

**HARVEYS LAKE BOROUGH  
LUZERNE COUNTY  
REGULAR COUNCIL MEETING  
January 21, 2014**

The Regular Meeting of the Harveys Lake Borough Council was held on Tuesday, January 21, 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.

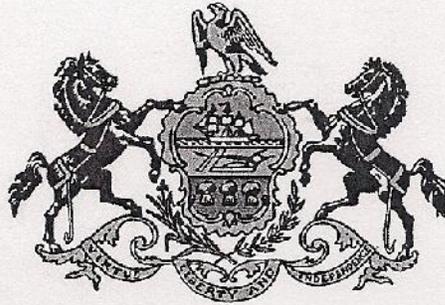
**Roll call:**

Clarence Hogan	Mayor	Present
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**

Council President Boice announced that an executive session was held prior to this meeting to discuss litigation and personnel matters.

Council President Boice also announced that due to the inclement weather, DEP was unable to attend tonight's meeting. She stated that she would try to reschedule at a later date. Perhaps a Town Hall meeting if it can be arranged. Council received a letter from Senator Baker and Representative Boback which was read into the record.



January 17, 2014

Michell'e T. Boice, President  
Harveys Lake Borough Council  
4875 Memorial Highway, Suite 101  
Harveys Lake, PA 18618

Dear Council President Boice:

As you articulated in your letter of January 10, 2014, the issue of the dam at the Outlet of Harveys Lake, which is privately owned by the Moretti family, is currently the subject of an appeal of the Department of Environmental Protection (DEP).

As state legislators, we are very mindful of the Pennsylvania Constitutional provisions relating to the "Separation of Powers" doctrine. Given that this matter has become an ongoing legal dispute, it would be inappropriate for us to interfere in the operation of an administrative adjudication or judicial proceeding. That said, we have endeavored to provide as much information as we are able to obtain.

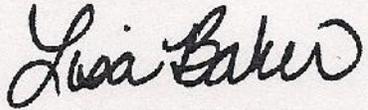
DEP has confirmed that an administrative order was issued on November 26, 2013. A subsequent appeal was filed, and that appeal is pending before the Pennsylvania Environmental Hearing Board (EHB). The EHB docket and associated document of record can be viewed through the following link:

[http://ehb.courtapps.com/public/document\\_shower\\_pub.php?csNameID=4803](http://ehb.courtapps.com/public/document_shower_pub.php?csNameID=4803)

According to Colleen Connolly, spokeswoman for DEP's Northeastern Region, department representatives continue to monitor the dam and document allegations of impacts from interested citizens. In addition, she has assured us that every effort is being expended to address the concerns issued in the administrative order.

Although we are unable to attend the January 21<sup>st</sup> meeting, we requested that agency staff participate and offer as much information as they are able to share.

Sincerely,



Senator Lisa Baker  
20<sup>th</sup> Senatorial District



Representative Karen Boback, Ph.D.  
117<sup>th</sup> Legislative District

KB:brz

cc: Harveys Lake Borough  
Harveys Lake Protective Association

ec: Harveys Lake Borough Council  
[harveyslakeboro@aol.com](mailto:harveyslakeboro@aol.com)  
Harveys Lake Protective Association  
[harveyslakepa@yahoo.com](mailto:harveyslakepa@yahoo.com)  
Colleen Connolly, DEP  
[cconnolly@pa.gov](mailto:cconnolly@pa.gov)

Council has spoken to DEP and they have stated that it is Litigation and there is limited information that they are able to share.

**\*\*Councilmember Kelly made the motion to waive the reading and accept the Minutes of the December 17, 2013 Public Worksession and Regular Council meeting and Public Hearing as well as the January 6, 2014 Reorganization Meeting, seconded by Councilmember Samson. The motion carried unanimously.**

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

The floor was opened for Citizens to be heard.

Resident John Halbing mainly had three concerns:

- He wants the height of the spill way of the dam returned to the original height.
- He wants control of the spillway to be taken out of private control and taken over

- by either DEP, the Protective Association or the Borough.
- He wants a study done of the bridge near the Outlet to determine if it is wide enough to handle a large amount of water.

Attorney O'Connor stated that there is a section in our zoning ordinance that deals with the height of the dam. Attorney Seegan from DEP called and requested this information which O'Connor sent to him. Seegan stated that DEP's goal is to get an acceptable resolution that is good for everyone as soon as possible. If there is any other information we come up with we will forward it on to them.

