

**HARVEYS LAKE BOROUGH
LUZERNE COUNTY
REGULAR COUNCIL MEETING
December 21, 2010**

The Regular Meeting of the Harveys Lake Borough Council was held on Tuesday, December 21, 2010 at 7:30 P.M. at the Harveys Lake General Municipal Building, Route 415, Sunset, Harveys Lake, PA.

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

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

Roll call:

Clarence Hogan	Mayor	Present
Francis Kopko	President	Present
Larry Radel	Vice President	Present
Boyd Barber	Council Member	Present
Richard Williams III	Council Member	Present
Ryan Doughton	Council Member	Present
Diane Dwyer	Council Member	Present
Carole Samson	Council Member	Present
Charles McCormick	Attorney	Present
Susan R. Sutton	Borough Secretary	Present

****Indicates motions made.**

President Kopko stated that Borough Council held an executive session prior to the meeting to discuss personnel issues.

****Councilmember Samson made the motion to waive the reading and accept the Minutes of the Public Hearing on November 15, 2010, the Minutes of November 16, 2010 Public Worksession, the Minutes for the November 16, 2010 Public Hearing, and the minutes for the November 16, 2010 Regular Council meeting, seconded by Councilmember Radel. The motion carried unanimously.**

Fred Lubnow gave a quick update on the 319 Growing Greener Grant that they are administering for the Borough. The next project is the new basin to be installed on Wood Street. They are also going to do some repairs on the basin doors that are malfunctioning in Hemlock Gardens.

OPPORTUNITY FOR CITIZENS TO BE HEARD

The floor was opened for Citizens to be heard.

Neil Turner stated that he had attended the Worksession where he presented the CELDF Ordinance again for review by Council. He asked for a vote for a public meeting in February to solicit public input and answer question regarding this ordinance.

Michelle Boice also requested a public hearing be held. She strongly advocated that all avenues be pursued. She also spoke to Karen Boback regarding the process that would be required to have Harveys Lake designated as an Execeptional Value Watershed. She stated that we needed to jump on this and work together with the Ceasetown and Huntsville Resivoirs. Perhaps have a committee with EAC and Council to work on this. She also had some concerns with the new recycling. She is concerned with the \$50 dollar increase that during these difficult economic times some of the residents will have difficulty paying it. She asked where the increase is going. Since it will generate revenue in the amount of \$84,000, did we just give the hauler that much of a raise? We used to get credit from the hauler for recycling. Before we only had 10% of the population recycling.

Council stated that 10% is not accurate. They estimate that 40% of the Borough will participate. Larry Radel stated that a lot of residents have been requesting curbside recycling. He also stated that the contract without curbside recycling would have gone up \$20 per year per resident anyway. There is only a \$30 a year increase in order to have curbside. Since there has been so much interest in the Environment lately, Council felt this was a minimal cost.

Ms. Boice stated that Grants have been drying up. The bid is based on the reduction of refuse She stated that she will be watching it closely. She will make Open Records requests.

Councilmember Diane Dwyer said that they can't fine you if you don't participate. Recycling is not mandated by the State for the number of residents that we have. She stated that residents are too lazy to take their recycling over to the drop off point. She is very annoyed.

Ms. Boice stated that she feels the contract should be renegotiated.

Mike Daily stated that EAC is also looking into the possibility of having the lake designated as EV quality. However, it would restrict use of the lake in ways that the Residents may not have considered.

Irene Brislin stated that for a recent zoning hearing, she was not notified prior to the hearing. She feels that if a hotel is going up, she should have been notified. She asked who oversees the zoning hearing board.

Solicitor McCormick stated that it is an independatn board. Council appoints the members.

Ms. Brislin asked if the Borough was sued for a decision rendered by the Zoning hearing board, who would pay for the defense of the suit?

Solicitor McCormick stated that an appeal to the Court would be paid for in the budget, by monies from the general fund.

Ms. Brislin stated that the Borough is not meeting it's fiduciary responsibility in notifying adjacent owners of hearings.

Solicitor McCormick stated that Council could talk to the zoning officer regarding issues with notification. However, the mailing, posting and advertising all cover these issues. It is the owners responsibility to submit addresses for mailings.

Jay Niskey, pole 251 asked if an increase in footage from 100' feet for notification could be amended. This is a rural area, and it would seem that a greater distance might be beneficial for notification.

Councilmember Kopko asked what he felt this should be changed to. Mr. Niskey stated that he didn't know.

There was some discussion on who enforces building codes. Pasonick Engineers enforces the UCC building codes for Harveys Lake Borough. The new law scheduled to take effect on January 1, 2011 requiring sprinklers would be enforced by them.

The floor was closed.

INCOMING CORRESPONDENCE

Council received a letter from EAC asking council to strengthen the zoning Ordinances against Fracking in the Borough.

