

**HARVEYS LAKE BOROUGH  
LUZERNE COUNTY  
REGULAR COUNCIL MEETING  
June 18, 2013**

The Regular Meeting of the Harveys Lake Borough Council was held on Tuesday, June 18, 2013 at 7:30 P.M. at the Harveys Lake General Municipal Building, 4875 Memorial Highway, Harveys Lake, PA, 18618.

President Williams called the meeting to order and asked everyone to join her in the Pledge of Allegiance.

President Williams announced the meeting tonight was being tape-recorded and if anyone in the audience had a recorder to please advise Council at this point. Resident John Martinson indicated that he had a recorder.

**Roll call:**

Clarence Hogan	Mayor	Present
Amy Williams	President	Present
Fran Kopko	Vice President	Present
Boyd Barber	Council Member	Absent
Michell'e Boice	Council Member	Present
Tom Kehler	Council Member	Present
Ed Kelly	Council Member	Absent
Larry Radel	Council Member	Absent
Charles McCormick	Attorney	Present
Susan R. Sutton	Borough Secretary	Present

**\*\*Indicates motions made**

Fred Lubnow was here from Princeton Hydro and gave a quick update on the current projects being done with the PA DEP 319 grants.

**\*\*Councilmember Kopko made the motion to waive the reading and accept the Minutes of the May 22, 2013 Public Worksession and Regular Council meeting, seconded by Councilmember Boice. The motion carried unanimously.**

**OPPORTUNITY FOR CITIZENS TO BE HEARD**

The floor was opened for Citizens to be heard.

Resident John Martinson complained that in last months minutes it wasn't stated that he had issues that his neighbor's dock in non-conforming. He also had a letter in hand that he wrote and asked that it be read into the record.

RE: Pole 140/141  
2013

June 18,

To the Borough Council of Harvey's Lake:

I present this statement to you, (the council) as a 40 year resident, and tenured civil servant regarding the aforementioned property located between Poles 140 and 141.

Throughout the past 40 years my family and I have been fortunate enough to enjoy our lake front property located at Pole 141. Recently however, our ability to appreciate our property has been compromised due to the unprecedented actions of the defendant.

Upon purchase of the 14 foot lake front property directly adjacent to ours, the defendant personally approached myself regarding the resurfacing of a preexisting 10x10 foot slab of wood. I immediately informed the defendant that this structure is currently non-conforming (10.5, 10.6 HL Zoning Ordinance, Letter.) and any added dimension to the structure would be non-conforming as well (10.5, 10.6).

Within days of his verbal approach, the defendant went to the Borough building in order to obtain a building permit. This said permit was issued to the defendant for the sole purpose and construction of a retaining wall, barely located within the boundaries of the 14 foot property. In witness to his actions, it became clear that the defendant was not going to use the permit in order to build a retaining wall. Instead, the defendant posted the permit in order to immediately begin the expansion of a previously non-conforming structure.

As expansion of this non-conforming structure rapidly progressed, I immediately took action to alert the proper officials within the borough zoning board. Zoning officials physically came to the defendant's property, and when presented with visual and dimensional evidence, deemed the work area unsuitable according to borough zoning conditions and placed a 'stop work order' on the site. The work order was subsequently covered by the defendant, until local authorities had to physically uncover the order.

Visual inspection of the site would suggest that the original 10x10 structure had grown exponentially (upon receipt of an illegal/unwarranted permit) to an approximate size of 20x12. This reckless expansion of a nonconforming structure, is non-conforming simply in it's existence. Furthermore, this illegitimate structure serves no substantial interest concerning the public welfare or good. Liking the existence of the defendant's nonconforming structure to a public service is the equivalent of placing oneself in a dangerous position, for the sole purpose of manipulating that position for your own recreational use. This manipulation of the permit process and building code is both illogical and irresponsible.

In my estimation, the construction of this non-conforming property was for the sole purpose of supporting an unreasonable goal, given the exact size of the property. In this sense, I believe the issue for the council is whether or not the existence and expansion of this non-conforming structure is warranted. Furthermore, the peaceful enjoyment of my property has been severely and irreparably compromised by the actions of the defendant.

In closing, I can only hope that the codes and consequences set forth, and voted on by this distinguished council will prevail upon logical and simple inspection of the evidence and this testimony. The structure located between poles 140 and 141 is non-conforming, and its expansion was purposefully completed with full acknowledgement of its illegitimacy and non-compliance. Thank you for your time, and I am sure that the zoning law and codes as set forth by this council will prevail.

John Martinson

Council responded that a stop work order has been issued. It is Mr. Vieczorek's or Mr. Martinson's right to appeal the order of the zoning officer to the Zoning hearing board.

Judy Spagnola stated that it is not good when a resident can build whatever they want on their property and then appeal when it is non conforming.

Council recessed for an executive session to discuss this issue at 8:00 pm.

Council returned at 8:10 from executive session.

