

Summit Hill Borough Council
April 28, 2025, 6:00 p.m. Borough Hall

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

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

Floor –

1. Jason Zellin, 320 East White Street, said he has concerns about the property next to him at 324 East White Street. The owner is doing work and there is a mess on the property, out in the street, and in his yard. They also have property damage from the construction and they were on top of his roof. They put a call into the Zoning Officer, who did stop by the property last week. President Wargo said he looked into the issue with the contractors going onto his roof and they contractor would need to get permission from them to go onto their roof. Mr. Zellin stated that there is no courtesy from this property owner, and they are fed up with it. He is hoping that what he hears about what they are going to do with the place is just hearsay. President Wargo said that it has been said that the property owner is making the property into a Bed & Breakfast. There is a procedure he must go through which starts with a zoning permit. It would be denied because it is a residential zone. They would then need to apply for a permit for special use, which a hearing would be held in front of the Zoning Hearing Board. If they know that he is illegally running a Bed & Breakfast, then it would need to be reported to the zoning officer who would need to investigate. If they find the charges warranted, they will issue a cease-and-desist order until permits are obtained. President Wargo said they are finalizing a new Zoning Ordinance which is where the public would be able to weigh in on this to see if the zoning law applies to this type of situation. They are also starting the process of looking into a Short Term Rental Ordinance, which Councilwoman Gonzalez proposed. Councilwoman Gonzalez said this ordinance will fill in the gap but also piggyback on the rental ordinance because the rental ordinance does not cover under 30-day rentals. They do not want to discourage Economic Development, but they want it done in a manner that helps the town and not hurts the town.

Pat Williams said the owner doubled the size of the house with the addition he added, which can house 20 people in the property. What will happen with parking if they decide to fill the house for the weekend. President Wargo stated that is the job of the Zoning Hearing Board. There are limitations that the board can set for businesses like what they can run, the occupancy, how many parking places are required, what days and times of day they can operate, what kind of signage they can have, etc. These questions would be asked to the board at a hearing.

Jason Zellin asked if inspections were supposed to be done. Ms. Steber said there are phases as too when the inspector is to be called for inspections and it is the property owner's responsibility to call and set that up. Mr. Zellin said the addition is on and he has not seen an inspector around. Ms. Steber said she will follow up with Lehigh Engineering. Ms. Williams stated that the property owner told Jason that he was going to tear his fence down and then told the other neighbor that they own their land. President Wargo said that is a police matter or a civil matter between the neighbors.

Committee Reports

Street Committee - President Wargo said there is an issue with people dumping snow over the wall at Memorial Park and now there is a pile of stone in the grass. Do they address the person(s) who put it there or have the borough workers clean it up. Councilwoman Gonzalez asked if there was proof of who put it there. If not, then they cannot go around accusing someone without proof. Ed Altemose asked if they were talking about residents throwing snow over the wall or businesses who are dumping pile after pile. President Wargo

said he is talking about substantial amounts of snow being dumped. Moving forward they can make it a policy not to dump in the park. Councilwoman Gonzalez said they should have an alternative place for them to be able to dump the snow to give people the opportunity to keep the park clean. Councilwoman Basiago asked if this was the first time they are having an issue with the stone. Ms. Steber explained that there has been dumping in the park for years but does not believe the stone has been this bad. Councilwoman Gonzalez said they can try to approach it by saying we are aware of the issue and know that people do not have a place to get rid of the snow. If you happened to dump it in the park this year, we would appreciate it if you helped us clean it up. A brief discussion took place as to where they would designate to allow dumping snow in the future. Mr. Altomose said there is a vacant lot that the borough owns behind Walter Street where the previous borough workers used to dump snow years ago. Fred Evans stated that there are a lot of people who do not have a lot across from their house, including himself, and he does not have a problem with his snow. President Wargo explained that what they are talking about is people who plow their streets and parking lots with loaders or larger equipment. Council agreed to have the borough workers clean up the stone but make it known to the public that there is no dumping allowed in any park.

Building Committee - Councilman Kane said that now is the time to discuss what they want to do with the heating system at the fire company. There are two units in the garage area, and one is down. If the other one fails, they will not be able to heat the garage. They can replace it with gas or electric, which was roughly around \$1,500 for either. But overall, it might be cheaper to go another route because they would have to run gas lines. Councilwoman Basiago asked what Council did a few years ago when they replaced all the heating systems in the buildings. Did they not include the fire company when planning it. President Wargo said they only did the municipal building and the community center. Councilman Kane said that Ronnie said he can install the heater, but they would need to get someone to install the gas lines. Council discussed the options and said depending on the cost, they may have to go out on bid. Ms. Steber said the threshold is \$12,300 before having to go out on bid. President Wargo asked that Ed get prices and bring it back to Council.

Motion was made by Lacey Gonzalez and seconded by Karen Ruzicka to approve the Committee Reports. Motion was opened for comment; none made. Motion carried unanimously by Council.

