

Summit Hill Borough Council
May 14, 2024, 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 David Wargo presiding.

Roll Call – President David Wargo, Vice President William O’Gurek, Karen Ruzicka, Marlene Basiago, Solicitor Robert Frycklund and Mayor Jeffrey Szczecina were all present. Lacey Gonzalez, Alan Kruslicky and Joseph Weber were absent.

Floor –

1. Joanie Morana, 104 East Ludlow Street, stated that she wanted to talk about a topic that was discussed at the last meeting regarding the people moving out of town. She walks a lot and has spoken to several people from town. She asked them what they think about what is going on in Summit Hill. She stated that most of the people have said they are concerned about the number of houses that are selling in town, why they are selling and who is moving in. She saw on the agenda they are spending money to buy more security cameras; clearly something has changed. People are very worried about why people are selling their houses and leaving in droves. They feel that the people that are moving in do does not have the towns best interest at heart. Houses that are selling for a high price is not necessarily a good thing. Are inspections being done, are they being held accountable by our standards, etc.
2. Barbara Boyd, 24 East Ludlow Street, asked what type of forms are being filled out when people want to do things on their property and what type of instructions they are being given. If someone comes into an establishment and is doing all kinds of banging, ripping out walls and throwing out furniture, is this considered reconstruction. Are they being tough enough on the permits. There needs to be a guideline as to why they want a permit and to explain what it is for, not just handed a permit because they want one. President Wargo said that is the purpose of the Zoning Law. Ms. Boyd questioned the property where they are renting out storage units. The sign says rental but is it rental for a storage unit or is it little, tiny apartments where people are living. There are three buildings right up the street from her that are dumps, and she is still getting rats in her home. Now there is a property by her that put a dumpster out back and are throwing out sinks, toilets, plywood, and all kinds of things into the dumpster. The last permit on this establishment that was posted was from 2020. If they are doing construction, there should be a permit posted. President Wargo informed her that there is a process that is followed before any permit is issued. Ms. Boyd feels that it is not being enforced. Ms. Boyd mentioned that four meters were placed on the building next to her and was informed that they are putting in four apartments. President Wargo asked if she was inside the building; she was not. He said then she cannot know for sure exactly what is going on inside and that she is only going off of hearsay. Officer Strauss told Ms. Boyd that they can talk about it after the meeting.

Minutes – **Motion was made by Marlene Basiago and seconded by William O’Gurek to approve the meeting minutes from the April 9, 2024 Council meeting.** Motion was opened for comment; none made. Motion carried unanimously by Council.

Mayor’s Report – Mayor Szczecina mentioned that the revenues were not calculated for this month so he will report it next month. He did mention that Memorial Day weekend is approaching. The fire company has events scheduled, the Legion is in the planning process, the parade committee has selected a Grand Marshall and the speakers for the ceremony and the Recreation Commission has an event on Monday before the parade. **Motion was made by Karen Ruzicka and seconded by Marlene Basiago to accept the mayor’s report for the month of May 2024.** Motion was opened for comment; none made. Motion carried unanimously by Council.

Police Report – Chief Woodward read the monthly report. Chief Woodward asked permission to approve Officer Strauss for a three-day online Zoning course in July from 10-11:30 a.m. each day. **Motion was made**

by Karen Ruzicka and seconded by William O’Gurek to approve Officer Strauss for a three-day online Zoning Officer 101 course on July 15, 22 and 29, 2024 from 10-11:30 a.m. at a cost of \$62.50. Motion was opened for comment; none made. Motion carried unanimously by Council. Chief Woodward also asked for permission for Officer Strauss for an additional three-day online Rental Property Inspection course in August from 10:00 a.m. – 12:00 p.m. each day. **Motion was made by William O’Gurek and seconded by Karen Ruzicka to approve Officer Strauss for a three-day online Establishing Rental Property Inspection Programs course on August 16, 23 and 30, 2024 from 10:00 a.m. – 12:00 p.m. at a cost of \$75.** Motion was opened for comment; none made. Motion carried unanimously by Council. **Motion was made by Marlene Basiago and seconded by Karen Ruzicka to approve the Police report for the month of April 2024.** Motion was opened for comment; none made. Motion carried unanimously by Council.

