

MINUTES  
INDIAN LAKE BOROUGH COUNCIL MEETING  
SEPTEMBER 11, 2013

The regularly scheduled meeting of the Indian Lake Borough Council was held on September 11, 2013 at 7:00 P.M. at the Indian Lake Borough Building.

THOSE PRESENT:

Patricia Dewar, Council President  
Paul Cornez

THOSE ABSENT:

Attorney Daniel Rullo, Solicitor  
Michael D. Miscoe, Mayor

Charles McCauley  
Lynn Shimer  
Robert Marhefka  
Robert Hanson  
Terry St. Clair  
Theresa L. Weyant, Borough Manager/Secretary  
Dean Snyder, Zoning Officer/Water & Sewer Plant Operator

Visitors – Richard Stern, Kenneth Helsel, Tom O’Toole, Sean Isgan, Ronald Petrina, Robert Oates, Charles Fox, Don Reed, and Andrea Rosado.

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

In honor of the 12<sup>th</sup> Anniversary of the 911 terrorist attacks, a moment of silence was held to honor the victims, the heroes, and the families.

**ORDER OF BUSINESS**

1. Approve the Minutes of the Meeting Held on August 14, 2013 - 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.

Approve the Minutes of the Meeting Held on July 24, 2013 - Dewar asked for additions and/or corrections. There being none, St. Clair 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. Shimer 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. Shimer seconded the motion. All ayes, motion carried.

3. Welcome Visitors – Richard Stern, Kenneth Helsel, Tom O’Toole, Sean Isgan, Ronald Petrina, Robert Oates, Charles Fox, Don Reed, and Andrea Rosado.

4. Dam Remediation Update: Sean Isgan, from CME Engineering, informed Council that Maust Excavating has the E & S Controls in place and they have striped the top soil. When Maust Excavating bid the project they assumed that the material that was excavated from the spillway would be suitable embankment fill material. They have submitted 5 samples of this material to be tested and they all have failed. Maust Excavating did bring in a rock crusher and has been processing the material through this machine and they have sent another sample out to be tested but the results of that test aren’t back yet.

Isgan noted that the Borough did accept and award 2 alternate bids. Alternate Bid #1, in the amount of \$12,000.00, was to commence spillway excavation work on September 30<sup>th</sup> in order to delay the start of the lake draw down to September 16<sup>th</sup>. In order to help expedite the process, a seconded addendum was sent out stating that Maust Excavating could start excavation on August 12<sup>th</sup> with a proviso that the Borough had DEP approval.

On August 5<sup>th</sup> a pre-bid meeting was held and DEP stated that the Borough would have the permit no later than August 12<sup>th</sup>. On August 13<sup>th</sup> the Borough still did not have the permit so Sean Isgan contacted Roger Adams from the DEP, and Mr. Adams proceeded to inform Mr. Isgan that there was a problem with the issuance of the Borough's Permit. Apparently the DEP forgot to advertise it in the PA Bulletin for thirty (30) which will delay the issuance of the permit. The thirty day period will be up on September 23<sup>rd</sup> and the permit should be issued and in hand on September 24<sup>th</sup>. Maust Excavating is asserting that this is affecting his schedule, but after talking with DEP, Maust Excavating can continue to work on what they have started with the restrictions of not working on Mr. and Mrs. Lichtenfels property until after September 20<sup>th</sup> and they cannot raise the embankment between the gatehouse and the end of the dam where Mr. and Mrs. Lichtenfels property is until after September 24<sup>th</sup>.

Council was presented with Change Order Request No. 1 from Maust Excavating, which consists of additional contract time for construction activities for thirty (3) days and for a contract deadline for 70 percent vegetative growth and removal of E & S Controls until June 30, 2014. Maust Excavating does not yet have enough information to include any potential cost increases to the delays and extra work. Cornez made a motion to deny the Change Order Request No. 1 from Maust Excavating based on the wording of the contract that was accepted. Shimer seconded the motion. All ayes, motion carried.

CME Engineering Change Order Request #5 for Phase 3 – Cornez made a motion to accept the Change Order Request #5 for Phase 3 from CME Engineering, in the amount of \$50,500.00. St. Clair seconded the motion. All ayes, motion carried.

#### 5 Dean Snyder's Report:

Marhefka stated that he has received two (2) complaints on the condition of Donald Wolf's house and property, which is located at Seneca 441. Snyder said that he was aware of the condition of the property and will send out a violation notice to Mr. Wolf and will provide copies of the violation notice to the complainants.

6. Legal Report – Dewar reported that Judge David Klementik has issued an order denying the objectors motion to reconsider on the eminent domain issue.

