

MINUTES
INDIAN LAKE BOROUGH COUNCIL MEETING
AUGUST 13, 2014

The regularly scheduled meeting of the Indian Lake Borough Council was held on August 13, 2014 at 7:00 P.M. at the Indian Lake Borough Building.

THOSE PRESENT:

Patricia Dewar
Robert Hanson
Scott Hollern
Robert Marhefka
Curtis Morgese
Lynn Shimer
Terry St. Clair
Michael D. Miscoe, Mayor
Daniel Rullo, Solicitor
Theresa L. Weyant, Borough Manager

THOSE ABSENT:

Frank Moldovan, Superintendent
David Wood, Zoning Officer

Visitors – Ken Helsel, Ronald Petrina, Tom O’Toole, Forest Schucker, Larry Rosage, Don Reed, Robert and Sherry Walker, Ronald Walker, and Amber Rosado.

At 7:00 PM Shimer called the Public Hearing to order to receive any public comments on the proposed amendments to Zoning Ordinance No. 144. There were no public comments and the Public Hearing was closed at 7:05 PM .

The Borough Council Meeting was called to order at 7:05 P.M. by Lynn Shimer, President.

Shimer reported that Council held an Executive Session at 5:30 PM to discuss potential litigation.

ORDER OF BUSINESS

1. Approve the Minutes of the Meeting Held on July 9, 2014 - Shimer asked for additions and/or corrections. There being none, Dewar made a motion to approve the minutes as submitted. St. Clair seconded the motion. All ayes, motion carried.
2. Financial Reports - Dewar made a motion to approve the Borough’s Financial Reports and to pay the outstanding bills. Morgese seconded the motion. All ayes, motion carried.

Dewar made a motion to approve the Water Works Financial Reports and to pay the outstanding bills. Morgese seconded the motion. All ayes, motion carried.

Dewar made a motion to approve the Sewer Financial Reports and to pay the outstanding bills. Hanson seconded the motion. All ayes, motion carried.

Dewar made a motion to approve the Summary of Account Balance Report as presented. Morgese seconded the motion. All ayes, motion carried.

3. Welcome Visitors - Ken Helsel, Ronald Petrina, Tom O’Toole., Forest Schucker, Larry Rosage, Don Reed, Robert and Sherry Walker, Ronald Walker, and Amber Rosado.

4. Larry Rosage, Lake Stonycreek – Mr. Rosage would like to talk with Council about possibly working together to dredge both lakes at the same time and also installing settling ponds. Mr. Rosage have also contacted Stoughton Lake, who also has a similar problem, so there could be three (3) lakes sharing the cost. Rosage stated that he is currently evaluating 3 contractors from down south who do this work and will be getting proposals from each contractor.

LCT Energy Appeal – Attorney Rullo noted that on July 25, 2014, he filed an appeal with the Department of Environmental Hearing Board on behalf of Indian Lake Borough. A portion of the mine permit that was approved is within the confines of the Borough limits. The Borough does have zoning regulations and anti- mining regulations by way of Ordinances, which the Borough believes that either the Department of Environmental Protection didn’t consider or they didn’t think the

applicant had to abide by, and the applicant did not appeal for any type of variance. The mining itself will also take place in what the Borough perceives to be the area that charges the municipal potable drinking water system.

5. Legal Report:

A. David Rohrich Challenge to Ruling/Septic- Attorney Rullo informed Council that Judge Cascio has issued an order that briefs need to be filed and his brief is due on September 5th.

B. Update on the Complaint on the Condition of Donald Wolf's Property, located at Seneca 441 and Donald Mateer's Property, located at Cayuga 147 – Attorney Rullo informed Council that he prepared non-traffic citations against both of these individuals and David Wood, Zoning Officer for the Borough, took them over to District Magistrate Mankamyer and she indicated that she would prefer to have private criminal complaints instead of the non-traffic citations, so therefore, he will be refiling these.

C. Consideration to Adopt Proposed Ordinance No. 169, Amending Zoning Ordinance No. 144 – Hanson made a motion to adopt Ordinance No. 169, which amends Zoning Ordinance No 144. St. Clair seconded the motion. All ayes, motion carried.

6. Correspondence:

A. Somerset County Boroughs Association-September Dinner Meeting - The Somerset County Boroughs Association will be holding their September Dinner Meeting on Thursday, September 18 at Rizzo's Restaurant in Windber. The cost is \$20.00 per person. Dewar made a motion to authorize the expenditure of \$40.00 for Lynn Shimer and Curt Morgese to attend the Somerset County Boroughs Association Dinner Meeting. Hollern seconded the motion. All ayes, motion carried.

Hanson made a motion to authorize the expenditure for Vanessa Keiser to attend a grant writing seminar on behalf of the Borough. Morgese seconded the motion. All ayes, motion carried.

7. Committee Reports:

A. Finance Report:

1. 2014 Audit Proposal - Dewar made a motion to appoint Joseph Scansaroli, Certified Public Accountant, as the auditing firm for Indian Lake Borough for the year 2014, for \$6,000.00 and to authorize the Council President to sign the commitment letter. Hanson seconded the motion. All ayes, motion carried.