Planning and Zoning – Councilwoman Ruzicka asked how many inspection reports that have failed have tenants living at the property and would like to have that information on the report. Ms. Steber said she will talk to Lehigh Engineering but is not sure if they would know when doing the inspection. **Motion was made by Karen Ruzicka and seconded by William O’Gurek to accept the Planning and Zoning report for the month of April 2024.** Motion was opened for comment; none made. Motion carried unanimously by Council.

UCC, Code Enforcement and Rental Inspection Reports – **Motion was made by William O’Gurek and seconded by Marlene Basiago to accept the UCC, Code Enforcement and Rental Inspection reports for the month of April 2024.** Motion was opened for comment; none made. Motion carried unanimously by Council.

Work Leader Report – **Motion was made by William O’Gurek and seconded by David Wargo to accept the Work Leader report for the month of April 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 April 2024. Total taxes collected were \$181,176.63 with a commission of \$5,435.30. **Motion was made by William O’Gurek and seconded by Karen Ruzicka to accept the Tax Collector Report for the month of April 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 April 2024. Total delinquent real estate tax collected was \$5,144.22 and expense reimbursed were \$482.37. **Motion was made by Karen Ruzicka and seconded by William O’Gurek to accept the Delinquent Real Estate Tax Report for the month of April 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 April 2024. Total EIT submitted was \$25,875.17 with a commission of \$447.64 and postage charges of \$58.22. Total LST submitted was \$816.70 with a commission of \$16.74 and postage charges of \$24.25. Total DLT submitted was \$236.50 in delinquent Occupation Tax and \$114.16 in delinquent Per Capita Tax. **Motion was made by William O’Gurek and seconded by David Wargo to accept the Wage Tax report for the month of April 2024.** 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 months of March and April 2024. Total collected from Central Credit was \$1,867.46 for March and \$774.32 for April. **Motion was made by William O’Gurek and seconded by Marlene Basiago to accept the Delinquent Garbage Collection report for the month of April 2024.** Motion was opened for comment. Councilwoman Ruzicka questioned the report asking about eight payments that are on the report for the same person. She asked if it is a rental property that is not paying their bills. Ms. Steber explained that it was someone who owned and lived at the property. The property sold and payment was received from the sale. No further comments made. Motion carried unanimously by Council.

Receipts – Total receipts received for the month of April 2024 were \$241,004.06. **Motion was made by William O’Gurek and seconded by Karen Ruzicka to accept the Receipts for the month of April 2024.** Motion was opened for comment; none made. Motion carried unanimously by Council.

Committee Reports

Streets –

1. Councilwoman Ruzicka stated a request was received from Karissa Smith from Salon Essence that she will be expanding her business hours and is requesting updated signs to add the new hours. President Wargo said that the borough would replace the signs, but the cost would be passed on to the business owners. Ms. Steber explained that it was discussed but nothing was made official. **Motion was made by Karen Ruzicka and seconded by William O’Gurek to table the request until further cost information is obtained.** Motion was opened for comment; none made. Motion carried unanimously by Council.
2. Councilwoman Basiago explained the changes she made to update the Special Purpose parking fees, which would include the cost of materials and labor. She also included having a yearly renewal fee. They need to determine a fee for the businesses. If they get a standardized sign, they will know what the sign will cost. If they want a specialized sign, the cost will vary, so they would need to charge the cost of the signs and materials. In the past the borough paid for the majority of it and did not have any renewal costs. President Wargo added that they are trying to bring the fee schedule for handicap parking and special purpose parking to the same level. However, a customized sign for a business will cost more. A brief discussion took place regarding the costs to charge for the signs. **Motion was made by William O’Gurek and seconded by Karen Ruzicka to table the special purpose parking ordinance until they can discuss it further at the next committee meeting.** Motion was opened for comment; none made. Motion carried unanimously by Council.

