

**HARVEYS LAKE BOROUGH
LUZERNE COUNTY
REGULAR COUNCIL MEETING
April 17, 2018**

The Regular Meeting of the Harveys Lake Borough Council was held on Tuesday, April 17, 2018 at 7:30 pm.in the Harveys Lake General Municipal Building, 4875 Memorial Highway, Harveys Lake, PA, 18618.

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

Vice President Blaine announced the meeting tonight was being tape-recorded and if anyone in the audience had a recorder to please advise Council at this time. The Times Leader reporter indicated that she had a recorder.

Roll call:

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

****Indicates motions made**

Councilmember Blaine stated that prior to this meeting an executive session was held for personnel matters.

Fred Lubnow was here and gave an update on the current 319 grants. He also discussed an upcoming project over on Queen of Peace Road. He answered questions from the residents.

****Councilmember Post made the motion to waive the reading and accept the minutes of the March 20, 2018 public worksession and regular council meeting, and the April 9, 2018 special meeting, seconded by Councilmember Flack.**

Councilmember Boice stated that she did not agree with the worksession minutes regarding the DAMA discussion. She felt it was biased and incorrect and requested the minutes be adjusted.

There was also a discussion that Councilmember Boice and Kehler felt that missing was Council President Hogan stating that there would not be a vote at the council meeting. After some

discussion, it was decided that the tape would be reviewed and any changes made that were necessary.

The motion carried with a nay vote from Councilmember Boice.

OPPORTUNITY FOR CITIZENS TO BE HEARD

Prior to the meeting, a sign-up sheet for those wishing to speak at the meeting was available to residents wishing to speak at the meeting

Diane Dwyer spoke against the joining of the Wyoming Valley Sanitary Authority regional stormwater group. (WVSA plan)

Jack Davis spoke against the joining of the Wyoming Valley Sanitary Authority regional stormwater group. (WVSA plan).

Todd Evans asked how agendas are made for the Council meeting. He also demanded that the tape be listened to regarding a statement he says was made by President Hogan.

Leslie Corey spoke against the joining of the Wyoming Valley Sanitary Authority regional stormwater group. (WVSA plan). She also discussed how major purchases are made and how Borough equipment is sold.

Carol Culver expressed her disappointment with recent council decisions, especially the WVSA plan.

Brandon Harris spoke against the joining of the Wyoming Valley Sanitary Authority regional stormwater group. (WVSA plan). He also discussed the possibility of helping the Borough sell vehicles.

Jerry Brown spoke against the joining of the Wyoming Valley Sanitary Authority regional stormwater group. (WVSA plan). He also expressed concerns with the chemical being used in the Lake to address the Hydrilla. Fred Lubnow from Princeton Hydro address the safety of the procedures and chemical being used in the Lake.

Judy Spagnola stated that she prefers the podium be placed on the side of the room.

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 March the Borough received \$9,668.60 from Berkheimer

REPORTS FROM APPOINTED OFFICIALS AND SPECIAL COMMITTEES

Police: Mayor Samson reported that there were 156 calls including; 1 sexual assault, 9 burglar alarms, 1 vandalism, 1 sex offense, 3 disorderly conduct, 1 protective order, 4 suspicious persons, 2 disturbances, 2 misc. service calls, 10 medical emergencies, 28 traffic offenses, 4 non-criminal, 1 lost and found, 20 traffic related, 14 assists to other agencies, 1 warrant, 3 fingerprinting, 50 administrative meetings, clerical and training.

Councilmember Blaine spoke about the recent request by the Lake Lehman School district requesting officers in the schools. He also spoke about the Community Meet and Greet held recently at the Lake Noxen School.

Roads: Councilmember Post's report included the snow that the road crew has handled so well this year, the purchase of a new lawnmower, new permits and a letter of appreciation from Resident Pete Austin that was read into the record:

3/27/18 To Harveys Lake Council,

I am writing to council about the Harveys Lake Road crew, which consist of George Hogan and Jesse Saylor. These two employees are an asset to Harveys Lake Borough. From plowing snow very early in the morning, to working on the roads in the hot summer, I have never seen these two guys not working. PennDot could sure take a lesson from them. Just wanted to say a job well done to George and Jesse. Thank you, Charles "Pete" Austin.

Zoning: Councilmember Post's report included that 29 permits were issued in March.

Finance: Councilmember Blaine gave a report including that the available cash is \$687,598.36 and restricted cash is \$148,804.71 for a total of \$836,403.07. He also reported that he plans to issue a quarterly report next month.

