

MINUTES
INDIAN LAKE BOROUGH COUNCIL MEETING
JULY 10, 2013

The regularly scheduled meeting of the Indian Lake Borough Council was held on July 10, 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
Theresa L. Weyant, Borough Manager/Secretary
Dean Snyder, Zoning Officer/Water & Sewer Plant Operator

THOSE ABSENT:

Michael D. Miscoe, Mayor
Attorney Daniel Rullo, Solicitor

Visitors – Kenneth Helsel, Ronald Schirf, Colby Rome, Richard Stern, Ronald Petrina, Al and Rose Lichtenfels, Don Reed, Marc Alaia, Tom O’Toole, Robert Oates, John McGrath, 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 June 10, 2013 - Dewar asked for additions and/or corrections. There being none, Hanson made a motion to approve the minutes as submitted. Shimer seconded the motion. Cornez would like to make a change to the minutes: On Page 1, Item 4, second sentence, would like the word pass changed to withstand. Cornez noted that the bid opening date of July 26th and the awarding contract date of July 31st, on page 2 are incorrect and were these dates stated incorrectly at the meeting? Secretary stated that those were the dates as reported at the meeting and Hanson also reaffirmed. Secretary noted the one change and Hanson made a motion to amend the previous motion and to approve the revised minutes to reflect the change of the word pass to withstand on Page 1, Item 4 second sentence. 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. 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 — Kenneth Helsel, Ronald Schirf, Colby Rome, Richard Stern, Ronald Petrina, Al and Rose Lichtenfels, Don Reed, Marc Alaia, Tom O’Toole, Robert Oates, John McGrath, and Amber Rosado.

4. Al and Rose Lichtenfels, West Shore Trail Extension 790–Post Fireworks Incidents – Mr. and Mrs. Lichtenfels informed Council that for the last three (3) years they have allowed Little Big Shots to use their bathroom facilities. This year, Little Big shots brought a lot of their family and friends for the day and they made 20 or more visits to their house not only to use the bathroom facilities but to freshen up and change clothes and they even left a pair of men’s underwear in the bathroom.

The second issue is with the Shanksville Volunteer Fire Department. The fire truck backs down off the dam onto Mr. Lichtenfels property to turn around instead of driving out to the end of the dam and turning around on the Borough’s property. He has significant damage to his property with the ruts from the fire truck and would like to request that the fire department turn around by going out to the end of the dam to turn around instead of using Mr. Lichtenfels property. The fire department also had numerous smaller vehicles on the dam and not sure why they were there.

There was also someone joy riding out onto the dam very late at night and would like to request that the Borough keep the gate locked in order to try to prevent this activity from happening. This was referred to the Indian Lake Police Department to look into and to possibly police this area the day of the event especially late at night when this seems to be occurring.

Council asked Richard Stern, President of the Indian Lake Service Corporation, to have a port-a-potty at this location for Little Big Shots to use. Council also requested that the Service Corporation contact the Shanksville Volunteer Fire Department about the issue of turning around on Mr. Lichtenfels property and inform them that they must turn around by going out to the end of the dam. Also, inform the fire department that Mr. Lichtenfel had significant damage done to his property and see if they will come and repair the damage. Stern stated that he was not aware that Little Big Shots were using the Lictenfel's bathroom facilities and they will definitely have a port-a-potty available for them to use next year.

Due to liability issues, Council requested that Stern needs to inform Little Big Shots as well as the Shanksville Volunteer Fire Department that only people who are necessary to set up for the firework event are permitted on this location and only the firemen who are on the fire truck are permitted to be on the dam. No family members or other spectators will be permitted.

5. Dam Remediation Update: Cornez informed Council that on July 9th a mandatory pre-bid meeting was held and three (3) potential bidders attended. No one had a desire to use the old tram road at the Marina and no one seemed to be in favor of delaying the September 3rd lake draw down date. CME Engineering did ask for two (2) different proposals with one (1) of the proposals using the old tram road.

Cornez noted that the bid opening will be held on Monday, July 22nd at 2 pm and on Wednesday, July 24th Council will award the contract.

Cornez reported that on July 9th there was a court hearing before Judge Klementik on the eminent domain suit filed against the Borough. Judge Klementik is aware that time is of the essence and he will make his ruling within forty-eight (48) hours as to whether or not a hearing is required. If a hearing is required, that hearing will take place next week.