Recreation –

1. Councilwoman Ruzicka said the Recreation Commission is requesting to add a second Dance Exercise Class with Kathy Crampsie on Monday mornings in the Hill Top Community Center starting June 1, 2024. The cost will stay at \$5 per class. **Motion was made by Karen Ruzicka and seconded by William O’Gurek to approve the request from the Recreation Commission to hold an additional dance exercise class on Monday mornings.** Motion was opened for comment; none made. Motion carried unanimously by Council.
2. The borough crew was able to fix the broken diggers in Bill Black Park, which saved the commission and borough money.
3. Mulch has been purchased for the Ginder Park and the borough crew has already taken care of placing the mulch in the proper locations.

Borough Hall/Community Center – Councilwoman Ruzicka asked the status of the heating system because they have been waiting for the part for months. She also asked if they will be putting the ceiling back up once the part is replaced. Ms. Steber said she will follow up with HT Lyons on the part.

Sanitation – President Wargo mentioned that the garbage at the Gun Club apartment building is sometimes out of control and asked that Officer Strauss keep an eye on it.

Handicap –

1. Councilwoman Basiago presented a handicap parking application for 49 East White Street. The recommendation of the committee is that the application be denied due to multiple reasons.

- a. The length from the curb to the applicants front door is approximately 19 feet. The doctor states that the applicant can walk 100 feet without rest.
- b. The doctor also stated that the patient is not disabled but has pain due to fibromyalgia making walking distances difficult.

Councilwoman Basiago's recommendation for this applicant is to deny the request for a handicap parking space. **Motion was made by Marlene Basiago and seconded by William O'Gurek to deny the handicap parking space for 49 East White Street due to the reasons stated.** Motion was opened for comment; none made. Motion carried unanimously by Council.

President Wargo said they need to discuss the changes to the handicap parking ordinance. He submitted a memo that sums up what they discussed at the committee meeting about the ordinance. He went over what was discussed.

- a. They determined that permanent disabilities are what should be addressed by the ordinance.
- b. Renewals should occur annually, but a doctors recertification should occur every two years. Also agreed that renewal should be sent out 90 days in advance to give time to make an appointment with a doctor. Paperwork can be picked up earlier if they have a doctor's appointment.
- c. Include language to include a 30-day grace period after the expiration to renew the permit. If not renewed within the 30 extra days, it would be cancelled, and the applicant would have to start the process all over.
- d. Initial fee for an application should be \$25 non-refundable fee. There is a difference of opinion on the cost for the sign to be installed. The cost of the sign is \$150, which is the cost of the materials. The issue is if they should charge labor or not for the installation of the sign.

Vice President O'Gurek said he agrees with the renewals but is of the opinion that if someone is permanently disabled they should be allowed to fill out their own paperwork and not be required to go to their doctor every two years especially after they have already submitted the documentation from their doctor initially. Councilwoman Ruzicka agreed.

He also feels that labor should not be considered in the fee and that the hardship should stay in the ordinance. Just because it has only been used seldomly. Councilwoman Basiago stated that there are no other communities that have this in their ordinance. Mr. O'Gurek stated that he is not worried about other communities; he is worried about Summit Hill. A brief discussion took place about the fee waivers.

Attorney Frycklund explained that they would need to consider a married household income if they are going to consider a hardship waiver. An issue that he does see in the ordinance is under violations and penalties. It states that a person, upon conviction, will pay a fine of not less than \$200, which is unconstitutionally vague. It should read that it is a maximum of \$200, you cannot set a minimum.

President Wargo said they are still in limbo with the fess and hardship waiver. He said that he can draft the ordinance with the changes they discussed and review it for the next meeting.

Economic Development – President Wargo stated that they are officially a Blueprint Community, as it states on the banner hanging on the wall. He mentioned that Mr. Dowling, who is a member of the team, was present.