BMCP: Councilmember Blaine reported that the next meeting will be on Thursday.

Sewer: There was no report.

Grants: There was no report

EAC: Councilmember Boice reported that EAC is holding a clean up day for Earth Day on Sunday from 1 to 4 pm. They will meet at the Beach Club. All are welcome. Also, EAC will be holding a water testing event. She also read a letter from EAC into the record:

Dear Clarence Hogan,

There are many positive aspects in the history of the Borough Environmental Advisory Council (EAC) and Borough Council conducting, completing and maintaining water quality enhancement and stormwater management facilities through grants in the

past. These projects are part of the reason for Harveys Lake being in compliance with MS-4 requirements at the present time. Over the years, enhancements to the surrounding watershed runoff have been implemented through grant funded Best Management Practices, public education programs, newsletters, environmental protection pamphlets, roadside cleanups, and Borough ordinances to protect the Lake's water quality. There are many approaches and concerns to be addressed before making decisions and we would hope that our presence as an advisory council is a critical component in the decision making. As is stated on the Borough website:

"EAC is an officially constituted municipal board created to advise the Borough of Harveys Lake on environmental issues and policies. The council consists of 6 members who serve without compensation and are appointed by the Harveys Lake Borough Council."

The vote by the Harveys Lake Borough council to accept the WVSA as the MS-4 Manager for Harveys Lake Borough has caught EAC off guard. EAC was not made aware that this proposal was being discussed and now find that the vote was completed Tuesday night without our input or even being notified of the plan. The EAC is your group to assist you during decisions impacting the environment. Borough Council has the final vote to address issues, our advisory presence has been established to help guide the council to see pros and cons of programs before voting decisions are made. In addition to the advisory council's interest in assisting the Borough Council make decisions, our group has additional knowledge involving MS-4 regulations and water quality management.

I have personally assisted the WVSA and their consultant in guiding their efforts to move forward with MS-4 improvements throughout their service area.

As Chairman, I feel it is my responsibility to have the EAC members involved with Borough Council moving forward with environmental decisions. It is our primary reason for volunteering as council members. The group is here to advise, educate, bring to the public's attention and work with Council on many issues. Recognize that EAC and the Borough Council have carried Harveys Lake from extensive algae blooms and non-swimmable waters in the 1980s to the clean waters in 2018 that the PA DEP and Federal EPA use as an example. The coordinated efforts of the EAC and Borough Council have accomplished these goals. If Harveys Lake water quality enhancement was not improved to the condition secured at the present time, no funding would be available for the Hydrilla treatment through Federal and State grant system.

EAC is here to serve the Borough. In order to serve, EAC must be kept informed of all major issues that impact our community's environment. An informed EAC can help the Borough put its "best foot forward" when making hard decisions.

I look forward to your response.

Sincerely yours, John Levitsky, Chairman Harveys Lake EAC

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

New Business

****Councilmember Post made a motion to purchase a Skidster with a miller attachment and trailer, seconded by Councilmember Flack. Roll Call Vote: Councilmember Blaine, yes; Councilmember Kehler, yes; Councilmember Boice, no; Councilmember Kelly, yes; Councilmember Flack, yes; Councilmember Post, yes. The motion carried.**

****Councilmember Flack made a motion to purchase a new police cruiser, seconded by Councilmember Post Roll Call Vote: Councilmember Blaine, yes; Councilmember Kehler, no; Councilmember Boice, no; Councilmember Kelly, no; Councilmember Flack, yes; Councilmember Post, yes. The vote was tied, the Mayor was called on to break the tie. Mayor Samson voted yes. The motion carried.**

****Councilmember Post made a motion accept the costars quote #24717 Bituminous from American Asphalt, seconded by Councilmember Boice. The motion carried unanimously.**

Attorney Loftus read Resolution #1 and #2 into the record:

Resolutions for Plan Revision for New Land Development

RESOLUTION OF THE COUNCILMEN of Harveys Lake Borough, Luzerne County, Pennsylvania, (hereinafter "the municipality").

