

**HARVEYS LAKE BOROUGH
LUZERNE COUNTY
REORGANIZATION & REGULAR COUNCIL MEETING
JANUARY 17, 2017**

The Reorganization and Regular Meeting of the Harveys Lake Borough Council was held on Tuesday, January 17, 2017 at 7:30 P.M. in the Harveys Lake General Municipal Building, 4875 Memorial Highway, Harveys Lake, PA, 18618.

Mayor Clarence Hogan opened the meeting and asked everyone to join him in the pledge of Allegiance.

Councilmember Hilburt gave a year in review report.

He reported that the New Police building was completed and thanked the building committee members, Kehler and Boice for all the hard work and many meetings with the architects, engineers, contractors and working through the many challenges of planning, construction of a commercial building. He also thanked the residents for their many donations that paid for the security cameras, emergency generator and the landscaping for the Police building.

He also thanked the Police Chief and his officers for working together with the newly formed "safety committee". In the many meetings held last year with Senator Baker, Representative Boback and PennDot, the following were achieved; Lowered the speed limit to 30mph, added two crosswalks, and received 4 speed minders. Senator Lisa Baker stated that "This was really a testament of local officials and residents working together to solve problems."

New contracts were approved and signed for the 3 years for the Police Officers and one year for the Police Chief.

Finance – passed a balanced budget with no tax increase. Thanking Kehler and his committee for working with new account Ms. Fairchild after the passing of long time accountant John Brokenshire.

Roads – This past year 5 roads were paved, secured grant money to pave Beaver Drive and made sure the Borough is in compliance with the MS4 mandates.

Garbage – Secured a three year contract with a new company that is supplying new containers.

Zoning - The zoning officer kept up with the complex and ever changing issues

EAC – Working with Princeton Hydro to address water quality issues, obtaining grant money of \$110,000 for the invasive Hydrilla and treating waterlilies. It was quoted in the paper by DEP that they announced last May that "they are going to use Harveys Lake as

a reference for High Quality water with clear water and low algae”.

Property Maintenance – This year the report included that they closed 21 properties with violations upon code compliance. Issued 30 notices of violation and completed over 500 inspections. 7 citations/fines were filed for non-compliance issues. Demolition of 3 blighted properties.

He thanked Susan, the borough secretary for all her hard work, especially what is done behind the scenes. Working with all departments, attending meetings, seminars and workshops that all benefit the residents here in Harveys Lake. She is the glue that keeps everything all together.

He also reported that Attorney O’Connor will be leaving as Solicitor having served in that capacity for three years. Council is grateful for all the help and guidance he has given to the Borough. We wish him the best of luck.

That is his report. Council is looking forward to 2017 and is committed to doing all we can to insure that Harveys Lake Borough remains the beautiful place that it is.

The Mayor announced the meeting tonight was being tape-recorded and if anyone in the audience had a recorder to please advise Council at this time. There was a reporter from the Citizen’s Voice who indicated she had a recorder.

****A motion was made by Councilmember Boice to appoint Susan Sutton as temporary Borough Secretary, seconded by Councilmember Samson. The motion carried unanimously.**

Roll call:

Clarence Hogan	Mayor	Present
Bill Hilburt	President	Present
Thomas Kehler	Vice President	Present
Daniel F. Blaine	Council Member	Present
Michell’e Boice	Council Member	Present
Ed Kelly	Council Member	Present
Wayde Post	Council Member	Present
Carole Samson	Council Member	Present
Thomas O’Connor	Solicitor	Present
Susan R. Sutton	Borough Secretary	Present

****Indicates motions made**

The Mayor opened the floor for nominations for Council President.

****Councilmember Boice made a motion to nominate Bill Hilburt for Council President, seconded by Councilmember Kelly. Roll call vote: Kehler, yes; Blaine, no; Boice, yes; Kelly**

yes; Post, yes; Samson, yes; Hilburt, yes. The motion carried.

The floor was turned over to President Hilburt.

