

e-News 27 August 2010

Brief Defense:

It has been 2 weeks since my last newsletter. I used to enjoy writing these as it gave me an opportunity to clarify my thoughts on items and events as I tried to make them clear and succinct for you. I still get overwhelmingly positive feedback, but they seem to annoy the heck out of some. I have been encouraged to keep these e-News factual and apolitical, and Lord knows I've tried. But, I continue to be criticized, politically and personally, for my personal views, largely impartial and independent, just as I promised last fall. I still have 3+ years left to make a difference, and don't care about another term. I will not address what I perceive to be personal or political attacks publicly, but if you read one, and wish to hear the truth, or the 'spin' as I see it, ask. My e-Door is always open... My advice is that if it doesn't sound like something I would say or do, I probably didn't.

Agenda

I will say that our single most pressing agenda is to get the Borough out of the current lawsuits, keep us out of any **new** ones, and to **not** use the Borough and our powers as a club by one property owner against another. If you hear me accused of aggressively pushing this agenda; GUILTY. This **is** a shift from a personal priority on financial growth and development, and is recognition that the lawsuits are effectively curbing our appeal and growth potential in already tough/competitive times. Because we **can** control litigation if we all choose, it is far more strategic; better to aim at a target you can actually hit. Judge what you see and hear (our actions) against this agenda.

Focus on Progress:

Let's focus on Progress and the Positive. Mike Miscoe's recent Quarterly Report gave us a number of things to be positive about and thankful for; there are many others...

+ The Phase II Dam work is done. We are still fussing with the valve from Phase I, but our current Engineers (CME) and Council oversight (Paul Cornez) are doing the right things and a good job. CME and the DEP are planning Phase III, and estimates remain well within our range. [Celebrating completion of this effort would be remiss without acknowledging former Mayor Lichty's leadership before he retired.]

+ The Finance Committee (Patti Dewar, Paul Cornez, Dick Stern and Charlie McCauley) and our Solicitor (Dan Rullo) did a great job securing **continued low-interest short-term (2 years) financing** to cover us through the conclusion of Phase III, and with some added time to negotiate favorable long-term debt in what seems to be a favorable (for us) market.

+ Calculations done by DEP and CME on our watershed/dam in its 'final' (post-Phase III) configuration show that the 100-year flood will be a shade over 2282 feet. **This is great news from a flood insurance**

perspective as the new rate maps (called FIRMs) were using 2287+ to this point, placing many properties 'in jeopardy' of flooding per FEMA and the new maps. This **now** means you probably won't notice the changeover to the new maps and rate structure; a very good thing. We still will have to enact a new Floodplain Management Ordinance in the next 6 months, but its impact will be minimal based on the above.

+ **This year's paving is now complete.** The contractor, New Enterprise, did a very nice job on both the new surfaces and the seal-coat (tar and chip) on our roads within this year's budget. The Roads and Maintenance Committee (Dick Stern, Patti Dewar, and Dave McCudden), in conjunction with our maintenance workforce, came up with a sound plan to spend our budgeted \$\$ wisely. [Questions have already started coming in on next year's plans/needs, so please identify issues you may spot.]

+ **The Peninsula water tank was repainted**, inside and out, and should last for a while. We expect DEP will act soon to allow us to begin reusing it...

+ As I and others have mentioned, **there are a number of plans approved or now before Planning Commission and Council** that can help us meet (hopefully) our forecast revenue growth (refer to 2008 and 2009 Planning Studies). The Lodge/Kickapoo has 15-20 new units planned. The Golf Club Partners around 50, Pine Cove PRD 7, Musser Cove 4, Perigo 3-4, and around 10 lots remain in the Cheyenne PRD. **This totals more than 100 opportunities to ease our tax burden**, a 17% increase in dwellings.

+ A number of residents have pointed out that there is a bill before the PA legislature, **Senate Bill (SB) 152**, which will allow Pennsylvanians to buy and use a new class of vehicles (**Neighborhood Electric Vehicles** [NEVs] or **Low Speed Vehicles** [LSVs]) on our roadways. Most (95+%) other states have already allowed use of these new vehicles based on 1998 federal legislation. NEVs and LSVs are "golf-cart" technology upgraded to much higher safety standards [turn signals, headlights, windshields, etc.] and a slightly higher speed [25 vs 15 mph] so as to be safely driven on local roads with low speed limits [25-35 mph]. These vehicles will require a drivers license and registration, but no inspection. Many have a simple 'switch' to select golf-cart mode to serve double-duty. **Many of us are excited about the energy efficiency, cost-effectiveness, and utility of such vehicles in a community such as ours. It might help if our state legislators saw the bigger picture and enacted SB152 before all the federal energy tax credits are obsolete or consumed by other states.** The big incentives are already gone, unfortunately...

