

MINUTES
INDIAN LAKE BOROUGH COUNCIL MEETING
MARCH 27, 2013

The regularly scheduled meeting of the Indian Lake Borough Council was held on March 27, 2013 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, John and Anne McGrath, Michael Marshall, Larry Crespo and Amber Rosado.

The meeting was called to order at 7:05 P.M. by Patricia Dewar, President.

ORDER OF BUSINESS

1. Approve the Minutes of the Meeting Held on February 13, 2013 - Dewar asked for additions and/or corrections. There being none, St. Clair made a motion to approve the minutes as submitted. Shimer seconded the motion. All ayes, motion carried.

2. Financial Reports – Hanson 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 ratify the payment of the outstanding bills. Shimer seconded the motion. All ayes, motion carried.

Shimer 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 ratify the payment of the outstanding bills, except for the bill to Hach Company, in the amount of \$4,147.48. Hanson seconded the motion. All ayes, motion carried.

Hanson made a motion, based on the recommendation of the Finance Committee, to approve the Sewer Financial Reports, and to ratify the payment of the outstanding bills. Shimer seconded the motion. All ayes, motion carried.

Shimer 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 – Kenneth Helsel, John and Anne McGrath, Michael Marshall, Larry Crespo and Amber Rosado.

4. John McGrath, Sioux 276 – Mr. McGrath addressed Council with a request to amend Zoning Ordinance No. 144 to allow decks and railings on top of boat docks in park lots. There are currently 30 other existing docks on the lake, which have the deck and railing. Not all thirty of these are park lots, the majority of them are on lake front lots, but some of these docks do exist on park lots. Some areas of the lake (like theirs) require this type of dock due to the steepness of the lot and also park lots only have twenty-five (25) foot of lake frontage. Mr. McGrath would like Council to consider making a simple amendment to Zoning Ordinance No. 144 by simply adding the one paragraph from Proposed Zoning Ordinance No. 155 to simply allow decks on top of boat docks in the park area or consider change the Zoning Appeal fee to perhaps \$150/\$200 to be more consistent with other larger municipalities.

5. Larry Crespo, Crespo's Wildlife Solutions – Mr. Crespo presented a proposal to Council for the 2013 Goose Management Program.

1. Goose Nest and Egg Treatment - \$1,886.00
2. Harassment Control \$3,355.00
3. Adult Goose Removal \$3,160.00

Shimer made a motion to authorize Crespo's Wildlife Solutions to do the goose nest and egg treatment at a cost of \$1,886.00. McCauley seconded the motion. 5 ayes and 1 naye. Motion carried.

St. Clair made a motion to sell one (1) additional non-property owner general boat license at a cost of \$1,500.00 to help offset the cost of the goose nest and egg treatment. Shimer seconded the motion. 4 ayes, and 2 naves. Motion carried.

6. Legal Report:

1. Adopt Proposed Ordinance No. 165 – Authorizing the Filings of Declarations of Taking to Enlarge Existing Flowage Easements as Required by the DEP for the Improvements to the Indian Lake Dam – Hanson made a motion to adopt proposed Ordinance No. 165 as advertised and presented. St. Clair seconded the motion. All ayes, motion carried.

2. David Rohrich Challenge to Ruling/Septic – Attorney Rullo has had no response and he will file the formal complaint with the Department of Environmental Protection tomorrow. Council had no objection.

3. David Lhota – Attorney Rullo informed Council that the Sheriff Sale on this property was postponed until Friday, April 19, 2013.

4. Report of Discussion with IBTS Concerning the Completion of Permit Inspections Paid for in 2012 – The Borough received a letter from the Institute for Building Technology and Safety which states that any citizen and/or contractor that was issued a building permit in 2012 by IBTS and have not completed their project, will continue with IBTS for inspections. Upon completion of the project, the folder will be returned to the Borough.

5. Colleen Cenk–Easement Release – Dewar informed Council that she received a telephone call from Ms. Cenk stating that she just opened the document which had her signed easement release from Attorney Mason. Attorney Mason stated that she needed to sign the easement and have it recorded within thirty (30) days. She is past the thirty (30) days since the Borough signed off on the easement December 12, 2012. Attorney Rullo stated that he will contact Ms. Cenk and inform her that this will need to be re-executed and they will need to reissue the easement document for the Borough to re-sign.

7. Correspondence:

A. CME Engineering – Request for Non-Building Waiver for the Bobbi Jo Shofstahl Minor Subdivision in Stonycreek Township. = CME Engineering has prepared the Request for Planning Waiver and Non-Building Declaration for the Bobbi Jo Shofstahl et al property in Stonycreek Township which is needed for Phase III of the Dam Remediation Project. Hanson made a motion to authorize the Council President to execute the Request for Planning Waiver and Non-Building Declaration for the Bobbi Jo Shofstahl et al property in Stonycreek Township as prepared by CME Engineering. McCauley seconded the motion. All ayes, motion carried.