****Councilmember Kelly made a motion to nominate Tom Kehler for Vice President, seconded by Michell'e Boice. Roll call vote: Kehler, yes; Blaine, no; Boice, yes; Kelly yes; Post, yes; Samson, yes; Hilburt, yes. The motion carried.**

****Councilmember Kehler made a motion to nominate Michell'e Boice for President Pro Tem, seconded by Councilmember Kelly. Roll call vote: Kehler, yes; Blaine, no; Boice, abstain; Kelly yes; Post, yes; Samson, yes; Hilburt, yes. The motion carried.**

****Councilmember Kelly made a motion to appoint Susan Sutton as Borough Secretary, seconded by Councilmember Samson. The motion carried unanimously.**

****Councilmember Kelly made a motion to appoint Matthew Loftus as Borough Solicitor, seconded by Councilmember Kehler. The motion carried unanimously.**

****Councilmember Kehler made a motion to appoint John Belles as Sewage Enforcement Officer, seconded by Councilmember Samson. The motion carried unanimously.**

****Councilmember Kelly made a motion to reappoint Barbara Fairchild as Borough Accountant, seconded by Councilmember Kehler. Roll call vote: Kehler, yes; Blaine, no; Boice, yes; Kelly yes; Post, yes; Samson, yes; Hilburt, yes. The motion carried.**

****Councilmember Boice made a motion to reappoint Barry Isett as Borough Engineer, seconded by Councilmember Samson. The motion carried unanimously.**

****Councilmember Kehler made a motion to appoint BHW as the Third Party UCC inspectors, seconded by Councilmember Kelly. Roll call vote: Kehler, yes; Blaine, no; Boice, yes; Kelly yes; Post, yes; Samson, yes; Hilburt, yes. The motion carried.**

****Councilmember Kelly made a motion to reappoint Bill Hilburt as the Bk. Mt. Cooperative Partnership voting representative, and Tom Kehler as the alternate, seconded by Councilmember Boice. The motion carried unanimously.**

****Councilmember Kelly made a motion to reappoint Mike Garrity to the zoning hearing board for three years and Tim Connolly to the zoning hearing board as an alternate for three years, seconded by Councilmember Kehler. The motion carried unanimously.**

****Councilmember Kelly made a motion to appoint Scott Burnside and Justin Matus to the Planning Commission for three years, seconded by Councilmember Kehler. The motion carried unanimously.**

****Councilmember Kelly made a motion to appoint Joe Sgarlet to the General Municipal Authority Board for a five year term to finish in 2021, seconded by Councilmember Kehler.**

****Councilmember Kelly made a motion to appoint Michael Daley, Sid Halsor and David Fedak to the Environmental Advisory Committee for three years, seconded by Councilmember Kehler. The motion carried unanimously.**

****Councilmember Kelly made a motion to reappoint Diane Dwyer as Vacancy Board chair, seconded by Councilmember Boice. The motion carried unanimously.**

****Councilmember Kelly made a motion for the zoning hearing board to appoint their own Secretary at the rate of \$100 per meeting, seconded by Councilmember Samson. The motion carried unanimously.**

****Councilmember Kelly made a motion for the planning commission to appoint their own Secretary at the rate of \$100 per meeting, seconded by Councilmember Samson. The motion carried unanimously.**

****Councilmember Kelly made a motion for the Environmental Advisory Committee to appoint their own Secretary at the rate of \$100 per meeting, seconded by Councilmember Samson. The motion carried unanimously.**

****Councilmember Kelly made a motion to adopt the Roberts Rules of Order for 2017, seconded by Councilmember Boice. The motion carried unanimously.**

****Councilmember Kelly made the motion to waive the reading and accept the minutes of the December 20, 2016 public worksession and regular council meeting, seconded by Councilmember Post. The motion carried unanimously.**

OPPORTUNITY FOR CITIZENS TO BE HEARD

The floor was opened for citizens to be heard. There was no public comment.

The floor was closed

REPORTS FROM APPOINTED OFFICIALS AND SPECIAL COMMITTEE

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

The Borough Secretary reported that during the month of December the Borough received \$6,294.04 from Berkheimer for an annual amount of \$365,940.29

REPORTS FROM APPOINTED OFFICIALS AND SPECIAL COMMITTEES

Admin: There was no report.

Finance: Councilmember Kehler gave a report including that the available cash is \$416,422.39 and restricted cash is \$73,865.52 for a total of \$490,287.91.

Police: Councilmember Samson stated that the Police responded to a total of 205 calls including: 3 burglar alarms, 2 trespassing, 1 animal calls, 27 assists to other departments, 2 disturbances, 4 medical emergencies, 1 misc. persons, 1 missing person, 2 motor vehicles accidents, 3 suspicious persons, 39 traffic offenses and 1 warrant served and 1 firearm violation.

- As always, we ask that residents report any type of suspicious activity. Several residents call days after they see suspicious activity, the sooner reported the better.
- We are aware that two of the speed minders on Lakeside Drive have not been working properly, we do have a call into PennDot to address the problem.
- The Chief has been in contact with Representative Boback on how we can get a permanent prescription drop off box at the police station to discard old or unwanted medications.
- The Chief has been in contact with the safety committee, hopefully a meeting will be held in the near future to discuss further safety measures for 2017
- If anyone would like a more detailed report regarding the police report, they can make an appointment with the Chief and he will supply what he legally can.

