

MINUTES
INDIAN LAKE BOROUGH COUNCIL MEETING
NOVEMBER 9, 2011

The regularly scheduled meeting of the Indian Lake Borough Council was held on November 9, 2011 at 7:00 P.M. at the Indian Lake Borough Building.

THOSE PRESENT:

Richard Stern, President
Patricia Dewar
Charles McCauley
Robert Marhefka
Robert Hanson
Paul Cornez
Dan Rullo, Solicitor
Michael D. Miscoe, Mayor
Attorney Daniel Rullo
Theresa L. Weyant, Borough Manager/Secretary
Dean J. Snyder, Zoning Officer/Water & Sewer Plant Operator

THOSE ABSENT:

Robert Vogel

Visitors – Kyle Ware, Sean Daniels, Brad Zearfoss, Kenneth Helsel and Tom O’Toole.

The meeting was called to order at 7:02 P.M. by Richard Stern, President.

ORDER OF BUSINESS

1. Kyle Ware-Somerset Area Ambulance Association – Kyle Ware from the Somerset Area Ambulance Association reviewed their yearly budget, contributions received, number of runs, third party billing, memberships, and donations.

Council asked if the ambulance association could tell them how many Indian Lake residents are actual members.

2. Sean Daniels-Shanksville Volunteer Fire Department – Sean Daniels from the Shanksville Volunteer Fire Department reviewed their yearly budget, contributions and grants received, the number of incidents that they have handled from January 2007 through December of 2010, and reviewed the cost of their equipment and what is costs to outfit the department. They also discussed the cost associated with replacing their engine truck in 5 years and what options they have to consider. In 2011, the Borough has earmarked \$10,500 for the fire department and in 2012 they are requesting \$39,700.00

The fire department presented Council with a proposed ordinance that would allow them to bill the homeowners insurance for calls. Council requested that Attorney Rullo review the proposed ordinance and to be prepared to discuss this at the December 14th meeting.

3. Approve the Minutes of the Meeting Held on October 11, 2011 - Stern asked for additions and/or corrections. There being none, Dewar made a motion to approve the minutes as submitted. Cornez seconded the motion. All ayes, motion carried.

4. 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. Stern 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. Stern seconded the motion. All ayes, motion carried.

5. Welcome Visitors – Kyle Ware, Sean Daniels, Brad Zearfoss, Kenneth Helsel and Tom O’Toole.

6. Update on Dam Remediation:

A. Phase 1 – The Certification of Completion for Phase #1 has been submitted to the Department of Environmental Protection.

B. 2011 Annual Dam Inspection – The 2011 Annual Dam Inspection has been completed and CME Engineering has prepared the report and is reviewing it and will forward it to the Department of Environmental Protection. Cornez also informed Council that on Monday, November 7th the Department of Environmental Protection was here and did their own inspection.

7. Legal Report:

A. Flowage Easement Overlay – Council requested that Attorney Rullo prepare a draft of the flowage easement overlay document for them to review at the December 14, 2011 meeting.

B. Donald Mateer, Cayuga 147 – Attorney Rullo reported that Magistrate Cook ordered Mr. Mateer to have everything removed by thirty (30) days.

C. F.O.P./Miller PHRC Suit – Attorney Rullo stated that Mayor Miscoe and himself are in the process of preparing his response to the Human Relations Commission. A fact finding hearing has been scheduled in January.

D. Sandra Upor-Request for Sewage Tap in the Lakewood Sewage Treatment Plant – Hanson made a motion to refer this matter to the Water & Sewer Committee for review and recommendations. Cornez seconded the motion. All ayes, motion carried.

E. Water Quality Control Funds for Clear Run – Attorney Rullo informed Council that John Weir, from PBS Coals, has contacted him and they are still interested in meeting to discuss releasing some of the escrow funds back to them. Council appointed Paul Cornez and Robert Hanson to an ad hoc committee to meet with John Weir and PBS to start the negotiations.

8. Correspondence:

A. Musser Engineering-Notification of Intent to Submit an Application to the Department of Environmental Protection for an Individual Sewage Treatment System for Peninsula Lot No. 160 – Musser Engineering will be submitting an application to the Department of Environmental Protection for an Individual Sewage Treatment System for Peninsula Lot No. 160, which is owned by Douglas Baltzer. Council has thirty days (30) from the date of receipt to submit and comments concerning this project. At this time, Council had no comments or concerns to submit.

B. PA Department of Environmental Protection-Approval of the Planning Module for New Land Development for the Indian Lake Golf Club – The PADEP has reviewed the Planning Module for New Land Development for the Indian Lake Golf Club and they have approved the revision to the Official Sewage Facilities Plan Revision from the planning standpoint only. The plan approval does not include approval of the system design.

9. Committee Reports:

A. Water & Sewer Report:

1 Act 537 Plan Revision – Cornez made a motion to approve the Act 537 Plan Addendum as presented and to submit it to the Department of Environmental Protection for their information. Marhefka seconded the motion. All ayes, motion carried.