Cornez reported that the valve at the dam was successfully operated on July 10th and there were no problems.

Borough Council would like to thank Mr. and Mrs. Lichtenfels for their cooperation and informed them that Attorney Rullo will be drawing up the two (2) eminent domain documents. One will be for the land that the dam will be residing and the other will be a construction permit.

6 Dean Snyder's Report:

A. Building Report Permit Ordinance Regarding Miscellaneous Structures. – Cornez made a motion to approve the proposed Building Report Permit Ordinance Regarding Miscellaneous Structures and to authorize the Borough Secretary to submit the required information for advertising to the Somerset County Co-Op Association. St. Clair seconded the motion. All ayes, motion carried.

7. Correspondence:

A. PA Department of Environmental Protection-Plan Revision Approval for the Sewage Facilities Planning Module Application for Brian Critchfield, Choctaw No. 15 – The PA Department of Environmental Protection approved the Sewage Facilities Planning Module Application for Brian Critchfield for Choctaw No. 15

B. Musser Engineering-DEP General Permit Applications for Dock and Sea Wall Construction for Terry St. Clair, Peninsula No. 69 - Musser Engineering has submitted a copy of the applications for a GP 2 and GP 3 Permit for the construction of a boat dock and sea wall on Peninsula 69 for Terry St. Clair, which has been submitted to the Department of Environmental Protection. The Borough has thirty (30) days from date of receipt of this letter to submit any comments concerning this project. At this time, Council had no comments or concerns.

C. Musser Engineering-DEP General Permit Application for Dock and Sea Wall Construction in Wenatchee Park for Wenatchee Park Association - Musser Engineering has submitted a copy of the application for a GP 2 and GP 3 Permit for the construction of 3 private boat docks and sea wall in Wenatchee Park for Wenatchee Park Association, which has been submitted to the Department of Environmental Protection. The Borough has thirty (30) days from date of receipt of this letter to submit any comments concerning this project. At this time, Council had no comments or concerns.

D. G. Force Engineering-DEP Joint Permit General Information Form-Authorization Application for a Boat Dock and Excavated Boat Slip for Anthony Lupinetti, Huron No. 430 – G. Force Engineering has submitted a copy of the Joint Permit General Information Form-Authorization Application for the Construction of a Boat Dock and excavated boat slip on Huron Lane 430 for Anthony Lupinetti, which has been submitted to the Department of Environmental Protection. The Borough has thirty (30) days from date of receipt of this letter to submit any comments concerning this project. At this time, Council had no comments or concerns.

E. Environmental Land Surveying & Solutions-Permit Application for Drilling at the Proposed Benson Unit 2 Well – Environmental Land Surveying & Solutions has been contracted by DRI Operation Co. to complete the permit application for the proposed Benson Unit 2 well. This is the Borough's notification that they are applying for the permit and attached to the permit application are the maps showing where the well is being proposed. This is all located in Stonycreek Township on the other side of Buckstown.

F. Stonycreek Township Supervisors-Proposed Lake Stonycreek Sanitary Sewer Project – The Stonycreek Township Supervisors are in the final stages of the design work for the Lake Stonycreek Sewer Project and will be making an application to the Pennsylvania Department of Environmental Protection for the construction permit. One section of the proposed gravity sanitary sewer line is designated to terminate at the intersection of West Shore Trail and Causeway Drive and the proposed line size is 8 inches in diameter. In order to accommodate future Indian Lake Borough sewage flows through the Township's Lake Stonycreek Sewer System, a 10 inch diameter sewer line would be required. The estimated cost for this increase would be approximately \$30,000.00. If the Borough is interested in Stonycreek Township including a provision in the contract specifications to determine the cost for the increased pipe size to accommodate the Borough's sewage flow they will need to know, in writing, either way within sixty(60) days from the date of the letter. Dewar made a motion to authorize Robert Hanson to send a letter to the Stonycreek Township Supervisors, requesting that they include a provision in the contract specifications to determine the cost for the increase in pipe size to accommodate Indian Lake Borough's sewage flow in the future. Cornez seconded the motion. All ayes, motion carried.

