

Summit Hill Borough Council
October 28, 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 Joseph Weber, Lacey Gonzalez, Karen Ruzicka, Edward Kane, Marlene Basiago, Solicitor Robert Frycklund and Mayor Jeffrey Szczecina were all present. Alan Kruslicky was absent.

Floor – No one from the floor signed in to speak.

Minutes – **Motion was made by Marlene Basiago and seconded by Edward Kane to approve the meeting minutes from the August 26, 2024 Special Council meeting.** Motion was opened for comment. Councilwoman Ruzicka said that she would like a correction to be made on page 4 of the August 26th minutes. The motion states that she and Lacey Gonzalez made a motion to appoint Joseph Weber as Council President, and it should read Council Vice President. No further comments made. Motion carried unanimously by Council to approve the August 26th meeting minutes with the correction. **Motion was made by Edward Kane and seconded by Karen Ruzicka to approve the meeting minutes from the September 10, 2024 Council meeting.** Motion was opened for comment; none made. Motion carried unanimously by Council. **Motion was made by Lacey Gonzalez and seconded by Karen Ruzicka to approve the meeting minutes from the September 23, 2024 Special Council meeting.** 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 \$1,471.32 for September 2024. Total collected from Carbon County was \$680.55 for August and September 2024. He mentioned that Officer Pituch and Officer Ohl responded to a fire in Lansford and assisted with rescuing an individual off the roof. He also presented two checks to the Diligence Fire Co. The first check is in the amount of \$1,380, which was from the annual tailgate fundraiser and the sale of t-shirts. They also did a bus raffle for a Notre Dame vs. Navy game at Yankee Stadium, which they collected a profit of \$890 and will also be donating to the fire company. Chief Hoben was not able to make the meeting to accept the checks so he will give them to the Council President to pass on to the fire company. Those that helped raise the money were: Joe “Fuzzy” O’Donnell, Rich Gould, Brian Dolena, Tatum O’Brien, Chief Shawn Hoben, Larry Black, Dave McAndrew, John Dowling, and Becky Collura from the fire company. President Wargo stated that Council also appreciates the efforts of the citizens for raising the money for the fire company. **Motion was made by Joseph Weber and seconded by Marlene Basiago to accept the mayor’s report for the month of September 2024.** Motion was opened for comment; none made. Motion carried unanimously by Council.

Police Report – Chief Woodward read the monthly report. **Motion was made by Karen Ruzicka and seconded by Lacey Gonzalez to approve the Police report for the month of September 2024.** Motion was opened for comment; none made. Motion carried unanimously by Council.

Planning and Zoning Report –

1. President Wargo said one letter of interest was received from Jason Zellin for the open seat on the Zoning Hearing Board. **Motion was made by Joseph Weber and seconded by Edward Kane to appoint Jason Zellin to the vacant seat on the Zoning Hearing Board with the term to expire on December 31, 2024.** Motion was opened for comment; none made. Motion carried unanimously by Council.
2. Council was presented with a recommendation and plan from the Summit Hill Planning Commission for approval of a reverse subdivision plan for Anthony and Katelyn O’Gorman. Ms. Steber stated that the Planning Commission did grant the waiver of the plan scale requirements in the SALDO, and they made a motion to grant conditional approval pending acknowledgments and certifications to the plans. **Motion was made by Joseph Weber and seconded by Lacey Gonzalez to approve the reverse subdivision**

plan for Anthony and Katelyn O’Gorman. Motion was opened for comment; none made. Motion carried unanimously by Council.

UCC, Code Enforcement and Rental Inspection Reports – Motion was made by Lacey Gonzalez and seconded by Joseph Weber to accept the UCC, Code Enforcement and Rental Inspection reports for the month of September 2024. Motion was opened for comment; none made. Motion carried unanimously by Council.

Work Leader Report – Motion was made by Edward Kane and seconded by Marlene Basiago to accept the Work Leader Reports for the month of September 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 September 2024. Total taxes collected were \$3,9043.86 with a commission of \$117.15. **Motion was made by Lacey Gozalez and seconded by Karen Ruzicka to accept the Tax Collector Report for the month of September 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 September 2024. Total delinquent real estate tax collected was \$3,544.70. **Motion was made by Lacey Gonzalez and seconded by Karen Ruzicka to accept the Delinquent Real Estate Tax Report for the month of September 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 September 2024. Total EIT submitted was \$12,691.81 with a commission of \$219.57 and postage charges of \$63.29. Total LST submitted was \$28.00 with no commission and postage charges of 9.71. Total DLT submitted was \$90.75 in delinquent Occupation Tax and \$38.50 in delinquent Per Capita Tax. **Motion was made by Lacey Gonzalez and seconded by Karen Ruzicka to accept the Wage Tax report for the month of September 2024.** Motion was opened for comment; none made. Motion carried unanimously by Council.

