

**HARVEYS LAKE BOROUGH
LUZERNE COUNTY
REGULAR COUNCIL MEETING
October 16, 2012**

The Regular Meeting of the Harveys Lake Borough Council was held on Tuesday, October 16, 2012 at 7:30 P.M. at the Harveys Lake General Municipal Building, 4875 Memorial Highway, Harveys Lake, PA, 18618.

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

Vice President Kopko announced the meeting tonight was being tape-recorded and if anyone in the audience had a recorder to please advise Council at this point. Councilmember Boice indicated that she was recording the meeting.

Roll call:

Clarence Hogan	Mayor	Present
Larry Radel	President	Absent
Fran Kopko	Vice President	Present
Boyd Barber	Council Member	Present
Michell'e Boice	Council Member	Present
Tom Kehler	Council Member	Present
Ed Kelly	Council Member	Present
Amy Williams	Council Member	Present
Charles McCormick	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 September 18, 2012 Public Worksession and the September 18, 2012 Regular Council meeting, seconded by Councilmember Kehler. The motion carried unanimously.**

OPPORTUNITY FOR CITIZENS TO BE HEARD

The floor was opened for Citizens to be heard.

Rob Weaver, Pole 260. Mr. Weaver had a letter and he asked who wrote it. It is written to Mayor Clarence Hogan stating that the police station is unsafe. He thought the issue of moving the Police Department was already resolved. He asked if this was going to be discussed tonight, if there was going to be a vote.

Councilmember Boice stated that she didn't understand where Larry Radel was tonight, and why they had to have a special meeting last Friday to discuss this.

Mr. Weaver stated that he talked to 26 people around this lake and 19 were opposed and 7 uncommitted on moving this police station. He can't believe that we are going to drag this thing out via some study by Pasonick, who is in jail by the way,

Solicitor McCormick cautioned Mr. Weaver that he should be careful what he says.

Mr. Weaver said he doesn't want to lose his right to be heard on this subject.

Vice President Kopko stated that they were not planning on discussing this tonight.

Councilmember Boice stated that at the special meeting last Friday, there was a motion to have an engineering study done on the building across the street to see what it would cost to bring it up to code. The people from the engineering firm were here yesterday, and the discussion was that there are other issues across the street. What it is beginning to look like to her, is that it is going to cost more to bring it up to code...

Rob Weaver asked why it had to be brought up to code.

Solicitor McCormick stated that by law, once you do a certain amount of work on a structure, if you go over a certain percentage, then you have to meet code requirements.

Mr. Weaver stated that he spoke to Labor and Industry and that if it is changed more than 33% it has to be brought up to code.

Solicitor McCormick stated that he is not an expert; he says it depends on what work is done and the extent of it. He said that whatever is going to occur on that, whether it falls under that or not, theoretically he feels that it is going to get close, and that is just from some of the information going around. The engineers report would have to incorporate that in some way, anyway.

Mr. Weaver said that it might not be perfect, but for the amount of money that we are talking here, he asked the residents if anyone there wanted to move the police station.

Councilmember Kopko and Solicitor McCormick stated that this is public comment and he is to address council. McCormick also stated that there is nothing on the agenda tonight. He said that the last vote was to move the grant over to the existing police station. He said that someone has to come up with a cost. There is nothing on the agenda. The vote was taken at another meeting. And there is currently an engineer that will be looking at the building.

Councilmember Boice stated that the handwriting is on the wall, from what she is seeing that they are going to end up over there. Just so you know...

Councilmember Kopko stated that he didn't know where she was getting her information from, and that if she knows something, she should let them in on it.

Councilmember Boice stated that she was there yesterday. Councilmember Williams stated that she has a call into PennEastern, but has not yet heard from them. Ms. Boice stated, that in her opinion, from being on site yesterday, she said that the two engineers from Pasonick said that it was going to cost more to upgrade this building, to bring it up to code, than it is going to cost to move it over to the Recreation Center. Based on that, in her opinion, that is the route that is going to be taken.

There was more discussion. Including the fact that the grant stated that no renovations would be necessary to move the borough offices over to the police station. Since there has been opposition to the police move, that building has come up with all kind of problems. She just wants the residents to be prepared for what is going to happen.

Mr. Weaver stated that all it needs is a little bit of plumbing over there. That for the money that is stated, you could build a new building for that price. Councilmember Kopko asked where he got that letter from. Mr. Weaver said he didn't know.

Mr. Weaver stated he was done now. That he has sat in the past and kept his mouth shut.

Solicitor McCormick said that they are trying to give out information. That there is no question that there is significant division among council on this. And until someone gives that opinion, whatever it will be, there is nothing on the agenda, and the outstanding motion from two months ago is the law.

Mr. Weaver asked if it is absolutely necessary that the building be brought up to code.

McCormick stated that it always depends on what you are doing. You don't have to do anything to that building unless it is declared uninhabitable, or you are doing a certain amount of work.

Resident Gerald Kovaleski stated that this was just his opinion, regardless of where the police station is, we should be thankful that we have a police force in a small community such as this. There are plenty of other communities that can not afford it. The council is trying the best that it can to satisfy the residents of the Lake, and he thinks they are doing a great job.

Councilmember Boice stated that she agreed and would like to see it remain that way.

Resident Diane Dwyer, Second St. stated that she believes that it was approved by the Luzerne County Board of Elections to put this question on the Ballot. Councilmember Boice said it was approved and then rescinded. Ms. Dwyer asked who rescinded it. Councilmember Kehler stated that the Election Board rescinded it. She asked why. He stated that it wasn't a legal question. Councilmember Boice stated that the State doesn't want to have to make up a bunch of different ballots for public opinion polls. Solicitor McCormick agreed that the state is very restrictive on what it allows on the ballot.

