

MINUTES  
INDIAN LAKE BOROUGH COUNCIL MEETING  
DECEMBER 12, 2012

The regularly scheduled meeting of the Indian Lake Borough Council was held on December 12, 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  
Terry St. Clair  
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

Visitors – Kenneth Helsel, Mike Custer, Jerry Ferko, Amber Rosado and Ronald Pertrina.

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

ORDER OF BUSINESS

1. Approve the Minutes of the Meeting Held on November 14, 2012 - Dewar asked for additions and/or corrections. There being none, Shimer made a motion to approve the minutes as submitted. Marhefka 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. Hanson 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. Shimer 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. Hanson 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. Shimer seconded the motion. All ayes, motion carried.

3. Welcome Visitors – Kenneth Helsel, Mike Custer, Jerry Ferko, Amber Rosado and Ronald Pertrina.

4. Correspondence:

A. The Children’s Aid Home-Request for Donation - The Children’s Aid Home & Society of Somerset County is requesting a donation. Hanson made a motion to make a \$50.00 donation to the Children’s Aid Home & Society of Somerset County. St. Clair seconded the motion. All ayes, motion carried.

B. The Humane Society of Somerset County-Request for Donation - The Humane Society of Somerset County is requesting a donation. Shimer made a motion to make a \$50.00 donation to the Humane Society of Somerset County. St. Clair seconded the motion. All ayes, motion carried.

5. Committee Reports:

A. Finance Report

1. Adoption of the 2013 Proposed Budget - Hanson made a motion to adopt the proposed 2013 budget as advertised and presented. Shimer seconded the motion. All ayes, motion carried.

B. Adoption of Tax Rate Ordinance - Hanson made a motion to set the millage rate at 19.3 mills and for all the other Borough taxes to remain the same for 2013. Shimer seconded the motion. All ayes, motion carried.

C. Adoption of Tax Rate Ordinance No. 163 - Hanson made a motion to adopt the 2013 Tax Rate Ordinance No. 163as presented and advertised. Shimer seconded the motion. All ayes, motion carried.

D. Elected Tax Collector Commission – Hanson made a motion to establish the elected tax collectors pay rate at \$5 per collected billable parcel. Shimer seconded the motion. All ayes, motion carried. Council requested that Attorney Rullo file the appropriate paperwork.

E. Proposals for Back-Hoe Financing:

Cleveland Brothers	3.20%	
1 <sup>st</sup> Summit Bank	2.75%	Fee - \$125.00
Somerset Trust	2.99%	Fee - \$100.00

St. Clair made a motion to accept the proposal for financing the purchase of a new Catepillar Back-Hoe from 1<sup>st</sup> Summit Bank at the lowest interest rate of 2.75% for five (5) years with a fee of \$125.00. Hanson seconded the motion. All ayes, motion carried.

6. Legal Report:

1. Easement Status and Ongoing Strategy – Attorney Rullo reported that there are 39 easements which he has had no response from. The deadline for the filing of the Declaration of Taking has been set for January 1, 2013.

2. David Rohrich Challenge to Ruling/Septic – Attorney Rullo informed Council that he has spoken with Jerry Mostoller, Sewage Enforcement Officer for the Borough, about the process of pursuing the sewage application. If Mr. Rohrich does not file for a sewage application, Attorney Rullo has prepared a civil action that the Borough will be pursuing to see if in fact we can get him to comply. Mr. Mostoller is prepared to recommend a holding tank arrangement as a remediation option.

3 Dennis Markferding Boathouse – Attorney Rullo has spoken with Attorney Williams, who is the solicitor for the Zoning Hearing Board, and the recommendation that has been discussed is that Mr. Markferding is going to be requested to apply to the Indian Lake Borough Zoning Hearing Board for a non-podunk appeal and to have the matter reviewed by them in order to determine as to whether or not a variance should be granted.

4. Craig and Linda Aber-Proposed Release of Easement for Peninsula Lot #166 – Hanson made a motion to approve the release of the easement for Craig and Linda Aber, Peninsula Lot No. 166 and to authorize the officers to execute the documents. St. Clair seconded the motion. All ayes, motion carried. Council requested that Attorney Rullo make sure a map is attached to the final documents.

7. Committee Reports:

B. Road and Maintenance Report:

1. Open Bids for 2003 F-450 Truck – Bids for the sale of the 2003 F-450 truck were opened and were as follows:

Brad Dively - \$6,754.00  
Jerry Ferko - \$15,353.00

Shimer made a motion to reject all the bids. McCauley seconded the motion. All ayes, motion carried.

Council asked Mayor Miscoe to list the 2003 F-450 for sale on the Municbid website with a minimum bid of \$15,500.00.

C. Environmental Report – Shimer reported that William Kirkpatrick, from Aquatic Environment Consultants, has completed the 2013 Fish Population Survey. A copy of the entire report will be posted on the website and Mr. Kirkpatrick will be at the Annual Service Corporation Meeting in May to discuss his findings and to answer any questions. The next fish study will be done in 2015.

D. Dam Remediation Update:

1. E & S Permit – The Borough received a comment letter from Somerset Conservation District on the E&SPC Application dated November 14, 2011. Comments were minor and the application will be re-filed again by the required date.

2. 2012 Annual Dam Inspection Report - The Borough received a letter dated November 30, 2012 from the Department of Environmental Protection Dam Safety Division accepting and thanking us for the submittal of the 2012 Annual Dam Inspection Report.

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.

B. Expiring Terms of Planning Commission Members and Zoning Hearing Board Member and Alternate Member -

Planning Commission – Hanson made a motion to re-appoint Donald Reed and Christopher Keiser to the Planning Commission for a four (4) year term; term expires on December 31, 2016. Shimer seconded the motion. All ayes, motion carried.

Zoning Hearing Board Member – Hanson made a motion to re-appoint Vanessa Keiser to the Zoning Hearing Board for a three (3) year term; term expires on December 31, 2015. St. Clair seconded the motion. All ayes, motion carried.

Zoning Hearing Board Alternate Member – Hanson made a motion to re-appoint J. Michael Moses as an alternate member on the Zoning Hearing Board for a three (3) year term; term expires on December 31, 2015. St. Clair seconded the motion. All ayes, motion carried.

9. New Business:

A. Musser Engineering-Boone Mine Surface Mine Permit Application – Musser Engineering provided Council with copies of a surface mine permit application for the Boone Mine located in Stonycreek Township. The permit encompasses 155.4 total acres and all drainage is towards Boone Run. No drainage from the site flows towards Indian Lake. The portion of the permit within the Borough encompasses 58.7 acres. The mine location is east of State Route 160 on Gerald W. Walker, et al and Coal Junction Coal Company properties (maps are attached).

Council requested that Attorney Rullo prepare a response letter to PBS Coals, for Patty Dewar's signature, informing them of Ordinance No. 13, which specifically prohibits coal mining within the Borough of Indian Lake. Also, the acreage that is identified in this permit is zoned agricultural, the earth disturbance of a surface mine would be a non-conforming use under our Zoning Ordinance.

10 Public Comment: None.

With no further business to discuss, St. Clair moved and Shimer seconded to adjourn the meeting at 8:22 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