Delinquent Garbage Collection Report – Creditech Collection Solutions submitted their Delinquent Garbage Collection Report for the month of August and September 2024. Total collected from Creditech was \$1,018, from the Borough was \$2,214.00 with \$345.60 submitted to the Borough for the collections. **Motion was made by Edward Kane and seconded by Marlene Basiago to accept the Delinquent Garbage Collection report for the month of August and September 2024.** Motion was opened for comment. Motion carried unanimously by Council.

Receipts – Total receipts received for the month of September 2024 were \$175,395.46. **Motion was made by Karen Ruzicka and seconded by Joseph Weber to accept the Receipts for the month of September 2024.** Motion was opened for comment; none made. Motion carried unanimously by Council.

Committee Reports

Street – Received a notice from Penn DOT of the estimated allocation of Liquid Fuels for 2025 in the amount of \$99,546.59.

Recreation –

1. Received the October 1, 2024 meeting minutes from the Recreation Commission.
2. Councilwoman Basiago stated that there is a lot going on with the commission.
 - a. Dancercise classes are being held on Mondays and Wednesdays starting at 10:00 a.m.
 - b. Yoga classes are held on Thursdays starting at 6:00 p.m.

- c. Pickleball is held at the community center on Wednesdays from 6:00-9:00 p.m.
 - d. A wrestling match was held in September as a fundraiser to benefit the commission. The organization donated \$88 from the event.
 - e. The commission members are reviewing option to add additional playground equipment at the Little League playground.
 - f. Christmas on the Hill will be held on December 8, 2024 with the trolley running from 5:00-7:00 p.m. with Santa arriving at 7:00 p.m. Walters Monument donated \$500 for the teddy bears.
3. President Wargo said no bids were received for the dinnerware at the community center. Solicitor Frycklund said the next step is to declare the items valueless and dispose of them. President Wargo asked if they can put the items on a municipal website for auction. **Motion was made by Karen Ruzicka and seconded by Edward Kane to place the dinnerware on Municibid with a minimum bid of \$100.** Motion was opened for comment; none made. Motion carried unanimously by Council.
 4. President Wargo gave an update on the statue to was broken in Ludlow Park and feels that there should be a rededication ceremony for it in the spring and would like to work with the Recreation Committee to put something together. He explained that it has been fixed but the borough workers still need to sand and paint it before it can be placed back in the park.

Building – Councilman Kane said a quote was received from Ryan O’Gurek to clean, scrub, strip, seal and wax the floors at the community center at a cost of \$2,140. Last time it was done was December 2022. **Motion was made by Marlene Basiago and seconded by Karen Ruzicka to approve the quote received from Ryan O’Gurek to take care of the floors at the community center at a cost of \$2,140.** Motion was opened for comment; none made. Motion carried unanimously by Council. Councilwoman Basiago asked when they are scheduled to do the floors. Ms. Steber said she was waiting to get the cost approved and then will work with them to schedule a time to have it done.

Sanitation – Councilwoman Gonzalez mentioned that they have to appoint someone as the Vector Control Officer, which came up after an issue that had to be addressed at a property.

President Wargo said they need to amend the agenda to take address it. **Motion was made by Lacey Gonzalez and seconded by Joseph Weber to amend the agenda to add to New Business to appoint a Vector Control Officer.** Motion was opened for comment; none made. Motion carried unanimously by Council.

Motion was made by Joseph Weber and seconded by Karen Ruzicka to accept the Committee Reports for the month of September 2024. Motion was opened for comment; none made. Motion carried unanimously by Council.

Communications –

Communications for the Month of September 2024:

1. Letter from Terri Kane, Summit Hill Hootenanny Committee, requesting permission to use Ludlow Park for the 12th Annual event on Sunday, June 29, 2025 from 11am – 8pm. They are also requesting access to the Hill Top Community Center, additional trash cans, traffic horses and the use of the Ginder Field for event parking, weather permitting.
2. Notice of permit correction from PA Department of Environmental Protection regarding the LCN Mine Operation with BET Associates IV, LLC.
3. Notices of Property Assessment Determinations from the Carbon County Board of Assessment and Appeals Determination.

