

**HARVEYS LAKE BOROUGH
LUZERNE COUNTY
REGULAR COUNCIL MEETING
August 19, 2008**

The Regular Meeting of the Harveys Lake Borough Council was held on Tuesday, August 19, 2008 at 7:30 P.M. at the Harveys Lake General Municipal Building, Route 415, Sunset, Harveys Lake, PA.

Council President Lucarino called the meeting to order and asked everyone to join him in the Pledge of Allegiance.

President Lucarino announced the meeting tonight was being tape-recorded and if anyone in the audience had a recorder to please advise Council at this point. There was no response from the audience.

Roll call:

Richard Boice	Mayor	Present
Lawrence Lucarino	President	Present
Diane Dwyer	Vice President	Present
Edward Kelly	Council Member	Absent
Clarence Hogan	Council Member	Present
Charles Musial	Council Member	Present
Carole Samson	Council Member	Present
Betty Jane West	Council Member	Present
Charles McCormick	Attorney	Present
Susan R. Sutton	Borough Secretary	Present

****Indicates motions made.**

****Councilwoman West made the motion to waive the reading of the minutes and accept the Minutes of the July 15, 2008 Public Works Session, seconded by Councilwoman Samson. The motion carried unanimously.**

****Councilwoman Dwyer made the motion to waive the reading of the minutes and accept the Minutes of the July 15, 2008 Regular Council Meeting, seconded by Councilman Musial. The motion carried unanimously.**

INCOMING CORRESPONDENCE

We received a response from last month's letter to Maryanne Petrilla:

Dear Mr. Lucarino,

Thank you for your letter regarding Reassessment. As a Commissioner, I can assure you that I am very concerned about the impact these new assessed values are having on our residents. I am committed to helping you in anyway I can at this time.

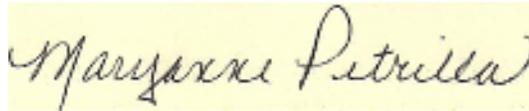
Let me assure you we are working with the Assessment team on a daily basis to make sure that everyone's problems are addressed. It is however, imperative that you go through the process for appeal if you feel your values are incorrect.

We have a strategy in place for successful completion of the Reassessment process.
I urge you to follow the strategy laid out in your notice.

In the event you still need assistance, please feel free to contact me. Again, I thank you for your letter and am here to help you in any way I can.

Sincerely,

**LUZERNE COUNTY
COMMISSIONERS**

A handwritten signature in cursive script, reading "Maryanne Petrilla", is displayed on a yellow rectangular background.

Maryanne Petrilla, Chairman

We also received 2 letters from the Luzerne Conservation District.

- The first letter we received was a letter dated 7/29/08 stating:

The Luzerne Conservation District conducted an inspection of earth disturbance activities at the Individual Lot Development site located on Baird Street in Harvey's Lake Borough. The inspection revealed that earth disturbance activities at the Baird Street Individual Lot site are in violation of the Rules and Regulations of the Department and the Clean Streams Law.

They were requested to submit a written reply to this letter detailing the corrective measures taken or planned to correct the violations referenced.

- We also received a letter for the Second inspection at Pole 18 Lakeside drive stating:

On 7/25/08 and 5/16/08, representatives of the Luzerne Conservation District conducted an inspection of earth disturbance activities at the Pole 18 Lakeside Drive site located in Harvey's Lake Borough. The inspection revealed that earth disturbance activities at the

Pole 18 Lakeside Drive site are in violation of the Rules and Regulations of the Department and the Clean Streams Law. They were also asked to submit a written reply to this letter detailing the corrective measures taken or planned to correct the violations referenced.

The Mayor stated that he had not received a letter from Petrilla and asked if anyone else had received one. Councilwoman Samson and Councilman Musial stated that they had not received one.

OPPORTUNITY FOR CITIZENS TO BE HEARD

President Lucarino asked if there was anyone in the audience wishing to address council.

Sandra Serhan reminded residents of the meeting at the Luzerne County Community College on Wednesday and encourage residents to attend to show their disappointment with the reassessment.

Guy Giordano submitted a copy of a Citizens' Voice article regarding reassessment. He was asking council to consider committing \$50,000 to \$200,000 to start a legal fight against the county reassessment.

REPORTS FROM APPOINTED OFFICIALS AND SPECIAL COMMITTEES

The Tax Collector's report is available on the back table.

The Borough Secretary reported that during the month of June \$14,525.99 was received from Berkheimer.

REPORTS FROM APPOINTED OFFICIALS AND SPECIAL COMMITTEES

Finance: There was no report.

Police: Councilwoman West gave the report from July. The Police worked a total of 760 hours with total miles driven of 6,304. The 151 police calls included 2 parking tickets, 5 traffic citations, 4 non-traffic citations, 4 arrests and 14 written warnings. Total money received from the Magistrate was \$664.38.

