

MINUTES
INDIAN LAKE BOROUGH COUNCIL MEETING
JUNE 13, 2012

The regularly scheduled meeting of the Indian Lake Borough Council was held on June 13, 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
Terry St. Clair
Lynn Shimer
Attorney Daniel Rullo, Solicitor
Theresa L. Weyant, Borough Manager/Secretary

THOSE ABSENT:

Michael D. Miscoe, Mayor

Visitors – Brenda Shaffer, Richard Stern, Kenneth Helsel, Jim Hyland, Terry Shober, Ronald Petrina, 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 May 9, 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 including the bill to Somerset Trust Company pending the explanation of the bill. 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. 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 – Brenda Shaffer, Richard Stern, Kenneth Helsel, Jim Hyland, Terry Shober, Ronald Petrina, and Phil Petrunak.

4. Legal Report:

A. Easement Status and Ongoing Strategy – Attorney Rullo reported that Bob Hanson and himself met with the appraiser on the flowage easement issues. Currently, the Borough has a total of 71 properties that the easements have not been received. A declaration of taking has been prepared but Attorney Rullo has not filed the document yet. The appraiser has been asked to provide the Borough with an engagement letter on an hourly basis based on the services that he provides.

One thing that has come up is that Eminent Domain Code requires that the Borough notify any mortgagee or lien holders of the taking and Attorney Rullo’s office is in the process of doing this.

B. Adoption of Proposed Ordinance No. 160 – Attorney Rullo stated that Proposed Ordinance No. 160 was advertised for adoption in the Daily American and he did post a copy in the County Law Library. Hanson made a motion to adopt Ordinance No. 160, which is the Floodplain Ordinance and will become effective September 14, 2012. Cornez seconded the motion. All ayes, motion carried.

5. Correspondence:

A. James Hart, West Shore Trail Extension 656-Location of the Slalom Course – Mr. Hart, who is located at 656 West Shore Trail Extension, wrote a letter to Council expressing his displeasure with the location of the ski slalom course and would like the course relocated for the second half of the summer season. Council requested that Patricia Dewar send a letter to Mr. Hart clarifying the policy of the Borough with regard to the placement of the ski slalom course and buoys and that the Indian Lake Ski Club will relocate the ski slalom course every two (2) years at a new location.

B. Thank you E-Mails to Chris Brewer, Dan Rullo and Bill Kirkpatrick – Patricia Dewar informed Council that she did send e-mails of thanks to Chris Brew and Dan Rullo for their services rendered with the loan closing and also to Bill Kirkpatrick for his attendance and presentation of the lake study at the Indian Lake Service Corporation meeting.

6. Committee Reports:

A. Finance Report:

1. Act 13 Natural Gas Impact Fee – Dewar reported that the 2010 Municipality Approved Budget Form with the Public Utility Commission is due by July 6, 2012. The Borough's form is completed and signed and the Borough Secretary will be submitting the form to the PA Public Utility Commission by the end of the week.

2. Employee Health Insurance Renewal Rates - Cornez made a motion to accept the renewal rate quotation from UPMC with the Premium Vision Plan with a yearly cost of \$55,686.60, which is a 13.89% increase. Shimer seconded the motion. All ayes, motion carried.

Cornez made a motion to authorize the Borough Secretary to remit a check, in the amount of \$2,500.00, made payable to the Commonwealth of Pennsylvania for the permit application fee for Phase III of the Dam Remediation Project and to authorize the Borough Secretary to remit a check, not to exceed \$1,000.00 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:

1. Water Drainage Issues – St. Clair reported he received some complaints on four (4) areas of the Borough that had some water drainage issues during those last couple of rain storms.

The first area was Al Lichtenfels, who is located at 790 West Shore Trail Extension. To fix this problem the ditch needs to be cleaned out, however, we need the grader to do this work and at this time the grader is broken down. As soon as the repairs are completed on the grader, he will have the workmen address this area.

The second area is Fred Jones, who is located at 919 Peninsula Drive. St. Clair will have the workmen clean out the 2' pipe and the Borough will be installing R4 stone in that drainage area.

The third area is Robert Criss, who is located at 1543 Peninsula Drive. St. Clair stated that he will have the workmen remove the #2 and #3 stone and will replace them with R4 stone with a row of #3 stone on top on the right side. St. Clair did respond to Mr. Criss via e-mail and he did provide a copy of the e-mail to all Council Members and a copy for the Borough file.

The fourth area is James Hyland, who is located at 102 Chickasaw Path. St. Clair stated that he will have the workmen replace the stone across the road on the inside curve with R4 stone. Jim Hyland also feels that the new house that is being constructed in Potomac is contributing to the problem as well. They have placed five (5) 4' pipes discharging water into the Borough drainage area which is also contributing to the problem.

2. Grader Repairs – Cornez made a motion to authorize the expenditure of \$4,500.00 to purchase a new hydraulic cooler for the grader and to authorize Cleveland Brothers to do the repairs. McCauley seconded the motion. All ayes, motion carried.

McCauley made a motion to authorize the expenditure, not to exceed \$2,000.00, to purchase R4 limestone in order to address the water runoff issues as specified earlier. Cornez seconded the motion. All ayes, motion carried.

