

MINUTES
INDIAN LAKE BOROUGH COUNCIL MEETING
AUGUST 14, 2013

The regularly scheduled meeting of the Indian Lake Borough Council was held on August 14, 2013 at 7:00 P.M. at the Indian Lake Borough Building.

THOSE PRESENT:

Patricia Dewar, Council President
Charles McCauley
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:

Paul Cornez
Lynn Shimer

Visitors – Ronald Petrina, Kenneth Helsel, Curtis Morgese, Richard Stern, and Michael Marshall.

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 July 10, 2013 - Dewar asked for additions and/or corrections. There being none, St. Clair made a motion to approve the minutes as submitted. Hanson seconded the motion. All ayes, motion carried.

Approve the Minutes of the Meeting Held on July 24, 2013 - Dewar asked for additions and/or corrections. There being none, St. Clair 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 Borough's Financial Reports and to pay the outstanding bills. St. Clair seconded the motion. All ayes, motion carried.

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

3. Welcome Visitors — Ronald Petrina, Kenneth Helsel, Curtis Morgese, Richard Stern, and Michael Marshall.

Hanson recommended that the Finance Committee appoint alternate members to the committee so in the event that 2 members are absent the alternates can be used and the committee can meet.

4. Dam Remediation Update – On August 5th a pre-construction meeting was held with Maust Excavating and the Department of Environmental Protection, Dam Safety Division. Maust Excavating received the contract documents from CME Engineering and they are expected back by the end of the week with the insurances and bonding. The contract documents have been submitted to Attorney Rullo for his review. A refill plan has been submitted to the Department of Environmental Protection and Maust Excavating is purchasing a rider in the amount of \$10 million dollars for special hazard insurance, which was agreed upon by Sean Isgan, from CME and Attorney Rullo. The engineering plan for the easement on the Lichtenfels' property has been submitted to Attorney Rullo for generation of the easement documents, which is now complete and Sean Isgan, from CME Engineering will schedule a meeting with the Lichenfels' to get the documents executed. Commencement of work is dependent upon receipt of the Construction Permit and the Department of Environmental Protection representatives advised that the engineering review was complete and they expect to issue the permit in 7-10 days. Soil samples for the embankment fill were collected and are at the lab. Maust Excavating can set up lay down areas, bring in equipment, prepare the access road, and set up silt fences prior to the receipt of the Construction Permit.

Hanson stated that the Department of Environmental Protection wants a refill plan. If the Borough is going to agree to the refill plan, the only thing we can control is the 30" pipe and the valve and anything beyond that is an act of God. The Borough needs to be careful to not commit to something that we cannot do nor have any control over. Dewar will ask Paul Cornez to contact Sean Isgan, from CME Engineering, and review the concern and to provide further information.

Dewar noted that at the July 10th Council Meeting, it was reported that Attorney Rullo would be drawing up two (2) eminent domain documents for Mr. and Mrs. Lichtenfels to sign. These documents weren't eminent domain documents; they are a temporary construction and a permanent right-of-way agreement.

Hanson made a motion to authorize the Council President to execute the right-of-way agreements upon receipt of the executed documents from the Lichtenfels' and receipt of the permit from the Department of Environmental Protection. St. Clair seconded the motion. All ayes, motion carried.

5 Dean Snyder's Report:

A. Liquid Engineering-2014 Proposal for Water Tank Cleaning – Liquid Engineering provided a proposal for the 2014 water tank cleaning, inspection and reporting on the Cherry Lane and Peninsula Water Storage Tanks, in the amount of \$3,435.00. This will be included in the 2014 Budget.

B. Water System Infiltration System – Snyder informed Council that he has spoken with and scheduled an appointment with PA Rural Water to look at an infiltration system on Well #2 and possibly Well #99-1.

C. Mission's System – Snyder informed Council that the Mission System on the Peninsula Water Tank has not been working. He has been working with a technician from Mission Systems and they think the mother board was hit with lightning and they are sending another mother board to replace it. If this works, he will probably order another one to have on hand in case this should happen again.

D. Department of Environmental Protection's Proposed New Procedure for Emergency Back-Up Water Sources – Hanson reported that the Borough might no longer be able to have an emergency back-up water source unless it is fundamentally always part of our system and is active and tested. If it is not being used as part of the active water system, it will have to be unpermitted and cut-off from the active water system. St. Clair made a motion to authorize Robert Hanson and Dean Snyder to evaluate and to make a recommendation to Council on Well 18A and Well 18B by the October Council Meeting. Marhefka seconded the motion. All ayes, motion carried.

