

**HARVEYS LAKE BOROUGH  
LUZERNE COUNTY  
REGULAR COUNCIL MEETING  
June 16, 2015**

The Regular Meeting of the Harveys Lake Borough Council was held on Tuesday, June 16, 2015 at 7:30 P.M. in the Harveys Lake General Municipal Building, 4875 Memorial Highway, Harveys Lake, PA, 18618.

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

President Hilburt 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.

President Hilburt also announced that an executive session was held prior to this meeting for a discussion on matters of Litigation.

**Roll call:**

Clarence Hogan	Mayor	Present
Bill Hilburt	President	Present
Carole Samson	Vice President	Present
Daniel F. Blaine	Council Member	Present
Thomas Kehler	Council Member	Absent
Ed Kelly	Council Member	Present
Michell'e Boice	Council Member	Present
Amy Williams	Council Member	Absent
Thomas O'Connor	Attorney	Present
Susan R. Sutton	Borough Secretary	Present

**\*\*Indicates motions made**

**\*\*Councilmember Kelly made the motion to waive the reading and accept the Minutes of the May 18, 2015 Public Worksession and Regular Council meeting, seconded by Councilmember Samson. The motion carried unanimously.**

**OPPORTUNITY FOR CITIZENS TO BE HEARD**

President Hilburt stated that as most of you already know, with in our Borough on Sunday, June 7<sup>th</sup>, a tragic and fatal drunk driving accident occurred, claiming the life of a young wife and mother from Factoryville, PA, Paula Jones.

We are deeply saddened by this senseless, unfortunate occurrence. On behalf of the Council and Mayor, we would like to express our sincerest condolences to the Jones family.

Everyone, everywhere hopes and prays that these kinds of accidents will never happen. But

unfortunately, no matter what preventative measures are taken, they sadly do.

As Council Chairman, I want to personally reassure everyone that this Council, the Mayor and the Police department will continue to be proactive in our approach to this sensitive matter. Suggestions and recommendations from you, our residents will be taken into serious consideration.

The District Attorney Stephanie Salavantis and Detective Capitano both expressed to the Police Committee in a meeting last week how "Excellent Police Work" from both the Harveys Lake Police Department and Neighboring Municipalities led to the quick apprehension in less than one hour of Mr. Scavone. Noting that only one in ten DUI hit and run suspects are ever apprehended!

Therefore I requested Chief Musial to be here tonight to keep us up to date and answer question you may have.

Good evening, first I would like to express our sadness for what happened on June 07 when Paula Jones' life was cut short by a drunk driver.

As Chief of Police of Harveys Lake it is my duty to make every effort to be sure people are safe in the borough.

Since I was hired as a police officer in the borough 17 years ago I have taken police work to heart, I have seen the worst of the worst, and well I think I have and then something tragic like this happens. I have always tried to protect the people and make things right for them. I am a very proactive person, since becoming Chief in 2010, I feel I have a very dedicated police force. The morale couldn't be better, not only with our department but with working with other Back Mountain Police departments, State Police, and the Luzerne County District attorney's office.

Since the time of the accident Harveys Lake has had support from all law enforcement agencies, and that is why an arrest was made so fast. We worked around the clock, put in a lot of man hours and did some good old police work to get Mr. Scavone off the streets, so he couldn't take another life.

The Harveys lake police department has been proactive since I became Chief, we have made more DUI arrests in the past three years than ever before. 30 last year and 18 and counting for 2015. In the last two years our department has issued or filed 225 traffic citations. Plus handed out several warnings. I feel we have done what we were able to do with what we had. It's time to take an extra step and add an extra split shift during the peak hours when more people are out and about on the lake. The Mayor and Council approved the shift that would run Thursday through Sunday 1 pm to 9pm. possibly adjusting the hours if needed earlier in the day. We are asking for funding to have more DUI roving patrols that would be funded through the Catholic Social services.

Studies by Penn Dot were done a few years ago to adjust the speed limit from 35 to 25, PennDot studies found at that 35 miles per hour was appropriate for Lakeside Drive. PennDot also looked

into installing a walk and bike path on Lakeside drive and found it was impossible to do with such a narrow roadway. One major thing PennDot looks at when determining if a speed limit needs to be reduced is how many accidents are on that particular roadway and what was the cause of the accident.

