

Summit Hill Borough Council
January 14, 2025, 6:00 p.m. Borough Hall

The regular scheduled meeting of the Summit Hill Borough Council was held at the above time and place with President David Wargo presiding.

Roll Call – President David Wargo, Vice President Joseph Weber, Lacey Gonzalez, Karen Ruzicka, Alan Kruslicky, Edward Kane, Marlene Basiago, Solicitor Robert Frycklund and Mayor Jeffrey Szczecina were in attendance.

Floor –

1. Tina Middleton, 338 East White Street, expressed her concern about her and her mother's handicap parking spaces. She dropped off the applications at the office today and was informed that she was late in submitting the paperwork. The letter that was received did not have a due date on it. She is severely disabled, cannot walk more than half a block, sever back and leg issues, fibromyalgia, autoimmune disease, and many other issues. Her mother has nerve damage in her neck, which causes her to lose her balance. They both need their spots. If the spaces are not there, people park in front of their houses, and they must park up the street. She has lived in the home for 24 years and it was not until this year that she had several issues with the borough. She had to go to court because of a permit for a pool that had been up for four years. She stated that she got permission from Dan Matika when he came back to the property to inspect for the fence and shed. President Wargo asked if she had a permit. Ms. Middleton said she had the permit in her window for two years and two years later she got a notice about her pool. She added that she is permanently disabled, and her doctor said that he should not have to fill out the forms every year and noted that on the paperwork. She asked why the registration number is required because it is personal information. Same as the medical information, which is against the HIPAA regulations. President Wargo stated that HIPAA compliance is for healthcare organizations not for boroughs or governments. He explained that the letter she received was sent on November 1st and asked when she took it to her doctor. Ms. Middleton said she took it to her doctor in the beginning of December, but he was out for the holidays and his father died. President Wargo asked if she notified anyone at the borough office about her situation; she said no because she dropped it off today. Ms. Middleton stated that she is a very sick lady, she only leaves her house if she has to, and her doctor is located in Wind Gap. She also mentioned that the police are not doing what they are supposed to either. They need to watch the stop sign by her house because people speed through the intersection without stopping. A kid is going to get hit. President Wargo stopped her and said they will address one issue at a time. He read what the handicap ordinance states for renewals. He stated that she had the letter for two months and only returned it to the office today. Why did she wait a month to give it to her doctor and why did she not call the borough to tell them that she needed more time. If they were notified, they would have worked with her. Ms. Middleton claimed that she didn't know there was a time limit on getting it back to the borough, she does not have a copy of the ordinance at home and when she asked for a copy at the office, she was told she had to pay for it. President Wargo said all the ordinances can be accessed online. Ms. Middleton said she does not have access to a computer or the internet at this time. President Wargo said that the decision is up to Council. He is one of seven and they need to vote on it.

As far as the police go, he takes exception to the fact that she claims they do not patrol or surveil. The police are very busy, and they do the things she mentioned. Just because she is not watching the corner 24 hours a day does not mean they are not doing their job and surveilling at any time. There are 3,000 people in the borough and lots of stop signs to watch. They do what they can and if she knows who is running through it, she can report it to the police. He will not tolerate people saying the police do not do their job. They do their jobs very well and work hard at what they do.

President Wargo stated that he cannot discuss her zoning issue with her because that was a court matter. Ms. Middleton said that she paid her \$40 for the permit to the magistrate and would like to know when she

will receive her permit for the pool. Kira Steber said that she would need to follow up with the magistrate of the police regarding the payment. Once she knows it is received, she will speak to the zoning officer about the permit.