Resident John Halbing also feels strongly that the spillway should be a fixed height. It is not good that it can be too low or too high at times. He also said that Councilmember Kelly had mentioned at the Protective Association meeting recently that the Moretti's had come to Council to see about an agreement in regards to the spillway, but on the advice of their Solicitor, due to the potential liability, they declined to get involved. He was rather flabbergasted by that decision. The Borough already has so much liability already, and the dam is such a vital part of the community, it should not be handled by one person. He feels this should be reconsidered.

President Boice remembers that they received a letter from their attorney looking for a lease type agreement to take over the liability. Halbing said that Council needs to keep the pressure on DEP. President Boice stated that they immediately contacted DEP. They are on it.

Resident Santo Agati, Pole 243 wanted to know if anyone was monitoring or taking calls for properties that are being impacted by the height of the dam? He feels that there should be somewhere that can be called and report that they are having damage to their property so that a record can be made and kept for this.

President Boice stated that when calls come into the Borough they are being referred to Duke Adams at DEP and he is keeping track of this. The numbers for Duke Adams in Harrisburg is 717-783-7997 and Colleen Connolly in Wilkes Barre is 570-826-2035. They are very interested.

Resident Larry Radel, Pole 1221 recommended that Council verify the height of the dam.

President Boice asked if he could save this for the Town Hall meeting. Council can't certify the height of the dam. DEP is already taking care of this issue.

Radel asked what the status of the LSA grant is.

Boice stated that grant is good until June 2015. She stated that she had asked the previous Council for a list of priorities on how they wanted to spend the money, three months in a row and never got an answer. So she just appointed a police committee tonight and told them to get her a list of what they want to do with that grant money.

Radel asked if she still considered it a viable project considering some of the issues that are there. With the floodplain and the Geo technical report? Boice said yes it is. She said that they had been going over this for two years. He said that with the information she had given him, they are spending \$90,000 and they only have \$78,000. Boice stated it was time to move on he was already through ½ of his time.

Radel asked why they got rid of PennEastern. What was the point? They know all about the Borough and zoning and planning and you got rid of them with out asking any of the other Borough Departments. He feels that was disrespectful and not beneficial to the Borough.

Boice stated that was his personal opinion. She said that Council held a reorganization meeting, a motion was made, seconded and put to a vote and passed, and that is how it works. You were on council 4 years and that is how you did it and that is how it is done.

Radel asked if they got the letter from the Planning Commission regarding the CAP (Corrective Action Plan, for GMAHL). She said yes they did. She said that she is not giving her opinion on everything. That she danced that dance for two years with him and she isn't doing it anymore.

Radel asked about the proposed changes in Article 7 & 9 that a hearing was held on last month. Why nothing was done. Boice pointed out that he left that meeting. If he would have been here he would have known what happened. There was a public hearing held and one person spoke against it. You weren't even at the hearing so that shows how much you cared about it. She pointed out that his three minutes were up, she said she would give him one more minute. She is tired of his silly games. She said that he held up progress in the four years he was here, and it is not going to work. He said he is just asking simple questions, and Boice stated that no he was not.

Radel asked about trash billing. He wanted to know if a committee had been appointed to find out why some people were paying and some were not?

Boice said that he was on council for four years. Why didn't he do anything about it. He brought it up three months in a row and she told him then to bring it up on the floor with a motion. You said you wanted to start charging the Fire Company and the churches. If you have names of people not paying their fair share, she would like to know. She agrees that everyone should pay their fair share. Boice said that his time is up. All he is doing is rehashing old arguments. You sat on this council four years and did nothing, you are not coming here to sit here and disrupt these meetings. If you have something to contribute, contribute. I am not on trial. He said he is asking simple questions. Boice said no you are not.

Radel asked why John Kopicki was replaced as a Planning Commission member. Boice said his time was up. He said that wasn't fair. They let Boice talk when she wanted to. And she said she was called out of order.

He said he had one more thing regarding the financials. He handed out a paper that he would like to have added into the minutes. Solicitor O'Connor stated that it is not required to add this to the minutes.