3. Proposals for Mowing the Hydrants and Hiking & Biking Trail – St. Clair reported that the Borough received 2 proposals, one from Baily Blackburn and the other from Jordan and Joe Zimmerman for mowing the hydrants and the hiking & biking trail. After a discussion, Cornez made a motion to accept the proposal from Baily Blackburn to mow around all the fire hydrants, the three (3) main entrances to the McIntyre Hiking & Biking Trail, which includes the parking lot area, benches and split rail fence and signage once now and once prior to the Labor Day Weekend and to weather coat the picnic tables and benches at a total cost of \$1,360.00. Shimer seconded the motion. 5 ayes and 1 naye. Motion carried.

4. Open 2012 Paving Bids - Bids for the Paving were opened and quotes were as follows:

New Enterprise Stone & Lime Co.	\$190,457.60
H.R.I.	\$228,620.00
Quaker Sales Corp.	\$202,108.50
Cottle’s Asphalt Maintenance, Inc.	\$264,796.40

Dewar made a motion to reject all the bids and to re-bid the project. Hanson seconded the motion. 5 ayes and 1 naye. 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	\$16.85	\$11.35	\$13.65	\$13.65	\$14.45
Garrett Limestone	16.50	11.60	14.75	14.75	14.75

Hanson made a motion to accept the bid furnished by New Enterprise Stone & Lime for the 2RC Material, the #3 AASHTO, the #1 AASHTO, and the #57 AASHTO and to accept the bid furnished by Garrett Limestone for the #8 AASHTO (washed). Shimer seconded the motion. All ayes, motion carried.

C. Police Report:

1. Ratify the Hiring of Richard Brant – Hanson made a motion to ratify the action taken by the Personnel Committee to hire Richard Brant as a part-time police officer for a 3-month introduction period at a starting wage of 12.50 per hour and after the 3- month introduction period, his wage would go to \$15.00. McCauley seconded the motion. All ayes, motion carried.

Hanson made a motion to ratify the action taken by the Personnel Committee to reimburse Dan Dively’s expense of getting his recertification as a police officer up to date; the hiring will be deferred until this is completed. Dewar seconded the motion. All ayes, motion carried.

2. Increasing the Number of Secondary Non-powered Boat Licenses – McCauley made a motion to issue 25 additional secondary non-powered boat licenses (420 to 445). Shimer seconded the motion. 5 ayes, 1 naye. Motion carried.

D. Environmental Report:

1. 2012 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 \$44,648.00, to do the 2012 Weed Treatment. Cornez seconded the motion. All ayes, motion carried.

E. Dam Remediation Update:

Cornez reported that the application for Phase III is complete and following Sean Isgan’s review, the application will be submitted to the Department of Environmental Protection.

Cornez also reported that the public water supply permit is complete and the Department of Environmental Protection has agreed to waive the fee.

Cornez stated that CME Engineering has the bid documents for Phase III completed and we are ready to go.

7. Old Business: None.

8. New Business:

A. Cable Service, Internet and Telephone-Comcast Offer – Hanson reported that he spoke with Comcast and they will provide the Borough with high speed internet, phone service (call waiting, caller ID, and call forwarding, and voice mail) and cable TV for \$206.70 per month. This would be a savings of approximately \$3,142.80/year just on the telephone plus a lot more features on the Borough’s phone. Hanson made a motion to authorize the Borough Manager to contact Verizon and make the transfer to Comcast. McCauley seconded the motion. All ayes, motion carried.

B. Boat Licenses for Non-owner Residents/Voters (Legitimate F/T Renters) - St. Clair made a motion to authorize Attorney Rullo to draft some language for an amendment to the Boating Ordinance, which would give a property owner with an occupied structure a right, for a specific period of time, to assign in lieu of his rights, the occupant of the residence the boating license to that property. The Borough will need to be provided with the lease agreement as well as a copy of the renter’s driver’s license or voter registration card in order to prove residency. Hanson seconded the motion. 5 ayes and 1 naye. Motion carried.

C. Perigo Planned Residential Development (PRD)-Results of Public Hearing and Timetable – This issue was deferred until the July 11, 2012 meeting.

D. Shaffer Planned Residential Development (PRD)-Results of Public Hearing and Timetable – This issue was deferred until the July 11, 2012 meeting.

E. Office Computer Upgrade – Hanson made a motion to authorize the Borough Manager to purchase new computers for Dean and herself at a cost not to exceed \$2,000.00 under Bob Hanson’s supervision. McCauley seconded the motion. All ayes, motion carried.

9. Public Comment:

Ken Helsel would like to request that Council purchase an air conditioner for the outer office. Council requested that Terry St. Clair look into this and come back with a recommendation along with the estimated cost.

The two (2) subdivision approvals for Dennis Perigo and Brenda Shaffer that was to occur tonight will need to be deferred until the July meeting. The properties were posted on June 12th and they needed to be posted for seven (7) days prior to the hearing. Since the time frame was not met, another public hearing will need to be held and the property reposted. Dewar made a motion to authorize the Borough Manager to advertise for another public hearing on these two (2) subdivisions (Perigo and Shaffer) for July 11, 2012 at 6:30 PM and to authorize the Zoning Officer to repost those properties at least seven (7) days prior to the hearing. Cornez seconded the motion. All ayes, motion carried

With no further business to discuss, Shimer moved and Hanson seconded to adjourn the meeting at 10:08 P.M. All ayes, motion carried.

The next regularly scheduled meeting of the Indian Lake Borough Council will be held on July 11, 2012 at 7:00 P.M. at the Indian Lake Borough Building.

Respectfully submitted,

Theresa L. Weyant
Borough Manager