B. Musser Engineering – Submission of Application for a GP 2 Permit for the Construction of a Boat Dock on Dakota for Phyllis J. Musser – Musser Engineering has submitted a copy of the application for a GP 2 Permit for the construction of a boat dock on Dakota for Phyllis Musser, 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.

C. Keith Perl, South Peninsula 326-Ice Bubblers on Lake – Mr. Perl would like to inform Council as to the potentially dangerous situation on the lake due to the lack of ice on the lake with the use of the ice bubblers. For years they have been able to enjoy ice skating, cross country skiing, sled riding, ice fishing or snowmobiling on the frozen lake which had to be discontinued due to the unstable or non-existent ice by their lake front. Perl has learned that ice bubblers are being used at the docks that have been installed down below the lodge in an attempt to minimize ice formation around them. This has been successful to the point that the Borough is now compromising safety and effecting the enjoyment of the lake by the adjacent property owners by allowing these devices to be used. Mr. Perl would like Council to investigate this matter thoroughly and in the interest of safety and enjoyment of adjacent property owners, to disallow the use of these bubblers in the coming years.

Council stated that there are many of these devices being used all around the lake and more people have been inquiring about them so more of these will be used in the coming years. Council will try to put together a list of the residents who are using these devices and have that information posted on the website and will post around the Borough that being on the lake is at your own risk.

8. Committee Reports:

A. Finance Report

1. 2012 Audit - Hanson made a motion to accept the 2012 audit as submitted. Shimer seconded the motion. All ayes, motion carried

2 2013 Worker's Compensation Renewal – Manager informed Council that EMC Insurance will not be renewing the Borough's Worker's Compensation Policy. H.A. Thompson has completed the application to go with the State Worker's Insurance Fund. St. Clair made a motion to authorize the Council President to sign the State Worker's Insurance Fund Application. Hanson seconded the motion. All ayes, motion carried.

McCauley made a motion to remit a check in the amount of \$6,900.00 to the State Worker's Insurance Fund and a check for \$550.00 to H.A. Thompson. Hanson seconded the motion. All ayes, motion carried.

B. Road Report:

1. Proposed Parking Ordinance – St. Clair stated that the Borough does have a Parking Ordinance, it is Ordinance No. 18 and it was adopted on March 19, 1971. The Road Committee will work on revising this ordinance and will get with Attorney Rullo on what the revisions are.

C. Environmental Report –Shimer reported that the Environmental Committee is working on preparing an Ordinance which deals with fishing and getting permits from the Borough to fish and establishing rules for parking along the roadway.

D. Planning and Zoning Report:

1. Annual Planning Commission Report – Hanson reported that the Planning Commission will be submitting their annual report to Council at the April Meeting.

2. Guidelines for Side Property Line Easement Waiver Requests – Hanson reported that the Planning Commission has prepared guidelines for any side property line easement waiver requests and that will be presented to Council at the April Meeting.

3. Brian E. Critchfield – Sewage Facilities Planning Module for Choctaw #15 – Hanson informed Council that the Planning Commission has reviewed the Sewage Planning Module Application for Choctaw 15 and they are recommending that Council approve the application.

Hanson made a motion to approve the Sewage Planning Module Component 3 Application for Choctaw #15 and to adopt the resolution and to authorize the Borough Secretary to execute the documents. Marhefka seconded the motion. All ayes, motion carried.

E. Dam Report:

1. Lake Draw Down – St. Clair made a motion to authorize the Borough Secretary to apply for the lake down permit. McCauley seconded the motion. All ayes, motion carried

9. Old Business: Marhefka stated that he would still like the Borough to pursue the issue of the accumulation of old cars, lumber, old riding lawn mowers, boats and trailers just sitting around.

10. New Business:

Attorney Rullo informed Council that the Magisterial Districts have been realigned and on July 1, 2013 the Borough will be using District Magistrate Mankamyer in Boswell instead of District Magistrate Johnson in Somerset.

11 Public Comment:

Hanson made a motion to move into Executive Session to discuss personnel matters at 9:50 P.M. Shimer seconded the motion. All ayes, motion carried.

At 10:04 P.M. Council returned to Regular Session.

With no further business to discuss, Hanson moved and Shimer seconded to adjourn the meeting at 10:04 P.M. All ayes, motion carried.

The next regularly scheduled meeting of the Indian Lake Borough Council will be held on April 10, 2013 at 7:00 P.M. at the Indian Lake Borough Building.

Respectfully submitted,

Theresa L. Weyant
Borough Manager