

**Summit Hill Borough Council**  
**August 26, 2024, 7:00 p.m. Borough Hall**

The special 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, Lacey Gonzalez, Karen Ruzicka, Alan Kruslicky, Joseph Weber, Marlene Basiago, and Mayor Jeffrey Szczecina were all present. Solicitor Robert Frycklund was absent.

**Letters of Interest for Council** – President Wargo said four letters of interest were received from Edward Kane, Sherri Buzik, Michael Crampsie and John Dowling. He read the letters so that they could be entered into record. A copy of the letter will be attached to the minutes.

President Wargo asked for nominations for the vacant seat on Council.

Karen Ruzicka nominated Edward Kane.

Marlene Basiago nominated John Dowling.

Alan Kruslicky nominated Sherri Buzik.

President Wargo asked if there were any other nominations; there were none. Nominations were closed.

President Wargo asked for a vote for Edward Kane.

Lacey Gonzalez	Yes
Karen Ruzicka	Yes
David Wargo	No
Alan Kruslicky	No
Joseph Weber	Yes
Marlene Basiago	No

Votes for Edward Kane ended in a 3-3 tie.

President Wargo asked for a vote for John Dowling.

Lacey Gonzalez	No
Karen Ruzicka	No
David Wargo	Yes
Alan Kruslicky	No
Joseph Weber	No
Marlene Basiago	Yes

Votes for John Dowling failed 2-4.

President Wargo asked for a vote for Sherri Buzik.

Lacey Gonzalez	No
Karen Ruzicka	No

David Wargo	No
Alan Kruslicky	Yes
Joseph Weber	No
Marlene Basiago	No

Votes for Sherri Buzik failed 1-5

Councilwoman Basiago asked that both Edward Kane and John Dowling give comments about themselves as to why they feel they are the right selection for the seat.

President Wargo asked for a second round of votes for the three candidates.

President Wargo asked for a vote for Edward Kane.

Lacey Gonzalez	Yes
Karen Ruzicka	Yes
David Wargo	No
Alan Kruslicky	No
Joseph Weber	Yes
Marlene Basiago	No

Votes for Edward Kane ended in a 3-3 tie.

President Wargo asked for a vote for John Dowling.

Lacey Gonzalez	No
Karen Ruzicka	No
David Wargo	Yes
Alan Kruslicky	No
Joseph Weber	No
Marlene Basiago	Yes

Votes for John Dowling failed 2-4.

President Wargo asked for a vote for Sherri Buzik.

Lacey Gonzalez	No
Karen Ruzicka	No
David Wargo	No
Alan Kruslicky	Yes
Joseph Weber	No
Marlene Basiago	No

Votes for Sherri Buzik failed 1-5

President Wargo asked for a third round of votes for the three candidates.

President Wargo stated that all four candidates are the best he has seen apply for the council position in 10 years. Unfortunately, they can only fill one seat, but he would be happy to have any one of them at the table. He does not want any of them to be discouraged because there is plenty of opportunity and shoes to be filled. With that said, he would like to do one more round of voting.

President Wargo asked for votes for Edward Kane.

Lacey Gonzalez	Yes
Karen Ruzicka	Yes
David Wargo	Yes
Alan Kruslicky	No
Joseph Weber	Yes
Marlene Basiago	No

Votes for Edward Kane ended in a 4-2 vote.

President Wargo asked for a vote for John Dowling.

Lacey Gonzalez	No
Karen Ruzicka	No
David Wargo	No
Alan Kruslicky	No
Joseph Weber	No
Marlene Basiago	Yes

Votes for John Dowling failed 1-5.

President Wargo asked for a vote for Sherri Buzik.

Lacey Gonzalez	No
Karen Ruzicka	No
David Wargo	No
Alan Kruslicky	Yes
Joseph Weber	No
Marlene Basiago	No

Votes for Sherri Buzik failed 1-5

The third and final roll call vote ended in 4-2 vote to appoint Edward Kane to the vacant seat on Council.

