

**HARVEYS LAKE BOROUGH  
LUZERNE COUNTY  
REGULAR COUNCIL MEETING  
September 16, 2014**

The Regular Meeting of the Harveys Lake Borough Council was held on Tuesday, September 16, 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.

**Roll call:**

Clarence Hogan	Mayor	Present
Michell'e 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	Absent
Thomas O'Connor	Attorney	Present
Susan R. Sutton	Borough Secretary	Present

**\*\*Indicates motions made**

President Boice stated that prior to the regular Council meeting an executive session was held to discuss personnel issues.

Fred Lubnow was here from Princeton Hydro and gave an update on our 319 DEP grants. He reported that Hydrilla has been found in the Lake which is a highly aggressive invasive species that will need to be dealt with quickly.

**\*\*Councilmember Kehler made a motion to approve the Princeton Hydro Contract to provide services for building, planting, deploying and anchoring five wetland islands in Harveys Lake, PA, seconded by Councilmember Kelly. The motion carried unanimously.**

**\*\*Councilmember Kehler made a motion to authorize Princeton Hydro to send two no-cost extension request letters to DEP for grants #1126 and #1218 both 319 grants. This will also request a change to project #1126 in the scope of the grant requesting a purchase of a Vac-All Truck for the Borough, seconded by Councilmember Kelly. The motion carried unanimously.**

**\*\*Councilmember Samson made the motion to waive the reading and accept the Minutes of the August 19, 2014 Public Worksession and Regular Council meeting, seconded by Councilmember Blaine. The motion carried unanimously.**

### **OPPORTUNITY FOR CITIZENS TO BE HEARD**

President Boice said that On Behalf of the Borough of Harveys Lake, we extend our condolences to the family of Corporal Bryon Dixon and at the same time pray for the recovery of Trooper Douglas. We pledge our support to all members of our law enforcement community and pray for their safety in protecting all citizens.

The floor was opened for Citizens to be heard.

Aileen Dodson asked if any progress had been made on getting a Quality of Life ordinance in place. President Boice stated that a committee met with Barry Isett to discuss how this could be done. They are currently studying other ordinances that have already been passed in other locations. Aileen also asked if anything could be done with Noble and Bridge streets. They are in pretty bad shape. Council stated they would ask the road foreman.

Resident Ruth Morris stated a concern for the lack of a street light near the Grotto Bridge. She saw a cyclist almost hit the bridge there the other night when it was dark. Council stated that Lakeside Dr. is a PennDot road.

Rose Gavignon had concerns on Center St. where the road is washing out. She said there have been cones there but no repair work for at least two years. She also stated that pipes there are clogged and when there is a lot of rain the water backs up over Second St. She also stated that 49 Center St. has been abandoned and it is overgrown. There is a basement with water in it that has become a cess pool. There are a lot of feral cats. She says it is unhealthy for the children in the neighborhood. Council asked that Ms. Gavignon provide the owners name for the abandoned house so that it can be looked into. They will also talk to the Road Foreman.

Kathy Moretti wanted to know when a resolution for the definition of vegetation will be. Council said they are working on it. Kathy said she has been asking the same question for four years. She asked this question in May, and here it is September, and everyone keeps saying they are working on it. President Boice stated that the new ordinance they are working on might help Council. She also stated this was a new council that wasn't here four years ago and that they are working on it.

Carol Culver asked council to write a letter in opposition of the new proposed gas transmission lines being proposed in our County. She gave out information on an upcoming meeting for more information.

Michael Daley wanted to correct some misinformation he had heard that the Floating Wetland Islands (FWI) were the cause of an elevated count just prior to the Triathlon. There are actually three testing areas done before the event, and the FWI were not a contributor to any elevated count.

Jim Pugh had a question about his neighbor, Mr. Abod. He gave a timeline of dates related to his recollection of past letters and violations with Harveys Lake Borough and Mr. Abod. Mr. Pugh wants to know how a nonconforming footer can get a permit issued stating that everything is good. He says he asked the zoning officer how he got a permit and she told him the Borough Council told him to do it. President Boice stated that this was the first time she was hearing this. Mr. Pugh said he doesn't know who, but she said somebody on council directed her to give the permit to Mr. Abod. Mr. Pugh said that if you review the permit that Mr. Abod gave for the footer work, it is deficient in several areas. There is no sketch, which makes it an incomplete request and should not have even be issued. So he was asking Council, seeing as how the zoning officer said Council directed her to do it... President Boice stated that the zoning officer isn't here to ask. He said he understands that, but he can't get anything further out of her other than she was directed by Council to give him the permit. Councilmember Kehler stated that he believes she was directed by the Third Party inspector to give him the permit, not Council. Mr. Pugh said she said Council. He also wanted to know how the Third Party could direct her to give the permit if it needed a variance. The third party has no authority to do that. Solicitor O'Connor stated that there is some type of compliance deadline but since he doesn't have his notes in front of him, he isn't exactly sure what it is for. Mr. Pugh said that he thinks it may pertain to the violation in regards to a shed. The Solicitor thought that might be it. He said this is the second violation that he has received. Mr. Pugh said that the last one was previously from Mr. Luzetski, the prior zoning officer in October, 2013. However nothing was done then. The current zoning officer issued a notice that was supposed to be resolved by June and here it is September and nothing has been done. He said he was just asking for some answers. How you could go from needing a variance for a structure, and then say that's ok we are just going to give you a permit? He said the Third Party inspector said it didn't need to be inspected because it is a subterranean wall, and that it is not a structural foundation. Once before a case was lost at the magistrate stating that the Third Party doesn't have jurisdiction over zoning issues, so how can they issue a permit now? They went over to inspect it, it was covered over, they looked at pictures and said since it is subterranean wall, it doesn't need to be inspected. They didn't even inspect it. He says he spoke to the Third Party himself, and that was the answer he was getting. He stated that there are parts missing on this application as well that should have been filled out that aren't filled out. Somebody needs to explain this. What about all of the other people in the Borough that are trying to do something. There are rules and regulations to follow. That is all anybody asks. President Boice stated that it wasn't brought to her attention. She does not interfere with the Zoning Officer or issuing permits. Mr. Pugh said that the only reason he is questioning Council is because the zoning officer said council told her to give the permit. President Boice said that she wants to ask the zoning officer if she said that. And what council member would do that. Councilmember Blaine said that he could tell him this, it was not this councilmember. He has a hard time talking to her anytime. (There was a lot of talking at this time.) Councilmember Kehler stated that the comment by Councilmember Blaine was inappropriate. Council President Boice stated that they would have to ask the zoning officer. They will look into it. Solicitor O'Connor said the only thing he was aware of was the issue with the shed. They had asked for six months and he said no, 30 days at most. Mr. Pugh stated that since it was moved, it should no longer be allowed to be there. President Boice stated that all happened with the previous zoning officer and Pugh said no, it was discussed with the current Solicitor also.