Township of Harveys Lake  
I. Income Statement and Budget Comparison

ACCT #	DESCRIPTION	2007	2008	2009	2010	2011	2012	BUDGET	Forecast	BUDGET
<b>INCOME</b>										
301	REAL ESTATE TAXES	378,112	486,942	470,038	467,322	606,716	567,974	644,000	607,750	596,750
310	LOCAL EMERALD DAMES	356,435	312,046	320,751	316,757	330,759	368,456	341,400	374,500	389,400
320	CABLE TV AND LCE	21,842	6,005	23,325	21,410	26,025	22,305	18,500	25,000	25,000
325	ZONING	0,000	6,005	17,500	14,130	26,025	22,305	18,500	12,900	14,700
327	PERMITS AND LICENSES	33,940	26,143	23,634	19,454	17,950	15,178	35,250	10,100	17,700
331	FEEES AND FOREFEITS	10,183	9,942	8,455	7,155	7,330	10,860	9,500	7,200	7,250
341	TOWNSHIP AND BORNG	21,586	12,164	3,485	884	456	44	425	289	325
352	STATE SHARED REVENUE/ENTITLEMENTS	61,969	11,018	23,272	61,888	65,752	219,666	850	191,222	850
362	DEPARTMENTAL EARNINGS	2,386	4,690	3,441	3,508	5,026	3,734	3,300	6,090	4,300
36C	MISCELLANEOUS	27,465	31,997	22,649	27,712	43,949	25,964	23,500	20,120	23,500
	<b>TOTAL INCOME</b>	<b>921,940</b>	<b>925,350</b>	<b>945,249</b>	<b>933,521</b>	<b>1,125,855</b>	<b>1,250,630</b>	<b>1,099,325</b>	<b>1,266,732</b>	<b>1,055,075</b>
<b>EXPENSE</b>										
402	TAX COLLECTION	15,262	22,211	22,466	20,918	22,858	20,334	25,250	20,400	21,200
404	ZONING AND PLANNING	16,350	27,375	63,029	50,613	91,809	46,371	45,375	55,009	33,730
405	GEN'L ADMINISTRATION	125,941	96,789	101,469	90,936	85,000	78,811	88,787	87,759	91,297
409	MUNICIPAL BUILDING	0,520	6,177	6,177	6,161	3,072	3,542	3,071	3,561	3,136
410	PUBLIC SAFETY POLICE	219,035	229,654	227,334	241,283	258,896	239,590	251,592	264,632	264,432
411	PUBLIC SAFETY FIRE	20,267	21,356	19,824	22,191	35,048	19,735	22,753	24,130	21,950
415	PUBLIC SAFETY DISPN	1,413	1,477	1,395	1,762	1,695	1,917	1,917	0	0
427	TRASH COLLECTION	153,751	219,358	215,064	231,360	294,073	221,677	282,953	295,025	272,850
430	ROADS GENERAL	157,246	137,588	136,213	182,618	163,734	154,377	155,640	134,987	149,437
432	ROADS SNOW REMOVAL	17,587	35,797	12,492	13,252	20,117	6,738	18,500	18,500	18,500
433	ROADS SIGNS/SIGNALS	1,389	326	1,735	892	2,049	1,653	500	160	500
439	OTHER PROJECTS	20,978	5,007	0	61,814	89,282	186,912	0	140,351	0
451	RECREATION	1,324	1,895	1,694	1,866	1,785	1,405	1,947	1,222	1,447
483	INSURANCE/PR TAX/PENSIONS	133,036	122,679	131,984	121,059	152,748	171,833	190,793	189,705	177,516
	<b>TOTAL EXPENSE</b>	<b>886,005</b>	<b>914,136</b>	<b>940,515</b>	<b>1,016,933</b>	<b>1,223,928</b>	<b>1,223,005</b>	<b>1,100,533</b>	<b>1,207,641</b>	<b>1,056,255</b>
		<b>25,935</b>	<b>5,924</b>	<b>(27,406)</b>	<b>(83,412)</b>	<b>(98,073)</b>	<b>35,685</b>	<b>(630)</b>	<b>60,591</b>	<b>2,820</b>
	<b>LIQUID KARLS Revenue</b>	<b>59,712</b>	<b>64,740</b>	<b>60,340</b>	<b>60,340</b>	<b>61,530</b>	<b>61,075</b>	<b>61,000</b>	<b>60,100</b>	<b>60,100</b>
	<b>Road Construction</b>	<b>31,364</b>	<b>77,488</b>	<b>131,505</b>	<b>131,505</b>	<b>60,500</b>	<b>76,081</b>	<b>61,000</b>	<b>54,300</b>	<b>65,000</b>
	<b>Net Income Liquid Fuels</b>	<b>28,348</b>	<b>(11,856)</b>	<b>62,740</b>	<b>(31,185)</b>	<b>1,030</b>	<b>(15,066)</b>	<b>0</b>	<b>5,800</b>	<b>(4,900)</b>
	<b>Capital expenditures</b>	<b>11,654</b>	<b>166,509</b>	<b>50,000</b>	<b>50,000</b>	<b>50,000</b>	<b>50,000</b>	<b>64,000</b>	<b>0</b>	<b>0</b>
	<b>Carryover from prior year</b>	<b>654,648</b>	<b>676,388</b>	<b>706,931</b>	<b>732,591</b>	<b>811,505</b>	<b>823,930</b>	<b>323,950</b>	<b>321,514</b>	<b>387,905</b>
	<b>NET FUNDS REMAINING</b>	<b>708,951</b>	<b>674,646</b>	<b>732,991</b>	<b>471,905</b>	<b>323,930</b>	<b>284,659</b>	<b>259,300</b>	<b>387,903</b>	<b>383,825</b>
	<b>TOTAL NET INCOME</b>	<b>54,283</b>	<b>(1,942)</b>	<b>35,314</b>	<b>(154,577)</b>	<b>(97,575)</b>	<b>20,675</b>	<b>99,792</b>	<b>79,250</b>	<b>98,820</b>