WHEREAS Section 5 of the Act of January 24, 1966, P.L. 1535, No. 537, known as the "Pennsylvania Sewage Facilities Act", as Amended, and the rules and Regulations of the Pennsylvania Department of Environmental Protection (Department) adopted thereunder, Chapter 71 of Title 25 of the Pennsylvania Code, require the municipality to adopt an Official Sewage Facilities Plan providing for sewage services adequate to prevent contamination of waters of the Commonwealth and/or environmental health hazards from sewage wastes, and to revise said plan whenever it is necessary to determine whether a proposed method of sewage disposal for a new land development conforms to a comprehensive program of pollution control and water quality management, and

WHEREAS Charles Reilly, land developer, has proposed the development of a parcel of land identified as Reilly Boathouse #1 and #2 (name of subdivision) and described in the attached Sewage Facilities Planning Module, and proposes that such subdivision be served by: (check all that apply), sewer tap-ins, sewer extension, new treatment facility, individual onlot systems, community onlot systems, spray irrigation, retaining tanks, other, (please specify). _____

WHEREAS, Harveys Lake Borough finds that the subdivisions described in the attached Sewage

Facilities Planning Module conforms to applicable sewage related zoning and other sewage related municipal ordinances and plans, and to a comprehensive program of pollution control and water quality management.

NOW, THEREFORE, BE IT RESOLVED that the Councilmen of the Borough of Harveys Lake hereby adopt and submit to the Department of Environmental Protection for its approval as a revision to the "Official sewage Facilities Plan" of the municipality the above referenced Sewage Facilities Planning Module which is attached hereto.

****Councilmember Kehler made a motion accept the resolutions as read, seconded by Councilmember Flack. The motion carried unanimously.**

Attorney Loftus read Resolution 3-2018 into the record:

Resolution 3- 2018, April 17, 2018

RESOLVED by the Borough Council of the Borough of Harveys Lake and IS HEREBY RESOLVED by the authority of the same:

WHEREAS Harveys Lake Borough Council has reviewed the outstanding fee schedules and has determined that it is in the best interest of the citizens of Harveys Lake Borough that the said fee schedule is amended.

NOW, THEREFORE, the Borough council of Harveys Lake hereby maintains section 1304 of the 2011 Zoning Ordinance:

- Increase Zoning Permit fees to \$75
- Maintain Zoning Hearing fees \$500
- Maintain Conditional Use permits \$500 application fee plus cost of Engineering Fees incurred by review of plan by Borough Engineer
- Maintain the Amusement Tax fee at \$100 each
- Increase the Burning Permit fee to \$20 per year
- Maintain the Garbage Fee at \$175 per year
- Increase the Job Johnny Fee to \$20
- Maintain Special Permits fee at \$100
- Tax certification fee from Tax Collector \$10
- Maintain the Stormwater permit fees at:
 - \$150 per 1,000 square footage of new or additional impervious surface as defined in the Harveys Lake Borough Stormwater Management Ordinance 1 of 2011.
 - For all projects over 5,000 square footage of impervious surface or requiring Subdivision and/or Land Development approval through the Luzerne County Planning Commission, the permit review fee shall be equal to the actual costs incurred by Harveys Lake Borough and required by Luzerne County for stormwater plan review.
- Maintain Pave Cut Permit fee schedule as follows:

- Processing and Issuing Permit (each)
\$25.00
- Processing and Issuing Permit to Close Road
n/c
- Inspection – First Hour (minimum inspection) \$40.00
- Inspection – Per Hour after First Hour \$25
- Penalty for Failure to Obtain Permit (each) \$300
- Penalty for Non-Compliance with any other section \$100

****Councilmember Kehler made a motion accept the resolutions as read, seconded by Councilmember Flack. The motion carried unanimously.**

****Councilmember Boice made a motion to approve a contract with Princeton Hydro for services for the new 319 grant Project #1717, seconded by Councilmember Post. The motion carried unanimously.**

****Councilmember Post made a motion to hire Jacob Sutliff and Mike Simonsen for temporary summer help at minimum wage, seconded by Councilmember Kehler. The motion carried unanimously.**

****Councilmember Kehler made a motion to give the zoning officer a dollar an hour raise, seconded by Councilmember Boice. Roll Call Vote: Councilmember Blaine, no; Councilmember Kehler, yes; Councilmember Boice, yes; Councilmember Kelly, yes; Councilmember Flack, yes; Councilmember Post, yes. The motion carried.**

****Councilmember Kelly made a motion to pay the Bills and Payroll in the amount of \$130,845.58, seconded by Councilmember Flack. The motion carried unanimously.**

****Councilmember Flack made a motion to adjourn, seconded by Councilmember Post. The motion carried unanimously.**

The meeting adjourned.

Respectfully submitted by Susan R. Sutton, Borough Secretary