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 August the Borough received \$42,707.69 from Berkheimer.

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

**Finance:** Councilmember Blaine gave the report including that they are presently working on the budget, and that currently the total available cash this month is \$613,609.60, restricted cash is \$90,630.39 for a total of \$704,239.99. He said that the budget process takes a long time, you have to digest a lot of material, and he is very happy with what has been done so far. President Boice stated that he does do a lot with the finances and she appreciates the time he takes.

**Police:** Councilmember Hilburt stated that the Police responded to a total of 230 calls including: 42 traffic stops, 6 DUI arrests, 12 citations issued, 10 assists to other departments, 8 suspicious activity calls, 2 warrants, 9 animal calls, 18 misc. calls, 1 motor vehicle accidents, 30 Fire and EMS calls, 6 burglar alarms, 3 noise complaints, 3 thefts, 3 domestic calls and 1 hit and run.

- The Chief reports the department is running very smooth with no problems.
- A reminder to residents that the inside lane of Lakeside Drive will be closed on September 27, 2014 from 8:30am until around 10:00 am for the Wendy's Run. The police department asks motorists to please be careful and obey the officers and fire personnel.
- The Chief would also like to ask motorists to slow down in the construction areas of State Route 415, American Asphalt has seen drivers not obeying their construction signs.
- Traffic has been very heavy on Old Lake Road due to the highway construction, Please obey the speed limit on Old Lake Road. The speed limit is 25 MPH. Many residents of Harveys Lake have been stopped traveling much higher than the posted speed limit. SLOW DOWN.
- Once again, this month has been very busy with DUI arrests. As always, PLEASE CALL FOR A RIDE.
- As usual, if any resident sees any type of suspicious activity, please dial 911 and report it. We are having residents calling days after they see suspicious activity. You need to report it when you see it.

**Roads:** Councilmember Kelly gave the report including the guys have been very busy. Jesse Saylor worked on getting a grant for Halowich Rd. for \$43,180.00. He also stated that it looks like everyone is working together and the guys are doing a great job.

**Planning and Zoning:** Councilmember Kehler gave the zoning officers report including meetings with 146 residents this month. She issued 14 zoning permits, 13 job johnny

permits, and 2 variances in front of the Zoning Hearing Board and an Amusement tax of \$500. The monthly fees were \$5158.00 for a yearly total of \$29,434.00.

**Garbage:** Councilmember Samson reported that fees collected for the current year in the month of August were \$6,642, prior year collections were \$3123, and garbage stickers for \$67.50 for a total of \$9832.

Resident Judy Spagnola stated that when the garbage and recycling was collected recently, they did not separate the two, they threw it all in the same truck. President Boice stated that it is important, but they need to call when they see it done.

Council wanted to make it clear that the grant for Halowich road was already received. It is specifically for Halowich Rd.

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

#### **New Business**

**\*\*Councilmember Blaine made a motion to authorize the Cargill Salt contract for an estimated 350 tons of salt delivered at \$73.00 per ton with the stipulation that no wastewater Brine and no fracking waste is being used in the manufacture or use of this salt, seconded by Councilmember Samson. The motion carried unanimously.**

**\*\*Councilmember Samson made a motion to approve Liquid Fuels payments for the retainer fee to Popple Construction for \$5,709.26 and the Borton Lawson payments for \$9273.87, seconded by Councilmember Kelly. The motion carried unanimously.**

**\*\*Councilmember Blaine made a motion to Bill Hilburt as the representative to the Bk. Mt. COG providing Harveys Lake Borough is accepted into the COG, seconded by Councilmember Kelly. The motion carried unanimously.**

**\*\*Councilmember Hilburt made a motion to accept the recommendation of our carrier for Loss Control measures, seconded by Councilmember Kehler. The motion carried unanimously.**

#### **OLD BUSINESS**

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

**\*\*Councilmember Hilburt made a motion to pay the Bills and Payroll in the amount of \$78,591.28, seconded by Councilmember Williams. The motion carried unanimously.**

The next meeting of Council will be held on October 21 at 7:30 pm.

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

The meeting adjourned.

Respectfully submitted by Susan R. Sutton, Borough Secretary