Motion was made by Karen Ruzicka and seconded by William O’Gurek to accept the Committee Reports for the month of April 2024. Motion was opened for comment; none made. Motion carried unanimously by Council.

Communications –

Communications for the Month of April 2024:

1. Request from Diana Hoffman to use the Ginder Park on May 25, 2024 from 11am-5pm for a birthday party.
2. Letter received from the Panther Valley School District asking if council is contemplating any changes to the town bus stops for the 2024-2025 school year.
3. Letter received from Elise Reabold and Terri Kane with requests for the 2024 Hootenanny.
4. Spring 2024 Newsletter from Central PA Teamsters
 - **Motion was made by William O’Gurek and seconded by Marlene Basiago to grant permission to Diana Hofman to use the Ginder Park on May 25, 2024 from 11:00 a.m. – 5:00 p.m. for a birthday party.** Motion was opened for comment; none made. Motion carried unanimously by Council.
 - Council stated that they are not looking to change the bus stops for the 2024-2025 school year. Chief Woodward mentioned that in the morning, the first bus will pick up at the alley behind the house. But the next bus picks up at the corner and would recommend that the second bus picks up at the alley too. He mentions this because there have been some issues with the resident who lives on the corner in the past.
 - President Wargo read a letter that was received from Elise Reabold and Terri Kane regarding the 2024 Hootenanny. They are asking for permission to have North Market Street from Ludlow Street to Park Avenue blocked off for food truck parking, as they had last year. They are also asking for “No Parking” signs to be posted on West Ludlow Street, the park side, from Walnut to Market, for the vendors to unload their vehicles and for additional food truck parking. **Motion was made by Marlene Basiago and seconded by Karen Ruzicka to approve the requests from Elise Reabold and Terri Kane to block off streets and place no parking signs in the areas requested for the 2024 Hootenanny on June 30, 2024.** Motion was opened for comment; none made. Motion carried unanimously by Council. Edward Kane asked if the no parking signs can be put up ahead of time because they did have issues last year along Ludlow Street. Council agreed to post the streets on Friday. Mr. Kane also asked if it would be possible to add about five parking spaces for handicap parking around the gazebo area.

Motion was made by William O’Gurek and seconded by Karen Ruzicka to accept communications for the month of April 2024. Motion was opened for comment; none made. Motion carried unanimously by Council.

Bills – General Fund \$159,331.93, Community Center \$383.55, Sanitation Account \$28,676.43, and Street Account \$10,722.50. Vice President O’Gurek stated that the total budget for advertising for the year is \$2,500. In one month alone, they have spent about 32% of the funds. They are getting close to the allocated amount of advertising for the year, and it is only May. Ms. Steber said they also need to talk about updating the fees for the Zoning Hearing Board and Planning Commission applications. **Motion was made by William O’Gurek and seconded by Karen Ruzicka to pay the bills from April 10 – May 14, 2024.** Motion was opened for comment; none made. Motion carried unanimously by Council.

Old Business -

1. President Wargo said they discussed changing the ordinance to increase the rate of the Local Service Tax from \$10 to \$52 for anyone who works within the borough. **Motion was made by Marlene Basiago and seconded by William O’Gurek to advertise the Local Services Tax to increase the rate to \$52 a year.** Motion was opened for comment; none made. Motion carried unanimously by Council. Joanie Morana informed Council that since she does work from home, her LST will go to Summit Hill.

Motion was made by William O’Gurek and seconded by Marlene Basiago to accept old business for the month of April 2024. Motion was opened for comment; none made. Motion carried unanimously by Council.