Edward Kane was sworn into office by Mayor Jeffrey Szczecina.

**Motion was made by Karen Ruzicka and seconded by Lacey Gonzalez to amend the agenda to nominate a Council Vice President and President Pro Temp.** Motion was opened for comment; none made. Motion carried unanimously by Council.

Karen Ruzicka nominated Joseph Weber for Vice President. President Wargo asked if there were any other nominations; there were none. Nominations were closed.

**Motion was made by Karen Ruzicka and seconded by Lacey Gonzalez to nominate Joseph Weber as Council Vice President.** Motion was opened for comment; none made. Motion carried unanimously by Council.

Joseph Weber nominated Karen Ruzicka for President Pro Temp. President Wargo asked if there were any other nominations; there were none. Nominations were closed.

**Motion was made by Joseph Weber and seconded by Alan Kruslicky to nominate Karen Ruzicka as President Pro Temp.** Motion was opened for comment; none made. Motion carried unanimously by Council.

### **Floor** –

1. Michele Midas, 46 West Ludlow Street, was wondering if Council got anywhere with the parking situation on Ludlow Street. It was brought up at a meeting by Karissa Smith that most of the unit blocks of East and West Ludlow are businesses. They are not having issues with customers but with residents that are living in the apartment buildings. The concern was whether the street was wide enough to make it horizontal parking on both sides to allow for more parking spaces. President Wargo said that PennDOT has strict rules about angle parking on both sides of the street. If they were to pursue it, they would need to do a traffic study and have an engineer measure the street to determine if there is enough room on the street. They will contact the borough engineer to get information on whether or not they can do angle parking on those blocks.

### **General Purpose Business** –

1. President Wargo said the first item of business is to discuss the draft of the Rental Property Ordinance. They do currently have an ordinance in the books but there are some deficiencies that they need to address. He thanked Councilwoman Basiago for doing all the research. He would like to go through the points of the ordinance to discuss any questions that Council may have about the ordinance. It will be discussed again at the September meeting. By October's meeting, he hopes to have it ready for advertising. Once advertised, it will be opened for public comment and inspection. He would also like to hold a meeting or two in October so that landlords can get the information on what is being changed. If everything is in order, they will vote it into law in November or December to start enforcing it in January 2025.
  - a. Certificates to Lease will no longer exist and will be replaced with residential rental licenses.
  - b. There will be an application process which the landlord will have to apply for a license.
  - c. Landlords will need to be in good standing with the borough.
  - d. If the property is purchased by an LLC, they will have to disclose all the principal partners of the LLC. All principal partners will also have to be in good standing with the borough.
  - e. They will not be able to obtain a license if they do not have current assessments paid. If they default on the current assessments, they can lose their rental license.
  - f. Licenses will be good for a year and a rental inspection will be required every two years to make sure it is up to code.
  - g. The first inspection will take place before obtaining the license as a condition of the ordinance.
  - h. Provisions in the ordinance to make sure that landlords inform the tenants of local laws and make sure the tenants get permits to move into the community.
  - i. There will be an Appeals Board

- j. It will help the landlord with troubled tenants by giving them the ability to start an eviction process for nuisance tenants.
- k. Strengthens the laws on making sure properties are safe.
- l. Inspection processes will take place to get the rental license, which will be done by qualified rental inspectors.
- m. Landlords that have the licenses must disclose all their rental properties on a yearly basis.

President Wargo stated that he is going to go section by section so that if anyone has questions they can discuss.