Ms. Dwyer also expressed concern over special meetings that are open to the public and only five days before the regular meeting, and also scheduled at 5:00 in the evening instead of 7:30 pm when more people could attend. Also could you give a little more than 24 hours notice, which is the law, so that people can attend. She feels that it is absurd to spend the taxpayer's money for a meeting that really wasn't necessary.

Councilmember Kopko stated that there were two resignations from the police force and that the meeting was held to get another officer online and ready for duty as soon as possible to assist the residents in the community.

Resident David Abod passed around some pictures of a new dock being constructed next to his property at pole 155. He also had a copy of the DEP permit that the neighbors had received. He believes that he has been a victim of targeted enforcement. He called the zoning office several times and left messages, and called Ms. Boice, (who concurred that he has called her). He has called the zoning officer to complain that he feels the work is not being done properly with the side yard setbacks and has not heard or seen from the zoning officer since. He stated that he has been arrested several times, and that when he complains, no one listens. He believes that the rules are selective. He has spent a lot of money defending himself. The rules are selective and not for everyone. All he is asking is that they maintain the ten feet from his property.

Dora Abod said that Andy told her they should let it be built and they can have it torn down later. Mr. Abod doesn't want that to happen as once the dock is built, it could be considered a hardship to have it removed.

Councilmember Kehler stated that he would talk to the zoning officer and see where it stands.

Mr. Abod also stated that when he was on the Civil Service Commission, for eight years, he said that it was the most important thing to have a presence for the Police Department. The presence of the police car itself is a deterrent.

Resident Judy Williams Spagnola stated that she has similar concerns regarding the moving of the police station. The motion to rebid the police station failed for a lack of a second. Now you want to get bids to bring this one up to code. When the bids were gotten for the other building, they were all over the amount of the grant. As a taxpayer, she can't afford any more increases. She said that before, it was stated that 70% of the calls were coming from over by the rec. center. She would like to know how many are actually coming from there. She said that residents want a safe building, but they don't want to be paying for it. She wants to know what the crime rate is.

Mayor Hogan said that he doesn't know what the crime rate is. But as far as renovating that building over by Sandy Beach, it is up to code.

Councilmember Boice said that there is not an engineering study for that building, nor did it address the water issues that are over there, and there are water issues and there

have been for a long time.

Councilmember Boice said that she can't afford any more taxes either. She stated that when she did some research, she was unable to determine the percentage as well.

Mayor Hogan said that he doesn't know what the crime rate is there. Out of 167 calls, there were 0 burglaries.

Mr. Abod thanked Councilmember Kehler for his concern over his situation. And he wanted to remind Council that the reason he was there was his concern that there is targeted enforcement.

The floor was closed.

REPORTS FROM APPOINTED OFFICIALS AND SPECIAL COMMITTEES

The Tax Collector's report for the month of September was available on the back table.

The Borough Secretary reported that during the month of August the Borough received \$18,505.20 from Berkheimer.

REPORTS FROM APPOINTED OFFICIALS AND SPECIAL COMMITTEES

Finance: Councilmember Kelly reported that the balance year to date for the unrestricted cash is \$418,664.61 and the current restricted cash is \$126,941.32 for a total this year of \$545,605.82. Last year, the current available cash was \$299,675.00, last years restricted cash was \$130,381.62 for a total last year of \$430,056.82. He also reported that the budget would be coming soon.

Police: Mayor Hogan gave the police report including for the month of September the three vehicles travelled 3,230 miles. Fines and forfeitures were \$83.07 and reports were \$15.

Roads: Councilmember Barber gave his report including that the road department used 144 gallons of fuel and they have been getting the equipment ready for winter.

Zoning: Councilmember Kehler stated that he was just appointed liaison and had no report for this month. However he stated that people with zoning problems could contact him directly.

Planning: There was no report.

Trash: Councilmember Kopko gave his report including that current year garbage collections for the month of September were \$10,629.69, garbage stickers sold were \$115.00 and prior year collections were \$1252.49 for a total of \$11,997.18

EMA: Councilmember Williams reported that a fire drill was held at the Lake Noxen School and that even though they purposely blocked on of the exit doors in order to see how they would react, the entire school was evacuated in one minute and forty four seconds. This was an excellent time. She also thanked the Harveys Lake Fire company who spent 17 hours repairing the dry hydrant over by Grotto with the help of Pioneer Construction who supplied the equipment and an operator, and Brian Smigelski who donated the use of his truck.

Special Events: Mayor Hogan reported that the Homecoming is sponsoring a Halloween Pumpkin Carving Contest on Saturday, October 27 from 2-5 pm at the HL Powersports building.

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

NEW BUSINESS

****Councilmember Kehler made the motion to accept the proposal from Creative Benefits to handle our employee healthcare from Health America to Blue Cross of NEPA, in particular, the Blue Care EPO with a \$250 deductible that will cost us \$70,645.80 for a savings of \$21,931.56 over our present carrier, seconded by Councilmember Williams. The motion carried unanimously.**

OLD BUSINESS

There was none

****Councilmember Kelly made a motion to pay the Bills and Payroll in the amount of \$101,691.30, seconded by Councilmember Barber. The motion carried unanimously.**

****Councilmember Kelly made a motion to adjourn, seconded by Councilmember Williams. The motion carried unanimously.**

The meeting adjourned at 8:03 pm

Respectfully submitted by Susan R. Sutton, Borough Secretary