

Summit Hill Borough Council
July 17, 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, Karen Ruzicka, Alan Kruslicky, Joseph Weber, David Wargo, Solicitor Robert Frycklund and Mayor Jeffrey Szczecina were in attendance. Vice President William O’Gurek and Gino DeGiosio were absent.

Floor –

1. Joanie Morana, 104 East Ludlow Street, followed up on her complaint regarding a fence that was installed at a property down the street. Officer Bell stated that he sent a notice giving them 30 days to respond and he has not heard from them yet.
2. Kathy Gieniec, Recreation Commission, had a few things to discuss with Council.
 - a. Yoga classes had stopped temporarily in July due to lack of attendance for the summer and will be restarting August 3, 2023. She also mentioned that people who rent the community center on a Friday can pay extra to go in Thursday night to set up and decorate. She does not feel it is fair to the commission to have to cancel yoga especially since it is an income for them. Can’t the renter be told they can come in on Thursday but not until after 7:30 p.m. Kira Steber informed Council that the reason this happened is because the people who were renting were older and needed assistance setting up. The only time they could get assistance was in afternoon. Councilman Wargo asked if it would be possible to move to another location. Ms. Gieniec stated they were offered the Council Chambers but there would not be enough room.
 - b. Pickleball is going very well. It is going to take place every Wednesday night from 6-9 p.m. The Meet and Greet had about 12 people attend and the first official night about 8 people showed. If the event starts to pick up, she will have to consider adding another night. **Motion was made by Karen Ruzicka and seconded by Joseph Weber to allow the Summit Hill Recreation Commission to use the Community Center every Wednesday from 6-9 p.m. for Pickleball** Motion was opened for comment; none made. Motion carried unanimously by Council.
 - c. She asked the status of getting electricity installed at the gazebo and in Ludlow Park. Councilwoman Ruzicka stated that the contract will be coming in August to start the project.
3. Patricia Allen, 25 East Hazard Street, came to Council with concern about a dog on East Hazard Street that is not being handled properly. It has attacked or tried to attack multiple dogs, including hers. She had to jump on top of her dog to try and protect it and her finger got torn off. No one seems to want to help address this issue. She actually watched this dog drag the owner across the street because it was coming after her dog that was in her yard. Patricia Jones, 37 East Hazard Street, added that even in the hot weather the dog handler is wearing gloves while walking it because the dog is so out of control. Ms. Allen said she talked to the police, she talked to the dog warden and the people are denying the ownership of the dog. Chief Woodward said that he did locate the report referring to the incident and he contacted the state dog warden. She stated that Ms. Allen was not interested in pursuing charges. She can potentially look at labeling the dog as a dangerous animal. Because it is being handled civilly, there is nothing she can do on her end to label it as a dangerous animal. If there was a way that he could go to a judge to have the dog put down, he would do it. Ms. Allen asked what the route is that she should take. Chief Woodward suggested contacting the dog warden again and talking to her about what can be done. Solicitor Frycklund recommended contacting an attorney if she has not done so already.

4. Marlene Basiago, 20 West Walter Street, stated that she does not have any questions at the moment, but she may as the meeting continues.

Minutes – Motion was made by David Wargo and seconded by Joseph Weber to approve the meeting minutes from the June 13, 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 \$782.16 and from Carbon County was \$551.14. He also mentioned the following happened during the month:

- The new basketball hoops were purchased and installed by the borough crew. Total cost was \$890 and paid for by the Summit Hill American Legion and the SALs.
- He recognized Elise Reabold, Terri Kane, and Sara Ruch for putting together the Hootenanny. The park was packed, and it was an exceptionally good day.
- Community Yard Sale was on July 16th and there were 16 locations on the map.
- Pickleball introduction was held and felt there was a good turnout.
- The Cressona Band held their concert, which had to be moved inside due to the weather. There were about 30 people who attended the concert.
- St. Joseph's had their annual block party. It seemed like it was another success.
- The Fire Co. has their golf tournament coming up. People can still sign up for the event and they are still accepting baskets for the raffle.
- Community Cornhole Tournament will be held on August 19th at the Community Center. The past two years the money raised went to families of sick residents. This year's proceeds will go to the Friends of the Lansford Pool to help with the renovations of the pool.

Motion was made by Joseph Weber and seconded by Alan Kruslicky to accept the mayor's report for the month of June 2023. Motion was opened for comment; none made. Motion carried unanimously by Council.