Roads: Councilman Musial reported that road department was very busy this past month including cutting brush, putting calcium down on Holowich Drive, and installing 2 catch basins at pole 171 and the intersection of First St. and Lakeside drive, as well as maintenance on the vehicles.

Community Activities: Councilman Hogan reported that were no community events scheduled at this time.

Zoning Hearing Board Report: Councilwoman Samson reported that the Harveys Lake Zoning Board met on Tuesday, August 5, 2008. There were two hearings that night. The first one was the continuance of Mrs. Susan Collini. Mrs. Collini advised the Zoning Board she was eliminating the idea of the 45 turret. The set back variances she requested were granted.

The next hearing was that of Mr. Robert Friedman, Pole 77, who was requesting a variance from the 4' high fence ordinance. Mr. Lanning, who was there for Mr. Freidman, advised the Board that 4 feet was not enough to hold up the wall that was being installed for a parking area only. The variance request was for a six foot wall, a cut back into the land and then another 6 foot wall. The board granted the request.

EAC: There will be another well water testing opportunity for those who missed it last month. Interested parties should contact Denise Sult at 639-1042 for more information. Dorne White from Bowman's Creek Watershed Association will be speaking at either the September or October meeting and EAC will advertise when he will be there.

Councilwoman Dwyer also added that the meeting on Wednesday at the Luzerne County Community College will be held at Building 10 and there will be plenty of parking. She encouraged all residents who are able to attend.

Sewer Authority: Councilwoman Samson reported that the Sewer Authority met on August 6, 2008. There were 3 Board members present, and 19 people in audience. They paid bills totaling \$29,000.70. Attorney Tom O'Connor reported that a list was sent to Denise of properties up for Tax Sale on Aug. 28th. Money continues to come in from Sheriff Sales. Manager Rick Boice reported that daily maintenance continues on all 14 stations. 20 Boathouse laterals have been inspected and found 3 with potential problems. They had 3 quotes for work on a stormwater yard drain at our building. Several residents from Park's Estate properties discussed ownership of sewer laterals, land leases, sewer bills being sent to new owners (Homeworkz), hook-ups and use of land. Atty. O'Connor (with Authority Board's permission) offered to review any documents the residents have regarding land leases, sewers, etc. Cathy Link, in her capacity as EAC Vice Chair asked the residents to document any environmental issues/violations and bring them to the EAC meeting on Tues., 8/12. EAC will report any violations to the Luzerne County Conservation District.

Homecoming Committee: Councilwoman Samson reported that it was nice to finally have a report that didn't start with "Our next meeting will be..." She wanted to thank the council members who helped, the residents who brought their family and friends and the committees who worked hard to get this three day off the ground. Without any help from the past committees, it was a hard think to put together, but they managed to do it. She did not have a financial report because she was still waiting for receipts and bills. She is pretty sure they didn't make any money, but they sure had a good time. Thank you one and all.

Councilwoman Dwyer complimented Carole Samson on a job well done.

****Councilwoman Samson made the motion to accept the reports from Special Committees, Elected Officials and Appointed Officials, seconded by Councilman Musial. The motion carried unanimously.**

NEW BUSINESS

**** Councilwoman Dwyer made a motion to approve the annual audit engagement letter from Prociak & Associates to perform the annual audit for the year ending 2008, issuing our reports no later than March 31, 2009 not to exceed \$5,575, seconded by Councilwoman Samson. The motion carried unanimously.**

****Councilman Musial made a motion approve the College Misericordia resolution for borrowing approval from municipality, seconded by Councilwoman Samson. The motion carried unanimously.**

OLD BUSINESS

President Lucarino asked if anyone had any old business they wished to discuss.

Councilwoman West stated that she is behind the residents in her concern for the inequities of the reassessment, but she is even more concerned with the evictions of the residents leasing property on the Parks Estates. The concern she has for those residents seems to be getting lost in all the talk about reassessment. Why isn't the newspaper picking up on any of this in the news coverage? Maybe we could shed some light on this problem as well.

****Councilwoman Samson made a motion to pay the bills and Payroll in the amount of \$83,118.35, seconded by Councilman Musial. The motion carried unanimously.**

Councilman Lucarino asked if anyone had anything else to add to the meeting.

Councilman Lucarino stated that the council of Harveys Lake Borough tries to support all of the residents equally. Our hands are tied in what we can do. We have written letters to express our concerns, and if there was something else that we could do, we certainly would be willing to try. He asked Solicitor McCormick if there was anything that the borough could do for the Parks estate residents. What about Eminent domain.

Solicitor McCormick said that the laws are complicated and gave a brief overview. However for eminent domain to be used, it would have to pertain benefit the entire community. The Parks Estate issue only pertains to a few.

****Councilwoman Dwyer made a motion to adjourn, seconded by Councilman Musial. The motion carried unanimously.**

The meeting adjourned at 8:05 P.M.

Respectfully submitted by

Susan R. Sutton, Borough Secretary