

**HARVEYS LAKE BOROUGH  
LUZERNE COUNTY  
REGULAR COUNCIL MEETING  
December 19, 2017**

The Regular Meeting of the Harveys Lake Borough Council was held on Tuesday, December 19, 2017 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. There was no response.

**Roll call:**

Clarence Hogan	Mayor	Present
Bill Hilburt	President	Present
Thomas Kehler	Vice President	Present
Daniel F. Blaine	Council Member	Present
Michell'e Boice	Council Member	Present
Ed Kelly	Council Member	Present
Wayde Post	Council Member	Absent
Carole Samson	Council Member	Present
Matthew Loftus	Solicitor	Present
Susan R. Sutton	Borough Secretary	Present

Fred Lubnow from Princeton Hydro gave a report on the active Stormwater Grants. There was a design issue with the proposed Queen of Peace basin scheduled to be installed and an alternate location will need to be found quickly. The stormwater BMP will need to be installed and finished by June of 2018.

Fred reported that he recently found out recently that three grants were awarded to Harveys Lake Borough. A new 319 grant for a stormwater BMP on Grandview Ave for \$140,000, a Growing Greener grant for eradication of the Hydrilla. Last year, an application was made for a basin on Sunset Terrace that was not funded. However, a call was later received from DEP that there was money left over asking if there was a project ready to go. Sunset Terrace was resubmitted and will now be installed.

Jack O'Mara asked what restrictions the Hydrilla treatment has on swimmers and other recreation on the Lake. Fred stated that there are no restrictions due to the low amount concentration used and the type of product being used. The only real impact is that for about a month after application, the lake water should not be used for irrigation as it will kill plants and grass as well.

President Hilburt announced that prior to this meeting, an executive session was held.

**\*\*Indicates motions made**

**\*\*Councilmember Kelly made the motion to waive the reading and accept the minutes of the November 21, 2017 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.

Taryn Barrall and Lee Judson both expressed disappointment and concern on the recent approval of a zoning variance for the Cell Tower off of Chestnut St. They asked council to help stop it. Council pointed out that the Zoning Hearing Board is independent from Council. An appeal has to be made at the courthouse in Luzerne County within 30 days in order to appeal the decision that was made.

The floor was closed.

**REPORTS FROM APPOINTED OFFICIALS AND SPECIAL COMMITTEE**

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

The Borough Secretary reported that during the month of September the Borough received \$62,665.18 from Berkheimer

**REPORTS FROM APPOINTED OFFICIALS AND SPECIAL COMMITTEES**

**Admin:** There was no report

**Finance:** Councilmember Kehler gave a report including that the available cash is \$646,871.47 and restricted cash is \$58,397.93 for a total of \$705,269.40.

**Police:** Councilmember Hilburt stated that the Police responded to a total of 162 calls including: 5 suspicious persons, 48 administrative calls, 9 burglar alarms, 3 animal complaints, 1 assault, 10 assists to other agencies, 1 disorderly conduct, 3 DUI, 7 medical emergencies, 1 traffic accident, 3 accidents, 1 overdose, 3 fingerprinting/record checks, 3 suspicious persons, 1 service call, 55 traffic calls.

**Roads:** Councilmember Boice stated that there is nothing to report. However, the department is ready with the plows and salt for whatever comes with the weather.

**Zoning:** Councilmember Kehler stated that there was no report.

**Garbage:** Councilmember Boice reported that the current year fees for the month of November collected were \$4,801.03. Prior years' fees were \$1034.06 for a total of \$5,835.09. The total collected for the year is \$273,856.52.

**EMA:** Councilmember Samson stated that there were no problems.

**Special Events:** Councilmember Samson stated that there are no events pending.

**EAC:** There was no report

**Building & Grants:** Councilmember Boice stated that submitted the LSA grant paperwork applying for 3 new speedminders and one message board for \$30,000.

**Sewer:** There was no report.

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

#### **New Business**

**\*\*Councilmember Kelly made a motion to agree to the Memorandum of Understanding between the Luzerne Conservation District and Harveys Lake Borough as it is written, seconded by Councilmember Samson. The motion carried unanimously.**

The following resolution was read into the record:

#### **Authorized Official Resolution** **Harveys Lake Borough**

Be It Resolved, that **Harveys Lake Borough** of **Luzerne County** hereby requests a Local Share Account grant of **\$ 1,999,668.00** from the Pennsylvania Gaming Local Share Account under the Commonwealth Financing Authority to be used for the **2018 Sanitary Sewer Rehabilitation Project.**

Be It FURTHER RESOLVED that the Applicant does hereby designate Daniel Blaine and Clarence Hogan as the officials to execute all documents and agreements between **Harveys Lake Borough** and the Pennsylvania Gaming Local Share Account under the Commonwealth Financing Authority to facilitate and assist in obtaining the requested grant.