Note that the overall yearly budget deficit begins even though records indicate none in 2009. This was caused by not reviewing the actual yearly budgets discounting non applicable accounting factors.

Please note that council managed to extinguish the deficit in almost 2 years after a thorough review of the accounting system and practices!

This row was added by council to review yearly borough budgets without state monies or restricted items.

President Boice asked if there was anyone else who wanted to speak. There was no response.

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 November the Borough received \$32,071.44 from Berkheimer.

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

**Finance:** Councilmember Blaine gave the report stating that available cash is \$472,706.59, last year it was \$333,557.04. Including the restricted cash, the current cash on hand is \$544,211.12. He also stated that the Borough will be changing from PNC bank to Luzerne Bank, due to the fact that PNC are not crazy about having municipal accounts. So our accountant, Mr. Brokenshire went around to several area banks and Luzerne Bank was the best deal and the happiest to get us. He also discussed that fact that he will be monitoring the budget closely with the Borough employees to keep everything on track.

**Police:** Councilmember Hilburt reported that on January 9<sup>th</sup>, the police committee met with Chief Musial who reported that morale is high. However he has some concerns with police staffing and equipment and we assured him that these concerns will be brought to council. The police committee will work closely with the Mayor and the Chief to see that the department is able to meet the needs of the community.

Mayor Hogan detailed the list of 175 calls and encouraged anyone who wants more information on the department to make an appointment with him. He also urged drivers to be aware of the road conditions, especially ice and potholes. PennDot has been contacted regarding these issues. He also urged residents to call 911 when they see any suspicious activity. Calling the station will slow response time and allow them to leave the scene.

**Roads:** Councilmember Kehler gave the report including that the department used 366 gallons of fuel. They spent most of their time dealing with snow and did a great job.

**Zoning:** There were 8 zoning permits issued and two variance hearings scheduled along with the Amusement Tax collected for a total of \$5424. He also stated that the Borough is in litigation with Mr. Abod, Bigus and Ms. Krayns.

**Trash:** Councilmember Boice reported that current year fees collected were \$38,932.47, prior year collections were \$3014.08 and garbage stickers sold were \$127.00 for a total of \$42,073.80. There were some problems with missed recycling that we hope was taken care of.

**EMA:** There was no report.

**Special Events:** Councilmember Williams asked Mike Rush about the Mardi Gras dance coming up with the Recreation Committee. He said it is scheduled for February 28, from 6:30 to 11:00pm. Posters and tickets should be available in the next couple of days. Tickets will be \$25.00.

**\*\*Councilmember Kelly 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 Kehler made a motion to authorize the indemnification of the Harveys Lake Municipal Authority Bond, seconded by Councilmember Blaine.**

Solicitor O'Connor stated that this is a refinancing of the Municipal Authority debt and they are asking the Borough to guarantee the loan. Dave Schuler explained that it is refinancing a few small loans and the Construction loan. The guarantee of the bond is not necessary for the Municipal Authority to be able to refinance the bond. However, by the Borough signing it, it will allow the Municipal Authority to get a lower rate of interest.