Roads: Councilmember Boice reported the road department has been very busy with the icy roads.

Zoning: Councilmember Kehler's report included that the zoning officer spoke to 115 persons. She issued 2 permits for a total of 188 for the year. She received 2 new complaints in writing with 2 resolved and 1 notice of violation heard by the zoning board.

Garbage: Councilmember Boice reported that the new garbage hauler is picking up garbage. Soon, new cans will be delivered. There was a holiday mix up that will hopefully be ironed out now. Recycling is being picked up every week now.

EMA: Councilmember Kelly stated that there were no problems.

Special Events: Council reported that the annual Lakefest will be held on August 4th, 5th and 6th.

EAC: EAC is looking for grants to combat the Hydrilla in the lake.

Building & Grants: Councilmember Boice reported that the LSA grant is submitted. We are just waiting to hear now.

Sewer: Judy Spagnola reported that the sewer rates did not increase except for the amount that DAMA increased theirs to Harveys Lake.

****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

Ordinance #1- 2017, amending Chapter 19 of the Harveys Lake Borough Code was read into the record:

Amendments to Harveys Lake Borough Code Chapter 19, Garbage, Rubbish, and Refuse

§19-4. Limitations on collections.

Section E is rescinded in its entirety.

§19-5. Standards for cans or bags.

Section amended in its entirety as follows:

All garbage shall be placed for collection in metal or plastic trash cans approved by an authorized agent of the Borough in accordance with standards provided by the authorized municipal waste collector or in plastic or waterproof paper trash bags. The trash bags must be ties and be sturdy enough so that they can be handled without breakage or tearing.

§19-9. Receptacle specifications.

Section A is amended as follows:

A. Trash cans shall be a durable grade of galvanized metal or other suitable material approved by an authorized agent of the Borough in accordance with standards provided by the authorized municipal waste collector. Refuse in cans shall be loosely packed so that the contents shall discharge freely when the receptacle is inverted.

§19-20. Limit on number of containers.

Section amended as follows:

Normal collection shall be limited to a number of containers approved by an authorized agent of the Borough in accordance with standards provided by the authorized municipal waste collector.

§19-29. Separation required.

Section heading amended to read: § 19-29. Collection.

Section A is amended as follows:

Each resident within the Borough of Harveys Lake shall place recyclable materials in an appropriate receptacle approved by an authorized agent of the Borough in accordance with standards provided by the authorized municipal waste collector.

Section B is amended as follows:

The appropriate municipal authorities are herein authorized to designate, by regulations, the days, times, and manner of collection of recyclable materials by the authorized municipal waste collector.

****Councilmember Kelly made a motion to approve the Ordinance as read, seconded by Councilmember Boice. The motion carried unanimously.**

Ordinance #2-2017 adding a chapter "Pile Driving Permit, Design, and self inspection" to the Harveys Lake Borough Code was read into the record:

ORDINANCE 2-2017

Chapter [#], Pile Driving Permit, Design, and Self Inspection

§#-1. Definitions.

The word "shall" is always mandatory and not merely directory. Whenever in this Chapter the words "directed", "required," "permitted," "ordered," "designated," or words of like import are used, it shall be understood that the direction requirement, permission, order, designation, or prescription of the Borough or its representatives or agents is intended. Similarly, the words "approved," "acceptable," "satisfactory," or word of like import shall mean approved by, acceptable to, and satisfactory to the Borough or its representatives or agents.

Application --- A form provided by the Borough required for approval of the driving of foundation piles within the waters of Harveys Lake.

Borough --- Harveys Lake Borough and its agents.

Design Professional --- an architect, or a civil or structural engineer.

Permit --- A pile driving permit as drafted by Harveys Lake Borough.

Person --- Any individual, firm, partnership, association, or corporation.

§#-2. Permits.

A. Permit Required. A permit shall first be obtained before any person may have driven any foundation piles within the waters of Harveys Lake as a foundation for the construction of a new structure upon such piles or for the construction of a foundation for a dock. A permit application fee in the amount of \$100 shall be payable upon application for each permit.

B. Normal Permit Procedure. Applications for a pile driving permit shall be available at the Borough Building at 4875 Memorial Highway, Suite 101, Harveys Lake, Pennsylvania. An applicant may complete said application at the Borough Building.