2. Carie Smith, 230 East Fell Street, asked if anyone knew about the new Act regarding squatters' rights. She has a problem with squatters in her house, but she is also living there. They are family members of an employee of hers, they were homeless, and she took them in. After some time, she noticed that additional family members were having mail sent to her house. They went and had wi-fi installed at the home without her permission. She found a letter that looks like her handwriting fabricating that they stay at the home and the agreement is that she would pay for food and utilities. President Wargo said that this is a civil matter between her and the tenants but if they violated the ordinance, they could address it under the Rental Property Ordinance. Ms. Smith said that they are not renting from her, they are living with her. She is scared to be in her own home because of their behavior. Mayor Szczecina said that it is a civil matter, and she would need to contact an attorney to start an eviction process.

Ms. Smith also asked what the purpose of the sewer transmission fee was. President Wargo explained the issues with DEP, the infiltration into the system and the moratorium that is on the boroughs because of the sewer systems issues.

Minutes – Motion was made by Alan Kruslicky and seconded by Joseph Weber to approve the meeting minutes from the December 10 and December 23, 2024 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 \$664.51 and from Carbon County was \$25.37. Motion was made by Marlene Basiago and seconded by Karen Ruzicka to accept the mayor's report for the month of December 2024. Motion was opened for comment; none made. Motion carried unanimously by Council.

Police Report – President Wargo read the monthly report. Motion was made by Marlene Basiago and seconded by Alan Kruslicky to accept the Police report for the month of December 2024. Motion was opened for comment; none made. Motion carried unanimously by Council.

Planning and Zoning – There was nothing to report for the month of December 2024.

UCC and Code Enforcement Report – Councilwoman Basiago mentioned that it has been mentioned numerous times by members of Council, as well as herself, about the people who fail rental inspections and what is going to be done about it. She is hoping that once the new rental property ordinance goes into effect, they will have a better handle on it and find out why there are renters living in the properties that have failed inspection. Motion was made by Edward Kane and seconded by Joseph Weber to accept the UCC and Code Enforcement report for the month of December 2024. Motion was opened for comment. Motion carried unanimously by Council.

Work Leader Report – President Wargo asked that Councilman Kruslicky have the work leader include a detailed list of shared services starting with the January 2025 report and to do it monthly. Motion was made by Marlene Basiago and seconded by Alan Kruslicky to accept the Work Leader report for the month of December 2024. 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 December 2024. Total collected was \$31,872.42 with a commission of \$956.17. Councilwoman Gonzalez asked if Ms. Steber could provide summary page of the deposits for each month because of the way the deposits are being made, they are not matching up with the QuickBooks reports. Motion was made by Joseph Weber and seconded by Karen Ruzicka to accept the Tax Collector Report for the month of December 2024. 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 December 2024. Total collected was \$3,779.85. **Motion was made by Lacey Gonzalez and seconded by Alan Kruslicky to accept the Delinquent Real Estate Tax Report for the month of December 2024.** 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 December 2024. Total EIT submitted was \$12,221.39 with a commission of \$211.43 and postage charges of \$15.86. Total LST submitted was \$5.65, no commission and postage charges of \$4.19. Total DLT submitted was \$83.23 in delinquent Occupation Tax and \$36.00 in delinquent Per Capita Tax. **Motion was made by Lacey Gonzalez and seconded by Joseph Weber to accept the Wage Tax report for the month of December 2024.** Motion was opened for comment; none made. Motion carried unanimously by Council.

Delinquent Garbage Collection Report – Creditech submitted their Delinquent Garbage Collection Reports for months of December 2024. Total collected from Creditech for November was \$414.00. Total collected from Summit Hill Borough for December was 3,725.51 with collection fees owed to Creditech of \$1,348.19. Ms. Steber noted that the collection fee that the borough is paying to Creditech is being placed on the accounts, so the borough receives those funds back. **Motion was made by Lacey Gonzalez and seconded by Joseph Weber to accept the Delinquent Garbage Collection report for the month of December 2024.** Motion was opened for comment; none made. Motion carried unanimously by Council. Councilwoman Ruzicka asked how rental property owners can keep their tenants when the same owners have been on the list for the past 2-3 years. President Wargo said they are not there yet because they are just starting the program. They will not be able to get licenses to rent their property if they are not up to date with taxes, water, sewer, and garbage.

