

## Creating the Borough

By F. Charles Petrillo

In the summer of 1964 the Pennsylvania Health Department declared sections of Harvey's Lake heavily contaminated by pollution – largely from sewage– and the Lake's beaches were closed for a time.

The Lake was then part of Lake Township, which was created in 1841. The governing authority of the Township was a 3-person board of supervisors. The Township was largely rural as was adjoining Lehman Township. However, the immediate lake area in 1964 was a mix of full-time and summer residents with a variety of public amusement areas. While the Lake was officially governed by the Township, the Harvey's Lake Protective Association, a private membership organization, generally funded police protection and other services.

### **What about the APOSTROPHE?**

Historically, the Harvey's Lake name has had an apostrophe since the lake was discovered by Benjamin Harvey in 1781.

In 1949 the federal government sought to eliminate the apostrophe in place names – therefore the Harveys Lake (*not Harvey's Lake*) Post Office was created.

The Borough incorporation is without the apostrophe. This website, however, uses the historic apostrophe.

After the 1964 pollution scare the Association proposed a separate borough for the lake – severing it from Lake Township. The proposal would create Luzerne County's first borough since Dupont was created in 1917. The county's last city, Nanticoke, was formed in 1925, and the last township, Rice, was approved in 1925. The Association's proposal was announced in August 1964 and planning occurred over the next several months.

In the late spring of 1965 the State Health Department stated the lake was safe for swimming but detractors of the results claimed the State's testing only applied when the lake was used by the estimated 650 full-time residents. A U.S. Public Health Service survey, commissioned by Congressman Daniel J. Flood, found the lake not satisfactory to serve its estimated 40,000 summer visitors. The Public Health Service recommended a sanitary authority for the lake, or a separate political

subdivision with the taxation authority to manage the watershed and waste disposal.

In July 1965 a survey for the proposed borough was completed which included a portion of the lake's Sunset area in Lehman Township. During the next few months petitions were circulated in both townships for supporters and opponents of the new borough. In

late October 1965 a petition with 1,100 names from both townships was presented to Judge Frank L. Pinola, President Judge of the Luzerne County Court of Common Pleas, to request court approval, as permitted by State Law, to create Harvey's Lake Borough. The petitioners were represented by a group of lawyers who donated their services: Maurice S. Cantor; Gifford S. Cappellini (later a Judge); Edward Hosey; and Joseph V. Kasper.

Lake and Lehman Townships filed a number of objections to the petition. A major issue was whether people who were only summer residents at the lake could lawfully sign a petition to create a new borough. Another issue was the expected tax increase on residents of the new borough. The two affected townships also claimed they could meet the Lake's needs and a new borough was not necessary.

In mid-December 1965 Judge Pinola held hearings on the petition and its objections. Testimony in favor of a new borough suggested the new municipality could hire a professional borough manager and secure a public beach. The townships could not bear the costs of controlling pollution at the Lake nor the costs of full-time police protection for the Lake. Indeed, the Protective Association, over the course of 30 years, raised \$150,000 for the Lake's police, fire and other services. Witnesses generally sought to prove the Lake community was distinguishable from the rural townships.

During the course of the hearings Judge Pinola also held a night session to conclude the trial before Christmas 1965. The townships, represented by Attorney Lewis R. Crisman (Lake) and William A. Valentine (Lehman), challenged the validity of the petitions, the accuracy of tax and other data presented by the petitioners, and other objections the Court would uniformly reject. There were ten court sessions held over five days. In the meantime, anticipating that a new borough would be approved, local state legislators, State Senator Harold Flack and State Representative William Curwood, pushed through a new State law which effectively shortened the time a new Lake Borough election would be held.

In early December 1965 Judge Pinola issued his opinion which dismissed the objections of Lake and Lehman Townships. The Court approved the formation of Harveys Lake Borough, the county's 74<sup>th</sup> municipality. The opinion was also supported by Luzerne County Court Judges Bernard Brominski and Jacob Schiffman.

Following the Court's opinion creating the Lake Borough both Lake and Lehman Townships concluded it could not afford the costs to appeal the decision. As a result of the Flack-Curwood

#### **Judge Pinola**

Judge Frank L. Pinola (1893-1977) was a law graduate of the University of Pennsylvania. An Army captain in World War I, he was a State Commander of the American Legion. A former president of the Luzerne County Bar Association, he was elected to a 10 year term as Judge in 1947 and re-elected in 1957. He became President Judge in June 1961. He had a long association with Harvey's Lake and was the first President of the Harvey's Lake Boat Club. He retired from the Court in February 1968.

legislation a special election was held in 1967 and the new officials of Harveys Lake Borough took office on January 2, 1968.

The Court opinion approving the incorporation of the Borough can be found [here](#).