C. Contents of Application. The application for the permit shall state the name, contact

information of the homeowner, the construction address, the name, contact information, and certification/license number of the professional in charge of the project, and the name, contact information, and contractor's license number of the pile installer.

D. Construction Plans. Applicant must submit, simultaneously with the application, the construction plans drafted by the design professional, completed in accordance with the criteria set forth hereinafter.

E. Permit Review. A certified reviewer consistent with The Pennsylvania Uniform Construction Code Act 45 of 1999 shall review the permit and construction plans along with the Harveys Lake Borough Building Code Official and written confirmation as to their acceptance or denial will be provided within five (5) business days after submission. If the permit is denied a written notice as to the reasons therefore will be provided to the applicant. The applicant may correct such deficiencies within five (5) business days and reapply using the same initial application. If the deficiencies cannot be or are not corrected within five (5) business days applicant must submit a new application thereafter.

§#-3. Responsibilities of Design Professional.

A. Permit Approval. Prior to the start of any construction, the design professional in charge of the project must acquire permit approval from the Pennsylvania Department of Environmental Protection and the Harveys Lake Zoning Authority per local zoning ordinance requirements.

B. Plans. Construction plans shall be designed by a licensed design professional per the Pennsylvania Uniform Construction Code Act 45 of 1999. The plans shall indicate the number of piles driven complete with measurements and distances. The plans shall indicate the size and type of piles as defined per Army Corps of Engineers publication CECW-ED, EM-II10-2-2906, January, 1991. The plans shall indicate the total load values for the structure to be built upon the piles. The proposed piles shall be designed to accommodate such loads. The plans shall indicate the method of installation for the perceived soil conditions per Army Corps of Engineers publication CECW-ED, EM-1110-2-2906, January, 1991. The plans shall be calculated for TOTAL proposed loads and all future structures to be constructed on the load bearing piles if applicable (i. e. *piles calculated for a dock load will NOT be approved for an addition or a structure to be placed on the previously approved dock pilings without an engineers' structural evaluation prior to a building permit approval*).

C. Certification. Upon completion of the pile driving by the pile installation contractor, but prior to any construction of the structure to be completed atop the piles, the design professional must execute a Certification with the Borough that the piles were installed to the minimum requirements prescribed by the Army Corps of Engineers publication CECW-ED, EM-1 110-2-2906, January, 1991.

§#-4. Pile Installation Contractor.

A. License. The contractor installing the piles shall be a Pennsylvania licensed contractor with proof of professional liability insurance per the Pennsylvania Home Improvement Contractor Registration Act 132.

§#-5. Waiver.

The Harveys Lake Borough Building Code Official has the authority to issue a waiver for piles installed in Harveys Lake for docks with no structures and existing dock extensions and repairs. A waiver is not applicable for loadbearing foundation systems for structures or docks used for commercial purposes.

§#-6. Enforcement.

Any person who has piles driven into the waters of Harveys Lake for any purpose without first obtaining a permit from the Borough authorizing such activity will be in direct violation of this ordinance. Such person shall be fined \$150.00 per day from the date the construction starts without a permit until the date on which a permit is approved by the Borough. In the event the Borough denies the permit for any reason the applicant will remove, at the applicant's cost, any piles already driven into Harveys Lake. In such instance the Borough will continue to fine the applicant at \$150.00 per day until all piles are removed.

****Councilmember Kelly made a motion to approve the ordinance as read, seconded by Councilmember Samson. Wayde Post voted nay. The motion carried.**

Resolution #1 – 2017 setting fees for the Borough was read into the record:

**Resolution 1- 2017
January 17, 2017**

RESOLVED by the Borough Council of the Borough of Harveys Lake and IS HEREBY RESOLVED by the authority of the same:

WHEREAS Harveys Lake Borough Council has reviewed the outstanding fee schedules and has determined that it is in the best interest of the citizens of Harveys Lake Borough that the said fee schedule is amended.

NOW, THEREFORE, the Borough council of Harveys Lake hereby maintains section 1304 of the 2011 Zoning Ordinance:

- Increase Zoning Permit fees to \$75
- Maintain Zoning Hearing fees \$500
- Maintain Conditional Use permits \$500 application fee plus cost of Engineering Fees incurred by review of plan by Borough Engineer
- Maintain the Amusement Tax fee at \$100 each
- Increase the Burning Permit fee to \$20 per year
- Maintain the Garbage Fee at \$175 per year
- Increase the Job Johnny Fee to \$20
- Maintain Special Permits fee at \$100
- Maintain the Stormwater permit fees at:

- \$150 per 1,000 square footage of new or additional impervious surface as defined in the Harveys Lake Borough Stormwater Management Ordinance 1 of 2011.
- For all projects over 5,000 square footage of impervious surface or requiring Subdivision and/or Land Development approval through the Luzerne County Planning Commission, the permit review fee shall be equal to the actual costs incurred by Harveys Lake Borough and required by Luzerne County for stormwater plan review.
- Maintain Pave Cut Permit fee schedule as follows:

○ Processing and Issuing Permit (each)	\$25.00
○ Processing and Issuing Permit to Close Road	n/c
○ Inspection – First Hour (minimum inspection)	\$40.00
○ Inspection – Per Hour after First Hour	\$25
○ Penalty for Failure to Obtain Permit (each)	\$300
○ Penalty for Non-Compliance with any other section	\$100

****Councilmember Boice made a motion to approve the fee schedule resolution as read, seconded by Councilmember Post. The motion carried unanimously.**

An Agreement Resolution #2-2017 was read into the record:

WHEREAS, the General Municipal Authority of Harveys Lake ("Authority") has planned and developed a project entitled Non-Clog Pumps grant Project (" Project") , intending to install non-clog pumps,

WHEREAS, the Borough of Harveys Lake ("Borough") has applied for and received a Local Share Account Grant ("Grant") in the amount of (\$100,000) one hundred thousand dollars in order to fund the construction, engineering, and administration costs of the Project.

WHEREAS, the Borough now wishes to designate the Authority to execute all documents and agreements between the Borough and Commonwealth Financing Authority ("CFA") to facilitate and assist in maintaining the Grant.

THEREFORE, the Borough, through this agreement, does now designate the Authority to execute all documents and agreements between the Borough and CFA to facilitate and assist in obtaining any information requested by the CFA.

FURTHER, the Authority agrees to comply with any and all terms set by the CFA regarding the Grant for the Project.

IN CONSIDERATION, the Authority will receive from the Borough the funds received from the CFA for the Project.

NOW THEN, witness that on this. 17th day of January, 2017 .the Borough and the Authority recognize that the foregoing is an agreement duly adopted by a majority vote of the Borough and the Authority, respectively, and recorded in the Minutes of the Borough and remains in effect as of this date.

****Councilmember Kehler made a motion to approve the resolution as read, seconded by Councilmember Post. The motion carried unanimously.**

An Agreement Resolution #3-2017 was read into the record:

WHEREAS, the General Municipal Authority of Harveys Lake ("Authority") has planned and developed a project entitled Permanent Flow Meters grant Project ("Project"), intending to install permanent flow meters.

WHEREAS, the Borough of Harveys Lake ("Borough") has applied for and received a Local Share Account Grant ("Grant") in the amount of (\$450,000) four hundred and fifty thousand dollars, in order to fund the construction, engineering, and administration costs of the Project.

WHEREAS, the Borough now wishes to designate the Authority to execute all documents and agreements between the Borough and Commonwealth Financing Authority ("CFA") to facilitate and assist in maintaining the Grant.

THEREFORE, the Borough, through this agreement, does now designate the Authority to execute all documents and agreements between the Borough and CFA to facilitate and assist in obtaining any information requested by the CFA

FURTHER, the Authority agrees to comply with any and all terms set by the CFA regarding the Grant for the Project.

IN CONSIDERATION, the Authority will receive from the Borough the funds received from the CFA for the Project.

NOW THEN, witness that on this 17th day of January, 2017 .the Borough and the Authority recognize that the foregoing is an agreement duly adopted by a majority vote of the Borough and the Authority, respectively, and recorded in the Minutes of the Borough and remains in effect as of this date.

****Councilmember Kelly made a motion to approve the resolution as read, seconded by Councilmember Boice. The motion carried unanimously.**

****Councilmember Kehler made a motion to the following employee raises, retroactive to January 1st:**

The roadman from \$17.50 to \$18.94

The road foreman from \$21.75 to \$22.41

The Borough Secretary from \$19.25 to \$19.83

The zoning officer from \$14.75 to \$15.71

Seconded by Councilmember Post. Roll Call Vote: Kehler, Yes; Blaine, No; Boice, Yes; Kelly, Yes; Post, No; Samson, No; Hilbert, Yes. The motion carried.

OLD BUSINESS

****Councilmember Kelly made a motion to pay the Bills and Payroll in the amount of**

\$281,962.94 seconded by Councilmember Boice. The motion carried unanimously.

The next meeting of Council will be held on Tuesday, February 21, 2017 at 7:30 pm.

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

The meeting adjourned at 8:40 pm.

Respectfully submitted by Susan R. Sutton, Borough Secretary