Old Business -

1. President Wargo gave an update on the monuments in Ludlow Park. He said the borough workers power washed the monuments and Council received pictures. Council was satisfied with the job they did and felt it was sufficient. Regarding the soldier statue, he reached out to someone at the Gettysburg National Park Services who directed him to another person who could help him. The guy from GNPS stated that bronze monuments should be left to patina, which then leaves it in a natural state and protect it, but he is not an expert. **Motion was made by Karen Ruzicka and seconded by Edward Kane table the decision with the Civil War Statue until further information is received.** Motion was opened for comment; none made. Motion carried unanimously by Council.
2. President Wargo said that as part of the Rental Property Ordinance there is an inspection program that goes along with it. They expected to have inspections done by now but because it took some time to get the clerk up to speed, they are off schedule. She has done a fantastic job so far getting people to comply. They are in a position now where they are getting ready to start the inspection part of the program. It originally laid out that inspection would run in six month periods but because of the time it took to get responses, it delayed the inspections. He explained his thoughts on how he would like to manage the inspections by starting to move forward with those that have paid and are in the 1st and 2nd quadrant. Those that have not paid will get moved to the end and those inspections that are scheduled for the second half of the year would have the 2nd quadrant on schedule. If it is done this way, they would not have to change the program guidelines. Councilwoman Gonzalez said they need to expect that people will not pay or pay late. In other towns they charge a fee for every month a landlord is late with payment. Council agreed to leave the program guidelines as is.

New Business –

1. **Motion was made by Lacey Gonzalez and seconded by Karen Ruzicka to ratify the motion to request send a letter of support to the CLSH Sewer Authority for an application to the PA Small Water and Sewer Grant Program for the treatment plant for a mechanical bar screen system improvement project.** Motion was opened for comment; none made. Motion carried unanimously by Council.
2. A letter was received from the Summit Hill Memorial Day Parade Committee regarding the 2025 Memorial Day Parade. **Motion was made by Marlene Basiago and seconded by Lacey Gonzalez to approve the request from the Summit Hill Memorial Day Parade Committee to have the police and fire police assist with the parade on Monday, May 26, 2025, to have the proper streets posted “No Parking”, as in the past.** Motion was opened for comment; none made. Motion carried unanimously by Council.
3. President Wargo said they received a letter from a property owner regarding the Rental Property Inspection Program. The situation is that the people own a house, they have someone living in the house, they bought the house to help the person out, the person living there is paying the bills but does not cover the costs to rent the property. Now they have fallen into the definition of landlord, which does match with their long term plan. Due to this, they have given the person notice that they need to move out of the property by October 1st. They are now questioning whether or not they would be required to pay a rental license and have an inspection done on the property because they do not have any intention to rent the property after the person moves out. From January until October the person would be living there without an inspection. Councilwoman Ruzicka stated that her uncle had a similar situation where he bought a house because the lady who lived there could not afford it anymore. In the agreement it stated that she could live in a section of the house until her passing by only paying him \$100 a month for the electric. These things do happen. Since they have given her notice to move out and they do not plan to rent it, she feels that they should not make them get an inspection. Councilwoman Gonzalez said she has a completely different feel on this situation and feels it will arise more than they think. She explained an example of a cousin who does not want her to pay inheritance tax so would like to transfer the property into her name having full ownership of the property. They did not put a life estate in the deed so now she has become a landlord. Her feeling is that it needs to be documented into the deed that they are allowing someone to live there until they pass. If they show proof of that, then she would be ok with waiving the license and inspection. By doing this it states that they cannot rent the property out to anyone because the document states this is a gift, and the life estate is in the deed. A brief discussion took place about the situation. Ms. Steber asked a question that is a comparable situation as to what they are discussing. A person spoke to Dana about her property because she received a rental packet in the mail. She currently owns the home but her relative is doing a rent to own with her and is in the process of purchasing the home this year. Does she need to follow through with the license and rental process. She technically is not paying rent but is paying the mortgage. Councilwoman Gonzalez explained that it all depends on what the contract states. In a rent to own agreement there are often times where there is a rental portion and then a portion that is attributed to the downpayment for the home. If it was documented that there are downpayment funds and a future date documented for the purchase, it is legal evidence that says this is in fact the case of what is happening. It is something that a legal document and not something that is notarized. President Wargo feels that in a rent to own situation you should still be made to pay for the license portion of it. A brief discussion took place on the rent to own situation. Councilwoman Gonzalez stated that if they start making exceptions, it becomes a slippery slope. Councilman Kane asked if an affidavit would suffice for the situation in hand because by the time they do the application and get the inspection the person can be moved out. Councilwoman Gonzalez feels that their desire was to have the person live there uninterrupted as long as they remained on this earth. Councilwoman Basiago feels they should at least do a license but not get the inspection. President Wargo asked that Lacey and Ed to send the information to Kira so that he can forward it on to Solicitor Frycklund to review and see what they can do legally to add an exemption to the law.

4. President Wargo said Councilwoman Basiago received letters from both the Shade Tree Commission and the American Legion stating that neither one of the organizations planted or own the shrubs around the monuments. Council agreed at the last meeting that the borough workers can remove the shrubs and fix the boarder around the monuments as long as there was verification that neither organization owns nor planted the shrubs. Council said to notify the borough workers to move forward.

Motion was made by Lacey Gonzalez and seconded by Karen Ruzicka to adjourn at 6:54 p.m. until the next regular meeting of the Summit Hill Borough on May 13, 2025. Motion was opened for comment; none made. Motion carried unanimously by Council.

David Wargo
Council President

Kira Steber
Secretary/Treasurer