

MINUTES  
INDIAN LAKE BOROUGH COUNCIL MEETING  
SEPTEMBER 12, 2012

The regularly scheduled meeting of the Indian Lake Borough Council was held on September 12, 2012 at 7:00 P.M. at the Indian Lake Borough Building.

THOSE PRESENT:

Patricia Dewar, Council President  
Paul Cornez  
Charles McCauley  
Robert Marhefka  
Robert Hanson  
Michael D. Miscoe, Mayor  
Attorney Daniel Rullo, Solicitor  
Theresa L. Weyant, Borough Manager/Secretary

THOSE ABSENT:

Lynn Shimer  
Terry St. Clair  
Dean Snyder, Zoning Officer/Water & Sewer Plant Operator

Visitors – Kenneth Helsel, Richard Stern, Robert Oates, and Phil Petrunak.

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 July 25, 2012 - Dewar asked for additions and/or corrections. There being none, Cornez made a motion to approve the minutes as submitted. McCauley seconded the motion. All ayes, motion carried.

Approve the Minutes of the Meeting Held on August 8, 2012 – Dewar asked for additions and/or corrections. There being none, Cornez made a motion to approve the minutes as submitted. McCauley 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. Cornez 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. Cornez 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. Cornez 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. Cornez seconded the motion. All ayes, motion carried.

3. Welcome Visitors – Kenneth Helsel, Richard Stern, Robert Oates, and Phil Petrunak .

4. Sean Isgan-Dam Remediation Update –Isgan reported that all the permits for Phase III have been submitted to the review agencies. The application fee for the E & S Control Permit will be returned to the Borough. Since the Borough is a municipality, that fee is waived.

The bid documents and designs are completed but CME Engineering is waiting until they receive the Department of Environmental Protection’s comments on the permit application in order to make sure that there aren’t any changes that they are going to request. Construction won’t be started until the fall of 2013 so the project will go out for bid in the late spring of 2013.

Change Order Request #4 for Phase 3 – Cornez made a motion to approve Change Order Request #4 for Phase 3 of the Dam Remediation project, in the amount of \$71,000.00. Dewar seconded the motion. All ayes, motion carried.

McCauley made a motion to table the legal report items #6A, 6B, 6C, 6D and item #8-G2 until Executive Session. Cornez seconded the motion. All ayes, motion carried.

5. Correspondence:

A. Somerset County Tire Collection Day – Somerset County Tire Collection Day will be held on Saturday, September 22 from 9 AM until Noon at the Conemaugh Township Municipal Building. Hanson also posted this information on the Borough's website.

B. Environmental Land Surveying & Solution-Permit Application for Drilling at the Proposed Benson Unit 2 Well in Stonycreek Township – The Borough received notice from Environmental Land Surveying & Solutions on a permit application for drilling a gas well at the proposed Benson Unit 2 Well in Stonycreek Township. This activity is outside the Borough and is also outside of the Borough's watershed.

C. Somerset County Boroughs Association-September Dinner Meeting – The Somerset County Boroughs Association will be holding their September Dinner Meeting on Thursday, September 13, 2012 at Berlin Borough Community Building. The cost is \$10.50 per person. McCauley made a motion to ratify the payment of \$10.50 for Councilmen Paul Cornez to attend the Somerset County Boroughs Association September Dinner Meeting. Hanson seconded the motion. All ayes, motion carried.

D. Stonycreek/Little Conemaugh Source Water Protection Coalition Formation Meeting – The Stonycreek/Little Conemaugh Source Water Protection Coalition Formation Meeting will be held on Wednesday, October 10, 2012 at 10:00 AM at the PA DEP Office Building in Ebensburg. Council requested that a member of the Environmental Committee attend.

6. Committee Reports:

A. Finance Report

1. Thomas J. Anderson & Associates - 2013 MMO for Pension Plan - Dewar made a motion to accept the 2013 Financial Requirement and Minimum Municipal Obligation for the pension plan in the amount of \$10,946.00, as prepared by Thomas J. Anderson & Associates and to authorize the Council President to sign all the associated documents pertaining to the 2013 Financial Requirement and Minimum Municipal Obligation. Cornez seconded the motion. All ayes, motion carried.

2. Change Order Request #2-4 Log Project - Hanson made a motion to approve Change Order Request #2 for the 4-Log Rule Compliance/Public Water Supply Permit, in the amount of \$3,000.00. McCauley seconded the motion. All ayes, motion carried.

Hanson made a motion based upon the approval of the change order to approve and pay the outstanding invoices, in the amount of \$1,934.14, \$700.00 and \$1,106.25 to CME Engineering for engineering services rendered for the 4-Log Rule project. Cornez seconded the motion. All ayes, motion carried.

Cornez made a motion to ratify the action taken of authorizing the additional \$200.00 for the additional fee for the E & S Permit for Phase III of the Dam Remediation Project. Hanson seconded the motion. All ayes, motion carried.