I reviewed our accident records for the past five years, these accidents include all borough roadways not just Lakeside Drive, they are as follows:

- 2011 there were 10 accidents; 2 relating to speed, 1 from a driver falling asleep, 2 improper turning, 1 animal related crash, 1 caused by debris in roadway and 3 from weather related issues.
- 2012 there were 17 accidents 7 relating to drunk driving, 1 falling asleep, 1 stop sign violation, 2 careless driving and 6 weather related.
- 2013 there were 14 accidents 4 drunk drivers, 1 parking, 1 speed related, 1 careless, 6 weather related, and 1 entering highway improperly.
- 2014 there were 13 accidents 3 drunk drivers, 6 weather related, 1 careless, and 3 animal related. With one fatal accident related to weather.
- 2015 7 accidents as to date with 4 drunk driving, 1 weather related 1 not paying attention, 2 careless, one resulting in a fatal caused by drunk driver. So, out of all the accidents, only 3 were caused by excessive speed. The most caused by weather related, second being drunk drivers.
- 2 pedestrians were killed, one due to a weather related accident and one by a drunk driver.  
1 driver was killed due to a weather related accident. No bicyclists were hit during these years

I reached out to Rep. Karen Boback and Sen. Lisa Baker within the past week, to see if we can revisit those options and have Lakeside Drive studied again

Myself, the Mayor and Council have looked at immediate options we can implement to help drivers slow down and educate pedestrians and bicyclists of their responsibility of walking or riding on the roadway. Walkers, runners and bicyclists also have to follow the rules of the road. It is their obligation to move to the further most part of the shoulder of roadway as possible when a vehicle approaches them so the vehicle could pass safely. Our officers were out and will be out speaking to pedestrians and bicyclists about the law. On the back table I have made copies of the pedestrian's responsibility to be on a roadway, the bicycle law is 44 pages, if anyone would like a copy of that please make a request to myself or the borough secretary.

We recently had the chance to get the speed sign that we now jointly own through the Back Mountain cog. It will be placed in different areas around Lakeside Drive, to help people recognize their speed. So far it has made an enormous difference with people slowing down according to residents where the sign has been placed. People just don't realize how fast their traveling after driving the Lake for so many years, they just kind of forget about the speed limit. I have made a call to Sam Galante from PennDot, I asked if he would be able to send someone out to examine the signage and see if more signs, new signs and see if brush can be cut away from signs. He informed me he would personally travel Lakeside Drive and examine the signs. On Monday of this week I spoke with a PennDot crew that was out clearing brush from signs, they informed me that they are put an order in to have every sign replaced. The new signs will be reflective and to today's standards. They advised me some of the signs have been up since 1992.

The crew also advised many signs are missing and they too would be replaced as well.

Rep. Boback and Sen. Baker would like to sit down with leaders of Harveys Lake and Penn-Dot in the near future to discuss what else can be done on Lakeside Drive to make for a safer travel for all of those that use the roadway.

I would like to end, by thanking those who made the arrest of Mr. Scavone happen as fast as it did, to get him off the street so he can't take another life with his carelessness and selfishness for human life. The officers from Harveys Lake Borough, Dallas Borough Police officer Dave Rineheimer, Lehman Township Officer Ken Kugler, The Pennsylvania State Police, Luzerne County Det. Lt Gary Capitano The District Attorney's Office and the leaders of Harveys Lake Borough.

The floor was opened for Citizens to be heard.

Sam Galante discussed the signage around the lake.

Santo Agati asked what the rules were for which way you walk or bike on which side of the road.

Rich Cronin discussed the guard rail

Bill Monk discussed the possibility of riders and walkers wearing reflective vests.

Michael Daley discussed problems with speeding. He had statistics and discussed the possibility of beefing up patrols during the summer season.

Rich Pius discussed the possibility of seasonally adjusting the patrols and having proper signage. He also discussed the 4ft buffer for bike riders. He recommended daytime dui stops.

Mr. David Bass stood to speak.

Council Members, Mayor thank you for allowing me the opportunity to speak.

My name is David Bass. I live in Hunlock Township but I spend a lot of my time free time at the lake. My father in law owned a house on Lakeshore Drive for years and we spent many happy summers at the lake. I am a board member of Wyoming Valley Multisport, the local triathlon club. I am also a committee member of the Wilkes Barre Triathlon.

The reason I am here to speak to you tonight is my concern for the safety of all pedestrians, walkers, runners and cyclists around the lake. We were all horrified at the tragic death of Paula Jones on June 7th, but I have to admit there was a part of me that wasn't completely shocked. There is a lot of traffic on the lake, a lot of drivers go to fast, and there just isn't enough room to walk, run or cycle around the lake. Many of my friends who live at the lake have said the same things. Even crossing from your house to the lake can be dangerous. We are so concerned about the safety of every resident and visitor to this community that we had to come to you with our concerns. We think that the time is critical now and some action needs to be taken before tragedy

strikes again.