- a. The first three sections are the Title, Legislative Intent and Definitions.
- b. 361-4 Obligation to Report Rental Property. Within 30 days of the ordinance becoming effective, landlords or required to submit to the Borough Secretary a list of their rental properties within the community.
- c. 361-5 Appointment of the Code Enforcement Officer. Governs the fact that the Code Enforcement Officer will be responsible for overseeing the violations process and notices. The borough office will act as the holder of the records and maintain the lists.
  - i. Councilwoman Gonzalez said that this section was not in the previous code labeled as this number. There are a lot of references that need to be cleaned up.
  - ii. Councilwoman Ruzicka stated that under B3 – Section A, the Housing Authority. She feels that they should not be exempt from inspections. President Wargo explained that they are not exempt. Councilwoman Basiago said they can be inspected by us if we feel it is necessary. They will have to send a report every year on their housing. If we feel they need to be inspected, we can do so.
  - iii. Councilwoman Ruzicka also questioned B4 – Section A, Boarding House. She asked if a boarding house is a building like the Parkview. President Wargo explained that a boarding house is a house where a bathroom and kitchen are shared but you would need a single license for all the rooms, unlike an apartment building, which needs an individual license for each apartment. Councilwoman Gonzalez asked if a Bed & Breakfast would also fall under a boarding house. President Wargo said a Bed & Breakfast would fall under a short-term rental but would fall under hotel laws, which they do not have in the books yet. He will make sure to ask the Solicitor about this for clarification.
  - iv. Councilwoman Ruzicka stated that she is concerned about the transfer of rental licenses. Does this mean if a place is sold, the license would still be good until the renewal. President Wargo said under 361-6 H, it states that a rental license or renewed license shall not be transferrable.
  - v. Councilwoman Gonzalez pointed out the use of the language owner-occupied dwelling under 361-6B-2A. The definition states it is a dwelling unit where at least one owner of record resides. What if you are living there but also renting out a space. It states that not more than three unrelated individuals, in addition to the owner and relatives, occupy the dwelling unit at any given time. What if you are the owner who lives there but rents out the basement to an unrelated person. She feels that there are some gaps in the language.
  - vi. President Wargo said that licensed foster homes do not qualify for rental. It is an exception to the rental qualification.
- d. 361-6 Residential Rental Licenses.
  - i. Section C – Residential License Requirements. This has to do with the qualifications to get a licensed property. Controls making sure the assessments are paid, regulated units and if they have been inspected.

- ii. Section D – Residential License Applications. This section spells out what needs to be included in the application, which covers the information in Section C.
- iii. Section E – Issuing a Residential License. The process is the application has to be processed and submitted with a fee, required rental inspections must be performed, fees are the responsibility of the landlord and must be paid in full prior to issuing the license, all other rental properties in the name of the landlord and affiliated agents must be in good standing, documentation is provided to the Code Enforcement Officer, as well as any other requirements as outlined in this chapter are met. Councilwoman Gonzalez had a question on E-3 regarding Rental Inspection Checklist and asked if we have a checklist. President Wargo said it is not an actual checklist but part of the ordinance. There will be a checklist designed for inspections.
- iv. Section G – Certificates to Lease. If there are any certificates to lease, the residential rental license will replace all certificates. Certificates to Lease will expire once this ordinance goes into effect. It will be the landlords responsibility to get a license within 120 days.
- v. Section H – Transfer of Rental Licenses when Selling a Rental Property. Rental licenses are not transferable. In the case the rental unit(s) is sold or transferred to a new owner, the new owner shall apply for a rental license for each unit and comply with all requirements. Failure to apply within five days before/after the transfer of ownership shall result in revocation of the license obtained by the prior owner. A rental property that is transferred to a new owner who plans to live in the property and transform it back into an owner-occupied dwelling shall submit a letter in writing to the Borough along with two proofs of identity that they are dwelling at the property. Councilwoman Gonzalez asked in what time period. The previous one says 5 days and if you have moved before, it takes longer than 5 days to get bills, driver’s license, and anything else changed over to the new address, but she would need a moving permit. Would the requirement of the moving permit suffice. President Wargo stated that the list is a sample of what is required. Even a copy of the property transfer would work. They just have to declare that they are living there. If they are found to not be living there, then they are in violation of the ordinance. The 5 days refers to the property being sold and the new owner starting the process of getting a rental license within those 5 days.
- vi. Section I – Requirements for Rental License Reporting. This is to make sure that the records are kept up to date. The property owner or manager needs to provide records each year, which is due by April 1<sup>st</sup> of each year. They must also notify the borough within 30 days of any changes in tenancy as well as obtaining moving permits for new tenants.
- vii. Section J – Renewal of Rental Licenses. The renewal of applications must be submitted within 30 days of the expiration date of the license. Required re-inspections every 2 years. Payment for license renewal can be paid in advance but license will not be issued until inspections/re-inspections are completed. If there are violations, Code Officer can hold them up until the inspection is corrected. There are provisions that if someone is living at the property and there are problems that do not jeopardize the safety of the occupants of the property, the Code Enforcement Office can work with the Landlord to get things corrected while tenants stay in the property by issuing a temporary license. If it is unfit for human habitation, they are obligated to deny the rental license, for the safety of the people and be ordered to move them to another location.
- viii. Section K – Revoked Licenses. This section is for licenses that are being pulled for failing inspections, not being in good standing or for not following the renewal procedures. A license can be revoked temporarily by the Code Officer until the property is brought back into conformance. The license will also be revoked if they violate state, federal or local laws relating to housing. If the problem is not fixed, then the license is considered invalid, and they must start the proceedings all over again. Councilwoman Gonzalez asked if a property owner is one day late in paying their trash bill, technically their license would be suspended and reinstated, in theory. But, if they do not pay their property taxes by December 31<sup>st</sup>, it takes the county a few weeks to process the delinquents so the property owner cannot pay them until they are processed at the county. They

