

**HARVEYS LAKE BOROUGH
LUZERNE COUNTY
REGULAR COUNCIL MEETING
August 19, 2014**

The Regular Meeting of the Harveys Lake Borough Council was held on Tuesday, August 19, 2014 at 7:30 P.M. at the Harveys Lake General Municipal Building, 4875 Memorial Highway, Harveys Lake, PA, 18618.

President Boice called the meeting to order and asked everyone to join her in the Pledge of Allegiance.

President Boice announced the meeting tonight was being tape-recorded and if anyone in the audience had a recorder to please advise Council at this time. No one responded.

Roll call:

Clarence Hogan	Mayor	Absent
Michell'e Boice	President	Present
Tom Kehler	Vice President	Present
Daniel F Blaine	Council Member	Present
Bill Hilburt	Council Member	Present
Ed Kelly	Council Member	Present
Carole J. Samson	Council Member	Present
Amy Williams	Council Member	Present
Thomas O'Connor	Attorney	Present
Susan R. Sutton	Borough Secretary	Present

****Indicates motions made**

President Boice stated that prior to the regular Council meeting an executive session was held to discuss the litigation with Bytoff/Bigus.

****Councilmember Blaine made the motion to waive the reading and accept the Minutes of the July 15, 2014 Public Worksession and Regular Council meeting, seconded by Councilmember Kelly. The motion carried unanimously.**

OPPORTUNITY FOR CITIZENS TO BE HEARD

The floor was opened for Citizens to be heard.

Aileen Dodson asked if Council had formed a committee to review and recommend to Council to pass a local property maintenance ordinance. President Boice stated that one has been formed and that she did receive the information that Ms. Dodson had provided.

Ms. Dodson also asked if some fill could be placed along Noble and Bridge St. She also wanted to thank Council for all their hard work.

Resident Joe Shelanski apologized to council for his outburst last month. He stated that he went to Dallas Borough and received a card of a woman that deals with Property Maintenance there. The card was for Lori Pepper who works for Barry Isett, the company we use for our Third Party enforcement. Council told him that they are limited in what they can do. He needs to go to the Magistrate. It is a civil matter. Council cannot go on private property or tell a resident what to do. Mr. Shelanski still was not happy with the answer.

Resident Kathy Moretti said that she is still waiting for Council to do something about her problem. She wants to know what their definition of vegetation is.

She also wanted to know what is going to be done for the two abandoned buildings at the bottom of Old Lake Rd. There are reports of people going in and out of them and partying.

President Boice stated that if there are people going in and out, then the Police need to be called when this is happening. Not after they are gone. Call 911. President Boice also stated that there isn't any money for this costly process. There is no funding available. There are a lot of abandoned cottages around the lake. Ms. Moretti asked if they were paying taxes. They should be held to the same zoning laws as everyone else.

Councilmember Blaine stated that he is trying to get her issue settled. He says that his definition of vegetation includes Redwoods. He said if the ordinance needs to be changed, he will make the motion. He doesn't know if he will get a second, but he will make the motion.

Judy Spagnola complained about bike riders that ride after dark with no lights on. One even has a dog that runs on a leash along side of her. The Police officer on duty stated that lights or reflectors are required, but also, drivers must not outrun their own headlights. Also, if 911 is called, the officer on duty will check it out.

Ed Williams asked when 415 was going to be fixed. He thought it was moved up on the List. However, nothing has been done. Also, when will the Grotto bridge be done? Council stated that the Grotto bridge project has been delayed a year. Mr. Williams also complained about the condition of Marina Drive. Council will have the Road master take a look at it.

Jay Niskey asked about the basin between Pole 251 and 252. He is under the impression that PennDot is responsible for the maintenance of this basin. Council will have the Road master check it out to determine who is responsible for the maintenance.

Kathy Moretti asked if parking along the State right of way across from TJ's Bar is allowed on Noxen Rd. Council said that parking on a State right of way is always allowed.

The floor was closed.

REPORTS FROM APPOINTED OFFICIALS AND SPECIAL COMMITTEES

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

The Borough Secretary reported that during the month of June the Borough received \$14,947.41 from Berkheimer.

REPORTS FROM APPOINTED OFFICIALS AND SPECIAL COMMITTEES

Finance: Councilmember Blaine gave the report including that total available cash this month is \$574,104.30, restricted cash is \$142,048.77 for a total of \$716,153.07. He also reported that he is beginning work on the budget. Some of the departments are over but the overall budget is in good shape.

Police: Councilmember Hilbert stated that the Police responded to a total of 267 calls including: 48 traffic stops, 5 DUI arrests, 17 citations issued, 26 warnings issued, 9 assists to other departments, 16 open 911 lines, 6 suspicious activity calls, 38 walk ins, 3 warrants, 7 animal calls, 24 misc. calls, 6 motor vehicle calls, 29 Fire and EMS calls, 15 burglar alarms, 5 noise complaints, 5 thefts, 7 domestic calls, 2 suicide attempts, 2 missing persons, 2 theft reports.

