

MINUTES
INDIAN LAKE BOROUGH COUNCIL MEETING
AUGUST 11, 2010

The regularly scheduled meeting of the Indian Lake Borough Council was held on August 11, 2010 at 7:00 P.M. at the Indian Lake Borough Building.

THOSE PRESENT:

Robert Hanson, President
Patricia Dewar
Charles McCauley
Robert Vogel
Robert Marhefka
Richard Stern
Paul Cornez
Michael D. Miscoe, Mayor
Dan Rullo, Solicitor
Theresa L. Weyant, Borough Manager/Secretary
Dean Snyder, Zoning Officer

THOSE ABSENT:

Visitors – Ronald Petrina, Kenneth Helsel, Ronald Schirf, Sean Isgan, and Dan DiPaolo.

The meeting was called to order at 7:05 P.M. by Robert Hanson, Council President.

ORDER OF BUSINESS

1. Approve the Minutes of the Meeting Held on July 14, 2010 - Hanson asked for additions and/or corrections. There being none, Stern made a motion to approve the minutes as submitted. Dewar seconded the motion. All ayes, motion carried.
2. Financial Reports – Dewar made a motion to approve the Finance Committee’s recommendation to approve the Borough’s Financial Reports, including the amendments to the List of Bills Report, and to pay the outstanding bills except for the bills to GAI Consultants, which totals \$54,595.97, payment should be withheld. Cornez seconded the motion. All ayes, motion carried.

Dewar made a motion, based on the recommendation of the Finance Committee, to approve the Water Works Financial Reports, including the amendment to the List of Bills Report and to pay the outstanding bills. Stern seconded the motion. All ayes, motion carried.

Dewar made a motion, based on the recommendation of the Finance Committee, to approve the Sewer Financial Reports, and to pay the outstanding bills. Cornez seconded the motion. All ayes, motion carried.

Dewar made a motion, based on the recommendation of the Finance Committee, to approve the Summary of Account Balance Report as presented. Stern seconded the motion. All ayes, motion carried.

3. Welcome Visitors – Ronald Petrina, Kenneth Helsel, Ronald Schirf, Sean Isgan, and Dan DiPaolo.

4. Sean Isgan, Update on Dam Remediation:

A. Marion Hill invoice for diving services – McCauley made a motion to withhold payment from Marion Hill for the diving services until the valve issue is resolved. Vogel seconded the motion. 6 ayes and 1 naye. Motion carried.

B. Peninsula Water Tank Inspection – Council authorized Hanson to send a letter to the Department of Environmental Protection if the Borough doesn’t hear anything from them regarding setting up a time to do the inspection on the Peninsula Water Tank in one week.

C. Ratify Signature on the Department of Environmental Protection’s Certification Report for Phase 2, Part B (Permeation Grouting) – Hanson made a motion to ratify his signature on the Department of Environmental Protection’s Certification Report for Phase 2, Part B (Permeation Grouting). Vogel seconded the motion. All ayes, motion carried.

5. Legal Report:

A. Compass Rehabilitation Services-Employment Form for Harry Huzsek – McCauley made a motion to authorize Hanson to sign a confirmation of employment form for Harry Huzsek stating the Borough currently has not light duty work available for Harry Huzsek. Cornez seconded the motion. All ayes, motion carried.

B. Dennis Markferding Zoning Hearing Board Appeal – Attorney Rullo informed Council that Attorney Williams will need to reclude himself from the Markferding zoning appeal. Attorney Rullo has recommended that Council consider engaging Attorney C. Gregory Frantz to hear the Markferding appeal. Hanson made a motion to engage C. Gregory Frantz as the Zoning Hearing Board Attorney for the Markferding zoning appeal at the same hourly rate as Attorney Rullo. Vogel seconded the motion. All ayes, motion carried.

C. Robert and Phyllis Musser-Right-of-Way for West Shore Trail and Dakota Lane – Cornez made a motion to authorize the Council President to sign the documents for Right-of-Way and for the Incidental Boundary Line Change Deed for West Shore Trail and Dakota Lane between the Mussers and the Borough and to authorize the expenditure of \$54.00 for the recording fee for both of those documents. Stern seconded the motion. All ayes, motion carried.

D. Robert and Phyllis Musser-Request for Zoning Map Change – Robert and Phyllis Musser would like to take their 17 acre parcel lot and would like to split that lot into 2 lots. The first lot would be 14 acres and would remain zoned as Agricultural. The second lot would be a 3 acres parcel re-zoned to R-1 Single Family Residential. Hanson reported that the Planning Commission has reviewed the request and recommend that Council proceed with the zoning map change.

Hanson made a motion that Council authorize the Planning Commission to proceed with the Zoning Map change request and to authorize the advertising of the hearing for said change. Vogel seconded the motion. All ayes, motion carried.

6. Correspondence:

A. Somerset County Planning Commission-Universal American, Inc. Deficiencies on their Minor Land Development – The Somerset County Planning Commission could not approve the Minor Land Development Plan for Universal American, Inc. due to some deficiencies that need addressed. Once the deficiencies have been addressed the plan will be reviewed further.

B. Bryan and Trisha Bozovich, Peninsula 880-Water Pressure on Peninsula Drive and Water Damage Done to Residence – On July 16, 2010 a water valve in the home of Bryan and Trisha Bozovich burst, causing substantial damage to the first floor of their home. Due to the substantial increase in water pressure, which was caused by the maintenance that was being performed on the Peninsula Water Tank, the valve failed and caused considerable damage to their home. The Bozovichs' are requesting that the Borough submit a claim to the Borough's general liability carrier with the hope that they can cover the cost of replacing the damaged plumbing and their \$2,500.00 deductible.