2. Thomas J. Anderson & Associates - 2015 MMO for Pension Plan - Hanson made a motion to accept the 2015 Financial Requirement and Minimum Municipal Obligation for the pension plan in the amount of \$10,471.00, as prepared by Thomas J. Anderson & Associates and to authorize the Council President to sign all the associated documents pertaining to the 2015 Financial Requirement and Minimum Municipal Obligation. Dewar seconded the motion. All ayes, motion carried.

B. Road Report:

1. New Enterprise Stone & Lime-Proposal to Repair Road Damage Due to Accident – Dewar made a motion to accept the proposal from New Enterprise Stone & Lime Company, in the amount of \$1,770.00, to repair the damage to the section of the road on Peninsula Drive. Hanson seconded the motion. All ayes, motion carried.

C. Personnel Report – Dewar made a motion to run the proposed help wanted ad for the skilled labor position. Hanson seconded the motion. All ayes, motion carried.

D. Planning/Zoning Report:

1. Department of Environmental Protection-Planning Module Review for Peninsula Lot No. 217 - The Department of Environmental Protection has reviewed the proposed planning module for a single residence sewage treatment plant with a lake discharge to correct an on-lot sewage system malfunction. The department has approved the plan revision from the planning standpoint only. An NPDES Part I permit and a Part II permit will be required prior to the start of construction. The treatment system design will be evaluated and approved as part of the CSL permit application review.

2. Department of Environmental Protection-Planning Module Review for Delaware Lot No. 11 – The Department of Environmental Protection has reviewed the proposed planning module for secondary treatment and disinfection with off-site disposal for a new single family residence. The department has approved the plan revision from the planning standpoint only. An NPDES Part I permit and a Part II permit will be required prior to the start of construction. The treatment system design will be evaluated and approved as part of the CSL permit application review.

3. Glessner Proposed PRD Subdivision Plan – Hanson reported that a public hearing was held on the Proposed Glessner PRD Subdivision Plan and there were no public comments. The Somerset County Planning Commission also did a pre-review and they did enclose a list of plan deficiencies and once those deficiencies have been addressed, it will need to be resubmitted for further review. Hanson made a motion to approve the Glessner proposed PRD Subdivision Plan as presented. St. Clair seconded the motion. All ayes, motion carried.

E. Dam Report: Ratify the Action Authorizing Attendance at the ASDSO Award Banquet – Dewar made a motion to ratify the action authorizing sending Patricia Dewar as the representative from Council to the ASDSO Awards Banquet in San Diego. Hanson seconded the motion. All ayes, motion carried.

St. Clair made a motion to discontinue CME Engineering’s weekly inspections at the dam, effective at the end of August, 2014. Morgese seconded the motion. All ayes, motion carried.

The Borough personnel will need to put the rip rap on the wing wall as previously discussed.

F. Parks and Recreation – Morgese reported that the committee has met and they are discussing some different options to use the area in Shoshone Park, right beside the second settling pond (closet to the road) as a public swimming area. They are breaking this project down into phases.

Phase 1 – Construct a small swimming area with sand, picnic tables, garbage containers, port-a-potty, and removal of trees for a parking area, and a sign. They are in the process of getting cost estimates.

Phase 2 – Grills and Jungle Gym

Phase 3 – Pavilion

Phase 4 – Dock Rentals

7. Old Business: None.

8. New Business: None.

A. Lake Stonycreek Sewer Project Right-of-Way Easement Agreement – The Stonycreek Township Supervisors sent a Right-of-Way and Easement Agreement for the Lake Stonycreek Sewer Project. Hanson made a motion to hire Carl Chapman to locate the septic tank for the Borough Office and will have the EADS Group modify the documents accordingly once the septic tank is located. Dewar seconded the motion. All ayes, motion carried.

B. Proposed Clean Water Act Change – Council was in agreement to pass a resolution opposing the Clean Water Act Change and to contact our Senators Robert Casey and Pat Toomey and our Congressman. Miscoe stated that he would download the resolution and would make any changes and would forward a copy to Attorney Rullo and each Council Member to review and Council should be prepared to adopt said Resolution at the September Meeting.

C. Ratify Engaging Casselberry and Associates – Hanson made a motion to ratify the engagement of Casselberry & Associates, as the Borough’s Geohydrologist, on an hourly basis at \$95.00 per hour. Dewar seconded the motion. All ayes, motion carried.

9. Public Comment:

Morgese made a motion to move into Executive Session to discuss personnel matters at 9:01 P.M. Dewar seconded the motion. All ayes, motion carried.

At 9:15 P.M. Council returned to Regular Session

With no further business to discuss, Morgese moved and Hanson seconded to adjourn the meeting at 9:15 P.M. All ayes, motion carried.

The next regularly scheduled meeting of the Indian Lake Borough Council will be held on September 10, 2014 at 7:00 P.M. at the Indian Lake Borough Building.

Respectfully submitted,

Theresa L. Weyant
Borough Manager