**Solicitor O'Connor then read the bond into the record.**

Borough of Harveys Lake Luzerne County, Pennsylvania

ORDINANCE NO. 2014-\_\_\_\_\_

AN ORDINANCE OF THE COUNCIL OF THE BOROUGH OF HARVEYS LAKE, LUZERNE COUNTY, PENNSYLVANIA, AUTHORIZING AND APPROVING A PROJECT OF THE GENERAL MUNICIPAL AUTHORITY OF THE BOROUGH OF HARVEYS LAKE; AUTHORIZING AND DIRECTING THE INCURRENCE OF LEASE RENTAL DEBT, IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF ONE MILLION TWO HUNDRED SIXTY THOUSAND DOLLARS AND ZERO CENTS (\$1,260,000) PURSUANT TO THE ACT OF THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF PENNSYLVANIA, APPROVED DECEMBER 19, 1996, ACT NO. 177, AS AMENDED, KNOWN AS THE LOCAL GOVERNMENT UNIT DEBT ACT; DETERMINING THAT SUCH DEBT SHALL BE INCURRED UNDER THE DEBT ACT AS LEASE RENTAL DEBT TO BE EVIDENCED BY A GUARANTY AGREEMENT OF THE BOROUGH SECURING ONE OR MORE GUARANTEED SEWER REVENUE NOTES, TO BE ISSUED BY THE AUTHORITY TO FINANCE A PROJECT OF THE AUTHORITY CONSISTING OF: (1) REFINANCING CERTAIN EXISTING DEBT OF THE AUTHORITY; (2) DESIGNING, FURNISHING, INSTALLING, CONSTRUCTING AND EQUIPPING OF IMPROVEMENTS AND ADDITIONS TO THE SEWER SYSTEM AND FACILITIES OF THE AUTHORITY; AND (3) PAYING THE COSTS AND EXPENSES ASSOCIATED WITH THE ISSUANCE OF THE NOTES; BRIEFLY DESCRIBING THE PROJECT FOR WHICH SUCH DEBT IS TO BE INCURRED; AUTHORIZING AND DIRECTING THE PROPER OFFICERS OF THE BOROUGH: (A) TO PREPARE, TO CERTIFY AND TO FILE THE DEBT STATEMENT

AND BORROWING BASE CERTIFICATE REQUIRED BY SECTION 8110 OF THE DEBT ACT; (B) TO THE EXTENT FEASIBLE, TO CAUSE TO BE PREPARED AND FILED STATEMENTS REQUIRED BY SECTION 8026 OF THE DEBT ACT WHICH ARE NECESSARY TO QUALIFY ALL OF SUCH LEASE RENTAL DEBT FOR EXCLUSION FROM THE APPROPRIATE DEBT LIMITS AS SELF-LIQUIDATING DEBT; (C) TO EXECUTE, TO ATTEST, TO SEAL AND TO DELIVER A GUARANTY AGREEMENT AND APPROVING THE FORM OF THE GUARANTY AGREEMENT; SPECIFYING THE AMOUNT OF THE GUARANTY OBLIGATION OF THE BOROUGH PURSUANT TO SUCH GUARANTY AGREEMENT AND THE SOURCES OF PAYMENT OF SUCH GUARANTY OBLIGATIONS; AUTHORIZING THE PROPER OFFICERS OF THE BOROUGH TO TAKE ALL OTHER REQUIRED, NECESSARY OR DESIRABLE RELATED ACTION IN CONNECTION WITH SUCH PROJECT AND THE EXECUTION AND DELIVERY OF THE GUARANTY AGREEMENT; PROVIDING FOR THE EFFECTIVENESS OF THIS ORDINANCE; PROVIDING FOR THE SEVERABILITY OF PROVISIONS OF THIS ORDINANCE; AND PROVIDING FOR THE REPEAL OF ALL INCONSISTENT ORDINANCES OR RESOLUTIONS OR PARTS OF ORDINANCES OR RESOLUTIONS.

