

MINUTES  
INDIAN LAKE BOROUGH COUNCIL MEETING  
NOVEMBER 13, 2013

The regularly scheduled meeting of the Indian Lake Borough Council was held on November 13, 2013 at 7:00 P.M. at the Indian Lake Borough Building.

THOSE PRESENT:

Patricia Dewar, Council President  
Paul Cornez  
Charles McCauley  
Robert Marhefka  
Robert Hanson  
Attorney Daniel Rullo, Solicitor  
Theresa L. Weyant, Borough Manager/Secretary  
David Wood, Zoning Officer

THOSE ABSENT:

Lynn Shimer  
Terry St. Clair

Visitors – Richard Stern, Don Reed, John McGrath, Ken Helsel, Gary Williams, Myles Stepanovich, P.J. McGowan, and Amber Rosado.

The meeting was called to order at 7:00 P.M. by Patty Dewar, Vice-President.

ORDER OF BUSINESS

1. Approve the Minutes of the Meeting Held on September 25, 2013 - Dewar asked for additions and/or corrections. There being none, Hanson made a motion to approve the minutes as submitted. Marhefka seconded the motion. All ayes, motion carried.

Approve the Minutes of the Meeting Held on October 9, 2013 - Dewar asked for additions and/or corrections. There being none, McCauley made a motion to approve the minutes as submitted. Hanson seconded the motion. All ayes, motion carried.

Approve the Minutes of the Meeting Held on October 23, 2013 - Dewar asked for additions and/or corrections. There being none, McCauley made a motion to approve the minutes as submitted. Hanson seconded the motion. All ayes, motion carried.

2. Financial Reports - Dewar made a motion to approve the Borough's Financial Reports and to pay the outstanding bills. Cornez seconded the motion. All ayes, motion carried.

Dewar made a motion to approve the Water Works Financial Reports and to pay the outstanding bills. Hanson seconded the motion. All ayes, motion carried.

Dewar made a motion to approve the Sewer Financial Reports and to pay the outstanding bills. Cornez seconded the motion. All ayes, motion carried.

Dewar made a motion to approve the Summary of Account Balance Report as presented. Hanson seconded the motion. All ayes, motion carried.

3. Welcome Visitors – Richard Stern, Don Reed, John McGrath, Ken Helsel, Gary Williams, Myles Stepanovich, P.J. McGowan, and Amber Rosado.

4. Myles Stephanovich, Peninsula 385 – Requesting Council to Dredge the Shoshone Inlet Area at Calendars Run – Myles Stephanovich, who is located at Peninsula 385, would like to address the issue which the residents along the Shoshone Inlet channel are having with the Calendar Run area of the lake. This area fills in with silt and the residents who use this channel can barely get a boat in and out. In 2000, Mr. Stepanovich moved to Indian Lake and at that time the residents in this area spent over \$25,000 to have that channel dredged and prior to that, the McGowan's paid almost the same amount. Four (4) years ago, PBS Coal Company dredged the channel but the property owners still had to pay \$1,200 for permitting fees. The property owners are asking for the Borough's help to find a more permanent solution to this problem. This matter will be referred to the Environmental Committee for their review and recommendations. Mr. McGowan stated that he will not forgo the use of his property for the 2014 boating season and if need be, he will obtain legal counsel after January 1<sup>st</sup> if the Borough Council isn't working with them on a permanent fix to this problem.

5. Legal Report:

A. IBTS Occupancy Permits – Attorney Rullo informed Council that Dean Snyder has submitted a list of the building permits that IBTS has not issued the Occupancy Permits for and he will review the list.

6. Correspondence:

A. Musser Engineering-DEP General Permit Applications for a Dock for Joe Lazzaro, Peninsula No. 243 - Musser Engineering has submitted a copy of the application for a GP 2 Permit for the construction of a boat dock for Joe Lazzaro on Peninsula 243, which has been submitted to the Department of Environmental Protection. The Borough has thirty (30) days from date of receipt of this letter to submit any comments concerning this project. At this time, Council had no comments or concerns.

