

MINUTES
INDIAN LAKE BOROUGH COUNCIL MEETING
JULY 11, 2012

The regularly scheduled meeting of the Indian Lake Borough Council was held on July 11, 2012 at 7:00 P.M. at the Indian Lake Borough Building.

THOSE PRESENT:

Patricia Dewar, Council President
Charles McCauley
Robert Marhefka
Robert Hanson
Terry St. Clair
Lynn Shimer
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 – Richard Stern, Ronald Petrina, and Phil Petrunak.

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

ORDER OF BUSINESS

1. Approve the Minutes of the Public Hearing Held on June 13, 2012 - Dewar asked for additions and/or corrections. There being none, St. Clair made a motion to approve the hearing minutes as submitted. Hanson seconded the motion. All ayes, motion carried.

Approve the Minutes of the Meeting Held on June 13, 2012 – Dewar asked for additions and/or corrections. There being none, Hanson made a motion to approve the minutes as submitted. St. Clair 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. 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. 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. Shimer seconded the motion. All ayes, motion carried.

3. Welcome Visitors – Richard Stern, Ronald Petrina, and Phil Petrunak.

4. Zoning Report:

A. James Lyons Complaint on the Richard Bradfield property located at Mohawk 460 – Dean Snyder, Zoning Officer, informed Council that a complaint was also filed with the Department of Environmental Protection and he did accompany the DEP representative when they did their review of the complaint. No violation was found and Mr. Bradfield does have an active building permit. They did suggest to Mr. Bradfield to put all the building materials in a pile to try to straighten up and organize that.

Council asked Attorney Rullo to visit the site and to prepare a letter to Mr. Lyons and to submit a violation to Mr. Bradfield if applicable under the nuisance ordinance.

5. Dam Report:

A. Valve Exercise – There is a change of pressure whenever the valve is operated. CME has queried Bill Reider of Cleveland Brothers, who is the Hydraulic Sales Representative, and it being recommended that the Borough have Cleveland Brothers come out and evaluate the situation and to see what the problem is and the cost to repair. Council agreed to have Cleveland Brothers come out and to fix the problem and do any necessary repairs if it is under \$1,000.00.

B. Spillway – During discussions with the Department of Environmental Protection, they questioned whether the proposed work on the spillway would impact the discharge flow during the hundred year flood. According to CME's analysis it would minutely and these calculations were shared with the DEP who concurred. In the event of a hundred year flood there might be some legal risks, which can be avoided by simply stepping the excavation of the spillway and leaving the channel at its present width up to the elevation of the hundred year flood and above this elevation, the spillway will be widened as previously proposed. Council requested that Sean Isgan, from CME attend the next meeting to clarify this issue.

C. Lichtenfel Property – The heightened top of the dam will terminate on Mr. and Mr. Lichtenfel's property, which is located at 790 West Shore Trail Extension. In order to make this incursion onto their property more palatable the Borough has offered to regrade their yard from the dam to the lake. The Borough will need two (2) easements from the Lichtenfel's. One (1) will be temporary in order to do the work; the other will be permanent in order to extend the breast of the dam. CME Engineering did send out a crew to place stakes and run a string line to show what it will look like on the property.

6. Water Report:

A. SCADA System – Hanson informed Council that the SCADA System is installed but there are still some issues with it. Mark Place is ready to come out to address them, so whenever Dean is ready he just needs to call and schedule.

B. Chlorine Contact/4-Log Update – Hanson reported that the Department of Environmental Protection was here on July 3rd and did the inspection and they lifted the boil water notice and they will be issuing the permit. The Borough has agreed to purchase a Chlorine Analyzer and have it installed. Hanson made a motion to authorize Dean Snyder to purchase the Chlorine Analyzer from Hach, at a cost not to exceed \$6,000.00. McCauley seconded the motion. All ayes, motion carried.

At this time, Council wanted to thank Dave and Dean and all the employees involved with the 4-Log Project and as a token of appreciation they would like to take all the employees involved out to dinner at the Lodge at a date to be announced. Council members are invited but at their own cost.

7. Legal Report:

A. Hiring of Appraiser – Hanson made a motion to engage Robert Hagerich, MSA Appraiser, for \$140.00 per hour for matters relative to the flowage easement issues. McCauley seconded the motion. All ayes, motion carried.

Council agreed that Attorney Rullo should prepare and file the declaration of taking on those properties which the Borough have not received the easements for and to proceed with filing and recording the overlay

B. Rohrich Zoning Hearing Board Appeal Decision – Hanson made a motion to not pursue appealing the judge's decision. Marhefka seconded the motion. 4 ayes and 2 naves. Motion carried.

Council referred to the Planning Commission the task of proposing language defining the definition of a garage and refining what is permissible to be put into the garage and to identify the issues that need to be amended and anything else that is non-objectionable. The Planning Commission should enlist Dean Snyder's input as the Zoning Officer for the Borough.

C. Proposed Amendment to Ordinance No. 116 – Hanson made a motion to authorize the Borough Secretary to advertise the proposed amendment to Ordinance No. 116 with the recommended changes. Shimer seconded the motion. All ayes, motion carried.

