

MINUTES  
INDIAN LAKE BOROUGH COUNCIL MEETING  
JUNE 12, 2013

The regularly scheduled meeting of the Indian Lake Borough Council was held on June 12, 2013 at 7:00 P.M. at the Indian Lake Borough Building.

THOSE PRESENT:

Patricia Dewar, Council President  
Paul Cornez  
Charles McCauley  
Lynn Shimer  
Robert Marhefka  
Robert Hanson  
Terry St. Clair  
Michael D. Miscoe, Mayor  
Attorney Daniel Rullo, Solicitor  
Theresa L. Weyant, Borough Manager/Secretary  
Dean Snyder, Zoning Officer/Water & Sewer Plant Operator

THOSE ABSENT:

Visitors – Sean Isgan, CME Engineering, Kenneth Helsel, Ronald Petrina, James Dewar, Richard Stern, Tom O’Toole, Don Reed, Dan and Debbie Holod, Wayne and Chris Gump, J. Michael Moses, David McCudden, Weldon Lovely, Marc Alaia, Bruce Thomas, Orland and Brenda Wasson, Thomas Walters, John McGrath, Robert Oates, John Knoll, Chris Meyers, Kevin Clark, and Curt Morgese.

The meeting was called to order at 7:05 P.M. by Patricia Dewar, President.

ORDER OF BUSINESS

1. Approve the Minutes of the Meeting Held on May 8, 2013 - Dewar asked for additions and/or corrections. There being none, Cornez 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 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. McCauley 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. Shimer 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. Shimer seconded the motion. All ayes, motion carried.

3. Welcome Visitors — Sean Isgan, CME Engineering, Kenneth Helsel, Ronald Petrina, James Dewar, Richard Stern, Tom O’Toole, Don Reed, Dan and Debbie Holod, Wayne and Chris Gump, J. Michael Moses, David McCudden, Weldon Lovely, Marc Alaia, Bruce Thomas, Orland and Brenda Wasson, Thomas Walters, John McGrath, Robert Oates, John Knoll, Chris Meyers, Kevin Clark, and Curt Morgese.

4. Dam Remediation Update:

Sean Isgan, from CME Engineering described what all is involved with Phase 3 of the Dam Remediation Project. 1) The Department of Environmental Protection (DEP) has a requirement that the Borough’s dam has to pass what is called a Probable Maximum Flood (PMF), which is an enormous amount of rainfall in 72 hours (38 inches of rain). 2) In order to meet the PMF, the Borough has to widen the spillway channel, the main water line that feeds the Cherry Lane Water Tank will need to be relocated, the embankment height of the dam will need to be raised 3 ½ feet with compacted structural fill with a stabilized roadway on top and put rip rap on the inside embankment to the top and seed the outside and then take the road out.

The timeline is as follows:

- June 28<sup>th</sup> advertise for bids
- July 9<sup>th</sup> have a pre-bid meeting with the potential contractors
- July 26<sup>th</sup> bid opening
- July 31<sup>st</sup> award the contract
- September 3<sup>rd</sup> start drawing down lake (lake will be taken down 10 feet)
- September 9<sup>th</sup> construction mobilization starts
- September 16<sup>th</sup> construction on the spillway channel and water line begins
- October 4<sup>th</sup> raising the dam embankment begins
- October 25<sup>th</sup> construct a new gate house for the dam controls

St. Clair asked if CME could look into using the tram road beside the Marina that way both projects could be worked on at the same time. Council agreed and CME will evaluate that option and will look into modifying the E & S Control Permit. The start of the lake drawdown will remain for September 3<sup>rd</sup> and Council will re-evaluate that after bids are opened and accepted at the end of July.

5 Dean Snyder's Report:

A. Somerset County Municipal Co-Op Association – The next Somerset County Municipal Co-Op meeting is scheduled for Wednesday, June 19<sup>th</sup> and they will be discussing the new code inspectors, Bureau Veritas. Apparently, they have been having numerous complaints because Bureau Veritas are only open half days and they only have a part-time inspector. The Co-Op will be discussing possibly going back to IBTS. Council supports staying with the Co-op and whichever company they decide to stay with is fine.

6. Legal Report:

A. Easement Status and Ongoing Strategy – Attorney Rullo informed Council that the declaration of taking have been filed on 47 properties. Since the filing he has received 13 signed easements so there are now 34 outstanding easements left.

B. David Rohrich Challenge to Ruling/Septic – Attorney Rullo provided Council with a copy of his response to the Preliminary Objections. The argument is scheduled for July 9<sup>th</sup> at 9:30 AM.

C. Adoption of the Proposed Ordinance Accepting and Ordaining the Additional Portion of Road on West Shore Trail Extension – Hanson made a motion to enact Ordinance No. 166 accepting and ordaining the opening of the additional portion of road on West Shore Trail Extension and Pueblo Path. St. Clair seconded the motion. All ayes, motion carried.

