

**HARVEYS LAKE BOROUGH
LUZERNE COUNTY
REGULAR COUNCIL MEETING
May 20, 2008**

The Regular Meeting of the Harveys Lake Borough Council was held on Tuesday, May 20, 2008 at 7:30 P.M. at the Harveys Lake General Municipal Building, Route 415, Sunset, Harveys Lake, PA.

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

President Lucarino announced the meeting tonight was being tape-recorded and if anyone in the audience had a recorder to please advise Council at this point. There was no response from the audience.

Roll call:

Richard Boice	Mayor	Present
Lawrence Lucarino	President	Present
Diane Dwyer	Vice President	Present
Edward Kelly	Council Member	Present
Clarence Hogan	Council Member	Present
Charles Musial	Council Member	Present
Carole Samson	Council Member	Present
Betty Jane West	Council Member	Present
Charles McCormick	Attorney	Present
Susan R. Sutton	Borough Secretary	Present

****Indicates motions made.**

****Councilman Samson made the motion to waive the reading of the minutes and accept the Minutes of the April 15, 2008 Public Works Session, April 15, 2008 Regular Council Meeting, with a change in the date of the August Triathlon taking place on Sunday August 3, 2008, and the Special Meeting, May 8, 2008, seconded by Councilwoman Dwyer. The motion carried unanimously.**

INCOMING CORRESPONDENCE

Bob McGuire sent an email inquiring the status of the 911 addressing

Comcast sent us a letter regarding the expansion of their HD by adding the YES network in HDTV.

Luzerne County Office of Community Development sent out a letter letting us know that the 2008 Continuum of Care process has begun. We need to register if we are interested in participating.

Luzerne County Planning Commission invited us to a workshop that will educate us in the Hazard mitigation planning process on Wednesday, May 28, at 4:30 to 7:30 at the Quality Inn in Pittston, PA.

Luzerne County Solid Waste Management Department will once again be holding their Electronic Recycling Collection for the residents of Luzerne County. It will be held June 7 in Butler Township at the Butler Township Fire Hall and Sat. June 21 at the Hanover Area Junior Sr. High School. For a copy of the flyer, please stop by the borough office.

OPPORTUNITY FOR CITIZENS TO BE HEARD

Shirley Mallory, of Old Lake Road asked Councilman Hogan if he had any past vendor information from the previous Homecoming Committee. Councilman Hogan stated that he had turned all of that information over to Noelle Arnold, our previous committee chairwoman.

President Lucarino asked if there was anyone else. There was no response.

REPORTS FROM APPOINTED OFFICIALS AND SPECIAL COMMITTEES

The Borough Secretary reported that during the month of April \$31,809.25 was received from Berkheimer.

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

REPORTS FROM APPOINTED OFFICIALS AND SPECIAL COMMITTEES

Finance: Councilman Kelly reported the Borough had \$417,143.66 in Available Cash, \$226,259.19 in Restricted Cash for Total Cash of \$643,402.85.

Police: Councilwoman West read the report from February which included 123 complaints, 4 parking tickets, 17 traffic citations, 0 non-traffic citations, 3 arrests and 12 written warnings. Total money received from the Magistrate was \$332.11.

Roads: Councilman Musial reported that road department has been very busy with road maintenance. They have also removed 32 loads from the Cease St. Demolition site. They have replaced 2 catch basins, and have a long list of more that need replacement. The recycling trailer is still being worked on. There was regular maintenance on the vehicles.

Community Activities: Councilman Hogan reported that there will be a dance held by the Fire Company on July 26 at the Irem Temple Country Club.

Zoning Officer's Report: No report.

Sewer Authority Liaison: Councilwoman Samson reported that the Sewer Authority met on May 7, 2008 and paid bills totaling \$45,332.57. Included in the report was Mayor Boice's report that daily maintenance continues on all 14 stations. Mr. Mann made a motion to allow Mr. Welgoss to connect to our sewer line as an exemption to the moratorium.

EAC: Councilwoman Samson reported that EAC met on May 13, 2008. Chairman Boice was absent, so Cathy Link ran the meeting. Included in this report, there was discussion on soil erosion at Pole 8, 18, and 66. They have asked the Luzerne Conservation District to look into it.

****Councilwoman Dwyer made the motion to accept the reports from Special Committees, Elected Officials and Appointed Officials, seconded by Councilwoman West. The motion carried unanimously.**

NEW BUSINESS

Warrantless Arrest Resolution

Solicitor McCormick said there have been some recent court cases involving support for what is called a warrantless arrest for the police department when the police take into custody someone who has a summary offense, such as disorderly conduct or public drunkenness, in order to make sure those arrests are valid, rather than just citing someone and allowing the police to be able to remove someone from the area, we need to pass a resolution which just refers back to a criminal administrative code that sets forth the prerequisites for establishing a warrantless arrest. It is a very technical thing that we are doing. But it is to empower and allow the police department to continue to, if they deem it appropriate to remove someone in a summary conviction circumstance, rather than just writing them a citation and leaving the scene.

****Councilwoman Samson made a motion to approve the Resolution No. 1 of 2008, A resolution of the council of the Borough of Harveys Lake adopting guidelines for the Borough of Harveys Lake Police officers when making authorized warrantless arrests, seconded by Councilman Musial. The motion carried unanimously.**

****Councilwoman Dwyer made a motion for the Borough to join PA One Call, seconded by Councilwoman Samson. The motion carried unanimously.**

****Councilwoman West made a motion to amend the burning ordinance to add new line items, Sec. 17-5 B (6) and (7), Burning regulations; and to amend Sec. 17-6 A; and add new line items of chapter 17 Fire Prevention, of the borough code, seconded by Councilwoman Samson. The motion carried unanimously.**

Mayor Richard Boice stated that he had a problem with Councilman Musial making the motion with regard to warrantless arrests.

****Councilman Musial made a motion to withdraw his second of the above motion due to his position with the Police Department.**

****Councilwoman Samson made a motion to approve the Resolution No. 1 of 2008, A resolution of the council of the Borough of Harveys Lake adopting guidelines for the Borough of Harveys Lake Police officers when making authorized warrantless arrests, seconded by Councilwoman West. The motion carried unanimously. Councilman Musial abstained from the vote due to his position with the Police Department.**

OLD BUSINESS

Councilwoman West asked the Borough Secretary to send a letter to Noelle Arnold turn over all of her old records regarding the Homecoming Committee, to please send it to the Borough within 10 days.

Councilwoman Samson gave an update on the Homecoming Committee. They finally have a committee formed, Mrs. Samson is the chair, Patricia West is the Vice-Chair, Shirley Mallory became the Secretary/Treasurer, Mrs. West is chair of the dinner dance, and Charles West and David Davis are coordinating everything through the Fire Dept. Sandra Serhan is doing the Mr. and Mrs. Harveys Lake and taking over the history too. The Police are also involved. Anyone wishing to help is welcome.

****Councilman Kelly made a motion to pay the bills and Payroll in the amount of \$72,206.45, seconded by Councilwoman Samson. The motion carried unanimously.**

Councilman Lucarino asked if anyone had anything else to add to the meeting.

Councilwoman West congratulated Mayor Richard Boice on becoming a grandfather.

****Councilman Musial made a motion to look into an ordinance regarding nuisance lighting, seconded by Councilwoman Samson. The motion carried unanimously.**

****Councilman Kelly made a motion to adjourn, seconded by Councilman Musial. The motion carried unanimously.**

The meeting adjourned at 7:55 P.M.

Respectfully submitted by

Susan R. Sutton, Borough Secretary