Receipts – Total receipts received for the month of December 2024 were \$112,206.49. **Motion was made by Lacey Gonzalez and seconded by Marlene Basiago to accept the Receipts for the month of December 2024.** Motion was opened for comment; none made. Motion carried unanimously by Council.

Bills – General Fund \$109,034.78, Local Service Tax Account \$4.19, Community Center \$313.56, Street Lighting Account \$5,094.09, Sanitation Account \$31,426.20, Street Account \$9,713.65 and Capital Improvement Fund – Borough Equipment of \$18,795.84. **Motion was made by Alan Kruslicky and seconded by Edward Kane to pay the bills from December 11, 2024 – January 14, 2025.** Motion was opened for comment; none made. Motion carried unanimously by Council.

Committee Reports

Streets –

1. Councilwoman Basiago stated that last month they discussed problems that they are having with the streets when being dug up and who is responsible for getting the permit because sometimes the contract is not applying for the permit. Her concern is who is responsible for obtaining the permit. In the ordinance it defines person as any natural person, partnership firm, association corporations or contractors. If a contractor does not come for a permit, what do they do about it. If the work is not up to par and the street is not put back to the way it was before it was opened, what do they do. Who do they go after. It states in the ordinance the applicant but who is the applicant. Is it the owner of the property and are they responsible for fixing the street. Councilman Kruslicky said we keep track of what is opened for sewer, but do we keep track of what is opened for water. Ms. Steber said they only keep track of the sewer openings. Councilman Kruslicky said that the Water Authority does not get permits to open the streets. The borough collects all this money for those opening the streets for sewer, but the Water Authority does not get a permit and there is no accountability. Council asked Wayne Gryzik, a member of the Water Authority, if the authority has record of streets that are being opened. Mr. Gryzik stated that there should be records in the office. A brief discussion took place about

projects and openings with the Water Authority. Councilman Kruslicky said the bottom line is what do they do to hold the Water Authority to the same accountability as the residents. Councilwoman Basiago asked what they do with the current ordinance to make it happen. Councilwoman Gonzalez agrees that the ordinance needs to be revamped but at the end of the day, the homeowner hired the contractor, and the price is included for the permit fee whether the contractor or homeowner obtains the permit, so it is still the homeowner's permit. The permit is attached to the property and would have to have a civil complaint against the contractor. No matter what, it comes back on the homeowner.

2. Councilman Kruslicky mentioned that the borough's Ford F550 is at the end of its life, so they need to start looking for a new one. Councilwoman Basiago stated that she is looking into applying for a USDA grant. Councilwoman said she has USDA information she will pass on to Ms. Basiago. It is for a grant, but the borough will still need to put some money into it too because they will be responsible for a percentage of the cost. The percentage is based on the project.

Police – Councilman Weber stated that a letter was received from Lansford Councilwoman Staines looking to potentially do a regionalization study.

Sanitation – Councilwoman Gonzalez said that she will get a timeline together to look over the contract, get bids together, advertise, open bids, etc. so it does not creep up on us. She would like to have an idea before budget time, so they know what they are expecting for next year.

Handicap Committee – Councilwoman Basiago explained that letters were sent out in November for renewals. Some people she did not know so she went around and talked to them. She recommends approving application for the following addresses:

- 10 East Fell Street
- 4 East Fell Street
- 124 West Fell Street
- 134 West Fell Street
- 135 West Hazard Street
- 144 East Walter Street
- 239 East Holland Street
- 10 East Holland Street
- 243 West Hazard Street
- 115 West Fell Street
- 54 East Hazard Street

The ones on the list for denial were denied because they had 3 months to return the renewal. As per the ordinance, it states that letters are to be sent out 30 days prior to renewal and they well past the 30 days. The letter also states that an appointment does not need to be made with a physician to have the application completed. She is recommending that the nine people on the list who have not returned their application be denied.

