

**HARVEYS LAKE BOROUGH  
LUZERNE COUNTY  
REGULAR COUNCIL MEETING  
December 16, 2008**

The Regular Meeting of the Harveys Lake Borough Council was held on Tuesday, December 16, 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	Present
Clarence Hogan	Council Member	Absent
Charles Musial	Council Member	Present
Carole Samson	Council Member	Present
Betty Jane West	Council Member	Absent
Charles McCormick	Attorney	Present
Susan R. Sutton	Borough Secretary	Present

**\*\*Indicates motions made.**

**\*\*Councilman Kelly made the motion to waive the reading of the minutes and accept the Minutes of the November 18, 2008 Public Works Session and the November 18, 2008 Regular Council Meeting seconded by Councilwoman Samson. The motion carried unanimously.**

**INCOMING CORRESPONDENCE**

**Marina Pointe Homeowners Association**

HAND DELIVERED

December 3, 2008

Harvey's Lake Municipal & Sewer Authority PO Box 53

Harvey's Lake, Pa 18618

SUBJECT:

Who owns the Marina Pointe  
Sewer lines? Who is reasonable  
for repairs and blockages?

Dear Sewer Authority:

The residents of Marina Pointe have been trying to get this answered for about two years. We have talked to Mr. Armand Mascoli, he said, "The borough has taken them over." Meaning the sewer lines. Than when we asked Mr. Boice the sewer Manager about a problem we were having, he said, "Mr. Mascoli is responsible for any problems with the sewer. The borough has not taken it over."

At the first homeowners meeting it was stated that the homeowners owned from the curb in front to the low water mark in the back or end of their lot. It was implied that anything from the curb into the street was the boroughs responsibility.

We are asking your help in getting this straighten out and where we stand. Another question is what does the Harvey's Lake Municipal Authority encompasses beside the sewer system and what are its responsibilities and to whom?

Sincerely,

Ed Williams,

Co-Chairman, Architectural & Control Committee

CC: MEMBERS OF THE MUNICIPAL AUTHORITY BOROUGH COUNCIL

### **Webmaster Statistics**

Last month we had a total of 513 visits to our webpage, and 50 of them were unique visitors.

### **OPPORTUNITY FOR CITIZENS TO BE HEARD**

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

**Resident Susan Pembleton** asked what name her road had been given for the 911 addressing. She was told by Councilman Musial that her road has been named Clarence Lane. It is a lane rather than an Ave. due to the size of the road. She asked if the borough was receiving Liquid Fuels money for this road. The answer was no.

### **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 \$21,947.18 was received from Berkheimer.

### **REPORTS FROM APPOINTED OFFICIALS AND SPECIAL COMMITTEES**

**Finance:** Councilman Kelly gave the financial report including: there is \$375,093.02 in available cash, \$225,103 in restricted cash, for a total of \$600,196.54.

**Police:** Mayor Richard Boice read the report from November. The Police worked a total of 852 hours with total miles driven of 3,187. The 121 police calls included 0 parking tickets, 7 traffic citations, 0 non-traffic citations, 2 arrests and 9 written warnings.

**Roads:** Councilman Musial gave his report including, that due to the weather, few projects were worked on. Mainly vehicle maintenance and equipments checks were done, and road maintenance. Our part time road man quit, so George was on his own for part of the month as well.

**Community Activities:** There were no activities reported.

**Zoning Hearing Board Report:** Councilwoman Samson reported that the Harveys Lake Zoning Board did not hold a meeting in November.

**EAC:** Councilwoman Dwyer reported that on The regular monthly meeting of EAC was held on Dec. 9th, 2008 at 7:35 p.m.

Cathy Link spoke to her daughter (a teacher at L-L) about her class doing water testing project. CeCe would take the students to Wilkes Univ. to use their lab and to work with Brian Oram and Sid Halsor. Mike Daley asked if she'd be interesting in doing the soil testing as well. John Levitsky said he has been researching water intake and DEP is changing laws, making stronger laws because of so many water withdrawal permits being applied for. John Levitsky spoke to a reporter and told her to look at PA Bulletin which is 28 pages. Applications are for .999 million gallons, when they hit 1 million gallons a day, fall under different laws. When permits are published the public has 30 days to respond. Army Corps of Engineers also publishes permits. John Levitsky said DEP and SRBC must respond to questions or comments. Health & Welfare is main concern. Cathy Link mentioned problems at Marina Pointe with sewer lines sinking. She stated it is not the Authority's responsibility to fix them. The meeting adjourned at 7:55 p.m.