In this room tonight are residents of Harveys Lake, friends of Paula Jones, members of the triathlon club and Upstate Velo the cycling club and a lot of concerned citizens who care about this issue. We have a lot of good ideas and would be willing to sit down with Council or a designated committee to discuss our ideas as well as to listen to your ideas so we can come up with some solutions to make the lake a safer place for every resident and every visitor. I have set up a meeting to speak with Rep. Karen Boback (July 2) and we are waiting to hear back from Sen. Lisa Baker's office. I would encourage you to send a representative from council to these meetings with us. Our main goal is to work together with Council and Harveys Lake residents to ensure that everyone is aware of the rules of the road, motorists, cyclists and pedestrians, so that everyone is safe.

We all have stories about cyclists and motorists who violated the rules of the road. In representing the cycling and triathlon communities, through these clubs and the local bike shops, we feel we are best prepared to help get that message out to cyclists and runners to improve behavior.

I would like to have my comments entered into the meeting minutes and I welcome an opportunity to work with council directly about this issue.

Thank you for your time.

Council President Hilburt stated that Council is dedicated to community safety and Quality of Life. Council is setting up an advisory Safety Committee. It will be for residents and citizens to have input in what can be done to help make the Lake a safer place for recreation. He asked anyone interested in joining should see the Secretary after the meeting to sign up.

Carrie Potter spoke about Bicycle safety.

President Hilburt also stated that he would like to have quarterly updates from the Police Chief at Council meetings. He asked the Chief if he would be willing to do that. The Chief stated that he would be honored.

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 May the Borough received \$42,234.63 from Berkheimer.

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

**Finance:** Councilmember Blaine stated the total available cash was \$744,062.97, restricted cash is \$139,011.27 for a total of \$883,074.24. He also reported that the Plgit card is working well.

The loan for the Backhoe is done through Luzerne Bank who gave us a lower interest rate than Medico. He also stated that the budget is in line.

**Police:** Councilmember Samson stated that most of her report is already done. However there will be one more item coming up in regarding hiring of another part time police officer.

**Roads:** Councilmember Boice reported that the department has been busy cleaning basins. The summer kids are here. We had an MS4 inspection that has identified several areas that will need attention before the next inspection. The new backhoe is here and being used. We hope to have a new Vac All trailer that will be purchased with DEP 319 grant funds. This will help us keep up on cleaning the basins.

**Grants:** Councilmember Boice reported that she met with the Borough Engineer and bidders for the Police Station LSA grant. They granted a one week extension on the bids being due. However they still hope to have the project finished no later than September 30<sup>th</sup>. There will be a special meeting to open and award the bids. The committee also met with BIA to discuss possible grant opportunities.

**Garbage:** Councilmember Boice reported that fees collected for the current year in the month of May were \$8,822.78, prior year collections were \$6,047.54, garbage stickers \$111.50 for a total of \$14,981.82.

**Special Events:** The Mayor stated that the Fire, EMA and Police appreciation day is postponed until August 15. The Fire Co. Irem Temple dance is August 1<sup>st</sup> this year. And Lakefest will be July 24 – 26. The dance will be Friday night with Strawberry Jam and a flyer is available in the office.

**Zoning:** The zoning officer reports that she worked 13 days. She had 126 residents and contractors, issued 17 zoning permits, 3 Job Johnnies. There were 4 certificates of occupancy. She had 3 complaints that were resolved. There was \$9,843.50 collected in April for a year to date total of \$32,624.70.

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

#### **New Business**

**\*\*Councilmember Boice made a motion appoint Barry Isett and Associates as the Alternate Engineer when there is a conflict of interest with Borton Lawson, seconded by Councilmember Kelly. The motion carried unanimously.**

**\*\*Councilmember Boice made a motion authorize Borton Lawson to prepare the bid specifications and advertise for the 2015 Liquid Fuel project, seconded by Councilmember Kelly. The motion carried unanimously.**

**\*\*Councilmember Blaine made a motion to submit to DEP a request to move the sewer lateral with the new Police Station, seconded by Councilmember Samson. The motion carried unanimously.**

**\*\*Councilmember Boice made a motion to waive the fees for Candy's Place for the BRWalk, seconded by Councilmember Kelly. The motion carried unanimously.**

**\*\*Councilmember Samson made a motion to hire Mark Lipparela as of June 10<sup>th</sup> as a part time police officer, seconded by Councilmember Kelly. The motion carried unanimously.**

## **OLD BUSINESS**

President Hilburt asked if there was anyone with old business to discuss.

**\*\*Councilmember Blaine made a motion to pay the Bills and Payroll in the amount of \$82,018.59, seconded by Councilmember Kelly. The motion carried unanimously.**

The next meeting of Council will be held on Tuesday, July 21, 2015 at 7:30 pm.

Mark Wallace on behalf of the Harveys Lake Little League wanted to thank Solicitor O'Connor and Borough Council for executing the lease of the Recreation Building. They are very grateful. This will help when they apply for grants. Pollock just donated a new scoreboard.

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

The meeting adjourned.

Respectfully submitted by Susan R. Sutton, Borough Secretary