D. John Oliver Zoning Hearing Board Decision Appeal - No court date has been scheduled.

E Gary Williams Zoning Violation – Attorney Rullo informed Council that he sent a violation notice to Mr. Williams with a fine of \$250.00 for each tree cut or removed without a permit and imposed a \$500.00 penalty relative to the failure to apply for a building permit for his deck. Mr. Williams contacted Attorney Rullo and stated that he would be willing to pay the \$500.00 penalty for failure to apply for a building permit for the deck but he is requesting that Council reconsider the \$500.00 fine for the tree cutting due to the extenuating circumstances.

As a means of compromise, Cornez made a motion to authorize Attorney Rullo to waive the fine for \$250.00 for the tree that was cut on Mr. Williams's property but Council is unwilling to waive the \$250.00 fine for the tree that was cut on the neighbor's property. Shimer seconded the motion. All ayes, motion carried.

7. Correspondence:

1. PA Department of Environmental Protection-LCT Energy, LP Mining Permit Application – The Borough received a letter from the PA Department of Environmental Protection that the concerns that were expressed in the May 8<sup>th</sup> letter will be considered during their technical review of the LCT Energy LP's permit application and the Borough will be notified when a decision to issue or deny the permit is made.

2. Capital Tax Collection Bureau-Other State Taxpayers Requesting Refunds of Local Tax Withheld and Remitted to Municipalities in PA – According to Act 32 Section 6924.317 that it is at the discretion of the Pennsylvania political subdivision if they want to allow credit for local taxes paid to another state (refund) if the other state has a reciprocal agreement with Pennsylvania. Pennsylvania has reciprocal agreements with Indiana, Maryland, New Jersey, Ohio, Virginia, and West Virginia. Past practice has been to refund the tax withholdings to these taxpayers if proper documentation is received indicating the tax was paid to the state in which they reside. After a discussion, Hanson made a motion to approve the credit for taxes paid to another state and therefore allow a refund and to authorize the Council President to execute the document. Cornez seconded the motion. All ayes, motion carried.

8. Committee Reports:

A. Finance Report:

1. Thomas J. Anderson – 2013 Act 205 Actuarial Valuation Report – Cornez made a motion to accept the 205 Actuarial Valuation Report as prepared by Thomas J. Anderson and to authorize the Council President to execute the documents. Shimer seconded the motion. All ayes, motion carried.

B. Road Report:

1. Open 2013 Paving Bids - Bids for the Paving were opened and quotes were as follows:

	<u>Option #1</u>	<u>Option #2</u>
New Enterprise Stone & Lime Co.	\$177,688.06	\$160,894.73
H.R.I.	\$203,859.25	\$179,742.75
Quaker Sales Corp.	\$188,959.42	\$167,689.16

Shimer made a motion to accept the bid for Option #2, from New Enterprise Stone and Lime Company, for the amount of \$160,894.73. Hanson seconded the motion. All ayes, motion carried.

Open Bids for Stone Aggregates - Bids for the stone aggregates were opened and the quotes were as follows:

	<u>#8 AASHTO (washed)</u>	<u>2RC Material</u>	<u>#3 AASHTO</u>	<u>#1 AASHTO</u>	<u>#57 AASHTO</u>
New Enterprise Stone	\$16.95	\$11.55	\$13.95	\$13.95	\$14.55
Garrett Limestone	16.50	11.60	14.75	14.75	14.75

Cornez made a motion to accept the bid furnished by New Enterprise Stone & Lime for the stone aggregates. Shimer seconded the motion. All ayes, motion carried.

2. Proposed Parking Ordinance – Council requested that Attorney Rullo prepare the proposed parking ordinance for the July meeting.

3. Proposed Fishing Permit Ordinance - Council requested that Attorney Rullo prepare the proposed fishing permit ordinance for the July meeting.

4. Ratify the Sale of the Old Culvert Pipe – St. Clair made a motion to ratify the action taken for the sale of the old culvert pipe in the amount of \$100.00 through the Muncibid Auction site. Hanson seconded the motion. All ayes, motion carried.

5. Slalom Course – Dewar stated that she has received numerous complaints on the location of the ski slalom course, which was inadvertently placed in the wrong location. Robert Oates, President of the Ski Slalom Club, has told her that the ski club will move the slalom course to the correct location and they will be doing this on Monday, June 17<sup>th</sup> first thing in the morning.

6. Ratify the Sale of the 2004 Ford Expedition – Shimer made a motion to ratify the action taken for the sale of the 2004 Ford Expedition in the amount of \$1,717.00 through the Muncibid Auction site. Hanson seconded the motion. All ayes, motion carried.

C. Police Report:

1. Ratify the Hiring of Michael Jacobs and Set Hourly Wage – St. Clair made a motion to ratify the hiring of Michael Jacobs as a part-time police officer at a starting salary of \$13.00 per hour and to authorize Mayor Miscoe, at his discretion, to increase his salary to \$15.00 per hour when the training period is complete. McCauley seconded the motion. All ayes, motion carried.