Police Report – Mayor Szczecina gave a summary of the police report for those in the audience. Mary Ann Szczecina asked if there were any complaints about fireworks and were there any about ones in White Bear. Mayor Szczecina stated there were six calls received about fireworks, several were in White Bear, and it was addressed with the property owner. Ms. Szczecina asked if there is a timeframe for fireworks. Mayor Szczecina said they cannot be set later than two hours after sunset and can only be within seven days of a federal holiday with the exception for New Year's Day. **Motion was made by Karen Ruzicka and seconded by David Wargo to accept the Police report for the month of June 2023.** Motion was opened for comment; none made. Motion carried unanimously by Council.

Planning and Zoning –

1. **Motion was made by Karen Ruzicka and seconded by David Wargo to appoint Officer Jason Bell as the Vector Control Officer for the borough.** Motion was opened for comment; none made. Motion carried unanimously by Council. David Hiles asked what a Vector Control Officer is. Councilman Wargo explained that a vector is a rodent and the Control Officer is someone who takes care of rodent population.

They needed to appoint an officer to legally enforce the ordinance. If a property is found to have an infestation of rodents on it, this ordinance will allow for a method to get rid of them. It gives the code enforcement officer the ability to get an administrative search warrant, search the property if reported that an infestation is visible and if the homeowner is found guilty, the vector control officer works with the homeowner and an exterminator, which will be hired by the homeowner, to remediate the problem. A plan must be set in place to get rid of the issue within sixty days. This is just a title and not an actual position that will require an additional salary.

2. Officer Bell presented Council with a few quotes for a records management system for zoning and code enforcement. The cheapest one received was for \$4,800 per year and they increase in price with each quote. It will allow for productivity, unlimited users on the platform and any office staff or officer in the police department to log complaints into the system. Templates can be created and saved instead of him having to generate a new notice each time a complaint is received. Ms. Steber added that the iWorQ quote is only good until the end of the week because they gave special pricing. Councilman Wargo stated that there is an existing records management system in the police department and asked if it could handle the information for zoning too. Chief Woodward said that inputting information a lot can be done in their RMS but far as zoning or anything else, he is not sure. Officer Bell added that this software will allow GIS mapping to be inserted into the program and will automatically update the map when the county updates their system. Solicitor Frycklund had some issues with the provisions that are in the agreement, especially #9 that states the agreement will be governed by and construed in accordance with the laws of the State of Utah. Councilman Wargo stated that if the company is storing the borough's data then it would be stored in another state, and he would have questions that should be directed to the borough's IT company. He also recommended that the information be sent to Keystone Technology for review. **Motion was made by David Wargo and seconded by Joseph Weber to table the approval of any quotes for a Records Management System until Keystone Technology and the solicitor review the quotes.** Motion was opened for comment; none made. Motion carried unanimously by Council.
3. Officer Bell presented a draft of a "Guide to Rodent Control" that he put together for Council to review.
4. Councilwoman Ruzicka mentioned the rat issues in town. She received five complaints regarding rats on different blocks. There is something that the borough can do and that is to enforce the sanitation ordinance that is in effect. It states that all garbage and rubbish must be made of metal or plastic and airtight. That is where your garbage should go, into a container. She drives through town on Wednesday, Thursday, and Friday night. There are tons of garbage bags at the curb and are ripped apart. The ordinance is not being enforced. Mayor Szczecina mentioned that several tickets were issued for that exact issue this month. Chief Woodward gave out 4-5 warnings because he knocked on doors and those residents corrected the issue immediately. Those that did not answer their doors were issued tickets. Officer Bell and another officer also issued tickets for the same violation. President Kokinda asked if she is reporting the violations to the police. Mayor Szczecina spoke with the officers and told them that this is one of the areas to address because of the issues with the rodents and several tickets were issued for that exact offense. Chief Woodward said that if Council wants the police to enforce the residents not putting garbage out in cans, then they will enforce it. Michael Alabovitz asked what they are going to do when his cans get destroyed by a bear. Isn't that his responsibility. Ms. Ruzicka said he has his garbage in a can, and they are talking about rats, not bears. Mr. Alabovitz stated that he puts his garbage out in a can and the bear comes by, destroys his can and now there are bags laying on the ground. Is he going to get a ticket because his garbage is not in a can, but it was when he put it out. Ms. Ruzicka said he is being responsible by putting it in a can. President Kokinda added that it is hard to regulate responsibility and courtesy. Mayor Szczecina mentioned that a handout is being worked on which will eventually be placed on the borough's website and Facebook. David Hiles expressed that a lot of the garbage issues are from people feeding cats. They had it happen in their neighborhood. A neighbor of his found a rats nest in their yard and had to hire an exterminator. The exterminator told the homeowner that they have a rat problem because they have bowls of food on their porch to feed the stray cats and told them to get rid of the food.