4. Notice of Property Assessment Appeals hearings from the Carbon County Board of Assessment and Revision of Taxes.
5. Information received from Gregory Kurtz Jr. from Advance Code Consultants offering their services
6. 2023 Annual Report for Pennsylvania One Call.
7. Fall 2024 Newsletter from Central Pennsylvania Teamsters.

- **Motion was made by Marlene Basiago and seconded by Joseph Weber to grant permission to the Summit Hill Hootenanny Committee to hold the 12th Annual event on Sunday, June 29, 2025 from 11am – 8pm and to allow access to the Hill Top Community Center, extra garbage cans, block off the streets near the event and to use the Ginder Field for additional parking, weather permitting.** Motion was opened for comment; none made. Motion carried by majority vote. Edward Kane abstained because he is on the committee.

Motion was made by Karen Ruzicka and seconded by Joseph Weber to accept communications for the month of September 2024. Motion was opened for comment; none made. Motion carried unanimously by Council.

Bills – General Fund \$220,961.863, Local Services Tax \$9.71, Community Center \$572.85, Street Lighting Account \$4,455.07, Sanitation Account \$31,382.97, and Street Account \$8,947.71. **Motion was made by Edward Kane and seconded by David Wargo to pay the bills from September 11 – October 28, 2024.** Motion was opened for comment. Councilwoman asked what needed to be repaired on the plow truck for \$8,436.39. Ms. Steber said there were three pages worth of repairs that were done but she does not have the invoice in front of her and the cost is paid for out of Liquid Fuels. Councilwoman Ruzicka asked if it should have been approved because of the cost. Ms. Steber said that it does not need to be approved because it is budgeted. President Wargo added that if it is budgeted and the cost does not go over what it budget, it does not need to be approved. If they need to move money around to pay for things, then they need to approve it. Councilwoman Gonzalez asked if the bills included the payment to the pension. Ms. Steber said it was not in this month’s report but will be on next months. No further comments were made. Motion carried unanimously by Council.

Old Business -

1. President Wargo explained the changes that needed to be made to the Parks and Recreation ordinance. They added rules and regulations, plus add verbiage about the use of open flames in the park, add Memorial Park to the list of parks and add a section about reservations to charge for the use of designated areas. **Motion was made by Lacey Gonzalez and seconded by Karen Ruzicka to advertise Chapter 329 – Parks and Recreation Areas for adoption at the December meeting.** Motion was opened for comment; none made. Motion carried unanimously by Council.
2. President Wargo mentioned they discussed creating a Sewer Transmission ordinance at the last meeting. Solicitor Frycklund said the sample ordinance is fine the way it reads but they need to establish fees. President Wargo brief went over the reason for Council adopting an ordinance to collect a sewer transmission fee. He mentioned that they need to figure out fees for residential and commercial properties. Council needs to decide if they want the same fee for everyone or different fees for each. He said that A and C are the same. Solicitor Frycklund said that A and C can be combined, and C can be stricken from the ordinance. Vice President Weber said that before they set a fee, he would feel more comfortable talking to the engineer to get his input. Councilwoman Gonzalez stated that they will set a fee an if it s paid by June 1st, the regular fee will be paid. If it is after June 1st, 10% of the fee will be added. If they still do not pay it within the thirty days, the borough will post the property that the water will be shut off. What then happens with the fees. Will there be an administrative fee added or a shut off fee from the Water Authority. Mayor Szczecina said that the Water Authorities bill the Sewer Authority for the shut offs and then the Sewer Authority charges the property owner \$50 for the turn off/turn on fee, which also needs to

be paid before the water is turned back on. Ms. Steber said she will check with the Water Authority to verify how the fee is handled. Councilman Kane asked about the apartment buildings that have multiple units but only one water meter. If the water is turned off, it will be turned off for the entire building not an individual unit. President Wargo said that would be the landlord's problem. Council would like to see language in the ordinance to make sure the borough recovers what it needs before water can be turned back on. He asked if someone on the Street Committee would like to take charge of narrowing down the procedure and making sure they have all the fees they need; Edward Kane said he will do it. **Motion was made by Lacey Gonzalez and seconded by Marlene Basiago to have Solicitor Frycklund make revisions to the ordinance.** Motion was opened for comment; none made. Motion carried unanimously by Council.