New Business –

1. Kira Steber explained the request to purchase cameras for the Ginder Park. The continuous vandalism that is taking place are kids drawing inappropriate things all over the building and sidewalk areas, they broke the handle for the big garage door so now it can’t be opened, they are ruining the bathroom doors from constantly trying to get in the locked doors, they smashed the lights that are on the building and there is always garbage all over the area. Councilwoman Basiago added that there are a bunch of teenagers that are hanging out at the park and are there all hours of the day and night. Chief Woodward said he was aware of the lights, and they have charged someone for the damage. As for the graffiti, he was shown pictures, but they do not know who made the drawings so they cannot charge anyone for it. Ms. Basiago asked if it would be possible to have the police patrol the park and tennis court areas so that kids will be aware of the police presence. Chief Woodward said they do patrol when they can, but it is hard when there is only one office on duty. Mayor Szczecina stated that he and the Chief will talk to the officers about patrolling the areas. **Motion was made by William O’Gurek and seconded by Karen Ruzicka to purchase four additional cameras for the Ginder Park at a cost not to exceed \$1,000 to be paid for from the police or borough Capital Improvement funds.** Motion was opened for comment; none made. Motion carried unanimously by Council.
2. Councilwoman Basiago said that one of the goals for Council was to come up with an idea to purchase new Christmas lights for the main street. She met someone from another community who said they raised money to purchase half the lights and then went after a grant for the other half. She is asking for the community to help because the lights are in poor condition, they only partially work, you can no longer get replacement bulbs and the sockets are starting to rot out. The cost can be roughly \$500 for each light, and we need 20 lights that will go along the main street. They are looking at around \$10,000 to purchase new lights. There will be a meeting on June 5, 2024 at 6:30 p.m. in the Council Chambers. They will be brainstorming ideas for fundraising to raise the money with hopes to have new lights for 2025. This is a community project, not a Council project.
3. President Wargo said he would like to discuss the possibility of implementing a sewer transmission fee to upgrade the sewer infrastructure. The cost to replace one line would most likely be close to half a million dollars. Another option is to line the pipes, which would still be costly but much cheaper than replacing the entire line. He does not know what the cost of a transmission fee would be, but it is something they need to figure out for the near future.
4. President Wargo said that there are some questions regarding the Quality-of-Life ordinance from the police department. The ordinance has not been finalized yet so he would like to get it taken care of, so it does not have to be done twice.
 - a. 350-3 Section 11, Section 108.6 – If a property owner is rehabilitating a building and fails to abate or correct the conditions that violate the ordinance in a certain time period, what is a reasonable amount of time. Attorney Frycklund said that it would fall into a judge’s hands so it would be best to have something more precise in the ordinance. Council agreed to give the property owner 30 days to correct the issue(s) unless extended by the Code Enforcement Officer.

- b. 350-8 Motor Vehicles – Any vehicle suspended by blocks, jacks or other such material in a location that may pose a danger to the public, property owners, visitors, or residents of the property on which said vehicle is located. The question is are they not allowed to change brakes and/or oil on the street or in the side yard. President Wargo said he understands not allowing it in the street, but do they want them to allow it if it is on a persons property in their own yard. Attorney Frycklund recommended adding that it must only be for a 24- or 48-hour period. Council discussed allowing it to be done on their property but not out in the street and only allowed 48 hours to complete the job. Attorney Frycklund added that giving 48 hours is more than generous, especially since it states in a location that may pose a danger. After further discussion, it was decided not to make changes under this section.
 - c. Nuisance – Any condition structure or improvement which constitutes a danger or potential danger to the health, safety, or welfare of citizens of the Borough, or causes a blighting effect in Borough neighborhoods. This issue would be passed on to Lehigh Engineering since they are the ones who enforce the Property Maintenance Code.
 - d. 350-9 Quality of Life violations – A. Accumulation of garbage – What is considered an accumulation. President Wargo asked what everyone’s opinion on how much is considered an accumulation. Officer Strauss stated that it is not only bags of garbage but can be pallets, construction debris, loose pieces of siding, etc. Mr. Wargo said it could be at the discretion of the officer because an accumulation could be anything. He recommended putting in the ordinance an accumulation of one week’s worth of garbage, as it states in the garbage contract. He said that he will look into it and see what an accumulation is.
 - e. D. Motor Vehicles – How many times will a vehicle be ticketed before they can tow it. If there is a vehicle under a tarp, what is the policy for enforcing the ordinance. President Wargo said that he does not believe that they can legally look under a tarp with out getting a search warrant. As for towing a vehicle, it is already in the ordinance and states that a car can be towed at any time and is at the officers discretion.
 - f. E. Outdoor Placement of Indoor Furniture – How long is the temporary purpose and what if they are using a toilet for an outdoor planter. President Wargo feels that this is getting into a gray area with the freedom of expression. However, it does say that you can put indoor appliances outside if you are doing indoor construction, but it states a reasonable amount of time. Council agreed to give the property owner 30 days unless extended by the Code Enforcement Officer.
 - g. G. Storage Containers – Containers for waste or trash must have tight fitting covers. What if the containers are covered in the yard but they remove it before putting it out for garbage. What if it is not within a public right of way. President Wargo said he feels that a lid needs to be on the container(s) while it is being stored on the property but does not have an issue with removing it to put it out for garbage because lids disappear when you put it out for garbage collection.
 - h. 350-10 Authority for issuance of violation ticket. States it may issue to owner and/or occupant of the property. Do they prefer to ticket the owner. What if it is a landlord/tenant or multiple families. President Wargo said he believes it was written that way to make sure they cite the violator of the ordinance and if that does not work, they can go after the property owner. He feels that should not be changed and that the police can determine the best way to handle it.
 - i. 450-32 B – This item should be removed because there are no longer stickers for license plates.
5. President Wargo mentioned that there are numerous items received from Carbon Engineering that Council needs to discuss.