- The Chief Attended a school symposium in King of Prussia which was held by the Chiefs of Police Association of Pennsylvania, the training was held to help better our officers for responding to school emergencies.
- The Chief has been communicating with Lehman School officials to better prepare our officers for any type of incident that may occur.
- Officers will also be attending a training course that will provide our officers with better understanding of motorcycle laws and inspection violations. The training will be held sometime in September, the Chief and Council member Danny Blaine made the arrangements for this training to take place.
- The Chief also reports the 33rd annual Triathlon went very well, no incidents were reported concerning the safety of any of the participants. The Chief would also like to thank the Harveys Lake Fire company, especially Kelly Davis for corresponding with the Chief prior to the Triathlon and getting all roads covered by fire personnel. Harveys Lake police officers helped with traffic to ensure a safe travel of the participants.
- The Chief reports the department is running very smooth with no problems.
- We ask as usual, that any resident that sees any type of suspicious activity to report it immediately by calling 911. Keep all doors locked at all times.
- If anyone would like a further detailed report, they can contact the Chief or stop by the station and the Chief will supply what he legally can.
- Reminder to all motorists: First day of school starts Monday August 25 please allow extra time, busses will be once again traveling our roads.
- Traffic monitoring has been done on Lakeside Drive, several motorists have been stopped for speeding violations. The department will continue this heavy monitoring through the next month. Please obey the 35 mile per hour speed limit and watch for bikers and pedestrians.
- D.U.I arrests has been on a rise within the Borough, please be careful, don't drink and drive call for a ride.

Roads: Councilmember Kelly gave the report including that a lot of work has been done all over the lake, especially on Keefer Plot and with killing of bees.

Planning and Zoning: Councilmember Kehler gave the zoning officers report including 206 resident visits. She issued 27 permits, 12 job johnny permits, and 2 hearings before the Zoning Hearing Board. The monthly fees were \$7197.50 for a yearly total of \$24,482.50. She received 14 complaints with 10 being fixed. She drove around the Lake including the trailer court.

Garbage: Councilmember Williams reported that fees collected for the current year in the month of July were \$9,347.66, prior year collections were \$3145.24 for a total of \$12,617.40.

GMAHL: Councilmember Blaine reported that he has approached the Sewer Authority asking if there is anything that can be done to mitigate the sewer odor in the Borough Offices.

Environmental Advisory Committee: It was reported that they met and discussed the possibility of purchasing a Vac Truck. They also reported on the floating wetland islands and the need for some of them to be replanted in the spring. They also reported that an invasive plant, Hydrilla has been found in the lake and will need to be addressed ASAP.

Harveys Lake Rec. Committee: The annual Homecoming weekend was very successful. Mike Rush did a great job. He worked very hard to see it through. There should be a full account next month.

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

New Business

The PMRS submitted an ordinance that needs to be passed. It was advertised and it is now being read into the record:

AN ORDINANCE OF HARVEY'S LAKE BOROUGH, LUZERNE COUNTY, COMMONWEALTH OF PENNSYLVANIA, ELECTING TO AMEND ITS POLICE PENSION PLAN ADMINISTERED BY THE PENNSYLVANIA MUNICIPAL RETIREMENT SYSTEM PURSUANT TO ARTICLE IV OF THE PENNSYLVANIA MUNICIPAL RETIREMENT LAW; AGREEING TO BE BOUND BY ALL PROVISIONS OF THE PENNSYLVANIA MUNICIPAL RETIREMENT LAW AS AMENDED AND AS APPLICABLE TO MEMBER MUNICIPALITIES. IT IS HEREBY ORDAINED BY HARVEY'S LAKE BOROUGH, LUZERNE COUNTY, AS FOLLOWS:

SECTION 1. Harvey's Lake Borough (the Borough), being a member municipality of the Pennsylvania Municipal Retirement System (the System), hereby elects to amend its Police Pension Plan administered by the System in accordance with Article IV of the Pennsylvania Municipal Retirement Law, 53 P.S. §881.101 et seq. (Retirement Law), and does hereby agree to be bound by all the requirements and provisions of the Retirement Law and the Municipal Pension Plan Funding Standard

and Recovery Act, 53 P.S. §895.101 et seq., and to assume all obligations, financial and otherwise, placed upon member municipalities.

SECTION II. As part of this Ordinance, the Borough agrees that the System shall administer and provide the benefits set forth in the amended Police Pension Plan Contract entered into between the Pennsylvania Municipal Retirement Board and the Borough effective January 1, 2014 (the Contract).

