

MINUTES
INDIAN LAKE BOROUGH COUNCIL MEETING
JANUARY 9, 2013

The regularly scheduled meeting of the Indian Lake Borough Council was held on January 9, 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, (participated by audio conference)
Michael D. Miscoe, Mayor
Attorney Daniel Rullo, Solicitor
Theresa L. Weyant, Borough Manager/Secretary

THOSE ABSENT:

Paul Cornez
Dean Snyder, Zoning Officer/Water & Sewer Plant Operator

Visitors – Kenneth Helsel, Tom O’Toole, and Amber Rosado.

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 December 12, 2012 - Dewar asked for additions and/or corrections. There being none, Hanson made a motion to approve the minutes as submitted. Shimer 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. Hanson 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. Hanson seconded the motion. All ayes, motion carried.

3. Welcome Visitors – Kenneth Helsel, Tom O’Toole, and Amber Rosado.

4. Legal Report:

1. Easement Status and Ongoing Strategy – Hanson reported that according to his calculations there are 38 outstanding easements. Attorney Rullo reported that he will make one (1) final attempt and will make a telephone call to the ones he has not received.

2. David Rohrich Challenge to Ruling/Septic – Attorney Rullo informed Council that he prepared the petition of notice for suit. He has forwarded a copy to Jerry Mostoller, Sewage Enforcement Officer for the Borough, to review as well. Mr. Mostoller has indicated to Attorney Rullo that he would like to make one (1) personal approach to Mr. Rohrich to try to encourage him to apply for the sewage application to bring him into compliance.

3 Dennis Markferding Boathouse – Attorney Rullo has spoken with Attorney Williams, who is the solicitor for the Zoning Hearing Board, and the recommendation that has been discussed is that Mr. Markferding is going to be requested to apply to the Indian Lake Borough Zoning Hearing Board for a nunc pro tunc appeal and to have the matter reviewed by them in order to determine as to whether or not a variance should be granted.

4. David Lhota – Attorney Rullo informed Council that he will be filing two (2) liens of record on Mr. Lhota as provided to him by the Borough Secretary. The Sheriff Sale on this property is scheduled for Friday, January 18th at 1:30 PM.

5. Adopt Resolution to Remain a Member of the Somerset County Municipal Co-Op Association – Attorney Rullo informed Council that the Somerset County Municipal Co-Op Association has voted to change the building code inspectors from IBTS to Bureau Veritas for 2013. IBTS, who was the inspector for 2012, has stated that they will continue to have an office in Somerset, as they do have contracts with other Municipalities who do not belong to the Co-Op and that they will finish out the inspections on the permits which they have approved in 2012, for the Municipalities who do belong to the Co-Op. The question is should the Borough get a legal document signed by IBTS that they will do those inspections which have already been paid for? The concern is that IBTS will either go out of business or won't honor that commitment. Council would like some kind of protection against this from happening so that residents and contractors won't have a problem when they need to have these inspections done. Attorney Rullo stated that he will contact the parent company of IBTS and will try to get a written commitment from them.

Hanson made a motion to adopt a resolution that the Borough remain a member of the Somerset County Municipal Co-op Association for 2013. Attorney Rullo is also hereby authorized to engage into a contractual relationship with IBTS, who was the previous building code inspector, to complete the work for the permits that were issued and paid for in 2012. McCauley seconded the motion. All ayes, motion carried.

6. Adopt Resolution Authorizing Small Borrowing for Capital Purposes – Hanson made a motion to adopt the Resolution Authorizing Small Borrowing for Capital Purposes for the Purchase of a 2012 Caterpillar Back-Hoe for the sum of \$86,300.00 at an interest rate of 2.75% for 5 years. McCauley seconded the motion. All ayes, motion carried.

5. Correspondence:

A. Somerset County Boroughs Association Special Meeting-The Somerset County Boroughs Association will be holding a Special Meeting on Thursday, January 24th at the Somerset Borough Public Safety Building in Somerset. PSAB will be presenting a 90 minute Overview of the New Borough Code. Robert Hanson and Michael Miscoe will attend the meeting.

B. Thank You cards were received from the Children's Aid Home and the Somerset County Humane Society for the Borough's Donation.

6. Committee Reports:

A. Finance Report

1. 2013 Boat License Same Day Service Fee - Dewar made a motion that if a resident wants same day service for re-registering their boat and getting their license, there will be a \$30.00 service fee charged for each license issued. The service fee will be applied to the primary powered and personal water crafts, primary and secondary non-powered water crafts, and secondary powered and personal water crafts. Hanson seconded the motion. All ayes, motion carried.