WHEREAS, The Borough of Harveys Lake, Luzerne County, Pennsylvania (the "Borough") is a political subdivision of the Commonwealth of Pennsylvania (the "Commonwealth") and is a "local government unit" under provisions of the Act of the General Assembly of the Commonwealth, approved December 19, 1996, Act No. 177, as amended,

reenacted and supplemented, from time to time, known as the Local Government Unit Debt Act (the "Debt Act"); and

WHEREAS, The General Municipal Authority of the Borough of Harveys Lake (the "Authority") is a body politic and corporate organized and existing under the Pennsylvania Municipality Authorities Act, Act 22 of 2001, as amended and supplemented, from time to time, of the Commonwealth; and

WHEREAS, The Authority intends to issue one or more of its guaranteed sewer revenue notes in the maximum aggregate principal amount of \$1,260,000 (collectively, the "Notes"); and

WHEREAS, The proceeds to be derived from the issuance and sale of the Notes will be applied, together with other funds available or to be available to the Authority, for and towards a project (the "Project") which consists of the following: (1) refinancing certain existing debt of the Authority (the "Prior Debt"); (2) designing, furnishing, installing, constructing and equipping of improvements and additions to the sewer system (the "Sewer System") and facilities of the Authority; and (3) paying the costs and expenses associated with the issuance of the Notes; and

WHEREAS, The Council of the Borough has determined that the Project is in the best interests of the Borough and its residents and desires to approve the Project and to request the Authority to undertake the Project; and

WHEREAS, The Borough, as an inducement to the Authority to undertake the Project and to authorize and to issue the Notes, and as an inducement to the initial purchaser and to any and all subsequent owners of the Notes to purchase the Notes, and to thereby achieve interest costs and other savings to the Authority and to the residents and taxpayers of the Borough and other users of the Sewer System and facilities in the Borough, desires to enter into a Guaranty Agreement

(the "Guaranty Agreement") with the Authority and the initial purchaser of the Notes (the "Bank"), all as permitted by and in accordance with the terms and conditions of the Debt Act.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, by the Council of the Borough, as follows:

Section 1. The Borough hereby authorizes and approves the Project and requests the Authority to undertake the Project. The Borough ratifies and confirms all action heretofore taken by the Authority in connection with the Project. The Borough approves the issuance of the Notes by the Authority and determines to incur lease rental debt in the maximum aggregate principal amount of \$1,260,000 by the execution and delivery of the Guaranty Agreement

Section 2. The lease rental debt authorized to be incurred hereby is for the purpose of financing the Project.

Section 3. The Borough hereby finds and determines that the purpose of refunding the Prior Debt is to, among other things, reduce the annual debt service on the Prior Debt in the current fiscal year by extending the life of the issue. The remaining estimated useful lives of the capital projects originally financed by the Prior Debt and to be refinanced by a portion of the principal amount of the Notes range from 5 years to at least 37 years and the estimated useful lives of the capital projects to be financed by a portion of the principal amount of the Notes range from 1 years to at least 40 years. The Prior Debt will not be refinanced to a maturity date that could not have been included in the original issue. The Borough, through the Authority, has obtained realistic cost estimates of the cost of the capital improvements of the Project from engineers or other qualified persons.

Section 4. The maximum aggregate principal amount of the Notes, payment of which is assured by the Guaranty Agreement, is \$1,260,000.

Section 5. The debt to be evidenced by the Guaranty Agreement shall be lease rental debt of the Borough.

Section 6. The President or Vice President and the Secretary or Assistant Secretary of the Council of the Borough are hereby authorized and directed to prepare, to certify, to acknowledge and to file the debt statement and the borrowing base certificate, as appropriate, required by Section 8110 of the Debt Act and to take any and all other action necessary at any time or from time to time in connection with carrying out the intent of the Ordinance or necessary to comply with the Debt Act.

Section 7. The President or Vice President and Secretary or Assistant Secretary of the Council of the Borough are hereby authorized and directed to execute, attest, seal and deliver the Guaranty Agreement in substantially the form set forth on Exhibit A hereto with such insertions, deletions and amendments as the officers of the Borough executing said documents and the Solicitor to the Borough shall deem necessary. The execution, attestation and delivery of the Guaranty Agreement by appropriate officers of the Borough shall constitute conclusive evidence of such approval.

Section 8. In the event that the Borough is obligated to make payments under the Guaranty Agreement, the maximum amounts required to be paid thereunder, from the general revenues of the Borough, are as set forth on Exhibit B hereto. Exhibit B is incorporated herein by

reference with the same force and effect as if fully set forth in the text hereof. If at any time the Borough is required to make any payment under the Guaranty Agreement, proper officers of the Borough are hereby authorized and directed to do so.