+ **Council and the Ski Club resolved their differences (and eliminated one lawsuit!!) and the slalom course was returned to the Lake again this year.** It is at a new location compared to the past. It is admittedly not ideal from a wake/turbulence aspect, but many existing and future expert skiers can be seen honing their skills nearly every morning. It will be in a different location next year.

+ **Communication is occurring at new levels.** It may not always be pretty, but then democracy usually isn't. Representative democracy never is. Communication brings inevitable opportunity to disagree where we might have been blissfully ignorant in the past. Our strength depends on how we deal with differences of opinion and dissent from the majority/mainstream.

Communication, e-mail and web sites in particular, scare and threaten some, and excite others. My view is if you don't like it, don't use it... but don't complain if somebody knows more than you... Predominantly, from your feedback, you collectively agree.

+ As a result of a couple of lessons where we have run out of water, or very nearly run out, due to an undetected failure, **Council is considering an update/automation of our water system controls**, such as pump, level and valve controls, to provide more remote capability and diagnostics, including early warning of problems. It may seem like a little thing, but running out of water is no picnic...

+ **Indian Lake was the first municipality in Somerset County to complete the 7-year update of our federally mandated Emergency Operations Plan.** We also had to update our Emergency Action Plan for the dam this year (a highly-specific plan based on a specific disaster; failure of our dam). These will not be major distractions at year's end.

+ **Weed Treatment and Lake Diagnostic Testing was authorized.** The weed treatment cost this year was around \$23,000. The diagnostic testing authorized will be done one to three times per year (at ~\$1000 per time) and will mirror the tests run by DEP during the year+ long DEP Study in 2007. This testing will allow us to track any changes from the 'outstanding' characterization we got from DEP in 2007 and keep well ahead of eutrophication, where weed and algae growth become unhealthy and uncontrollable. Remember, **DEP says we have one of the best lakes in the Commonwealth**; that alone is something to be very proud of. Patti Dewar is our POC on both of these contracts. You can access the DEP study from the Borough web site at:

<http://indianlakepa.us/dotnetnuke/BoroughHOME/Reports/tabid/83/Default.aspx> (last item)

These efforts and accomplishments, combined with those our Mayor mentioned, should give us cause for pride in our community and perhaps a sense of excitement moving forward. Some of these items were not easy; in fact some were hard and still are not done. Stopping the lawsuits, on the other hand, might not be hard at all. It could be very easy. All it will take is the collective will to do so, and to compromise some, perhaps, on both sides. We are dealing with strong wills on both sides, and apparently, deep pockets. Total annihilation and submission by one side is not a realistic expected outcome. Despite claims of totally capricious frivolity, there are likely some points to be made and lessons learned going forward; at least that's what I believe.

When it comes to lessons, I've learned a few myself, already, as my behavior has not been perfect in retrospect. One thing I've learned is that if we ourselves focus on the negatives, so will outsiders. If we focus on the dominant positives, outsiders will, too. Our focus on the lawsuits is unhealthy and tearing us apart. I'm reminded of Albert Einstein's definition of insanity; "Doing the same thing over and over and expecting different results". If we want change, we must change.

It's time for different behavior. People on both sides. People on either side. People on neither side. My opinion.

No Council Meeting September 8th

Our regularly scheduled first-meeting for September has been cancelled and we will meet on our regularly scheduled second-meeting date of September 22nd.

Happy Labor Day and please be safe out on the Lake. I hear concerns over our safety posture every week.

Let's take **SAFETY** up a notch for our last big weekend of the year. Some **FACTs**:

- The percentage of alcohol-related boating accidents is staggering... **50% of those reported**, but nobody believes that is real; the Coast Guard estimates less than 10% of non-fatal accidents are reported...
- **66% of fatalities involve alcohol**, and are typically due to falling (or being knocked) overboard and/or drowning.
- The vast majority of fatalities could be prevented by proper use of flotation devices (**a whopping 90% didn't use one**).
- Only **10% of fatalities** occur on boats where the operator had **safety training**.
- **Two of three** fatalities occur on boats of **20 feet or less**.

The lessons: **Don't drink and operate your boat**, and be wary of those who do. **Wear your life preserver**, even if you're an adult. **Buy a bigger boat**.

<http://indianlakepa.us/dotnetnuke/LinkClick.aspx?fileticket=9GrGLWs/1is%3d&tabid=56&mid=381>

The above link contains the "**Rules of the Lake**", extracted from our Boating Ordinance 116. It is only 4 pages and an easy read. The entire 27 page Ordinance 116 is also on the web site under **INFO→Ordinances**.

I thank you for your time.

Bob H.

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