

MINUTES  
INDIAN LAKE BOROUGH COUNCIL MEETING  
NOVEMBER 14, 2012

The regularly scheduled meeting of the Indian Lake Borough Council was held on November 14, 2012 at 7:00 P.M. at the Indian Lake Borough Building.

THOSE PRESENT:

Patricia Dewar, Council President  
Charles McCauley  
Lynn Shimer  
Robert Marhefka  
Robert Hanson  
Michael D. Miscoe, Mayor  
Attorney Daniel Rullo, Solicitor  
Theresa L. Weyant, Borough Manager/Secretary  
Dean Snyder, Zoning Officer/Water & Sewer Plant Operator

THOSE ABSENT:

Paul Cornez  
Terry St. Clair

Visitors – Amber Rosado, Kenneth Helsel, Brad Shober, Dan Black and Benji Boyer.

The meeting was called to order at 7:03 P.M. by Patricia Dewar, President.

ORDER OF BUSINESS

1. Approve the Minutes of the Meeting Held on October 10, 2012 - Dewar asked for additions and/or corrections. There being none, Shimer 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 24, 2012 - Dewar asked for additions and/or corrections. There being none, Hanson made a motion to approve the minutes as submitted. Shimer 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. Shimer 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 amendments to the List of Bills Report, and to pay the outstanding bills. Hanson 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. Shimer 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. Hanson seconded the motion. All ayes, motion carried.

3. Welcome Visitors – Amber Rosado, Kenneth Helsel, Brad Shober, Dan Black and Benji Boyer.

4. Shanksville Volunteer Fire Department – Daniel Black from the Shanksville Volunteer Fire Department informed Council their annual fund drive, which is a big part of their budget income, that only 46% of the residents of Indian Lake supported this fund drive and they also can’t have their turkey raffle because of gaming regulations and therefore are soliciting the support of the community to help make up for the turkey raffle profit loss.

Fire Protection Service Agreement – Council was provided with two (2) different fire protection service agreements from the Shanksville Volunteer Fire Department. The first agreement is for a donation of \$29,700.00. The second agreement is a three year contract; first year shows an \$8,910 donation, second year \$17,820 donation, and the third year \$29,700 donation. Council informed the fire department that at this time, the budget for 2013 is pretty much set and the allotment to the fire department is \$10,500.00. The SVFD will revise the service contract for 2013 to reflect the \$10,500, but would like Council to consider those other two (2) proposals for next year.

5. Legal Report:

1. Easement Status and Ongoing Strategy – Attorney Rullo reported that there are 54 easements outstanding and of those 40 he hasn't heard from. Council set the deadline for the filing of the Declaration of Taking for January 1, 2013.

2. David Rohrich Challenge to Ruling/Septic – Attorney Rullo informed Council that he has spoken with Attorney Tucceri and he has no clear indication that Mr. Rohrich is intending to file for a sewage permit application for his garage. Attorney Rullo will contact Jerry Mostoller and will go from there.

3. Exotic Bird – Hanson made a motion to authorize Patricia Dewar and/or Theresa Weyant to execute any of the paperwork for the state to allow Benji Boyer to have his exotic bird and they will allow the bird in the Borough as long as it is confined to his property and he does not violate any ordinances as discussed. Shimer seconded the motion. All ayes, motion carried.

4. Mutual Aid Agreement and Adoption of Proposed Ordinance No. 162 - Hanson made a motion to adopt Ordinance No.162, which is an Ordinance adopting the Mutual Aid Agreement between all municipalities with police departments to provide voluntary aid in the event of an emergency or call of assistance. McCauley seconded the motion. All ayes, motion carried.

6. Correspondence:

A. Institute for Building Technology and Safety-Code Administration Plan Review, and Inspection Services – The Somerset County Co-Op has voted to not renew the contract with IBTS for Code Administration Plan Review and Inspection Services starting January 1, 2013. Municipalities may retain a third party agency to administer code enforcement and IBTS is willing to provide these services to those who choose to stay with IBTS.

B. Somerset County Board of Auditors-Audit of Tax Collector Records – The Somerset County Board of Auditors provided the Borough with notification that they have completed an audit of Susan Dabbs records for the year 2011 for the County Taxes and everything was found to be in order.

