

**HARVEYS LAKE BOROUGH
LUZERNE COUNTY
REGULAR COUNCIL MEETING
March 18, 2014**

The Regular Meeting of the Harveys Lake Borough Council was held on Tuesday, March 18, 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.

President Boice stated that just before this meeting a short executive session was held to discuss litigation.

Roll call:

Clarence Hogan	Mayor	Absent
Michelle 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**

****Councilmember Kelly made the motion to waive the reading and accept the Minutes of the February 18, 2014 Public Worksession and Regular Council 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 Jason Miller, representing the Environmental Advisory Committee asked Council what the procedure is for EAC to bring to Council a proposal to apply for a grant to buy a Leaf Gathering truck. Council recommended that once they are done with the research, to bring it to the EAC liaisons which are Councilmember Kehler and Blaine.

Also it was pointed out that April 27th is the day EAC would like to have a Borough

Clean up for Earth Day.

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 February the Borough received \$46,599.58 from Berkheimer.

REPORTS FROM APPOINTED OFFICIALS AND SPECIAL COMMITTEES

Finance: Councilmember Blaine gave the report including that available cash is \$476,700, restricted cash is \$70,155 for a total of \$546,855. He also stated that the Borough has moved 99% of the cash from PNC to Luzerne Bank. He also reported that the light bill in the Rec. Ctr. had decreased dramatically following the installation of a heat tape and turning off the heat. Also, the lights in the Garage are being turned off at night and that should lower the electric bill. They are chipping away at the bills where they can.

Police: Councilmember Hilburt gave the report including the police responded to 163 calls. He also reported that the five new part time police officers are currently on duty and working out well. The new cruiser is scheduled to be delivered in mid April.

Roads: Councilmember Kelly gave the report including that the department has been cleaning the roads and basins and taking care of potholes. They are doing a better job than the State. He stated that our two guys do a great job. He read a card sent in by a resident into the record.

George and Jesse,

*Thank you for everything you do for us. This year has been especially difficult but that didn't stop you. Thanks again. Judy and Sid Silver,
Wayne St.*

Planning and Zoning: Councilmember Kehler reported that last month there were five zoning permits issued, no variances, and \$1578 in fees from the UCC inspectors for a total of \$1778. Next month, when the new police cruiser is delivered, we will be passing the old one over to the zoning officer.

Trash: Councilmember Williams gave the report including the current garbage fees collected for the month of February was \$39,491.38. Prior year collections were \$3,375.10. For a total of \$42,866.48.

Special Events: There is an Easter Egg Hunt scheduled on Saturday, April 19 from 11am to 1 pm. It will be held at the Little League field for ages 0-12.

LSA Grant: Councilmember Kehler reported that our Engineers have been out to meet with the Police Committee. They will be presenting a timeline and project list. There will probably need to be some special meetings and they hope to have something going for June or July and have it done this year. Councilmember Boice stated that there is specific procedures for grants that have to be followed that seem to slow things down but it should be done in plenty of time for the grant.

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

NEW BUSINESS

A letter was read that was received from Clarence Hogan:

Att: Harveys Lake Borough Council,
On this date Feb. 19, 2014 @ 9:00 am I ask that you accept my resignation as a board member on the General Municipal Authority of Harveys Lake Borough for personal reasons. Thank you. Mayor Clarence Hogan.

****Councilmember Blaine made a motion to accept the resignation of Clarence Hogan from the General Municipal Authority of Harveys Lake Board, seconded by Councilmember Hilburt. The motion carried unanimously.**

A second letter was read that was received from Clarence Hogan:

March 13, 2014.
Attention: Harveys Lake Borough Council

I would like to inform you after further consideration and effective immediately I wish to rescind my resignation and remain on the board of the Harveys Lake General Municipal Authority.

On February 18, 2014 Council President Boice falsely informed me that I had to resign. This was at an Executive session on Personnel Matters held after that evening' Work Session.

I was appointed by the Harveys lake Council to this position on June 21, 2011 after Council Solicitor McCormick researched this appointment to make sure it was legal.

Sincerely,
Mayor Clarence Hogan

President Boice wanted to state for the Record, that she didn't tell him he had to resign. She asked if anyone wanted to take action. There was no response.

Councilmember Blaine stated that the last sentence is not correct. It is in fact legal for a Mayor to sit on the board. Nevertheless, it is not legal to accept payment for the position. He did pay the \$1600 back to the Sewer Authority.