Motion was made by David Wargo and seconded by Joseph Weber to accept the Planning and Zoning report for the month of June 2023. Motion was opened for comment; none made. Motion carried unanimously by Council.

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

Work Leader Report – Motion was made by David Wargo and seconded by Alan Kruslicky to accept the Work Leader report for the month of June 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 June 2023. Total collected was \$5,494.65 with a commission of \$164.84. **Motion was made by David Wargo and seconded by Joseph Weber to accept the Tax Collector Report for the month of June 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 June 2023. Total collected was \$1,236.52, with nothing to report for the monthly expense reimbursement. **Motion was made by David Wargo and seconded by Alan Kruslicky to accept the Delinquent Real Estate Tax Report for the month of June 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 June 2023. Total EIT submitted was \$13,201.28 with a commission of \$228.38 and postage charges of \$63.47. Total LST submitted was \$75.55 with a commission of \$1.55 and postage charges of \$15.12. Total DLT submitted was \$252.74 in delinquent Occupation Tax and \$126.50 in delinquent Per Capita Tax. **Motion was made by David Wargo and seconded by Alan Kokinda to accept the Wage Tax report for the month of June 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 June 2023. Total collected from Central Credit was \$656.00. **Motion was made by David Wargo and seconded by Joseph Weber to accept the Delinquent Garbage Collection Report for the month of June 2023.** Motion was opened for comment; none made. Motion carried unanimously by Council.

Receipts – Total receipts received for the month of June 2023 were \$119,720.80. **Motion was made by Alan Kruslicky and seconded by David Wargo to accept the Receipts for the month of June 2023.** Motion was opened for comment; none made. Motion carried unanimously by Council.

Committee Reports

Streets –

1. Councilman Kruslicky mentioned a request was received from Karissa Smith asking to have two additional parking spaces for her salon located at 39 West Ludlow placed next to the two she already has in front of the Vermillion Dental building fence. He did take a look at the area and there are already a lot of spots taken. He would be in favor of approving only one additional spot. **Motion was made by Alan Kruslicky and seconded by David Wargo to approve one additional special purpose parking space for Salon Essence located at 39 West Ludlow Street.** Motion was opened for comment. Councilman Wargo asked how many spaces are available in front of the building. Ms. Steber stated that this additional space would be located at the end of the fence that is on the Vermillion's property. Mr. Wargo asked at what point do they stop giving out special purpose parking spaces. They cannot give every business in the

borough their own parking spaces or else they will be in trouble. The street is a public place. In the case of a time sensitive case, like a delivery driver having to get in and out of the restaurant quickly. Eventually, if the downtown is redeveloped, where are people going to park. It is something to think about moving forward. Ms. Szczecina asked if she would park there but not enter the business, would she be arrested. President Kokinda said she would not get arrested but she would most likely receive a ticket. No further comments were made. Motion failed with the majority of Council opposing the request.

2. John F. M. Evans, 119 West White Street, asked what he needs to do to get people to stop parking in front of his garage. President Kokinda suggested calling the police.
3. Councilman Kruslicky updated Council on the projects that were submitted to them earlier in the year.
 - a. The paving projects are complete, using about 488 tons of blacktop.
 - b. The storm inlets that needed repair have been completed.
 - c. The sewer issue at Ginder Field bathrooms has been fixed and water turned on.
 - d. Pressure washed the stone wall in front of the borough hall.
 - e. Grass cutting is ongoing for the summer.
 - f. HVAC support work is taking place right now.
 - g. Repainted the doors at the community center and fire company has been completed.
 - h. Received complaints about storm inlet cleaning. It is the older ones that have not been replaced. They will be cleaned as time permits.

Police – Councilman Wargo asked for a brief executive session to discuss personnel matters.

Buildings - President Kokinda said that the borough office unit has been replaced and running. The unit for the Council room is still being worked on because the equipment came in damaged, and they are waiting for the new equipment to arrive.

Emergency Services - Councilman Weber mentioned the Fire Company Golf Tournament will be on Saturday, July 29, 2023.

Economic Development – Councilman Wargo said that he provided Council with a draft of the Peddling and Soliciting ordinance at last month’s meeting for review. He would like to move forward with it as long as no one has any questions or changes. **Motion was made by David Wargo and seconded by Karen Ruzicka to advertise Ordinance No. 03-2023 updating the Borough’s Peddling and Soliciting ordinance.** Motion was opened for comment; none made. Motion carried unanimously by Council. Mr. Wargo said the next meeting will be held on the last Monday in September at 7:00 p.m.