Council received a letter from Wilkes Barre Racing to gauge Council interest in renewing an annual race to be held in April 2011 to raise awareness and money for foster care and adoption.

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 May the Borough received \$23,762.32 from Berkheimer.

REPORTS FROM APPOINTED OFFICIALS AND SPECIAL COMMITTEES

Finance: Councilmember Samson gave the financial report including: Total available cash is \$338,760; total restricted cash is \$194391; total cash of \$533,692.

Police: Mayor Clarence Hogan gave a verbal report including the department received \$544.77 in fees and fines. All three cars used 401 gallons of fuel. The department worked a total of 920.5 hours.

Roads: Councilmember Williams reported that the road department used 225 gallons of fuel and continued to repair basins and potholes, cleaned out the ditch in Lakeview Terrace to divert water out of yards. Got the trucks ready for winter. He also reminded residents that Recycling starts on January 10 and to pick up your recycling container from the Borough office. Also, he wanted to give residents a friendly reminder that it is important not to park on Borough roads when it snows. Tickets will be given to those who violate this ordinance.

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

NEW BUSINESS

Second Reading of the 2011 Proposed Preliminary Budget

DESCRIPTION	2011 Proposed Budget	Amendments	2011 BUDGET
INCOME			
REAL ESTATE TAXES	507,150	94,350	601,500
LOCAL ENABLING TAXES	322,800		322,800
CABLE TV AND LCB	22,500		22,500
ZONING	9,750	2000	11,750
PERMITS AND LICENSES	15,500		15,500
FINES AND FORFEITS	6,750		6,750
INTEREST AND RENTS	1,125		1,125
GRANTS AND GIFTS	327,800		327,800
DEPARTMENTAL EARNINGS	3,250		3,250
MISCELLANEOUS	21,700		21,700
TOTAL INCOME	1,238,325	96,350	1,334,675
EXPENSE			
TAX COLLECTION	22,800	2000	24,800
ZONING AND PLANNING	103,975	-1500	102,475
GEN'L ADMINISTRATION	90,605	-1900	88,705
MUNICIPAL BUILDING	6,571		6,571
PUBLIC SAFETY POLICE	261,432	-18500	242,932
PUBLIC SAFETY FIRE	21,700		21,700
PUBLIC SAFETY OTHER	1,500		1,500
TRASH COLLECTION	249,950	47300	297,250
ROADS GENERAL	144,289	-700	143,589

ROADS SNOW REMOVAL	15,000		15,000
ROADS SIGNS/SIGNALS	2,000		2,000
ROADS CONSTRUCTION	262,000		262,000
RECREATION	2,397		2,397
INSURANCE/PR TAX/PENSIONS	129,610	-6262	123,348

			--
TOTAL EXPENSE	1,313,829	20,438	1,334,267

			--
NET INCOME (EXPENSE)	(75,504)	75,912	408

			--
LIQUID FUELS Revenue	60,500		60,500
Road Construction	60,500		60,500

			--
Net income Liquid fuels	0	0	0

			--
Capital expenditures	0	0	0

			--
Carryover from prior year	515,280		515,280

			--
NET FUNDS REMAINING	439,776	75,912	515,688
			=====
			--
TOTAL NET INCOME	(75,504)		408

****Councilmember Dwyer made a motion to approve the 2011 Budget with the amendments as read, seconded by Councilmember Radel. The motion carried unanimously.**

****Councilmember Williams made a motion to approve and sign the 2011-2013 Police Contract, seconded by Councilmember Samson. The motion carried unanimously.**

****Councilmember Radel made a motion purchase software and training through Diversified Technology to have the garbage billing done in the Borough office in the amount of \$2370, seconded by Councilmember Barber. The motion carried unanimously.**

****Councilmember Dwyer made a motion to pay the full time employees a \$100 Christmas Bonus and the part time employees a \$50 Christmas Bonus, seconded by Councilmember Williams. The motion carried unanimously.**

****Councilmember Doughton made a motion to authorize Jack Varaly to strengthen**

the current zoning ordinance for mineral extraction, then review the current ordinances, scheduling a tentative meeting in Late February or Early march for a public hearing, and having Princeton Hydro look into the possibility of changing the Harveys Lake Borough Watershed in to a EV quality watershed, seconded by Councilmember Dwyer. The motion carried unanimously.

OLD BUSINESS

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

****Councilmember Samson made a motion to pay the bills and Payroll in the amount of \$70,108.75, seconded by Councilmember Barber. The motion carried unanimously**

Councilmember Kopko asked if anyone on Council had any upcoming Community Events.

There was no response.

****Councilmember Doughton made a motion to adjourn, seconded by Councilmember Radel. The motion carried unanimously.**

The meeting adjourned.

(After the meeting was adjourned, Neil Turner stated that the motion made for the hearing in February was not what he asked for. He stated that there would be a lot of people with him at the next meeting)

Respectfully submitted by

Susan R. Sutton, Borough Secretary