B. Road and Maintenance Report : Dewar reported that Terry St. Clair wanted it noted that the workmen have been doing a fantastic job repairing the culverts and ditches

1. Mower Repairs – McCauley made a motion to ratify the action taken to approve the expenditure of \$1,668.35 to purchase a hydraulic kit for the broom tractor. Hanson seconded the motion. All ayes, motion carried.

2. Purchase of Deicing Salt – McCauley made a motion to authorize the road committee to purchase and extra tri-axle load of deicing salt in order to make the salt to anti-skid ratio a little higher than the Borough has been using. Hanson seconded the motion. 4 ayes and 1 naye. Motion carried.

C. Personnel Report:

1. Hiring of Part-Time Employee – McCauley made a motion to ratify the action taken of Hiring Edward Demers as a part-time employee on an as needed basis to help with the mowing and any other projects at a rate of \$10.00 per hour. Hanson seconded the motion. All ayes, motion carried.

Ken Helsel informed Council that he would also be interested in this job should Ed Demers not work out.

D. Environment Report:

1. Buoys – Cornez made a motion to authorize the expenditure of up to \$300.00 to purchase two (2) buoy markers. McCauley seconded the motion. All ayes, motion carried.

2. Fish Study – Dewar reported that William Kirkpatrick, from Aquatic Environment Consultants, was here and completed the fish study but the report is not finished at this time. Dewar noted that the study was paid for by the Indian Lake Service Corporation.

E. Water & Sewer Report:

1. Act 537 Plan Update Strategy – Hanson reported that he has been unable to get a meeting scheduled with the Department of Environmental protection so he will continue to pursue trying to get this done.

F. Planning/Zoning Report: Cornez stated that he will be speaking with Dean Snyder, Zoning Officer for the Borough, about the Marina parking and storing boats along South Shore Trail, which is clearly a violation of the Borough’s Zoning Ordinance because it needs to be fenced off from public view.

G. Dam Remediation Update – Cornez reported there was a problem with the hydraulic system at the dam and CME Engineering had to be called in to deal with the issue. There is an outstanding invoice in the amount of \$518.26. Hanson stated that this is a routine maintenance item and the Borough Manager has the ability to approve these types of expenses up to \$1,000.00. Mayor Miscoe noted that the Shanksville Volunteer Fire Department also sent the dive team up to look at the valve and they did tighten up a hose on the hydraulic system that was leaking and Council would like to thank them for their services.

7. Old Business:

A. Pueblo Path and West Shore Trail Extension Revised Right-of-Ways – Hanson made a motion to authorize Attorney Rullo to finalize the proposed ordinance and to advertise the proposed ordinance for adoption after all the exhibits are attached. Cornez seconded the motion. All ayes, motion carried.

8. New Business:

A. Dean’s New Computer – McCauley made a motion to reimburse Robert Hanson \$549.98 for the purchase of Dean’s new computer. Hanson seconded the motion. All ayes, motion carried.

B. “No Wake” Marker Buoy in Wenatchee Park – Marhefka stated that there was a marker buoy placed in Wenatchee Park by Ted Sheaffer without authorization from the Borough. Council requested that the Zoning Officer send a letter to Mr. Sheaffer notifying him that his “No Wake” buoy in Wenatchee Park needs to be removed until the necessary permits are received from the PA Fish Commission and the Borough. A notice should also be sent to the Indian Lake Marina that they need to make sure before installing a buoy for a customer that all the necessary permits from both the Borough and the PA Fish Commission are in place prior to the installation.

C. Proposed Definition for Living Quarters – Hanson presented Council with the Planning Commission’s proposed definition and language change for “Living Quarters” for Zoning Ordinance No. 144.

9. Public Comment: None.

McCauley made a motion to move into Executive Session to discuss potential litigation issues at 9:15 P.M. Cornez seconded the motion. All ayes, motion carried.

At 10:32 P.M. Council returned to Regular Session.

Cornez made a motion to authorize Attorney Rullo to work with Jerry Mostoller, sewage enforcement officer, relative to a potential prosecution of the failure of David Rohrich to have his garage/guest quarters included as part of a challenge as to whether or not it has the appropriate sewage connection and permit. McCauley seconded the motion. 3 ayes and 2 nays.

Council agreed that before Attorney Rullo pursue the issuance of a citation that he should send a letter to Mr. Rohrich inquiring as to what, if any, remedial measures will be undertaken. Council would like to give Mr. Rohrich the opportunity to correct the situation and to get the necessary permits.

With no further business to discuss, Hanson moved and McCauley seconded to adjourn the meeting at 10:33 P.M. All ayes, motion carried.

The next regularly scheduled meeting of the Indian Lake Borough Council will be held on October 10, 2012 at 7:00 P.M. at the Indian Lake Borough Building.

Respectfully submitted,

Theresa L. Weyant  
Borough Manager