I, Susan Sutton, duly qualified Secretary of Harveys Lake Borough, Luzerne County, PA hereby certify that the foregoing statement is true and correct per the Harveys lake Borough Council Meeting held on December 19, 2017 and passed unanimously, said Resolution has been recorded in the minutes of Harvey Lake Borough and remains in effect as of this date.

IN WITNESS THEREOF, I affix my hand and attach the seal of Harveys Lake Borough, this 19th day of December 2017.

**\*\*Councilmember Kelly made a motion to accept the resolution as read, seconded by Councilmember Samson. The motion carried unanimously.**

The following resolution was read into the record:

LOCAL SHARE ASSESSMENT FUND (GAMING FUNDS) LUZERNE  
COUNTY  
BMCP SHARED POLICE EQUIPMENT

HARVEYS LAKE BOROUGH

WHEREAS, the BACK MOUNTAIN COMMUNITY PARTNERSHIP (BMCP) is applying for a grant to purchase police equipment, and

WHEREAS, HARVEYS LAKE BOROUGH wishes to participate in said intermunicipal, cooperative project, and

WHEREAS, Jackson Township has agreed to serve as the municipal sponsor and “grantee” for this application, and

WHEREAS, the Pennsylvania Department of Community and Economic Development through the Commonwealth Financing Authority makes available grants to such projects through the Local Share Assessment Fund (Gaming Funds) Luzerne County, and

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of Harveys Lake Borough hereby authorizes the Northeastern Pennsylvania Alliance (NEPA), on behalf of the BMCP, to make application for said grant.

**\*\*Councilmember Samson made a motion to accept the resolution as read, seconded by Councilmember Blaine. A roll call vote was requested. Roll Call: Councilmember Kehler, No; Councilmember Blaine, Yes; Councilmember Boice, No; Councilmember Kelly, No; Councilmember Samson, Yes; Councilmember Hilburt, No. The motion failed.**

During the vote, Councilmember Boice stated that she was voting no because Harveys Lake Borough applied for a LSA grant to purchase speed minders and a message board and she feels that this grant would compete with that.

Councilmember Kehler stated that he reviewed the list of equipment from the different municipalities and he feels that Jackson Twp. asking for 5 vehicles is crazy and he can't endorse that.

Ed Kelly stated that he agreed with the other councilmembers as well.

**\*\*Councilmember Kelly made a motion to ratify the resolution of Council dated August 15, 2017 to approve the General Municipal Authority of Harveys Lake's 2017 Corrective Action Plan as submitted, seconded by Councilmember Boice. The motion carried unanimously.**

The following ordinances were read into the record:

**HARVEYS LAKE BOROUGH 2018 TAX ORDINANCE OF HARVEYS LAKE BOROUGH**

AN ORDINANCE OF THE BOROUGH OF HARVEYS LAKE,  
COMMONWEALTH OF PENNSYLVANIA, FIXING THE TAX RATE  
FOR THE FISCAL YEAR 2018.

Said Ordinance shall levy tax in the Borough of Harveys Lake to .804 mills.

BE IT ENACTED AND ORDAINED, and IT IS HEREBY ENACTED  
AND ORDAINED as follows:

Section 1.

That a tax be and the same is hereby levied on all property within the said Borough subject to taxation for Borough purposes for the fiscal year 2018 as follows:

Tax rate for general Borough purposes, the same of .804 mills on each dollar of asset evaluation:

Making a total tax rate for all Borough purposes of .804 mills.

Section 2.

That any Ordinance, or part of an Ordinance conflicting with this Ordinance be and the same is hereby repealed insofar as the same effects the Ordinance.

ENACTED this 19TH day of December, 2017.

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## **RE-ENACTMENT OF LOCAL SERVICES TAX ORDINANCE**

BE IT ENACTED AND ORDAINED that the Ordinance of January 03, 1976, imposing an Local Services Tax of \$10.00 on individuals is hereby re-enacted for the year 2018.

ENACTED AND ORDAINED by the Council of the Borough of Harveys Lake this

BE IT ENACTED AND ORDAINED that the Ordinance of January 29, 1968, which

ENACTED this 19<sup>th</sup> day of December, 2017.

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## **RE-ENACTMENT OF 1 % REAL ESTATE TRANSFER TAX ORDINANCE**

BE IT ENACTED AND ORDAINED that the Ordinance of January 29, 1968, which imposed a one (1 %) percent Real Estate Transfer Tax on the privilege of transferring real estate situate in part or in whole within the Borough of Harveys Lake is hereby re-enacted for the year 2018.

ENACTED AND ORDAINED by the Council of the Borough of Harveys Lake this

ENACTED this 19<sup>th</sup> day of December, 2017.