- 105 East Amidon Street
- 50 East Hazard Street
- 338 East White Street
- 336 East White Street

- 319 East Fell Street
- 352 West White Street
- 118 West Fell Street
- 32 West Walter Street, Apt. B

Councilwoman Ruzicka stated that she is on the committee and when reviewing the applications she noticed that a few of the applications were not investigated by the police. Mayor Szczecina said if they are renewals they should not have to be investigated by the police. Councilwoman Ruzicka said they are all renewals. Councilwoman Basiago said the three she mentioned are people that she knows and have already spoken to. They have all met the qualifications for the renewal and that is why she did not pass them on to the police. She stated that Ms. Ruzicka is on the committee, and she is more than welcome to ask the police to investigate or ask questions.

Councilwoman Ruzicka said that since she is on the committee she feels that Ms. Middleton and Ms. Hutter's applications should be tabled so they can discuss them further. President Wargo asked about the seven other people on the denial list and said if one of them come next month as they going to table them too and keep kicking the can down the road. Councilwoman Gonzalez said it would be a denial for renewal, but they can still reapply.

Ms. Middleton stated that when she originally filled out and submitted her application to get the parking space it stated on there that she is permanently disabled. This has not changed or will not change, and she feels she should not have to return the application. President Wargo said that there is a spectrum of disabled where some people may get better, and others may decline. They cannot take everything case by case. They must follow a procedure that is fair to everyone and that is why they evaluate everyone the same. This program is a privilege. There is nothing in the ADA that states boroughs must supply disabled parking for anyone. They can easily cancel the program, and no one will have a handicap spot. Ms. Middleton said if someone cannot get a handicapped parking space in front of their house isn't there something else that can be done. President Wargo said the street is a public street. Councilwoman Basiago asked if she has off street parking alongside her house. Ms. Middleton said her husband parks there because he is a disabled veteran. President Wargo said they have a program, the program has guidelines, the guidelines require people renew, and the renewal requires an update from a physician. They understand that life happens but the lack of knowledge of the law does not mean someone can be excused from it. The guidelines are for everyone to follow. She had 60 days to renew and claims she ran into circumstances that she could not get the paperwork completed right away yet she did not contact the borough office to notify them of her situation.

Motion was made by Joseph Weber and seconded by Alan Kruslicky to approve the eleven (11) applications recommended for approval on the green list. Motion was opened for comment; none made. Motion carried unanimously by Council.

Motion was made by Joseph Weber and seconded by Karen Ruzicka to table the applications for 336 and 338 East White Street until the paperwork is reviewed. Motion was opened for comment; none made. Motion carried by majority vote with Marlene Basiago opposing.

Motion was made by Marlene Basiago and seconded by Joseph Weber to deny the renewal application for 126 West Fell Street due to the applicant not meeting the criteria. Motion was opened for comment; none made. Motion carried by majority vote with Lacey Gonzalez opposing.

Motion was made by Alan Kruslicky and seconded by Marlene Basiago to deny the seven (7) applications recommended for denial and removal of the sign due to the renewal application not being returned. Motion was opened for comment; none made. Motion carried unanimously by Council.

Economic Development – Councilwoman Gonzalez said she reached out to code enforcement officer, as discussed in the previous meeting, to talk about the rental program. She is still waiting to hear back from him and will let Council know when she does.

Motion was made by Josphe Weber and seconded by Karen Ruzicka to accept the Committee Reports for the month of December 2024. Motion was opened for comment; none made. Motion carried unanimously by Council.

Communications –

Communications for the Month of December 2024:

1. Notice of Occupation Assessment from the Carbon County Board of Assessment and Revision of Taxes.
2. Notice of Property Assessment from the Carbon County Board of Assessment and Revision of Taxes.
3. Letter from Lansford Councilwoman Jennifer Staines regarding regionalizing police forces.

