taxes, to become a garbage dump. She also added that she hopes people will notice when they are all up for re-election.

Motion was made by William O’Gurek and seconded by Michael Kokinda to adjourn at 7:59 p.m. until the next regular meeting of the Summit Hill Borough on March 14, 2023. Motion was opened for comment; none made. Motion carried unanimously by Council.

Michael Kokinda
Council President

Kira Steber
Secretary/Treasurer