

Summit Hill Borough Council
April 22, 2024, 5:30 p.m. Hill Top Community Center

A public hearing of the Summit Hill Borough Council was held at the above time and place with President David Wargo presiding.

Roll Call – President David Wargo, Lacey Gonzalez, Karen Ruzicka, Alan Kruslicky, Joseph Weber, Marlene Basiago, and Mayor Jeffrey Szczecina were all present. Solicitor Robert Frycklund was absent. Vice President William O’Gurek arrived at 5:45 p.m.

President Wargo stated that the workshop is being held to discuss the changes that are being made to the handicap parking ordinance. They are going to discuss the changes that are being proposed and the fee new schedule. Once that is done, he will open the floor for comments.

President Wargo explained that Council started looking at ordinances that have not been reviewed for some time and prioritize what they felt was most important. This includes making sure ordinances were up to date, they are covering their own costs and that there were no ongoing issues that they found needed to be corrected.

There were several discussions regarding the changes of this ordinance and Council is not totally united on everything they discussed. What they are presenting today is only a draft and not a final version and they are looking for input from the public.

President Wargo went over the changes that are being made.

1. Section 420-43 – Criteria for parking space. It was not defined as to who qualifies for the parking space. Added item A, which states the definition of qualification. The individual requesting the handicapped parking space shall provide evidence that he or she has physical impairment such as loss of use of a lower extremity, cardiopulmonary condition which restricts movement or otherwise requires the use of a wheelchair, crutches, walker, or similar device for purposes of locomotion. This came directly from the American with Disabilities Act (ADA) as far as far as what qualifies a person with disabilities for purposes of the parking.

President Wargo added that handicap parking is a privilege to the residents of Summit Hill. There is no law or statute that requires them to provide handicap parking within the borough. There was a change made to the permits, when the state changed the law in 2017, that allowed the borough to provide individual parking spaces with permit numbers.

2. Section 450-47 – Fee Waivers. This provided an applicant whose income fell into the hardship category to request a fee waiver. This section has been completely removed.
3. The other change that was made is to the fee schedule. The fee that has been charged since this ordinance has been implemented was \$65. This is not what it costs to install a parking space for someone. The actual cost is \$20 for the sign, \$50 for the pole, \$30 for the base, \$20 for the paint and \$55 for processing fees. This comes to total cost of \$175 per handicap space. The fee was quoted higher, but a discussion took place to remove the labor costs for the process since the employees already work and get paid to do the job. Councilman Kruslicky added that if the labor rates are being removed, every taxpayer is going to have to pay for the handicap sign to be installed, not just the person who is receiving the privileged parking space. Mr. Wargo said they decided that since they are already being paid 40 hours a week, there was not a need to charge labor. Mr. Kruslicky explained that he understands but then everyone in the community pays for it. He feels this is not fair because there is a percentage of people in the community who pay a lot of taxes but do not get the same services. Now they are tacking on another fee. They just raised taxes by 3 mills because they fell short in the budget because of stuff like this because they give it away. He feels that if they have to pay for the paint, then they should also pay for the labor. President Wargo said that it will be noted.

President Wargo said, with that being said, Council is not in total agreement about all changes. Because it is a democracy, majority will rule. The feeling of most of Council is that it is fair to charge for the supplies and administration but not the labor. If they chose to take the route of charging labor, then the cost will be \$250. They are looking to set the fee at \$175 to install the sign once it has been approved. The renewal fee is \$25 for the administrative costs and \$25 for supplies, which include a new sticker, lines painted, a new sign, etc.

At this point in time, President Wargo opened the floor for comment by going down the list of people who signed in.

1. Steve Lerch, 240 West Hazard Street, asked if they removed the sliding scale for the people who cannot afford to pay for the handicap space. He feels it is bordering on discrimination based on income. President Wargo explained that the waivers have been removed from the current draft. Mr. Lerch asked what they are going to do for the people who need the space but cannot afford to pay for it. He receives social security, which is very limited, plus what he has to pay for his medication. He feels that everyone should be paying a small fee, but everyone pays in by paying taxes, take it from there. At what point does it become discriminatory because he cannot afford it.

President Wargo reiterated that the purpose of the hearing is to get public comment. The ordinance is nowhere near ready for adoption.

2. Judy Fredericks, 106 East Hazard Street, said she has an issue with having to go to the doctor on a yearly basis to have her renewal approved. She has MS and it just does not go away. Her doctor was getting aggravated because she kept bringing him the form to complete.