would have 120 days to get them paid and get the license straightened out. President Wargo stated that they are not here to knock people. They just want to make sure the spirit of the law is being followed. The ordinance does give the Code Enforcement Office the ability to work with a person to correct the problem. But, if the person will not work with them or refuses to talk to them, then it does go through the process as discussed.

- ix. Section L – Residential License Suspension. This is where the license would be suspended temporarily. There are provisions in this section that do not go as far as revoking it.
  - x. Section M – Residential License Reinstatement. This section describes how to reinstate the license.
  - xi. Section N – Procedure for Revoking or Suspending a License. This section outlines what the Code Enforcement Officer has to provide to the non-conforming landlord.
  - xii. Section O – Criteria for Revocation and Suspending Licenses. This was added to provide discretion to the Code Officer to understand how to sanction the property, whether to use a suspension or revocation and what they should use to make that determination.
  - xiii. Section P – Rental License Fees. All fees will be set by resolution. There will be a rental license fee, renewal fee, reinstatement fee, etc. Councilwoman Ruzicka said that she would like to see the fees listed in the ordinance. President Wargo explained that the fees must be set by resolution and because everything is codified, the fees will not be listed in the ordinance.
- e. 361-7 Rental Inspections. The requirements are anyone that requires a rental license needs to have their property inspected. There are procedures that are almost identical for scheduling new inspections versus renewal inspections. The amount of days’ notice is standardized throughout the section. The initial rental inspection process for existing rental properties. Once the ordinance is adopted, on January 1<sup>st</sup>, after the year of passage, they are going to divide the town into four districts. District 1 is the Northeast section of the borough, District 2 is the Northwest section of the borough, District 3 is the Southeast section of the borough, including White Bear and Mountaintop Road, and District 4 is the Southwest section of the borough. Each district will be required to apply by the scheduled time after the passage of the ordinance. District 1 by January 1<sup>st</sup>, District 2 by July 1<sup>st</sup>, District 3 by January 1<sup>st</sup> of the subsequent year and District 4 by July 1<sup>st</sup> of the subsequent year. They will honor anyone who self-presents a property for rental inspection prior to their scheduled time.
- i. Councilwoman Gonzalez mentioned that sections of the Lansford Townhouses are within the Summit Hill Borough limits but are they considered housing authority units. She feels they should be listed in one of the districts. Councilwoman Basiago recommended adding them to District 4.
  - ii. Section E – Inspection Process. This is similar to new applications and renewal applications, but it is spelled out separately, so they have granularity over it.
  - iii. Section F – Residential Checklist. The license application will have the checklist attached. The rental inspection officer will go out, inspect the property and if it matches and they pass everything on the checklist, the rental inspector will take it, sign it and that becomes the approved license. Councilwoman Gonzalez asked if there was a way they can put something on the checklist to say as outlined in this section. President Wargo said that should not be a problem. Councilwoman Gonzalez also asked to have Carbon Monoxide (CO2) detectors added as a requirement. Smoke detectors are already listed but not Carbon Monoxide detectors.
  - iv. Section B-13 and C-1. Vice President Weber asked what 60 amperes or minimum 100 amperes service per rental unit means. Councilwoman Basiago said this was in another town’s ordinance that she used as a reference. President Wargo stated that they will have Lehigh Engineering look over the checklist to make sure everything is correct and in order.
  - v. Councilwoman Gonzalez mentioned B-11 which states that swimming pools, spas and hot tubs must be clean, sanitary and in good repair. Also, enclosures (i.e., fencing, or other barriers) are