Attorney Rullo reviewed the Tort Claim's Act provision dealing with governmental immunity.

Cornez made a motion to authorize Attorney Rullo to send a letter to Bryan and Trisha Bozovich notifying them that the Borough has no liability in this regard. McCauley seconded the motion. 3 ayes and 4 nays. Motion denied [the issue being trying to limit legal expense].

Hanson made a motion to authorize the Borough Manager to respond to Bryan and Trisha Bozovich with a letter that is prepared by the Council President. Vogel seconded the motion. All ayes, motion carried.

C. Somerset County Planning Commission-Requesting a Copy of the Renewed Letter of Credit for the Pow Wow Lakeside Estates and Kickapoo Lakeside Townhouses – The Somerset County Planning Commission has requested a copy of the renewed Letter of Credit for the Kickapoo Lakeside Townhouses.

7. Committee Reports:

A. Finance Report:

1. Joseph Scansaroli-2010 Auditing Proposal – Dewar made a motion to appoint Joseph Scansaroli, Certified Public Accountant, as the auditing firm for Indian Lake Borough for the year 2010, for \$5,500.00. McCauley seconded the motion. All ayes, motion carried.

2. Thomas J. Anderson & Associates-2011 MMO for Pension Plan - Dewar made a motion to accept the 2011 Financial Requirement and Minimum Municipal Obligation for the pension plan in the amount of \$13,504.00, as prepared by Thomas J. Anderson & Associates. McCauley seconded the motion. All ayes, motion carried.

Dewar made a motion to authorize the Council President to sign all the associated documents pertaining to the 2011 Financial Requirement and Minimum Municipal Obligation. Cornez seconded the motion. All ayes, motion carried.

3. Redemption of Certificate of Deposits – Dewar made a motion to authorize the Borough Manager to redeem the six (6) Water Quality Control Certificate of Deposits from Ascencia Bank and to deposit these C.D.'s into the Water Quality Control Checking Account. McCauley seconded the motion. All ayes, motion carried.

4. Protocol for the Disposal of Scanned Deposit Checks – Dewar made a motion to authorize the Borough Manager to dispose of the scanned deposit checks for all accounts after sixty (60) days. McCauley seconded the motion. All ayes, motion carried.

B. Police Report:

1. Open Bids for the 1991 Sea Raider – There was one (1) bid received for the 1991 Sea Raider. The bid was from Sulli Motors located in Ambridge, PA, in the amount of \$368.00. McCauley made a motion to accept the bid from Sulli Motors for the amount of \$368.00. Hanson seconded the motion. All ayes, motion carried.

C. Personnel Report:

1. Drug and Alcohol Policy – McCauley made a motion to adopt the Drug and Alcohol Policy & Procedure as presented. Dewar seconded the motion. All ayes, motion carried.

2. Authorization to Advertise Hiring of Another Full-Time Employee – Hanson made a motion to have Michael Miscoe and Robert Hanson re-draft the help wanted ad and after the majority of Council approves, the Borough Manager is authorized to advertise. Dewar seconded the motion. All ayes, motion carried.

D. Water Report:

1. Water Shut Offs for Non-Payment – Hanson made a motion to authorize the Borough Manager to shut the water off for Donald Mateer, located at Cayuga 147 and David Lhota, located at Peninsula 2080 for non-payment of their water bill. Cornez seconded the motion. All ayes, motion carried.

2. ACT 537 Revision – Cornez made a motion to table any action on this matter until the September meeting. McCauley seconded the motion. All ayes, motion carried.

8. Old Business:

A. Vendor Interface – Cornez made a motion that every major purchase order (in excess of \$5,000.00) issued by the Borough shall name a contact person that the vendor goes to with any questions. In most cases, the named individual shall be the chair of the appropriate committee. If there is no committee associated with the item being purchased or contracted for, the Council shall appoint a contact individual. In all cases, the Borough Manager will be the alternate contact. Hanson seconded the motion. All ayes, motion carried.

B. Fee Schedule – Hanson made a motion to table any action on this matter until the September meeting. Vogel seconded the motion. All ayes, motion carried

9. New Business:

A. Keys for Council Members/Committee Chairs – Hanson made a motion that committee chairs (Council Members only) are authorized to have office keys. Cornez seconded the motion. 6 ayes and 1 naye. Motion carried.

10. Public Comment: None.

Dewar made a motion to move into Executive Session to discuss litigation and personnel matters at 10:28 P.M. Cornez seconded the motion. All ayes, motion carried.

At 10:43 P.M. Council returned to Regular Session.

McCauley made a motion to authorize the Borough's Zoning Officer to submit his opinion to David Rohrich regarding the alleged violation. Cornez seconded the motion. 6 ayes and 1 naye. Motion carried.

Mr. Hanson, the one naye vote, stated that he intended to submit a written dissenting opinion to be entered into the record. After discussion Mr. Hanson agreed to submit a letter to the Zoning Hearing Board stating why he did not believe the letter of violation was correct.

With no further business to discuss, Cornez moved and Dewar seconded to adjourn the meeting at 11:08 P.M. All ayes, motion carried.

The next regularly scheduled meeting of the Indian Lake Borough Council will be held on September 8, 2010 at 7:00 P.M. at the Indian Lake Borough Building.

Respectfully submitted,

Theresa L. Weyant
Borough Manager