2. Chlorine Contact 4-Log Update – Hanson informed Council that CME Engineering recommended that before the submittals were sent to DEP, that a total chemistry analysis of the raw water be done to make sure that something isn't there that the Borough isn't treating for. Samples have been taken and sent to Geochemical Testing in Somerset. The analysis results should be completed by the end of next week. CME Engineering is still working on the design and should have the permit application pretty much completed by the end of next week as well.

Hanson also reported that the Army Corp of Engineers has assured him that the permit will be executed next week.

3. Appointment of Alternate Sewage Enforcement Officer – Hanson made a motion to appoint Reginald Musser as the Borough's alternate sewage enforcement officer pending his acceptance of the fee schedule. Dewar seconded the motion. All ayes, motion carried.

B. Planning/Zoning Report:

1. Drainage Issue on East Fairway Lot No. 396 – Snyder stated that Paul Cornez has received a complaint from Brian Bruening, who is located at East Fairway Lot No. 408, regarding a drainage issue. Richard Schiffhauer, who is located at East Fairway Lot No. 396, has a sump pump which pumps water out of his basement through a discharge pipe. This pipe is located 38 feet on Mr. Schiffhauer's property from where it discharges the water on the left hand side of the driveway. Apparently this is causing Mr. Bruening's yard as well as Mrs. Majesky's yard, which is directly across the street, to become flooded.

Council instructed Dean Snyder to contact Mr. Schiffhauer and inform him that he is not in compliance with the Borough's Storm Water Maintenance Ordinance.

2. Boat Storage at Marina – Cornez stated that he has received a complaint from Lladel Lichty, who is located at 136 Pueblo Path about the Indian Lake Marina storing boats adjacent to the road that are not shrink wrapped, and shrink wrapped boats being stored along the shoreline with no screen or fence hiding their view from the public.

Dean Snyder stated that he has spoken with Marc Alaia, from the Marina, and the boats adjacent to the road will be moved. Snyder will speak with Mr. Alaia about the boats along the shoreline.

10. Old Business:

A. Easement Status and Ongoing Strategy – Council requested that Attorney Rullo prepare a letter to the residents who have not signed their flowage easement notifying them that Council will be starting the process for eminent domain proceeding. Residents need to get their executed flowage easements returned by (pick a date) and if they aren't received then this is what will happen.

B. Somerset County Tax Collection Committee:

1. Adoption of Resolution Appointing Delegate and Alternate Delegates – Cornez made a motion to adopt the resolution appointing Sidney Clark as the Borough's Primary Delegate, Thomas McInroy as the 1st Alternate Delegate and Terese Triol as the 2nd Alternate Delegate to the Somerset County Tax Collection Committee. Stern seconded the motion. All ayes, motion carried.

2. Earned Income Tax Ordinance – Cornez made a motion to authorize Attorney Rullo to review this Ordinance and to advertise it for adoption at the December 14, 2011 meeting. McCauley seconded the motion. All ayes, motion carried.

3. Collection of Delinquent Earned Income Tax – Council requested that Attorney Rullo find out if the Borough has to use the same delinquent tax collector as the school district or if they can select their own.

11. New Business:

A. Expiring Terms of Planning Commission Members and Zoning Hearing Board Member and Alternate Member - Stern made a motion to re-appoint Robert Hanson to the Indian Lake Borough Planning Commission for a four (4) year term; term expires on December 31, 2015. Dewar seconded the motion. All ayes, motion carried.

McCauley made a motion to re-appoint James Dewar to the Indian Lake Borough Zoning Hearing Board for a three (3) year term; term expires on December 31, 2014. Stern seconded the motion. All ayes, motion carried.

Alternate member to the Indian Lake Borough Zoning Hearing Board – Possible names for this position were Shawn Nemeth and Bruce Thomas. No action was taken at this time.

12. Public Comment: None.

McCauley made a motion to move into Executive Session to discuss litigation and personnel matters at 10:30 P.M. Stern seconded the motion. All ayes, motion carried.

At 11:26 P.M. Council returned to Regular Session.

McCauley made a motion that the salaries be accepted as recommended by the Personnel Committee for 2012. Dewar seconded the motion. All ayes, motion carried.

Council asked the Borough Secretary to advertise a special meeting of Council for November 16th at 7:00 PM at the Indian Lake Borough Office.

Dewar informed Council that the Finance Committee will send out letters to two (2) other financial institutions soliciting proposals for the long term financing for the dam remediation project.

McCauley made a motion to make a donation in the amount of \$3,000.00 to the Shanksville Volunteer Fire department for the dive team. Hanson seconded the motion. All ayes, motion carried.

Dewar made a motion to make a donation in the amount of \$2,500.00 to the Somerset Area Ambulance Association. Cornez seconded the motion. All ayes, motion carried.

McCauley made a motion to make a donation in the amount of \$10,500.00 to the Shanksville Volunteer Fire Department. Hanson seconded the motion. All ayes, motion carried.

With no further business to discuss, Dewar moved and Stern seconded to adjourn the meeting at 11:54 P.M. All ayes, motion carried.

A special meeting of the Indian Lake Borough Council will be held on November 16, 2011 at 7:00 P.M. at the Indian Lake Borough Building.

Respectfully submitted,

Theresa L. Weyant
Borough Manager