8. Committee Reports:

A. Finance Report:

1. Air Conditioning Unit Proposal – St. Clair Construction submitted a proposal, in the amount of \$4,995.00, to install one 18,000 BTU and one 12,000 BTU Samsung Quietside Inverter Heat Pump in the Borough Office to provide air conditioning and heat to the outer office and the conference room. Cornez made a motion to accept the proposal, in the amount of \$4,995.00, for the installation of one 18,000 BTU and one 12,000 BTU Samsung Quietside Inverter Heat Pump. McCauley seconded the motion. 6 ayes and 1 abstention. Motion carried. St. Clair filed the abstention memorandum with the Borough Secretary.

B. Road Report: St. Clair reported that the 2006 Compact Massey Ferguson Tractor isn't working, the PTO is out of it. Council recommended that the Borough Secretary make arrangements with someone to take a look at the tractor to get an estimate as to what it would cost to repair.

McCauley made a motion to contract the mowing of the Breast of the Dam to Roy Rininger for \$550.00 for each time that it is cut. Hanson seconded the motion. All ayes, motion carried.

C. Planning/Zoning Report:

1. Indian Lake Borough Planning Commission – Proposed Resolution Allowing Decks with Railings on Unwalled Boathouses on Park Lots – Don Reed, Chairman of the Indian Lake Borough Planning Commission, provided Council with the Commission's proposed amendment to Zoning Ordinance No. 144. Council informed Mr. Reed that they would like to see specific guidelines as to what type of products and/or materials that would be allowed to be used included in the proposed amendment. St. Clair stated that he would provide some information on the materials that he has used in the past to Mr. Reed.

2. Proposed Easement Waiver Document – St. Clair made a motion to adopt the Proposed Easement Waiver Resolution as presented. Hanson seconded the motion. All ayes, motion carried.

9. Old Business:

A. Request from the National Park Service to Supply Water to the Flight 93 Memorial – Hanson reported that this project will probably be going nowhere. The National Park Service has scheduled another conference call meeting for tomorrow and if the Department of Environmental Protection does not participate again, the National Park Service is just going to drop the matter.

B. Zoning Hearing Board Application Fees – It was suggested that the Zoning Hearing Board Application Fee be reduced to \$250.00 plus the cost of the advertising, postage, administrative fee, and court reporter fee. Council requested that McCauley research as to whether or not the Borough can ask for a deposit of billable expenses and refund any unused funds back to the applicant.

C. May 16th Somerset County Borough's Association Dinner Meeting Report – Cornez reported that Lynn Shimer and himself attended the May Somerset County Borough's Association Dinner Meeting. Cornez noted that Somerset and Berlin received funds for damage done due to Hurricane Sandy. Secretary reported that the Borough had no damage from Hurricane Sandy and therefore wasn't eligible for any FEMA monies. The association dues for 2014 will increase from \$20 to \$30 per year. It was reported that some Borough's might have some major errors on their worker's compensation bill from the state. Secretary stated that she wasn't aware of that and Pat Trevison, from H.A. Thomson hasn't said anything about this but she would check into it with Trevison. The September Dinner Meeting will be held on September 19th at Morgan Tool Company in Meyersdale.

Cornez asked Hanson for an update on the issue of the water infiltrating his septic system on Peninsula 778. Hanson reported that Carl Chapman dug up practically the entire property with a 10 foot drainage ditch and it immediately dried up. The first time it rained, it came back. Chapman came back and dug a bunch of holes around the house but hasn't gotten back to him what the new plan is. We scoped the area and the water infiltration is coming into the sewage pipe under the slab precisely within 2 inch of the middle of a 25 x25 family room.

10. New Business: St. Clair stated that on Peninsula Drive where the police sit back in the woods to do traffic, they are bringing a lot of mud out onto the road. St. Clair asked the Borough Secretary to contact the property owner to get permission to level this area out and to put 1 or 2 loads of 2B's on this area Cornez asked that they also do this to the area where they sit on West Shore Trail as well.

12. Public Comment: None.

With no further business to discuss, Shimer moved and St. Clair seconded to adjourn the meeting at 9:30 P.M. All ayes, motion carried.

The next regularly scheduled meeting of the Indian Lake Borough Council will be held on July 24, 2013 at 7:00 P.M. at the Indian Lake Borough Building.

Respectfully submitted,

Theresa L. Weyant
Borough Manager