SECTION III. The passage and adoption of this Ordinance by the Borough is an official acceptance of the Contract and the financial obligations resulting from the administration of the Contract.

SECTION IV. Payment for any obligation established by the adoption of this Ordinance and the Contract shall be made by the Borough in accordance with the Retirement Law and the Municipal Pension Plan Funding Standard and Recovery Act. The Borough hereby assumes all liability for any unfundedness created due to the benefit structure set forth in the Contract.

SECTION V. The Borough intends this Ordinance to be the complete authorization of the Contract and it shall become effective and specifically repeal Ordinance No. 7-1986 either immediately or on January 1, 2014, which is the effective date of the Contract, whichever is later.

SECTION VI. A duly certified copy of this Ordinance and an executed Contract shall be filed with the System.

****Councilmember Blaine made a motion to approve the PMRS Ordinance as read in order to comply with Federal Regulations, seconded by Councilmember Samson. The motion carried unanimously.**

The proposed Planning Commission Ordinance was read into the record:

AN ORDINANCE AMENDING THE HARVEYS LAKE BOROUGH PLANNING COMMISSION ORDINANCE NO. 6-2007 INCREASING THE MEMBERSHIP OF THE COMMITTEE FROM THREE TO FIVE MEMBERS.

Section 1. Establishment

The membership of the Planning Committee is hereby increased from three to five Members.

Section 2. Responsibilities and functions

The Harveys Lake Borough Planning Commission shall be vested with the responsibilities and functions as set forth in the Pennsylvania Municipalities Planning Code, Act 247, as amended.

Section 3.

ALL OTHER ORDINANCES, OR PARTS THEREOF, WHICH ARE INCONSISTENT OR IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE ARE HEREBY REPEALED TO THE EXTENT OF SUCH BEING INCONSISTENT OR IN CONFLICT WITH THIS ORDINANCE.

Section 4.

IF ANY SECTION, PARAGRAPH, SENTENCE OR PHRASE OF THIS ORDINANCE IS

FOR ANY REASON DECLARED TO BE INVALID, ILLEGAL OR UNCONSTITUTIONAL BY ANY COURT OF COMPETENT JURISDICTION, THE VALIDITY OF THE REMAINING PROVISIONS SHALL BE UNAFFECTED BY SAID DECLARATION. IT IS THE INTENTION OF THE BOROUGH COUNCIL OF HARVEYS LAKE BOROUGH THAT THIS ORDINANCE WOULD HAVE BEEN ADOPTED HAD SUCH UNCONSTITUTIONAL, ILLEGAL OR INVALID PART NOT BEEN INCLUDED.

THIS ORDINANCE SHALL BECOME EFFECTIVE FROM THE DATE OF ITS APPROVAL AND ADOPTION.

****Councilmember Blaine made a motion to approve the Planning Commission Ordinance as read increasing the Planning Commission from 3 members to 5 members, seconded by Councilmember Kehler. The motion carried unanimously.**

****Councilmember Blaine made a motion to appoint Chris Korshalla to the Planning Commission to serve for three years expiring December 31, 2017, seconded by Councilmember Williams. The motion carried unanimously.**

****Councilmember Kehler made a motion to approve the recommendation of Creative Benefits to maintain Vision Benefits for our employee vision care, seconded by Councilmember Hilburt. The motion carried unanimously.**

****Councilmember Williams made a motion to accept the resignations of Officer Michael O'Boyle and Officer Gina Kotowski from the Harveys Lake Police Department, seconded by Councilmember Hilburt. The motion carried unanimously.**

Councilmember Williams stated that they are sorry to see these officers go. Officer O'Boyle moved up to the State Police and Officer Kotowski is the new full time school resource officer for Dallas School District. She wishes them both well.

****Councilmember Williams made a motion to remove garbage accounts on 50 Sunset Terrace and 61 Trolley Hill due to no utility services being present on either account. Renovations are needed to make them livable. And also to remove 300 Carpenter Rd due to demolition of structure, seconded by Councilmember Blaine. The motion carried unanimously.**

****Councilmember Blaine made a motion to advertise equipment no longer needed at the Borough for bid, seconded by Councilmember Hilburt. The motion carried unanimously.**

OLD BUSINESS

President Boice asked if there was anyone with old business to discuss.

****Councilmember Hilburt made a motion to pay the Bills and Payroll in the amount of \$101,699.00, seconded by Councilmember Williams. The motion carried unanimously.**

The next meeting of Council will be held on September 16 at 7:30 pm.

****Councilmember Kelly made a motion to adjourn, seconded by Councilmember Williams.
The motion carried unanimously.**

The meeting adjourned.

Respectfully submitted by Susan R. Sutton, Borough Secretary