required for water depths of 24 inches or greater. She asked that they add pursuant to the borough's swimming pool codes.

- f. 361-8 Managers and Designated Agents. This section requires Property Managers and Designated Agents to serve as a manager of the property when the owner is not a full-time resident of the borough or does not reside within a twenty-mile radius of the borough. They would be responsible for the paperwork, inspections and making sure the property is up to code.
- g. 361-9 Owner and Manager (Landlord) Responsibilities. This section states that you must be in good standing with everything in the ordinance and that you are following all the state and local laws.
  - i. Section B – Property Maintenance. It will be the responsibility of the owner to keep the property maintained.
  - ii. Section C – Rental Agreement and Addendum. The owner must provide copies of the rental agreements and provide an addendum to the borough to prove that you have gone over the local laws with the occupants.
  - iii. Section D – Complaints. If there are complaints, there is complaint process I this section to cover nuisance tenants.
  - iv. Section E – Moving Permits. Moving permits will be the responsibility of the landlords or designated agents to obtain on behalf of the tenants.
  - v. Section F – Tenant Education. It will be the responsibility of the landlord or designated agent to inform all tenants of the local laws including the occupancy limit of the rental property, animals/pets, fireworks, noise, quality of life, winter parking regulations, garbage, and for homes the laws about weed and vegetation sidewalk maintenance and ice removal.
  - vi. Councilwoman Gonzalez asked about the Exhibit A that is mentioned in 361-9, A-11. President Wargo said they are still working on the Addendum and ill need to clean it up.
  - vii. Councilwoman Gonzalez also asked about 361-9, D-1. It states that the owner shall respond to and correct problems within 30 days after receiving a valid complaint. She would like to know what constitutes a valid complaint. She feels it needs to be clarified.
  - viii. Section G – Evictions. It gives the landlord the ability to start eviction proceedings because the tenant violated any part of the ordinance.
  - ix. No. 10 – Repairs by Borough. Gives the borough the right to repair property that the owner neglects. The borough can put a lean on the property or sue the owner for the unpaid bills.
  - x. No. 11 – Rental Inspection Rights. The owner shall allow and schedule inspections by the Code Enforcement Officer of the premises after a minimum of 15 days' notice has been provided to the owner. The owner must provide 3 days advance notice to an adult occupant of the rental when there is reason to believe there is an imminent threat to public health and safety.
- h. 361-10 Tenant Responsibilities. This section is to make sure that if there is a problem tenant the landlord can deal with it legally.
  - i. Councilwoman Gonzalez asked about Section C – 2 which sates that conduct which results in damages in excess of \$500 shall be considered as presumptive evidence of disruptive conduct. She is wondering where the dollar amount came from because \$500 is a broken window or two. The landlord does collect a security deposit. President Wargo stated the idea is to give the landlord reason to go after a tenant for destructive damage.
- i. 361-11 Violations and Notice Procedures. This defines what a violation should look like and how it should be served on the tenant.