B. Greg Gossard- DEP General Permit Application for Sea Wall/Bank Rehabilitation for Mohawk No. 1022 – Greg Gossard submitted a copy of the application for a GP 3 Permit for Sea Wall/Bank Rehabilitation on Mohawk 1022 which he submitted to the Department of Environmental Protection. The Borough has thirty (30) days from date of receipt of this letter to submit any comments concerning this project. At this time, Council had no comments or concerns.

C. Musser Engineering-DEP Joint Permit Application for Dredging Along a Commercial Boat Dock for St. Clair Resort Development, Pow Wow Docks - Musser Engineering has submitted a copy of the application for a Joint Permit for dredging along a commercial boat dock for St. Clair Resort Development at the Pow Wow Docks, which has been submitted to the Department of Environmental Protection. The Borough has thirty (30) days from date of receipt of this letter to submit any comments concerning this project. At this time, Council had no comments or concerns.

D. R. Eric Critchfield-Water Quality Management Permit Application for Choctaw #15 – Mr. Critchfield has submitted a copy of the Water Quality Management Permit Application for a Small Flow Treatment Facility with a holding tank (SFTH-HT) for Choctaw #15. Hanson made a motion to authorize the Borough Secretary to sign the Water Quality Management Permit Application for the Small Flow Treatment Facility with a holding tank (SFTH-HT) for Brian E. Critchfield, Choctaw Lot No. 15 as prepared and presented. Marhefka seconded the motion. All ayes, motion carried.

7. Brad Shober, Chief of the Shanksville Volunteer Fire Department – Brad Shober, on behalf of the Shanksville Volunteer Fire Department, presented Council with a copy of the 2014 Proposed Fire Protection Agreement. Shober informed Council that they are in the process of getting some preliminary quotes for the purchase of a new tanker truck and the price for this piece of equipment will be around \$424,000 to \$452,000. The fire department is actively applying for a grant but that is a very competitive grant process and there are no guarantees. Mayor Miscoe stated that last year the fire department was going to get what the costs would be to refurbish some of the older equipment in order to bring it back up to standards, which would allow for more time to hopefully get a grant to fund this purchase. Shober stated that they haven't priced that out. Council asked Shober if the fire department would be willing to attend the annual Service Corporation in May to make an appeal to the property owners who aren't full time residents. Shober stated that they would be willing to attend. Dewar stated that the proposed 2014 fire protection agreement will be reviewed by the Finance Committee at their December 11<sup>th</sup> Meeting.

8. Committee Reports:

A. Finance Report:

1. Borough Real Estate Discount and Penalty Rates - Hanson made a motion to increase the penalty rate percentage from 5% to 8% on unpaid Borough Real Estate Taxes, in order to motivate more residents to pay their taxes in a more timely manner. McCauley seconded the motion. All ayes, motion carried.

2. Authorization to Advertise the 2014 Tax Rate Ordinance - Cornez made a motion to authorize the Borough Manager to advertise the proposed 2014 Tax Rate Ordinance, establishing the real estate tax rate for 2014 at 19.3 mills, for adoption at the December 11<sup>th</sup> meeting. Hanson seconded the motion. All ayes, motion carried.

3. Authorization to Advertise the Proposed 2014 Budget - McCauley made a motion to authorize the Borough Manager to advertise the Proposed 2014 Budget as presented, which totals \$1,421,286.00. Cornez seconded the motion. All ayes, motion carried.

4. Maust Excavating Change Order 3 and 4 – Cornez made a motion to ratify the acceptance of Change Order #3, in the amount of \$1,166.00, and Change Order #4, in the amount of \$1,800.00. Hanson seconded the motion. All ayes, motion carried.

5. Maust Excavating Change Order 5 – Cornez made a motion to accept Change Order #5, in the amount of (\$723.00), which reflects the quantity adjustments based on completed work. Hanson seconded the motion. All ayes, motion carried.

6. Maust Excavating's Payment Request No. 3 - Cornez made a motion to approve Maust Excavating's Payment Request No. 3 for Phase No. 3, in the amount of \$149,030.50, when the actual invoice is received. Hanson seconded the motion. All ayes, motion carried.