2. Increasing the Number of Secondary Non-Powered Boat Licenses - McCauley made a motion to issue 35 additional secondary non-powered boat licenses (450 to 485). St. Clair seconded the motion. 4 ayes, 2 naves. Motion carried.

D. Personnel Report:

1. Employee Health Insurance Renewal Rates – St. Clair made a motion to accept the renewal rate quotation from UPMC with the Premium Vision Plan with a yearly cost of \$52,129.20, which is a 3.5% increase and to lock in these rate for the 17 month period. Hanson seconded the motion. All ayes, motion carried.

McCauley informed Council that David Smith has passed his sewer and water exams and is now a certified water and sewer operator for the Borough. McCauley authorized the Borough Secretary to increase his salary by \$2.00/hour, as originally agreed upon when he was hired, effective May 28, 2013.

2. CDL Licenses – McCauley made a motion to authorize the expense if Dave Smith and Dean Snyder would acquire their CDL License in order to be able to operate the bucket truck. Hanson seconded the motion. All ayes, motion carried.

E. Environmental Report:

1. 2013 Weed Treatment Agreement - Shimer made a motion to authorize the Council President to execute the agreement with William H. Kirkpatrick, Jr., of Aquatic Environment Consultants , in the amount of \$22,000.00, to do the 2013 Weed Treatment. Hanson seconded the motion. 4 ayes and 2 naves. Motion carried.

2. Sampling of Clear Run – Shimer informed Council that he is getting prices for sampling kits in order to be able to sample the water quality of the water coming into the lake in Clear Run

F. Water & Sewer Report:

1. Peninsula Lot No.1651 Sewage Malfunction Complaint – Secretary reported to Council that Jerry Mostoller, Sewage Enforcement Officer for the Borough, did investigate this complaint and no sewage malfunction was found on the property. It was just runoff from a natural spring on the property.

Hanson reported that he was having some issues with water infiltrating the septic system on Peninsula 778. Carl Chapman has dug a trench all around the house in order to contain the water and it seems to have stopped the infiltration.

G. Planning/Zoning Report:

1. Proposed Guidelines for Side Property Line Easement Waiver Requests – Hanson stated that he hasn't prepared the resolution for the easement waiver document. Hopefully, that will be ready for the July Meeting.

9. Old Business:

A. Request from the National Park Service to Supply Water to the Flight 93 Memorial – Hanson reported that he has spoken with a representative from the National Park Service and they are in need of water for irrigation, toilet facilities, and fire protection. They are looking to use approximately 5,000 gallons of water per day at the memorial. They are very interested in purchasing Class B water (treated effluent) from the Borough from the reclaimed water from the small flow treatment facilities with the holding tanks.

The Pennsylvania Department of Environmental Protection prefers one system providing the Class B water. The Borough can build a single unit facility, which could provide up to 10,000 gallons of Class B water per day at a cost of approximately \$150,000.00 to \$200,000.00. This facility is being proposed to be constructed by Buckstown Water Storage Tank. The National Park Service and the US EPA are willing to go support the Borough and to go to bat with the DEP to get this approved if the Borough is willing to fund and construct the facility.

B. Zoning Hearing Board Application Fees – The discussion on this subject matter was postponed until the July meeting.

10. New Business:

A Street Light on Syracuse Path/Syracuse Lane – Mr. Cornez informed Council that the street light that was located on Syracuse Path/Syracuse Lane was his light and that he paid for this service. Since Somerset Rural Electric raised the rates for the street light, Mr. Cornez decided that it wasn't worth it to him to continue the service and therefore had it discontinued. Mayor Miscoe informed Council that he has received a request from a resident along that street for the Borough to continue the service. Hanson made a motion to authorize the Borough Secretary to contact Somerset Rural Electric to have the service to the street light on Syracuse Path/Syracuse Lane restored and to add this light to the Borough's account. 4 ayes and 3 nays. Motion carried.

B. State Worker's Insurance Fund-List of Designated Healthcare Provider Panel – McCauley made a motion to authorize the Borough Secretary to solicit a list of physicians from the employees of who they would like added to the panel and to add them to the list. Cornez seconded the motion. All ayes, motion carried.

12. Public Comment: None.

McCauley made a motion to move into Executive Session to discuss personnel matters and potential litigation at 10:33 P.M. Shimer seconded the motion. All ayes, motion carried.

At 11:02 P.M. Council returned to Regular Session.

Hanson made a motion to authorize the President of Council and the Borough Secretary to execute the amendment to the financing documents extending the amortization schedule with Somerset Trust Company. McCauley seconded the motion. All ayes, motion carried.

With no further business to discuss, Shimer moved and Cornez seconded to adjourn the meeting at 11:03 P.M. All ayes, motion carried.

The next regularly scheduled meeting of the Indian Lake Borough Council will be held on July 10, 2013 at 7:00 P.M. at the Indian Lake Borough Building.

Respectfully submitted,

Theresa L. Weyant  
Borough Manager