Vice President Weber said that he will reach out to gather more information and if anyone on the police committee would like to discuss regionalization let him know. There will need to be a study done so it will not be done quickly. President Wargo asked that he find out if this was approved by Lansford Council before they commit to anything.

Motion was made by Karen Ruzicka and seconded by David Wargo to accept communications for the month of December 2024. Motion was opened for comment; none made. Motion carried unanimously by Council.

New Business –

1. **Motion was made by Lacey Gonzalez and seconded by Karen Ruzicka to adopt Ordinance No. 01-2025 Fixing the Various Tax Rates for the Fiscal Year 2025.** Motion was opened for comment; none made. Motion carried unanimously by Council.
2. Councilwoman Gonzalez stated that this directly corresponds with the fact that they can do this. Our aid covers what they must put into the pension plan right now. This is something that they have been able to do but this does not mean it happens every year for everyone. She is comfortable knowing that they are solid enough in the funds to not have to take taxpayer money out to cover it. **Motion was made by Lacey Gonzalez and seconded by Joseph Weber to adopt Resolution No. 01-2025 Eliminating Payment by Members of the Summit Hill Police Pension Plan for the year 2025.** Motion was opened for comment; none made. Motion carried unanimously by Council.
3. **Motion was made by Lacey Gonzalez and seconded by Joseph Weber to table the resolution to adopt a consolidated list setting all fees for 2025.** Motion was opened for comment; none made. Motion carried unanimously by Council.
4. **Motion was made by Joseph Weber and seconded by Karen Ruzicka to advertise Ordinance No. 02-2025 Amending Chapter 350 (Property Maintenance) of the Code of Ordinances.** Motion was opened for comment; none made. Motion carried unanimously by Council.
5. **Motion was made by Lacey Gonzalez and seconded by Alan Kruslicky to advertise Ordinance No. 03-2025 creating the Sewer Transmission Ordinance under Chapter 379 of the Code of Ordinances.** Motion was opened for comment; none made. Motion carried unanimously by Council.