#### 7. Correspondence:

A. Somerset County Boroughs Association-September Dinner Meeting – The Somerset County Boroughs Association September Dinner Meeting will be held on Thursday, September 19, 2013, at the Morguen Toole Company in Meyersdale. The cost is \$22.00 per person. Hanson stated that he might be able to attend and he would check his calendar and will let the Borough Secretary know tomorrow if he can attend.

B. R. Eric Critchfield-Notification of Intent to Submit for a Part II Wastewater Facilities Construction Permit – Mr. Critchfield has provided notice of his intent to submit an application to the Department of Environmental Protection for a Part II Wastewater Facilities construction permit for a small flow treatment facility with a holding tank on Choctaw Lot No. 15. Council had no comments or concerns.

C. Musser Engineering-DEP General Permit Applications for Dock and Sea Wall Construction for James Gibbons, Osage No. 22 - Musser Engineering has submitted a copy of the applications for a GP 2 and GP 3 Permit for the construction of a boat dock and sea wall on Osage 22 for James Gibbons, 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.

#### 8. Committee Reports:

##### A. Finance Report:

1. 2014 Tax Collector Audit Proposal – Wessel & Company has provided the Borough with a proposal to do the 2013 Tax Collector Audit. Council asked the Borough Secretary to clarify the proposal from Wessell & Company to verify whether the proposal should be \$2,500-\$3,000 or if in fact it is \$2,500 and \$3,000 as it is written.

2. 2010-2011 Liquid Fuels Audit - Dewar reported that the Borough has received a copy of the 2010-2011 Liquid Fuels Audit and it is on file here at the office if anyone wishes to review it.

3. Sewage Inspection Check Returned, Funds Not Available – Dewar reported that a check has bounced for a sewage inspection on a property sale. Secretary has contacted the individual and was told that they would take care of this but has made no attempts to date to cover the bounced check. The secretary has made numerous attempts to contact the individual again since then but has been unsuccessful.

Dewar reported that the total cost to the Borough for Phase III as of September 11<sup>th</sup> is \$333,588.31.

B. Road Report:

1. 2013 Road Paving Project - St. Clair reported that the 2013 Road Paving project has been completed.

2. Complaint – St. Clair stated that he received a complaint from Don Albright, who lives on the Buckstown Road right at the bottom of North Shore Trail, about the blocked ditches in front of his house. The ditches on both side of North Shore Trail were all washed out and he asked the workmen to line that ditch with #4 and #5 stone.

3. Dilapidated Fence at the Lakewood Sewage Treatment Plant – St. Clair informed Council that the workmen will be repairing and painting the dilapidated chain link fence around the Lakewood Sewage Treatment Plant.

C. Environmental Report – Shimer reported that he received three (3) price quotes for walleye, trout, and shiners that they are intending to stock in the lake in mid-October. The fish will be purchased from Aquatic Environment Consultants and the Indian Lake Anglers Club has contributed \$5,250.00, The Indian Lake Service Corporation has contributed \$3,000.00, and Indian Lake Borough is contributing \$3,000.00.

D. Planning/Zoning Report – Don Reed, Chairman of the Indian Lake Borough Planning Commission, noted that the Planning Commission is starting to review the differences between Zoning Ordinance No. 144 and Proposed Revised Zoning Ordinance No 155

8. Old Business: None.

9. New Business:

1. Worker's Compensation Risk Improvement Recommendations – Hanson made a motion to authorize the Council President to sign off on the Department of Labor & Industry Risk Improvement Recommendations pending verification with Mayor Miscoe on the two (2) police department issues. Shimer seconded the motion. All ayes, motion carried.

10. Public Comment:

Tom O'Toole stated that he understands that the Borough has agreed to pave the portion of Chickasaw Path which was not paved the previous year. St. Clair stated that this was incorrect; the road committee evaluates the condition of all the Borough roads in the spring of the year and will make a recommendation to Council as to what roads need paved and what roads should be seal coated. Apparently, there seems to be a question as to how much of Chickasaw Path is a Borough road and the committee would like to review what the Borough Ordinance has on record for Chickasaw Path and what is on the Penn-Dot Liquid Fuels map. The committee needs to verify that the portion of the road that is in question is actually a Borough road and not a private driveway. Council asked Robert Hanson if he would research the legal description of the road in question in the Borough Ordinance and compare it to the Penn-Dot Map.

Cornez made a motion to move into Executive Session to discuss personnel matters at 8:40 P.M. Shimer seconded the motion. All ayes, motion carried.

At 8:55 P.M. Council returned to Regular Session.

With no further business to discuss, Hanson moved and Cornez seconded to adjourn the meeting at 8:56 P.M. All ayes, motion carried.

The next regularly scheduled meeting of the Indian Lake Borough Council will be held on September 25, 2013 at 7:00 P.M. at the Indian Lake Borough Building.

Respectfully submitted,

Theresa L. Weyant  
Borough Manager