Councilwoman Basiago stated that she does understand that there are different degrees of MS but there are people that could have regressions and exacerbations and get worse every year. There are also people who stay the same for many years and all of a sudden go into exacerbations and start to regress. The reason for the requirement to have a doctor complete the form is so they know what the patients status is and their functional abilities with the disability. Some people may stay the same, others may improve somewhat, and others may regress. She has researched other communities, and they all require it for a reevaluation to make sure the person is eligible for the space.

Ms. Fredericks stated that if she did not need it, she would not have it. Twenty-five years ago, when she was diagnosed, she had gotten a little bit worse, but she still has good days and bad. There are days when her legs just do not want to work other days they are fine. Her doctor is getting aggravated because the disease is not short-term, and it is not going away.

Councilwoman Ruzicka said she thought they decided that if someone has a permanent disability that was not going to change, they were not going to have to get a doctor to complete the form again. President Wargo said their goal is to get input from the public because council is not in agreement with the ordinance.

3. Wesley Neal, 126 West Fell Street, asked if those that already have a handicap parking space will have to pay the new fee. President Wargo explained that if a person already has a sign, they will not be responsible to pay the new fee other than the \$50 renewal fee.

Councilwoman Gonzalez stated that she thought the line painting and stickers were separate. President Wargo said that he and Marlene discussed it and because they will be charging a maintenance fee, they would not charge it separately. They can discuss it further at the committee meeting.

4. William Darnell, 319 East Fell Street, stated that \$225 is expensive. If council is having budgetary problems, you raise taxes and do not single out the handicapped individuals in the town to pay for the budget problems. President Wargo said that is not why they are changing the ordinance. Mr. Darnell

explained that four years ago he lost his leg to a disabling disease. His license was suspended due to the loss of the leg, and it was a struggle to get his license back was extraordinary. Once he was able to get his license back, he needed a handicap spot, which cost money and he did not have a job. Now that he has a license, he was able to get a job. There are people out there who are living on a fixed income and now you are taxing them. This cost greatly affects people, especially those who are trying to get their lives back together or find a job. The fees are to cover maintenance on the signs. How often are the signs taken care of. He has had his sign for two years and has never needed a new sign or a bolt, no one hit it or ran it over. He mentioned the fee for renewal being \$50 for administrative fees and maintenance but if they want the lines painted it is another \$20. President Wargo corrected him stating that the maintenance fees cover the line painting and is included in the total cost of \$50. Mr. Darnell said all of this is tacked on to you when you first get disabled. He has been living here for 15 years and seeing how they want to increase the handicap fees feels like a dent and it hits your heart.

Councilman Kruslicky asked if putting a hardship clause in the ordinance would be helpful. Mr. Darnell said it would definitely help. President Wargo explained that the hardship waiver is in the current ordinance. What they are working on is an update to the current ordinance. He added that what they are doing with the fee is bringing it in line with the actual cost for the borough to put the sign in place. He stated that most of those who are in attendance are there because they need the parking space and are concerned about it. The problem they are having is the people who are abusing the privilege. On some blocks there are 5-6 spots on the same block, and they got it because they had a doctor's note, have a placard, applied for the spot and it was given to them. Even under the amended ordinance, you still need to fill out the application and get the doctor's note, but the final decision is still made by the 7 members of council. The parking program is a privilege; it is not a right. There is no law that says council has to provide this type of parking. They need to balance the people who genuinely need it with the people who are abusing it. The only tools they have available are the application and the evaluation process.

President Wargo stated that they will take the information received from the public, digest it, and will continue to discuss it to come to a resolution. There may be another public session to present the final changes to the public. Once they are satisfied with a draft ordinance, they will pass it on to the solicitor to review to make sure everything is in order, present it at a regular meeting and have it advertised.

5. Steve Lerch added that Medicare is not going to approve a \$250 office visit to a doctor to update an application. If your health is not going to get any better, there should be no need to revisit it every year. President Wargo explained that disabilities cover a wide spectrum from people who are terminally ill to people who have chronic conditions that make them un-ambulatory, but they can live several years in various stages of the disease.
6. Debra Lewis, 134 West Fell Street, asked what she can do if someone is parked in her handicap spot when she comes home. President Wargo instructed her to call the police to have the vehicle removed. The ordinance allows the person to park in the space with a permitted vehicle. This is also the reason for the numbered stickers. The sticker on the sign must match the sticker on the vehicle.

David Wargo
Council President

Kira Steber
Secretary/Treasurer