8. Correspondence:

A. Gaitens, Tucceri & Nicholas-St. Clair Development/Commercial Docks and Parking - The Borough was provided with a copy of a letter sent to Somerset County Planning Commission from the law firm of Gaitens, Tucceri & Nicholas, P.C. regarding St. Clair Resort Development/Commercial Docks and Parking. Attorney Rullo informed Council that this is a Somerset County Planning Commission issue and they will be addressing this matter.

9. Committee Reports:

A. Finance Report: Dewar reported that the Borough received the loan closing documents if anyone wants to review it.

B. Road and Maintenance Report:

1. 2012 Road Paving Project – Hanson made a motion to rescind the action taken at the June 13th meeting to reject all the 2012 road paving bids. Shimer seconded the motion. All ayes, motion carried.

St. Clair made a motion to ratify the action taken to award the contract for the 2012 Road Paving Project to New Enterprise Stone and Lime Company, for the amount of \$190,457.60. Hanson seconded the motion. All ayes, motion carried.

2. 2012 Stone Aggregate Bids – Shimer made a motion to rescind the action taken at the June 13th meeting to award the contract for the washed AASHTO No. 8 stone to Garrett Limestone due to the fact that their AASHTO No. 8 is not washed as per the bid specs. Hanson seconded the motion. All ayes, motion carried.

St. Clair made a motion to ratify the action taken to award the contract for the washed AASHTO No. 8 to New Enterprise Stone and Lime Company, the lowest bid meeting specifications. Shimer seconded the motion. All ayes, motion carried.

C. Police Report:

1. Increasing the Number of Secondary Non-powered Boat Licenses – St. Clair made a motion to issue 20 additional secondary non-powered boat licenses (445 to 465). Hanson seconded the motion. 5 ayes, 1 naye. Motion carried.

D. Sewer Report:

1. Act 537 Plan Update Strategy – Hanson reported that some of the unofficial comments from the Department of Environmental Protection are that they want the Borough to get more homeowner involvement but still keep Borough ownership. They want the Borough to re-visit the entire 537 Plan and to cover each and every item again. The technical people like the plan but the Department is trying to get the Borough's attention by not approving it because they want Borough to come up with public sewage. Reggie Musser feels that we need to re-group and decide how we want to approach this.

10. Old Business:

A. Perigo and Shaffer Planned Residential Development (PRD) – Results of Public Hearing – The Borough did received one (1) written comment from Danielle Bouchard and Ruthan Lewis, who are located at 116 Syracuse Path and there concern is with trespassing on private property to access the lake. They are requesting that the Borough implement a Risk Management Plan. Tom O'Malley was in attendance at the hearing and his concern was with the 25 foot easement. Mr. O'Malley stated that in the original subdivision plan there showed a 25 foot easement between the Shaffer property and the O'Malley property for water access. Mr. O'Malley stated that he was told that Ms. Shaffer was not seeking that 25 foot easement and just wanted to clarify that has been removed. Brenda Shaffer acknowledged that the 25 foot easement would not be a part of the final subdivision plan. A copy of the revised plan will be sent to Mr. O'Malley. Hanson made a motion that Council approve the Dennis Perigo and Brenda Shaffer Planned Residential Development Plan subject to the comments that were provided at the last meeting. Shimer seconded the motion. All ayes, motion carried.

Hanson will prepare the letters to Dennis Perigo, Brenda Shaffer, and Musser Engineering and will forward the comments and will indicate Council's approval.

Hanson reported that the Brenda Shaffer subdivision plan requires a 33 foot right-of-way for Pueblo Path instead of the 20 foot. Once this plan is recorded, the Borough will need to adopt an ordinance dedicating the 33 foot right-of-way on Pueblo Path.

11. New Business: None.

12. Environmental Report:

A. Lake Patrol - Lynn Shimer requested that Patricia Dewar acknowledge and thank all the volunteers who helped with the lake weed patrol in the next e-newsletter.

B. Calendar's Run Water Sampling – Shimer stated that Paul Cornez and himself will be meeting with William Kirkpatrick, the Aquatic Biologist for the Borough, about reviewing the sample results for Calendar's Run and Kirkpatrick has agreed to teach them how to read the results so that they can monitor what is going on in the lake and what PBS's water treatment plant is discharging into the lake.

9. Public Comment: None.

Shimer made a motion to move into Executive Session to discuss personnel issues at 9:32 P.M. St. Clair seconded the motion. All ayes, motion carried.

At 9:43 P.M. Council returned to Regular Session.

Hanson made a motion based upon the discussion with the Mayor and other members of the Personnel Committee that the Borough rescind the motion that was made at the June 13th meeting to pay for Dan Dively's MOPEC recertification and at this time the Borough has no desire or intention of making an offer of employment. McCauley seconded the motion. All ayes, motion carried

With no further business to discuss, Hanson moved and Shimer seconded to adjourn the meeting at 9:45 P.M. All ayes, motion carried.

The next regularly scheduled meeting of the Indian Lake Borough Council will be held on July 25, 2012 at 7:00 P.M. at the Indian Lake Borough Building.

Respectfully submitted,

Theresa L. Weyant
Borough Manager