Motion was made by Joseph Weber and seconded by Karen Ruzicka to accept the Committee Reports for the month of June 2023. Motion was opened for comment; none made. Motion carried unanimously by council.

Communications –

1. President Kokinda stated a request was received from the Hope of Christ Presbyterian Church to have the county taxes for the property located at 30 West White Street for 2022 or 2023 be exonerated since they have been tax exemption approved. Solicitor Frycklund said they are referring to the municipal taxes for 2022 and 2023. David Hiles explained the church bought the property on White Street with the intention to make it a parking lot for the church. They were approached by a couple who would like to buy the property and build a small home on the lot, but it was after they already after they sent the request to the county to have the property exempt due to the church owning it. **Motion was made by Joseph Weber and seconded by Alan Kruslicky to approve the request from the Hope of Christ Presbyterian**

Church to have the municipal taxes exempt for 2022 and 2023 tax years. Motion was opened for comment; none made. Motion carried unanimously by Council. David Wargo abstained due to family relationship with the church.

2. President Kokinda they received a request from the Panther Valley Class of 2019 to change the date of the 3 on 3 basketball tournament from Saturday, July 8, 2023 to Saturday, August 5, 2023. They are also requesting access to the bathrooms at the Ginder Park. **Motion was made by Jospheh Weber and seconded by David Wargo to approve the request from the Panther Valley Class of 2019 to change the date of their 3 on 3 event to Saturday, August 5, 2023 and to allow them access to the bathrooms at the Ginder Park.** Motion was opened for comment; none made. Motion carried unanimously by Council.
3. President Kokinda said a Thank You note was received from Kristen Haas for allowing the Cressona band to play in Summit Hill and thanked Kira for her help in getting everything prepared.

Communications for the Month of June 2023:

1. Request from Hope of Christ Presbyterian Church to have any County taxes for the property located at 30 West White Street for 2022 or 2023 be exonerated since they have been tax exemption approved.
2. Request from the Panther Valley Class of 2019 to change the date of the 3 on 3 basketball tournament from Saturday, July 8, 2023 to Saturday, August 5, 2023 and to have access to the bathrooms at the Ginder Park.
3. Thank you note received from Kristen Haas regarding the Cressona Band concert on June 28th.
4. Notice of Property Assessment from the Carbon County Board of Assessment and Revision of Taxes regarding Parcel No. 115-54-R1.12A.01 – Roy T. Henninger. Status changed from Clean and Green due to the new home that has been built on the property.
5. Notice of Occupation Assessment from the Carbon County Board of Assessment and Revision of Taxes
6. Notice of Property Assessment from the Carbon County Board of Assessment and Revision of Taxes
7. Letter from St. Luke’s Care Now regarding their Occupational Medicine service, excluding work comp injury care, prices will increase about 10%.

Motion was made by David Wargo and seconded by Joseph Weber to accept communications for the month of June 2023. Motion was opened for comment; none made. Motion carried unanimously by Council.

Bills – General Fund \$116,067.06, Community Center \$696.75, Sanitation Account \$29,340.98 and Street Account \$12,321.65. **Motion was made by David Wargo and seconded by Karen Ruzicka to pay the bills from June 14 - July 17, 2023.** Motion was opened for comment; none made. Motion carried unanimously by Council.

Old Business -

1. President Kokinda stated that they received information from the Borough Engineer regarding the request from the residents of Polar Court for the Borough to take the roadway over. Councilman Weber read the findings submitted from Arro Consulting. The roadway is currently in good condition with very few potholes, no sign of erosion of the surface and no evidence of subgrade failure. However, there are some things that were noted.
 - Allocation per mile of roadway would equate to an approximate Liquid Fuel allocation of \$2,917.31 for Polar Court (\$102,235.59 for 2023 allocation/14.27 miles of road)

- A gravel road is recommended to have a crown with a slope ranging from 4% to 6% to efficiently shed surface water. The roadway does not have this recommended crown.
- A road cross-pipe would be recommended as the roads turn to the right off of West White Bear drive to drain the swale on the north side of the road. This would also require a drainage easement for the pipe discharge.
- The cul-de-sac is present; however, the maintenance on it does not appear as current/frequent as the road itself.
- It is common that a request to take over a gravel road will be followed by a request to pave the road. Paving Polar Court based on the SALDO requirements, not PennDOT Pub. 242 requirements, and providing stone shoulder backup would cost in the range of \$140,000 to \$170,000, an amount equivalent to 48 to 58 years of calculated Liquid Fuels allocation for the road.
- The intent of Resolution 05-1989 was to solidify and memorialize the desire of the Borough to not take over the road based on the improvements not being per the SALDO.