Section 9. The Borough covenants to and with the Bank, the Authority and the registered owners from time to time, of the Notes that the Borough (a) shall include the amounts payable in respect of the Guaranty Agreement for each fiscal year in which such sums are payable in its budget for that year (provided that such amount was due and owing on the date of the adoption of the budget or was reasonably anticipated to become payable during the period covered by the budget), (b) shall appropriate such amounts from its general revenues for the payment of any such payment with respect to the Guaranty Agreement, and (c) shall duly and punctually pay or cause to be paid from any of its revenues or funds the amount payable in respect of the Guaranty Agreement, at the dates and place and in the manner stated in such Guaranty Agreement, and according to the true intent and meaning thereof. The Borough pledges its full faith, credit and taxing power for such budgeting, appropriation and payment in respect to the Guaranty Agreement. This covenant shall be specifically enforceable in accordance with the Debt Act.

In honoring the foregoing covenant, the Borough may take into account the revenues anticipated by the Authority to be available to pay Debt Service in the Fiscal Year to which the budgeting, appropriation and payment relates.

Section 10. The President or Vice President and Secretary or Assistant Secretary of the Council of the Borough are authorized and directed, if necessary or desirable, to cause to be prepared and filed with the Department of Community and Economic Development of the Commonwealth of Pennsylvania, appropriate statements required by Section 8026 of the Debt Act which are necessary to qualify the lease rental debt of the Borough, which is subject to exclusion as self-liquidating debt, for exclusion from the appropriate debt limits as self-liquidating debt.

Section 11. The proper officers of the Borough are hereby authorized and directed to execute, attest and deliver any and all necessary or appropriate documents and to do any and all necessary or appropriate things in connection with the transactions hereby contemplated.

Section 12. All ordinances and resolutions or parts thereof, insofar as the same are inconsistent herewith, are repealed hereby.

Section 13. The Ordinance shall become effective in accordance with the provisions of the Act.

Section 14. In the event any provision, section, sentence, clause or part of the Ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of the Ordinance, it being the intent of the Borough that the remainder of the Ordinance shall remain in full force and effect

DULY ENACTED AND ORDAINED, this 21<sup>st</sup> day of January, 2014, by the Council of the Borough of Harveys Lake, Luzerne County, Pennsylvania, in lawful session duly assembled.

BOROUGH OF HARVEYS  
LAKE Luzerne County,  
Pennsylvania

By

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President

Secretary  
(BOROUGH SEAL)

Mayor

**\*\*Roll Call Vote: Councilmember Blaine, yes; Councilmember Boice, yes; Councilmember Hilburt, yes; Councilmember Kehler, yes; Councilmember Kelly, yes; Councilmember Samson, yes; Councilmember Williams, no. The motion carried.**

**\*\*Councilmember Kehler made a motion to advertise for a part time zoning officer to work 3 days per week, seconded by Councilmember Blaine. The motion carried unanimously.**

**\*\*Councilmember Hilburt made a motion to advertise for part time police officers, seconded by Councilmember Williams. The motion carried unanimously.**

**\*\*Councilmember Kehler made a motion to pay Jesse Saylor \$17.00 per hour, Susan Sutton \$18.75 per hour and George Hogan \$21.25 per hour, seconded by Councilmember Blaine. The motion carried unanimously.**

**\*\*Councilmember Hilburt made a motion to purchase a New 2014 Ford Explorer Interceptor on the Municipal Fleet program, seconded by Councilmember Williams. The motion carried unanimously.**

Councilmember Blaine added that they will be getting a loan with our new bank, Luzerne Bank at a rate of 2.9% or possibly lower which is a savings over the original amount the Chief had brought them of 5.5% which will save quite a bit over the life of the loan.

## **OLD BUSINESS**

**There was none**

**\*\*Councilmember Blaine made a motion to pay the Bills and Payroll in the amount of \$129,558.09, seconded by Councilmember Kelly. The motion carried unanimously.**

The next meeting of Harvey Lake Borough Council will be held on February 18, at 7:30

pm. And we hope to have a Town Hall meeting before then, and they will get the word out if they do.

President Boice also said that George Andrews, a resident who used to be on council and was very active in the community passed away. Some of his friends and colleagues at Harveys Lake will be holding a small memorial at Grotto Pizza on Saturday, February 1<sup>st</sup>. Just to get together and share memories.

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

The meeting adjourned at 8:15 pm

Respectfully submitted by Susan R. Sutton, Borough Secretary