B. Police Report: Upon a request from the Mayor, Council authorized the Borough Manager to purchase 3 signs which say that the lake is closed for all recreational activities by the order of the mayor, fines imposed.

C Water & Sewer Report:

1. Storage Shed Proposal for Well 99-1 – Hanson made a motion to purchase an 8 x 10 storage shed from Shawnee Structures, at the quoted price of \$3,105.00. McCauley seconded the motion. All ayes, motion carried.

D. Planning/Zoning Report:

1. Consideration to Adopt the Proposed Amendment to Zoning Ordinance No. 144 – Hanson made a motion to adopt the Proposed Amendment to Zoning Ordinance No. 144. Marhefka seconded the motion. 3 ayes and 2 nays. Motion carried.

2. Consideration to Adopt Proposed Building Report Permit Ordinance Regarding Miscellaneous Structures Not Reviewed Under the Uniform Construction Code – Hanson made a motion to adopt the proposed Ordinance requiring all persons, partnerships, business and corporation to obtain a building report permit for the construction of all agricultural buildings, manufactured housing, historical buildings, recreational cabins, accessory and miscellaneous-use structures less than 1,000 square feet, but greater than 120 square feet, which are not habitable and limited to one-story in the Borough. Marhefka seconded the motion. All ayes, motion carried.

3. Consideration to Adopt Proposed Resolution that any Individual or Corporation who Intends to Construct any Structure Between 120 and 1,000 Square Feet Must Apply for a Building Report and to Set the Fee Schedule – Hanson made a motion to Adopt the Proposed Resolution that any individual or corporation who intends to construct any structure between 120 and 1,000 square feet must apply for a building report and to set the fee schedule. Marhefka seconded the motion. All ayes, motion carried,.

E. Dam Report:

1. Follow-up on Maust's Change Order #2 Relative to the Grouting – Cornez reported that the Borough will not be paying for the additional grouting work because the sub-contractor did not use the specified material and was unacceptable to CME Engineering but it was submitted to the Department of Environmental Protection for their approval and they also found the material unacceptable and therefore, Maust Excavating did not pay the sub-contractor. The Borough and the Department of Environmental Protection will continue to monitor this area of the dam in the future.

2. Relocation of Hydraulic Package and Testing on the Valve – The building and the hydraulic package has been moved and relocated and the valve has been exercised and everything is operating correctly.

3. Water Line Completion – The water line has been completed and Dean Snyder has applied for the final approval from the Department of Environmental Protection on the revisions to the existing water line so that both lines can be used.

4. Damage to Lichtenfels Foundation – Cornez informed Council that Mr. and Mrs. Lichtenfels complained to CME Engineering and Maust Excavating that they could feel a vibration in their house as the compaction was being done and subsequently they have now filed a complaint that they have since found a hairline crack in their foundation. CME Engineering has inspected the hairline crack in the brick of the foundation, however, the work on the dam did not cause the crack. The Lichtenfels did have Carl Chapman look at crack and everyone seems to be of the opinion that that section of the home would be prone to have a crack, but that being as it may, the Lichtenfels have hired a foundation engineer to come out to evaluate the crack to see whether he wants to go forward with any further action. This inspection will take place on November 16<sup>th</sup> and Carl Chapman and Sean Isgan, from CME Engineering, will also be there.

9. Old Business: None.

10. New Business:

A. UPJ Intern – Cornez reported that he has spoken with Doug Reed, who is an Assistant Professor of Management and the Intern Coordinator for UPJ, and he has forwarded an application which Cornez will forward to Robert Hanson to complete and submit on behalf of the Borough.

11. Public Comment: None.

Cornez made a motion to move into Executive Session to discuss potential litigation matters at 8:55 P.M. Hanson seconded the motion. All ayes, motion carried.

At 9:11 P.M. Council returned to Regular Session.

With no further business to discuss, McCauley moved and Hanson seconded to adjourn the meeting at 9:11 P.M. All ayes, motion carried.

The next regularly scheduled meeting of the Indian Lake Borough Council will be held on December 11, 2013 at 7:00 P.M. at the Indian Lake Borough Building.

Respectfully submitted,

Theresa L. Weyant  
Borough Manager