President Boice stated that Guy Giordano asked Council to contact UGI by letter to ask them to continue the gas line around Harveys Lake. She feels she is the last person to ask this, but a Resident has come forward requesting a response, because UGI stopped installation of the gas lines around the lake near Hanson's Park and never finished the line. He had come to Council last month and this month asking that Council ask UGI to finish the line around the lake. They had promised and even given contracts and reductions to the bills for residents who changed over. Now, they have stopped the supplements and withdrawn the plans to continue.

****Councilmember Kehler made a motion to modify the letter submitted by Guy Giordano to UGI to try and get them to reconsider finishing the line, seconded by Councilmember Hilburt. The motion carried unanimously.**

****Councilmember Kelly made a motion to appoint Councilmember Blaine to serve as President Pro Tem, seconded by Councilmember Hilburt, The motion carried unanimously.**

****Councilmember Blaine made a motion to appoint Robyn Jones to the Planning Commission until December 31st, 2014 for the remainder of the open position, seconded by Councilmember Kehler. The motion carried unanimously.**

****Councilmember Blaine made a motion to increase the Planning Commission from 3 to 5 members, seconded by Councilmember Williams. The motion carried unanimously.**

President Boice stated that if anyone is interested, there will be two more seats available on the Planning Commission.

****Councilmember Blaine made a motion to accept the proposal from Conrad Electric to replace the lighting at the Borough Garage, seconded by Councilmember Kelly. The motion carried unanimously.**

Councilmember Kehler stated that the reason they are doing this upgrade is due to the excessive cost of the current lighting. The current bill is around \$3500 a year and the new lights should be around \$300 a year. They will pay for themselves in about a year and 3 months.

Councilmember Blaine stated that he had a letter from Judy Williams Spagnola stating that at anytime there is an opening on the General Municipal Authority Board she is

willing to serve.

****Councilmember Blaine made a motion to appoint Judy Williams Spagnola to the General Municipal Authority Board of Harveys Lake, seconded by Councilmember Hilbert. The motion carried unanimously.**

Solicitor O'Connor stated that the reason an executive session was held was to discuss ongoing litigation. Steven Vieczorek has sued both Harveys Lake Borough and the Harveys Lake Zoning Hearing Board over the failure of the Borough and the Board to approve a permit for, as O'Connor understands it, seven inches on a dock. And obviously when you are in litigation, there is a dispute of facts as to whether there was or was not an additional seven inches. He has spoken to the Zoning Hearing Board solicitor Mark McNealis and they jointly agree that they should settle this matter. It is a diminus amount that the Borough can grant this seven inches. There are some other disputed facts between the Borough, the Hearing Board and Mr. Vieczorek, and also the cost to the Borough. There has already been a complaint filed, the Borough has already filed an answer, which the Zoning Hearing Board joined in that answer. The prior Solicitor provided those services and was paid for them. He does not have a copy of the current file which he will review after getting a copy from the Borough Secretary. He would like to be given the authority to settle the lawsuit along the lines of the dispute which is over seven inches, or say several inches. He has also informed the Borough Council that if he finds out anything out of the ordinary upon further review of the matter, that the matter will not be resolved. But that is the issue as it has been presented to him, and from what he can see by the actual lawsuit filed by the Borough, and the Borough's answer. So he was asking the council to approve the settlement along those lines.

****Councilmember Kehler made a motion to approve the proposed settlement to the Vieczorek lawsuit as long as nothing further is found upon review, seconded by Councilmember Blaine. The motion carried unanimously.**

President Boice stated that they were asked to appoint a liaison to the Harveys Lake Recreational Committee, and two of the Councilmembers volunteered to do that. Carole Samson and Amy Williams will work with Mike Rush in the future. She hopes to see more good projects like they have seen recently, going on into the future.

OLD BUSINESS

President Boice asked if there was anyone with old business to discuss. There was no response.

****Councilmember Blaine made a motion to pay the Bills and Payroll in the amount of \$83,957.04, seconded by Councilmember Samson. The motion carried unanimously.**

President Boice stressed the importance of the GDAC meeting regarding the proposed Fracking Tank site. She stressed getting informed, and contacting the County and State

officials to make your opinions known. The Harveys Lake Borough Council has already taken a stand and made their opinion publicly known. We must be vigilant.

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

The meeting adjourned at 8:07 pm

Respectfully submitted by Susan R. Sutton, Borough Secretary