- j. 361-12 Other Prohibited Acts. It summarizes the violations of other sections of the ordinance to make sure it is spelled out in one section to make it easier to find.
- k. 361-13 Appeals Board. This spells out the criteria for filing an appeal, the procedure for appeal and the composition of the Appeals Board.
  - i. The appeals board is made up of a resident of the Borough, someone who owns a rental property in the borough and a licensed contractor or certified building/code official who is not currently appointed by Council. Each member needs to be at least 21 years of age.
  - ii. There would be two alternate members on the board in case a who would have a voice but no vote unless there is a conflict of interest between one of the three voting members of the board. They will be required to attend the hearings.
  - iii. No one that sits on the board can have any connection to Council/Borough.
  - iv. Terms for the members will be five years except for the first year, when the terms will be staggered so there is a continual turnover, so the entire board does not expire at the same time.
- l. 361-14 Violations and Penalties. The fines, unless otherwise noted, will follow the standard codification, which can be up to \$600 for civil penalties and \$1,000 for criminal penalties. Those fees will be decided by the magistrate.
  - i. The only fees that are separate from those penalties is if the landlord is in violation of not having an inspection or obtaining a license. The fees for this are:
    - First Conviction - \$100 per day will be imposed for each day found in violation
    - Second Conviction - \$175 per day will be imposed for each day found in violation
    - Third Conviction - \$250 per day will be imposed for each day found in violation
    - The continuation of such violation for each rental unit in violation for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of the violation may be punished as provided above for each separate offense.

President Wargo recommended that Council discuss it again at the September meeting and they can further discuss the fees for rental inspections, administrative work and for the licensing.

- 2. Borough Secretary, Kira Steber, stated that they did not receive any additional quotes for tree removal in Ludlow Park. The borough workers have reached out to a few other services and have gotten no response. **Motion was made by Karen Ruzicka and seconded by Joseph Weber to approve the estimate received from Deitrich's Tree Service & General Contracting in the amount of \$1,900.** Motion was opened for comment; none made. Motion carried unanimously by Council.
- 3. President Wargo noted that they would like to start looking at the budget earlier than they have in the past. Ms. Steber provided a copy of the 2024 budget as well as what was collected and spent to date. Councilwoman Gonzalez recommended holding the budget meetings on the dates that were originally scheduled for committee meetings and would like to make sure Kira is present in case there are any questions or so she can provide historical information, if needed. Budget meeting dates will be on September 23<sup>rd</sup>, October 28<sup>th</sup>, with November 18 being a special meeting so they can advertise the budget for review and adoption at the December meeting. Council would like to have all budget requested submitted to the Borough Secretary by September 17<sup>th</sup> for Council's review before the meeting.
- 4. President Wargo mentioned that he will work on revising the committees and get them out by the end of the week.

**Motion was made by Lacey Gonzalez and seconded by Joseph Weber to enter into an Executive Session at 8:28 p.m. for personnel matters.** Motion was opened for comment; none made. Motion carried unanimously by Council.

**Motion was made by Alan Kruslicky and seconded by Joseph Weber to enter into back into regular session at 8:40 p.m.** Motion was opened for comment; none made. Motion carried unanimously by Council.

**Motion was made by Marlene Basiago and seconded by Joseph Weber to adjourn the meeting at 8:41 p.m. until the next regularly scheduled meeting on September 10, 2024.** Motion was opened for comment; none made. Motion carried unanimously by Council.

David Wargo  
Council President

Kira Steber  
Secretary/Treasurer