C. Patricia Fisher, who is located at 133 Bear Run Road, sent a letter of thanks to Officer Brant for his assistance and concern for her safety and well-being during the power outage and flooding that occurred on October 29<sup>th</sup> through October 30<sup>th</sup>.

7. Committee Reports:

A. Finance Report

1. Authorization to Advertise the 2013 Tax Rate Ordinance - Shimer made a motion to authorize the Borough Manager to advertise the proposed 2013 Tax Rate Ordinance, establishing the real estate tax rate for 2013 at 19.3 mills, for adoption at the December 12<sup>th</sup> meeting. Hanson seconded the motion. All ayes, motion carried.

2. Authorization to Advertise the Proposed 2013 Budget – Hanson made a motion to authorize the Borough Manager to advertise the Proposed 2013 Budget as presented. Shimer seconded the motion. All ayes, motion carried.

3. Principle Payment to Line of Credit - McCauley made a motion to authorize the Borough Manager to issue a payment in the amount of \$200,000.00 towards the principle on the Line of Credit with Somerset Trust Company. Shimer seconded the motion. All ayes, motion carried.

B. Road and Maintenance Report:

1. Stihl 600 Leaf Blower - Hanson made a motion to authorize the Borough Manager to purchase a Stihl 600 Leaf Blower for the workmen. Shimer seconded the motion. All ayes, motion carried.

C. Water & Sewer Report:

1. Act 537 Plan Update Strategy – Hanson reported that the Department of Environmental Protection has returned the Addendum to the Act 537 Plan with a list of deficiencies. The Borough can appeal this decision, we can spend a lot of money and update the Act 537 Plan, or we do nothing for at least another year. Hanson is recommending that the Borough does nothing.

Hanson has spoken with Reggie Musser, who has been working with some of the companies who make package sewage plants. Musser will either be at the December or January meeting to present a relatively low cost approach for public sewage. If Council likes this idea, then the Borough can move forward to update the Act 537 Plan to support it.

2. PA Rural Water/DEP Proposal to Study our Water Sources – PA Rural Water along with representatives of the Department of Environmental Protection were here to discuss a proposal to do a source water study and survey the Borough’s watershed. PA Rural Water will come in and do an inventory, they will define and quantify all the water sources, they will do a risk assessment, and they will tackle those risks so that the Borough can avoid and mitigate those risks.

There is no cost to the Borough for PA Rural Water and the DEP to do the water source study but they do need the Borough’s permission to do it. The Borough would be involved and the Borough would have to apply for a grant if we are eligible from the US EPA and the PA DEP.

Council was in agreement to authorize the PA Rural Water/DEP to do the water source study at no cost to the Borough.

D. Dam Remediation Update:

1. Water Supply Permit - Dewar reported that the Borough received the Water Supply Permit from the Department of Environmental Protection.

2. Main Permit – Dewar informed Council the on October 16<sup>th</sup> a Sean Isgan and Paul Cornez held a conference call with Roger Adams, from the Department of Environmental Protection, and discussed the Department’s comments and the outstanding issues have been resolved. Sean Isgan, from CME Engineering, revised the permit and resubmitted the application in person to the Department of Environmental Protection on November 13<sup>th</sup>.

3. O & M Manual – CME Engineering has completed the O & M Manual for the dam.

4. Emergency Manager Coordinator (E.MC) and Opening the Valve – If there is a perceived emergency, the Emergency Manager Coordinator does not need to get prior approval to open the valve to the dam. If there is a state of emergency declared, the EMC powers are pretty broad.

8. Old Business:

A. Pueblo Path and West Shore Trail Extension Revised Right-of-Ways – Hanson reported that Musser Engineering is still preparing the drawings of the right-of-ways for Pueblo Path and he still doesn’t have the final revised drawings. Once he receives these drawing he will forward them to Attorney Rullo.

9. New Business:

10 Public Comment: None.

With no further business to discuss, McCauley moved and Shimer seconded to adjourn the meeting at 9:13 P.M. All ayes, motion carried.

The next regularly scheduled meeting of the Indian Lake Borough Council will be held on December 12, 2012 at 7:00 P.M. at the Indian Lake Borough Building.

Respectfully submitted,

Theresa L. Weyant  
Borough Manager