

**HARVEYS LAKE BOROUGH
LUZERNE COUNTY
REGULAR COUNCIL MEETING
February 15, 2011**

The Regular Meeting of the Harveys Lake Borough Council was held on Tuesday, February 15, 2011 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.

Roll call:

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|----------------------|-------------------|---------|
| Clarence Hogan | Mayor | Present |
| Francis Kopko | President | Present |
| Larry Radel | Vice President | Present |
| Boyd Barber | Council Member | Present |
| Richard Williams III | Council Member | Absent |
| 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 an Executive Session was held prior to this council meeting to discuss personnel issues.

****Councilmember Samson made the motion to waive the reading and accept the Minutes of the January 18, 2011 Public Worksession, January 18, 2011 Regular Council meeting, seconded by Councilmember Barber. The motion carried unanimously.**

OPPORTUNITY FOR CITIZENS TO BE HEARD

The floor was opened for Citizens to be heard.

This portion of the meeting lasted for an hour. There was sometimes heated discussion between council and the residents and others that spoke.

Residents, including Megan Sgarlet, Theresa Kotuskie, Tom Kehler, Carol Culver, Neil Turner, Michelle Boice, Sid Halsor, Rae Dziak, Carol Sorber, Mike Dziak, and Don Marx all spoke urging council to advertise the CELDF ordinance and to have a hearing.

Shireen Parsons also urged council to advertise the CELDF ordinance and have a hearing.

Santo Agati wanted to have council clarify that the request was to specifically have the ordinance advertised and have a hearing. That an informational meeting was not what this group of residents was requesting.

Carol Culver asked the Solicitor why when there was a tie vote last month that he recommended to the Mayor not to cast a vote to break the tie. Solicitor McCormick stated that when the Mayor asked him if there was a tie vote, should he cast a tie breaking vote. He stated that he counseled the Mayor and the Council that under the statute, that it is up to his (the Mayor) discretion to break a tie vote. However, it depends on the type of nature of the vote. There are not many cases on this, on whether the Mayor has the ability to break a tie. It depends on the type of the motion being made. Most of the cases where a Mayor breaks a tie, involves legislative actions or activity, he asked me if a question of having a public meeting was a legislative decision, and I said no, not in my judgment, and that is what I advised him. The Mayor is only supposed to vote on Legislative Decisions. This was not a legislative decision.

Carol Culver also pointed out that Boyd Barber has gas leases in Wyoming County and asked him to recuse himself from the voting since she feels it is a conflict of interest for him to vote.

Michelle Boice also talked about the tie vote last month. She also had strong words on the insurance policy that the borough currently has.

She also made reference to Councilmen Radel and what she called reckless remarks and lies that she was not going to allow to continue. He apologized for remarks that were offensive to her and said that he was reacting to her accusation that council has squandered money. There was a short discussion on the balances and the yearly budgets.

Jason Miller asked council what precipitated the request that was noted in last months minutes regarding a burning ban? He was told that a letter had been received by resident Aileen Dodson requesting one.

John Brokenshire asked if the residents were putting as much effort in to the State and Federal level lobbying for changes as they are putting in here at the municipal meetings. Also having heard several residents point out that the council was elected to represent the residents he pointed out that council was elected to represent all of the residents.

Diane Dwyer stated that she had no problem with wanting to listen to the residents.

There were questions from council asking how another meeting would be different than the one that was held last Saturday? They also asked if they have the meeting that is being requested, then it is voted down then what? One resident stated that as long as they

had the right to assemble, she would continue to come back and ask for the passage of the CELDF ordinance. Michelle Boice stated that they would elect four more councilmembers that would pass the ordinance.

Larry Radel stressed the need to move carefully in order not to make it worse. His concern is with the whole watershed, not just the Lake. He referred to the S1 ordinance and the work that went in to that update. He is concerned that the CELDF goes against State Law.

Francis Kopko is concerned that self governance goes against the oaths that the Councilmen took when they were sworn in to office.

The floor was closed.

INCOMING CORRESPONDENCE

There were 418 new visitors to the website last month

A letter from Resident commending the Road Department for a job well done

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 \$16281.63 from Berkheimer.

REPORTS FROM APPOINTED OFFICIALS AND SPECIAL COMMITTEES

Finance: Councilmember Samson gave the financial report including: Total available cash is \$263,000; total restricted cash is \$63,000 total cash of \$326,352.

Police: Mayor Clarence Hogan gave a verbal report including the department received \$242.49 in fees and fines. Police responded to a total of 54 calls

Roads: There was no report from the Road Dept

Recycling: President Kopko gave the report that Mascaro reported 4.71 tons comingled and 3.21 tons of paper for a total of 7.83 tons recycled for the month of January. He feels that this constitutes a estimated 30% participation rate for the Borough.

EAC: President Kopko also gave a report fro EAC including the fact that EAC will be holding interviews in the near future to give a recommendation to council for filling the vacancies that exist on the board.

****Councilmember Doughton 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

****Councilmember Radel made a motion to have Charles Musial look further into the possibilities of starting a DARE program here, seconded by Councilmember Doughton. The motion carried unanimously.**

****Councilmember Radel made a motion to approve and sign the Muncipal Drug Task Force Agreement, seconded by Councilmember Barber. The motion carried unanimously.**

****Councilmember Dwyer made a motion to increase George Hogan's pay from \$19.00 per hour to \$19.50 per hour retroactive to January 1, 2011, seconded by Councilmember Samson. The motion carried unanimously.**

****Councilmember Barber made a motion to increase Jesse Saylor's pay from \$12.00 per hour to \$13.00 per hour retroactive to January 1, 2011, seconded by Councilmember Dwyer. The motion carried unanimously.**

****Councilmember Dwyer made a motion to increase Andy Luzetski's pay from \$13.00 per hour to \$13.50 per hour retroactive to January 1, 2011, seconded by Councilmember Samson. The motion carried unanimously.**

****Councilmember Barber made a motion to increase Susan Sutton's pay from \$16.00 per hour to \$17.00 per hour retroactive to January 1, 2011, seconded by Councilmember Radel. The motion carried unanimously.**

OLD BUSINESS

President Kopko asked if anyone on Council had any old business they wished to discuss.

****Councilmember Dwyer made a motion to advertise and hold a public meeting on the CELDF ordinance, seconded by Councilmember Radel.**

President Kopko called for a roll call vote.

Barber abstained due to a conflict of interest

Doughton No

Samson Yes

Dwyer Yes

Kopko No

Radel Yes

The vote was a 3 yes to 2 no and therefore passed.

****Councilmember Samson made a motion to pay the Bills and Payroll in the amount of \$84,349.60, seconded by Councilmember Barber. The motion carried**

unanimously

President Kopko asked if anyone on Council had any upcoming Community Events to announce.

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

The meeting adjourned at 8:55 pm

Respectfully submitted by

Susan R. Sutton, Borough Secretary