3. President Wargo mentioned that they looked at the Rental Property and Licensing ordinance last month. The solicitor, rental inspector and the Mayor expressed concerns about the length of the ordinance, and the complexity of enforcing it the way it was written. A meeting was held with the solicitor to discuss what they wanted and needed in the ordinance. This resulted in using another Borough's ordinance because theirs spelled out what they wanted. Council did receive a draft of the ordinance for review. President Wargo pointed out a few items that he wanted to bring to Council's attention.
 - a. Under definitions is where Disruptive Conduct is spelled out. Everything that is in there needs to be told to the tenant when they move in. It is a summary of items that fall under various borough ordinances. He asked that the new ordinance specifies the PA Crimes Code and the Substance Abuse Code, as they have in the old ordinance. Residential Rental Units are now listed under the definitions.
 - b. 361-5 – Exemption was added as a reserve section.
 - c. 361-6 – Duties of Occupants of Residential Rental Units covers the duties of which an occupant is responsible for and spells out what their obligations are as a renter.
 - d. 361-8 – Eviction was added as a reserve section.
 - e. 361-9 – Residential Unit License makes sure the landlord discloses their name, address, and phone number, but they are also requesting that they disclose all principal partners in an LLC. This way they can see if the partners are also in good standing with the borough. If they are not in good standing, they will not be allowed to get a license as a member of the LLC.
 - f. 361-10 – Inspection of Residential Rental Units makes sure the property owner or manager registers with and makes application with the Rental Inspection Officer for a Residential Rental License. No. 1 of this section is particularly important and states the initial inspections will occur in accordance with a phased-in systematic inspection program to be prepared and made available upon request by the Code Enforcement Officer. This means that they will put together a program outside the ordinance to handle the systematic inspection of all properties.

Councilwoman Gonzalez stated that they just received the new ordinance a few hours before the meeting and the last one took her three hours to read through it. She is asking that they not motion to advertise or approve anything until they have more time to look it over. President Wargo said they will not be doing anything tonight but would ask that everyone take the time to review it so they can discuss it at the next meeting and hopefully be able to advertise it for adoption in December.

- g. 361-13 – Violations and Penalties. President Wargo asked that Council review it to make sure they have everything that was already in place in the original ordinance to see if there is anything they want to add or if they have questions. He asked that they forward all questions to Kira so that she can pass them on to the solicitor, so the ordinance is prepared for the next meeting.
4. President Wargo said the Property Maintenance and Quality of Life ordinance was ready for approval but there were questions about who comprises the appeals board. Councilwoman Basiago said she questioned the fact that there was a council member on the appeals board, which she felt would be a conflict of interest. President Wargo said they want to make sure that the appeals board is comprised of three people.

They would like one member to be in the building trade, one should be a resident, and one should be a property owner with all three members living in the borough for at least two years prior to being appointed. **Motion was made by Joseph Weber and seconded by Marlene Basiago to table the adoption of the ordinance until a draft with the changes has been reviewed.** Motion was opened for comment; none made. Motion carried unanimously by Council.

5. President Wargo said there were changes made to the Special Purpose Parking ordinance, as discussed with the solicitor, to make sure the renewal is specified in the ordinance and fees are placed in a resolution. **Motion was made by Marlene Basiago and seconded by Edward Kane to advertise Ordinance No. 05-2024 Section 450-52 for Special Purpose Parking Spaces.** Motion was opened for comment; none made. Motion carried unanimously by Council.

New Business –

1. President Wargo said they need to discuss creating an ordinance for charging stations. Ms. Steber said this was recommended by Ralph Hummel of Lehigh Engineering because someone submitted an application to put one in at their home and he recommended having one in our books. **Motion was made by Joseph Weber and seconded by Karen Ruzicka to have the solicitor amend the sample ordinance to make it for the Summit Hill Borough.** Motion was opened for comment; none made. Motion carried unanimously by Council.
2. Mayor Szczecina announced that Trick-or-Treat will be held on Thursday, October 31, 2024 from 6-8 p.m. with a rain date of Friday, November 1, 2024 from 6-8 p.m. He stated that there will be an extra officer out to assist with Trick-or-Treat.
3. **Motion was made by Lacey Gonzalez and seconded by Karen Ruzicka to appoint Officer Strauss as the Vector Control Officer for the borough.** Motion was opened for comment; none made. Motion carried unanimously by Council.

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

Motion was made by Joseph Weber and seconded by Lacey Gonzalez to enter back into regular session at 9:45 p.m. Motion was opened for comment; none made. Motion carried unanimously by Council.

Motion was made by Karen Ruzicka and seconded by Edward Kane to adjourn the meeting at 9:46 p.m. until the next regularly scheduled meeting on November 11, 2024. Motion was opened for comment; none made. Motion carried unanimously by Council.

David Wargo
Council President

Kira Steber
Secretary/Treasurer