**Sewer Authority Liaison:** Councilwoman Samson report from the GMAHL meeting that was held December 3, 2008 at 7:30 pm included the following information: Four Board members present, and four people in the audience. They paid bills totaling \$60,840.21. Vice Chairman Kehler announced an Executive Session was held on Monday, Nov. 24, 2008 at 7:00 to discuss legal matters. Misericordia is borrowing money and GMAHL will be the Conduit. They will receive a fee of \$10,000. Rick Boice reported that daily maintenance continues on all 14 stations with no major breakdowns. Conrad Electric is working at St. 5. Pump 3 at St. 6 will be installed soon. Several more boathouse inspections are expected to be done before lake freezes. Four sewer applications for extension letters were discussed. Silverstein, Collini and Quigley were given a year extension and Dauksis was given a 3 month extension. Remarks from the floor -- Ed Williams, Co-Chair and VP of Marina Pointe Association passed out a letter to the Board and discussed on-going problems with the sewer laterals. He also asked who is responsible for the installation, maintenance and repair of the lines? Atty. O'Connor explained that the sewer authority has no responsibility until it hits our sewer main on Rte. 415. The meeting adjourned at 8:15 p.m.

**\*\*Councilwoman Dwyer made the motion to accept the reports from Special Committees, Elected Officials and Appointed Officials, seconded by Councilman**

Kelly. The motion carried unanimously.

## NEW BUSINESS

### 2009 Budget

**\*\*Councilwoman Dwyer made a motion to accept the 2009 proposed budget, seconded by Councilman Kelly. The motion carried unanimously.**

**\*\*Councilwoman Samson made a motion to:**

- Re-Enact the 1% Real Estate Transfer Tax
- Re-Enact the 1% Earned Income Tax
- Re-Enact the \$5 Per Capita Tax
- Re-Enact the Occupational Privilege Tax
- And enact the Borough Tax Rate at .604 mils as based on the reassessment values provided by Luzerne County

Seconded by, Councilwoman Dwyer. The motion carried unanimously.

**\*\*Councilman Kelly made a motion to pass the Resolution #2008-5 Establishing Compliance with the Pennsylvania Right to Know Law, seconded by Councilman Musial. The motion carried unanimously.**

**\*\*Councilman Kelly made a motion for a tentative approval to pay the current renewal fee of \$2,994.00 with The Boice-Sorber Agency for the Law Enforcement Liability Renewal; pending notification of EMC to bind coverage under the current policy with them, seconded by Councilwoman Samson**

**\*\*Councilman Musial made a motion to pay Borton Lawson for their administration of the Liquid Fuels Trolley Hill road project change order in the amount of \$459.67, seconded by Councilwoman Samson. The motion carried unanimously.**

**\*\*Councilman Musial made a motion to authorize the change order from Barletta in the net amount of \$3558.73 for the Liquid Fuels Trolley Hill Road project, seconded by Councilman Kelly. The motion carried unanimously.**

**\*\*Councilman Musial made a motion to pay Barletta Materials and Construction Inc. \$60,828.73 for the Trolley Hill Road Construction Liquid Fuels project, seconded by Councilwoman Dwyer. The motion carried unanimously.**

**\*\*Councilman Kelly made a motion to pay the Borough Staff a Christmas bonus of \$125 for full time employees and \$50 to part time employees, seconded by Councilwoman Samson. The motion carried unanimously.**

**\*\*Councilwoman Samson made a motion to hire Jesse Saylor at \$10 an hour for**

**part time as needed, up to 32 hours a week, for the road department, seconded by Councilwoman Dwyer. The motion carried unanimously.**

**OLD BUSINESS**

President Lucarino asked if anyone had any old business they wished to discuss. There was no response.

**\*\*Councilman Kelly made a motion to pay the bills and Payroll in the amount of \$63,821.20, seconded by Councilman Musial. The motion carried unanimously.**

Councilman Lucarino asked if anyone had anything else to add to the meeting. Councilman Musial said that he wanted to wish everyone a Merry Christmas, and the rest of council agreed.

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

The meeting adjourned at 7:45 P.M.

Respectfully submitted by

Susan R. Sutton, Borough Secretary