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## **RE-ENACTMENT OF 1 % EARNED INCOME TAX ORDINANCE**

BE IT ENACTED AND ORDAINED that the Ordinance of January 29, 1968, which imposed a one (1 %) percent Earned Income Tax on salaries, wages, commissions and other compensation earned by the residents of the Borough of Harveys Lake; and on salaries, wages, commissions and other compensation earned by non-residents of the Borough of Harveys Lake for work done or services performed or rendered in the Borough of Harveys Lake is hereby reenacted for the year 2018.

ENACTED AND ORDAINED by the Council of the Borough of Harveys Lake this  
19<sup>th</sup> day of December 2017.

**\*\*Councilmember Boice made a motion to accept the Ordinances as read, seconded by Councilmember Kelly. The motion carried unanimously.**

Councilmember Boice pointed out that there isn't any tax increase this year.

**The 2018 Budget was read into the record:**

ACCT #	DESCRIPTION	2018 Proposed
INCOME		
301	REAL ESTATE TAXES	582,000
310	LOCAL ENABLING TAXES	362,400
320	CABLE TV AND LCB	30,800
325	ZONING	19,500
327	PERMITS AND LICENSES	57,100
331	FINES AND FORFEITS	6,300
341	INTEREST AND RENTS	715
355	STATE SHARED REVENUE	351,700
362	DEPARTMENTAL EARNINGS	5,150
380	MISCELLANEOUS	23,000
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	TOTAL INCOME	1,438,665
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EXPENSE		
403	TAX COLLECTION	20,600
404	ZONING AND PLANNING	56,350
405	GEN'L ADMINISTRATION	102,677
409	MUNICIPAL BUILDING	2,875
410	PUBLIC SAFETY POLICE	272,937
411	PUBLIC SAFETY FIRE	24,550
415	PUBLIC SAFETY OTHER	1,000
427	TRASH COLLECTION	241,150
430	ROADS GENERAL	168,130
432	ROADS SNOW REMOVAL	20,500
433	ROADS SIGNS/SIGNALS	1,000
439	OTHER PROJECTS	362,000
451	RECREATION	1,197
	INSURANCE/PR	
483	TAX/PENSIONS	154,370
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	TOTAL EXPENSE	1,429,336

Net Income

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9329

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**\*\*Councilmember Kelly made a motion to approve the budget as read, seconded by Councilmember Boice. Roll Call Vote: Councilmember Kehler, Yes; Councilmember Blaine, No; Councilmember Boice, Yes; Councilmember Kelly, Yes; Councilmember Samson, No; Councilmember Hilburt, Yes. The motion carried.**

**\*\*Councilmember Kehler made a motion to reappoint Chief Charles Musial with the 2018 terms of employment, the same as for 2017 with a 3% increase for the year 2018, seconded by Councilmember Boice. Roll Call Vote: Councilmember Kehler, Yes; Councilmember Blaine, Yes; Councilmember Boice, Yes; Councilmember Kelly, No; Councilmember Samson, Yes; Councilmember Hilburt, Yes. The motion carried.**

Councilmember Blaine asked the solicitor before he voted if the contract could be changed next year. Attorney Loftus stated that the contract could be modified if the Chief and the Council came to an agreement.

**\*\*Councilmember Boice made a motion to reappoint Cathy Link to the GMAHL board, her term expires this December, seconded by Councilmember Kelly.**

Councilmember Blaine stated that the appointment cannot be made until January. Councilmember Boice stated that they have done it in the past and can be done now. Attorney Loftus stated that not having looked at the Borough Code, he cannot give an answer on whether or not she can be appointed. Councilmember Blaine stated that it is in the Borough Magazine that it cannot be done. Councilmember Boice stated that a motion has been made and she wanted a vote on it. Now please.

**Roll Call Vote: Councilmember Kehler, Yes; Councilmember Blaine, No; Councilmember Boice, Yes; Councilmember Kelly, Yes; Councilmember Samson, No; Councilmember Hilburt, Yes. The motion carried.**

## **OLD BUSINESS**

Councilmember Hilburt asked if there was any old business? Councilmember Kelly stated he wanted to bring up the appointment of the zoning officer. He was told by Council that he can't. He asked why not. He said he was asking the Solicitor. The Solicitor said that this had been discussed prior and he cannot.

Councilmember Boice presented a plaque to Mayor Clarence Hogan for his service to the community, and Carole Samson for her service to the community. She also presented a plaque to Bill Hilburt for his service to the community, not only as Council, but as president to the BMCP and serving on the Safety Committee as well. She said she has never seen as dedicated a person as Bill. He never missed a meeting. He will be sorely missed.



Bill Hilburt said that it was an honor and pleasure to serve with Council and he wished him them all the best of luck. He also wished everyone a Merry Christmas and a Happy New Year.

**\*\*Councilmember Kelly made a motion to pay the Bills and Payroll in the amount of \$77,235.05 seconded by Councilmember Samson. The motion carried unanimously.**

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

The meeting adjourned at 8:26 pm.

Respectfully submitted by Susan R. Sutton, Borough Secretary