- a. Invoices were received for Community Funding Applications for FY2024 and FY2025. They learned that at this time, the boroughs are ineligible to receive the grants they would apply for in 2024 and 2025. The total amount for the invoices is \$1,223.50. He would ask that it be tabled until further information is received about the costs. Councilwoman Basiago asked if there is anything they can do about communications. Every time they call or email the office, the borough is being charged for it. **Motion was made by Marlene Basiago and seconded by William O’Gurek to table the invoices until further information is obtained about the costs.** Motion was opened for comment; none made. Motion carried unanimously by Council.
 - b. President Wargo explained that on that on April 26th, Carbon Engineering was informed that the boroughs were not eligible to receive the funds from the grant. Around the same period of time, it was arranged to have an inspection of manholes done within the borough on April 30th to do a study that needed to be done for the grant. The next day they received a call stating that they were not eligible to receive the funds.
 - c. President Wargo said that they received the flow study and the infiltration chart and map of the borough. This relates back to the transmission fee that they talked about earlier. Out of the top 5 offending lines within all three boroughs, 4 of them are located in Summit Hill. These 4 lines will have to be taken care of. If you look at the full list, there are 22 lines within the 3 boroughs that need to be addressed and half of them are located in Summit Hill. The work is going to have to get done eventually so that they can work on getting the moratorium lifted.
6. President Wargo suggested contacting all former businesses/professionals that are no longer contracted with the borough and request the borough’s assets be returned within 30 days from the date of the letter. **Motion was made by William O’Gurek and seconded by Marlene Basiago to have the solicitor send letters to all former businesses requesting that the borough’s assets be returned within 30 days of the date of the letter.** Motion was opened for comment; none made. Motion carried unanimously by Council.

Motion was made by Marlene Basiago and seconded by William O’Gurek to enter into Executive Session at 8:47 p.m. to discuss potential litigation. Motion was opened for comment; none made. Motion carried unanimously by Council.

Motion was made by William O’Gurek and seconded by Karen Ruzicka to enter back into regular session at 9:18 p.m. Motion was opened for comment; none made. Motion carried unanimously by council.

Motion was made by Marlene Basiago and seconded by William O’Gurek to adjourn at 8:20 p.m. until the next meeting of the Summit Hill Borough on June 11, 2024. Motion was opened for comment; none made. Motion carried unanimously by Council.

David Wargo
Council President

Kira Steber
Secretary/Treasurer