6. President Wargo said Resolution No. 02-2025 is to set the Sewer Transmission Fees and asked Council to review it before the next meeting where they will adopt it. They are looking to set the fee at \$100, which will be due by June 1st of each year.
7. President Wargo stated that Council had time to review the Rental Inspection Program Regulations that he put together. It will need to be adopted so they can begin the rental inspection process. He pointed out that there is a gold standard program for landlords that want to be good citizens. If the application is filled out accurately, the property passes the inspection without reinspection, there is no valid complaints by the code officer and all utility and real estate bills are in good standing, then the landlord can advertise themselves as a Gold Standard Landlord. They can skip inspections every two years, which will allow them to be inspected every four years. They will receive a 10% discount on all license renewals. Moving permits for all properties owned by a gold standard property owner that have registered with the borough and paid for will also get a 10% discount. To maintain the standing, they will need to stay current on taxes and utilities, file the renewals and inspections in a timely manner and have no violations of Chapter 361 throughout the entire period of the license. Councilwoman Basiago asked why the discounts are only listed in the gold standard section of the ordinance. Councilwoman Gonzalez stated that even if they would get a pass on the inspection, that part is not giving them a pass on owing the borough money. It is listed in the ordinance so that everyone must comply. **Motion was made by Marlene Basiago and seconded by Edward Kane to adopt the Rental Inspection Program Regulations effective January 1, 2025.** Motion was opened for comment; none made. Motion carried unanimously by Council.
8. **Motion was made by Karen Ruzicka and seconded by Lacey Gonzalez to award the bid to Larry McCullion & Son Electrical Construction Services LLC for the electrical portion of the Summit Hill Heritage Center's pavilion project in the amount of \$5,128.** Motion was opened for comment; none made. Motion carried unanimously by Council.
9. President Wargo said they received a quote to purchase a new computer for the Borough Secretary in the amount of \$1,235.43. He explained that Ms. Steber learned that \$1,000 per year can be spent on computer hardware using Liquid Fuels Tax Funds. **Motion was made by Joseph Weber and seconded by Lacey Gonzalez to purchase a new computer in the amount of \$1,235.43 with \$1,000 coming out of Liquid Fuels and \$235.43 out of the Capital Improvement Fund.** Motion was opened for comment; none made. Motion carried unanimously by Council. Councilwoman Gonzalez mentioned that they did budget for a couple of computers and the zoning officer's computer was one of them. She wanted to know if a quote was received for it yet and if they have a quote for borough emails yet.
10. President Wargo said they had a vacancy on the Zoning Hearing Board, which one letter was received from Daryl Cunfer. **Motion was made by Karen Ruzicka and seconded by Lacey Gonzalez to reappoint Darryl Cunfer to the Zoning Hearing Board for three years with the term ending December 31, 2027.** Motion was opened for comment; none made. Motion carried unanimously by Council.
11. President Wargo stated that the Panther Valley Blueprint Community has been attending different borough council meetings to provide information about the purpose of the Blueprint Community, what it is, what they are doing, and what the long-term plans are. They would like to give a presentation to the Summit Hill Council at the February meeting. Due to the travel time for the person who is giving the presentation, they are requesting that the start at 5:30 p.m. **Motion was made by Marlene Basiago and seconded by Alan Kruslicky to advertise the February meeting to start at 5:30 p.m. with a presentation by the Panther Valley Blueprint Community.** Motion was opened for comment; none made. Motion carried unanimously by Council.
12. President Wargo attended a meeting about the 250 birthday of the United States which is in 2026. The movement is called America250PA. There is a committee in each county and they are looking to put on presentations that support and recognize the birthday of our country. There is a website that has more

information about it. The website is america250pa.org. There is a grant that is available to be used by any government entity or nonprofit organization to apply for grants that meet the mission of the platforms of ways to recognize the birthday of our nation and celebrate it. There will be six bronze bells that will be positioned throughout the state with hopes of getting one placed in Carbon County.

13. **Motion was made by Alan Kruslicky and seconded by Marlene Basiago to transfer \$100,000 from the Sewer Fund to the General Fund for operating expenses.** Motion was opened for comment; none made. Motion carried unanimously by Council.

Motion was made by Lacey Gonzalez and seconded by Karen Ruzicka to enter into an Executive Session at 7:31 p.m. to discuss personnel matters. Motion was opened for comment; none made. Motion carried unanimously by Council.

Motion was made by Lacey Gonzalez and seconded by Karen Ruzicka to enter back into Regular Session at 8:13 p.m. Motion was opened for comment; none made. Motion carried unanimously by Council.

14. President Wargo said they need to discuss the position of a records clerk position to manage the rental property inspection program. The salary will start at \$12 per hour, \$13 at the end of the 60-day probation period, \$14 in three months after that and \$15 in another three months, provided that their performance meets the expectations of position. **Motion was made by Lacey Gonzalez and seconded by Alan Kruslicky to set the pay scale as stated for the records clerk position.** Motion was opened for comment; none made. Motion carried unanimously by Council. President Wargo said there are seven candidates for the position. **Motion was made by Marlene Basiago and seconded by Alan Kruslicky to hire Dana Digilio for the records clerk position to manage the rental property inspection program at the starting rate of \$12 per hour for 20 hours per week provided she passes the background check.** Motion was opened for comment; none made. Motion carried unanimously by Council.

Motion was made by Marlene Basiago and seconded by Edward Kane to adjourn at 8:17 p.m. until the next regular meeting of the Summit Hill Borough on February 11, 2025. Motion was opened for comment; none made. Motion carried unanimously by Council.

David Wargo
Council President

Kira Steber
Secretary/Treasurer