Solicitor McCormick stated that the present status of the property is a stop work order. There has not been a formal appeal to the zoning hearing board from either party. The one neighbors position is that it shouldn't be there, and that it shouldn't have been extended. The other position is that he has a valid dock that should be allowed to be there. The solicitor has recommended to Council that they have the acting zoning officer, Ms. Sutton to send a letter to our third party inspector, asking him to inspect and give his recommendation for the Borough. The zoning officer is then to forward a letter to Mr. Vieczorek with the recommendation. Then both parties have the option of taking an appeal of the recommendation to the zoning hearing board. He said there are a lot of terms being talked about, and a zoning variance is one option, but no variance has been requested. If there is no appeal, then the Borough will go through the enforcement procedures.

Resident Carrie Norton of 43 Pine St. complained about the condition of her neighbor's property.

Kathy Moretti complained about the property across the street that is blocking her view of Harveys Lake. She feels she is entitled to a view of the Lake. She is not satisfied with the steps that have already been taken to clean up the property across from her.

Judy Williams Spagnola from 77 Dudley Ave. complained about the large amount of bicycler's around the lake that do not observe the traffic laws.

Resident Santo Agati asked what the status of the LSA grant for remodeling the current police station is. Councilmember Boice told him that they are in the process of petitioning DCED to use the money to upgrade the current location. He also commented on the bicycles and the difficulty of going around the lake with them.

Megan Sgarlet Prynne gave an update from the Environmental Committee and thanked the Road Crew for helping install the no feed the duck signs.

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 April the Borough received \$36,715.10 from Berkheimer.

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

**Finance:** The borough secretary gave the report stating that available cash is \$579,498.94, last year it was \$480,186.51. Restricted cash is \$124,557.22 and last year it was \$129,081.88. For a total of \$704,056.16 this year, and last year it was \$609,268.39.

**Police:** Mayor Hogan reported that there were 221 calls. He also reminded residents to please report suspicious activity and keep all doors locked at all times and be very cautious of people walking and riding their bicycles.

**Roads:** Councilmember Kopko gave the report including that basins are being repaired, the manholes in Sunset Terrace and on May Ave were repaired. They also fixed and maintained the police and road department vehicles.

**Planning:** Reported that a hearing on the on the XCell tower is scheduled for tomorrow night.

**Zoning:** Councilmember Kehler stated that there were 22 zoning permits for \$880, Third Party UCC fees were \$1052.63 for a total of \$1932.63. And there are two hearings scheduled for July 2 regarding parking and the S1 district.

**Trash:** Councilmember Boice stated that council is moving forward with a collection agency to collect past due garbage billing.

**EMA:** Announced that the Kunkle Fire Co. now has their own ALS (Advanced Life Support) unit.

**Special Events:** Mayor Hogan stated that the Annual Homecoming is scheduled for August 2, 3<sup>rd</sup> and 4<sup>th</sup>. Also, the Annual Fire Co. dance at the Irem Country Club is scheduled for July 27<sup>th</sup>

**LSA Grant:** Councilmember Williams reported that she is working with Councilmember Boice to amend the LSA grant.

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

### **NEW BUSINESS**

**\*\*Councilmember Boice made the motion to authorize the setup of an account with Municipay, seconded by Councilmember Kopko. The motion carried unanimously.**

**\*\*Councilmember Kopko made the motion to authorize PennEastern to handle the bidding for the 2013 Liquid Fuels project, seconded by Councilmember Kehler. The motion carried unanimously.**

**\*\*Councilmember Kopko made the motion to accept Resolution #3-2013 which reads:**

WHEREAS, Harveys Lake Borough, pursuant to the provisions of the General Code of Harveys Lake Borough, Section 19-21 and other enabling acts as applicable, may prescribe fees and charges for municipal services and may prescribe penalties for late payment of said fees and charges. And

WHEREAS, Harveys Lake Borough has delinquent SERVICE FEES it desires to have collected and

WHEREAS, Creditech is in the business of collecting delinquent bills.

NOW, THEREFORE, BE IT RESOLVED by Harveys Lake Borough, County of Luzerne, Commonwealth of Pennsylvania

Section One (1)

That Creditech shall be collector for accounts assigned to them for collection.

Section Two (2)

That all accounts placed for collection shall be charged a 30% late payment penalty.

Section Three (3)

This 30% penalty is to be kept by Creditech as payment for the services provided.

**seconded by Councilmember Kehler. The motion carried unanimously.**

**\*\*Councilmember Kopko made a motion to approve the use of Waterview Lane for the Homeworkz subdivision, seconded by Councilmember Kehler. The motion carried unanimously.**

## **OLD BUSINESS**

**There was none**

**\*\*Councilmember Kopko made a motion to pay the Bills and Payroll in the amount of \$83,896.14, seconded by Councilmember Boice. The motion carried unanimously.**

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

The meeting adjourned at 8:45 pm

Respectfully submitted by Susan R. Sutton, Borough Secretary