Due to the items noted, based on the resolution, improvement recommendations bulleted above, cost associated with any future paving and general maintenance required for an unpaved road, they do not see any positive aspect of accepting the current private road as a Borough road. A brief discussion took place about the recommendations from Arro Consulting. Michael Alabovitz stated that the resolution between the resident and the borough sought relief from the borough taking over the roadway so why are they asking for it now. They should be made to bring it up to the current code and then the borough can take it over. Most SALDO requirements state that if you are putting in a development you are required to put in a roadway, and they must have curbs and fire hydrants. **Motion was made by David Wargo and seconded by Joseph Weber to deny the request to take over the roadway for Polar Court because it is not up to spec to the standards by the Pennsylvania ordinance and because the money the borough would need to put into it would not be a benefit to the taxpayers of Summit Hill.** Motion was opened for comment; none made.

2. Councilman Wargo explained the policy on records for public meetings and what can be leased to the public and the press. Solicitor Frycklund revised it to add language to make it an official policy. The policy states they will provide a limited number of packets with agenda for the meeting to include the following information.
 - a. The agenda for the meeting
 - b. Minutes of prior meeting(s)
 - c. The Police Report as submitted by the Chief of Police or his designated officer
 - d. If submitted in writing, the Mayor's Report
 - e. The aggregated Zoning Officer's Summary Report
 - f. Receipts
 - g. Expenses

Mr. Wargo said it instructs that they are only interested in aggregated numbers and do not need details for certain reports that can lead to litigation. It asks the news media to notify the borough office if they plan to attend so packets can be prepared for them. They will also supply a limited number of meeting packets of information at the meetings on a first-come-first-served basis, with the quantity being at least five (5) and no more than (10) and does not include packets reserved for the media. **Motion was made by David Wargo and seconded by Alan Kruslicky to adopt the policy to release certain reports to the media and the public as stated in the policy.** Motion was opened for comment. Mr. Wargo added that this policy does not circumvent the Right-to-Know Law. One will still need to be submitted if they want to see

things that are not included in the policy. No further comment made. Motion carried unanimously by Council.

New Business –

1. **Motion was made by David Wargo and seconded by Alan Kruslicky to adopt Resolution No. 05-2023 Governing the Board of the Summit Hill Borough to sell one (1) decommissioned 2013 For Taurus Police Vehicle to the Panther Valley School District for \$1.00.** Motion was opened for comment. David Hiles stated that at the school, if they were making any profit, they had to go to public auction. Solicitor Frycklund explained that a sale to a school district or another municipality is exempt from that under the Borough Code. No further comment made. Motion carried unanimously by Council.
2. Notice of Board of Assessment Appeals Determination from the Carbon County Board of Assessment and Appeals was placed into the record.

Council entered into an Executive Session to discuss personnel matters and possible litigation at 8:26 p.m.

Council entered back into Regular Session at 9:28 p.m.

Requested Addendum to the Agenda

Councilman Wargo asked to amend the agenda to include the disposition of the review of Jason Bell as a police officer for the borough under his probationary period.

Motion was made by David Wargo and seconded by Michael Kokinda to amend the agenda. Motion was opened for comment; none made. Motion carried unanimously by Council.

Motion was made by David Wargo and seconded by Alan Kruslicky that in light of the recommendation from the Chief of Police, the Police Committee, and the Personnel Committee, they find that Officer Jason Bell failed to meet the requirements for the probationary period and hereby direct that he be dismissed from his employment effective the end of day on July 22, 2023. Motion was opened for comment; none made. Motion carried unanimously by Council.

Councilman Wargo asked to amend the agenda to include advertising the position of a full-time police officer and to accept applications until their next meeting on August 8, 2023.

Motion was made by David Wargo and seconded by Joseph Weber to amend the agenda. Motion was opened for comment; none made. Motion carried unanimously by Council.

Motion was made by David Wargo and seconded by Joseph Weber to advertise the position of full-time police officer with applications being accepted until the end of day on August 8, 2023. Motion was opened for comment; none made. Motion carried unanimously by Council.

Motion was made by David Wargo and seconded by Joseph Weber to adjourn at 9:35 p.m. until the next regular meeting of the Summit Hill Borough on August 8, 2023. Motion was opened for comment; none made. Motion carried unanimously by Council.

Michael Kokinda
Council President

Kira Steber
Borough Secretary