2. Set the 2013 Boat License Numbers - Dewar made a motion to set the number of available Primary Powered and Non-Powered Boat Licenses at an unlimited number, available General Boat Licenses at 35, available Secondary Powered Boat Licenses at 300, and available Secondary Non-Powered Boat Licenses at 450. Hanson seconded the motion. All ayes, motion carried.

3. Set the 2013 Boat License Fees – Dewar made a motion to set the 2013 boat license fees as follows: Primary Powered Boat Licenses at \$75.00, Secondary Powered Boat Licenses at \$150.00, Primary and Secondary Non-Powered Boat Licenses at \$20.00, a replacement boat license at \$20.00, and a transfer boat license at \$50.00. General Boat Licenses will be as follows: Thirty (30) Property Owner General Licenses at \$750.00 and five (5) Non-Property Owner General Licenses at \$1,500.00. Hanson seconded the motion. All ayes, motion carried.

Dewar noted for the record that the compelling reason for the price and number difference on the property owner general boat licenses versus non-property owner general licenses is due largely to the lake study which was done by William Kirkpatrick. By allowing boats onto the lake from non-residents, the Borough is introducing things into our lake which we don't want in the lake. The Borough has no way to assure that those boats are being washed down properly when they are launched into the lake. Some of the weeds that we are currently treating were introduced here by boats that were on other lakes and not been cleaned property.

B. Police Report: Mayor Miscoe informed Council that he will be sending out a notification to the residents about dogs running loose, due to the incident which just recently happened. The Police will be issuing citations to anyone not abiding by the leash law.

C. Dam Remediation Update:

1. E & S Permit – The E & S Permit Application has been refilled and CME Engineering expects a response by late February and Sean Isgan will follow up on this.

7. Old Business:

A. Pueblo Path and West Shore Trail Extension Revised Right-of-Ways – Hanson reported that Musser Engineering has completed the drawings of the right-of-ways for Pueblo Path. Hanson informed Council that Attorney Rullo will need to prepare an Ordinance. Attorney Rullo suggested that the Borough approach the property owners who are affected to see if they would be willing to sign a deed for a declaration of taking.

Council requested that Attorney Rullo review this matter and to see what the next step is and he should be prepared to report to Council at the February 13th meeting.

Hanson made a motion to authorize Attorney Rullo that if he concludes that an Ordinance is needed that he is authorized to prepare the Draft Ordinance and to present to Council for review at the next meeting. McCauley seconded the motion. All ayes, motion carried.

B. Shanksville Volunteer Fire Department Fire Protection Agreement – Hanson made a motion to accept the Shanksville Volunteer Fire Department Fire Protection Agreement as presented and to authorize the Council President to execute the document. Shimer seconded the motion. All ayes, motion carried. Dewar noted that when we return the agreement the Borough will enclose the 2012 donation check in the amount of \$10,500.00 to them.

9. New Business:

A. Thomas J. Anderson & Associates, Inc. – Authorization to Prepare the Act 205 Actuarial Valuation Report – Shimer made a motion to authorize Thomas J. Anderson & Associates, Inc. to prepare the Act 205 Actuarial Valuation Report. Hanson seconded the motion. All ayes, motion carried.

B. Ice Rescue Training – Mayor Miscoe informed Council that the Shanksville Volunteer Fire Department would like to be able to do some ice rescue training on the lake. Council had no objections.

10 Public Comment:

Ken Helsel wanted to voice a complaint on the amount of chlorine that is in the water on Well #2 side. The chlorine is so high you can't even drink the water, the water is terrible.

Tom O'Toole stated that he continues to have brown water and he also has a smell of chlorine.

Manager informed Council that she has also been receiving call about the brown and yellow water.

Council requested that Bob Hanson and Dean Snyder contact PA Rural Water to come out to see if they can find a solution to this problem. They should also contact the company who supplies the Borough with the chlorine to see if they have any recommendations.

With no further business to discuss, McCauley moved and Hanson seconded to adjourn the meeting at 8:28 P.M. All ayes, motion carried.

The next regularly scheduled meeting of the Indian Lake Borough Council will be held on February 13, 2013 at 7:00 P.M. at the Indian Lake Borough Building.

Respectfully submitted,

Theresa L. Weyant
Borough Manager