E. DEP-Stage 2 Disinfectants/Disinfection Byproducts Rule Monitoring Plan Requirement – The monitoring plan must be completed and submitted by October 1, 2013. Snyder informed Council that he submitted all the information to Bob George, who is the Borough's sanitarian from the Department of Environmental Protection, but he will contact Mr. George to make sure it was submitted.

6. Correspondence:

A. Musser Engineering-DEP General Permit Applications for Dock and Sea Wall Construction for Phillip Elliott, Peninsula No. 1149 - 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 1149 for Phillip Elliott, 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.

B. G. Force Engineering-DEP General Permit Application for a Boathouse for Gavin Guarino, Peninsula No. 1159 – G. Force Engineering has submitted a copy of the application for a GP2 Permit for the construction of a boathouse on Peninsula 1159 for Gavin Guarino, 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 Docks for William Douglas, Peninsula 1861 - Musser Engineering has submitted a copy of the application for a GP 2 Permit for the construction of boat docks on Peninsula 1861 for William Douglas, 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. Somerset County Planning Commission-Pow Wow Lakeside Estates and Kickapoo Lakeside Townhouses Letter of Credit Expiration - The Somerset County Planning Commission sent notice to the Borough that the Letter of Credit which was obtained by St. Clair Resort Development from First National Bank will expire on August 31, 2013. The letter must be renewed by August 22, 2013 along with the supported documents relating to the improvement and current cost estimates for completing the remaining improvements for the Pow Wow Lakeside Estates and Kickapoo Lakeside Townhouses.

7. Committee Reports:

A. Finance Report: Dewar asked Attorney Rullo as to whether or not alternate members can be appointed to committees? Attorney Rullo stated that the President of Council can appointment alternate members to any committees.

1. 2013 Audit Proposal - Hanson made a motion to appoint Joseph Scansaroli, Certified Public Accountant, as the auditing firm for Indian Lake Borough for the year 2013, for \$6,000.00 and to authorize the Council President to sign the commitment letter. McCauley seconded the motion. All ayes, motion carried.

2. Thomas J. Anderson & Associates - 2014 MMO for Pension Plan - Hanson made a motion to accept the 2014 Financial Requirement and Minimum Municipal Obligation for the pension plan in the amount of \$10,267.00, as prepared by Thomas J. Anderson & Associates and to authorize the Council President to sign all the associated documents pertaining to the 2014 Financial Requirement and Minimum Municipal Obligation. St. Clair seconded the motion. All ayes, motion carried.

B. Road Report:

1. Estimate of Repairs on the Tractor and Mower Deck – St. Clair made a motion to accept the estimate of repairs on the 2006 Massey Ferguson 1528 Compact Tractor and Deck from Longenecker's, Inc. in the amount of \$1,359.89 for the tractor and \$1,298.20 for the deck. McCauley seconded the motion. All ayes, motion carried. St. Clair noted that this tractor won't be used to mow along the roadways any more, this will only be used to do the mowing around the water tanks and sewer plant only, and the Borough will continue to use Roy Rininger to do all the mowing on the breast.

2. Estimate of Repairs on the Mauldin Roller – St. Clair reported that Anderson Equipment was here to look at the 1996 Mauldin Roller and apparently the center pin is broken and the parts are unavailable. The part will have to be re-machined and welded and their guess estimate for the repairs is between \$4,000 to \$5,000. The road committee feels that since parts are no longer available for this piece of equipment and since the repair are at least 50% of its value, the recommendation is to not authorize the repairs.

3. Petition to Pave Chickasaw Path – St. Clair stated that he received a petition to pave Chickasaw Path. All the roads in the Borough are on a schedule to have either paving or seal coating work done to them, but as in the past, all roads are evaluated in the spring of the year and modifications have to be made to that schedule either by moving a road up earlier or delaying work to a road for later due to the condition of other roads. Chickasaw Path was not overlooked there were just other roads that were in worse shape that needed addressed.

C. Police Report – Mayor Miscoe informed Council that he had budgeted to purchase two (2) armored vests for the police department. Both of these officers have joined the Drug Task Force and therefore, the Borough won't need to purchase those vests. Mayor Miscoe would like to take the funds for the vests to purchase a new computer for the police department and he will evaluate what options are available and will present his recommendations to Council.

D. Environmental Report – Hanson made a motion to authorize Lynn Shimer to match up to \$3,000.00, but no more than either the Indian Lake Service Corporation or the Indian Lake Angler's Club contribution and pending the solicitation of three (3) independent quotes, towards the purchase of 2,000 to 3,000 walleyes. McCauley seconded the motion. All ayes, motion carried.

E. Water & Sewer Report:

1. Rural Water/DEP Proposal to Study Borough Water Sources – Hanson reported that the 1st phase of this project won't be done until the spring of 2014.

2. Stonycreek River Watershed Storm Water Management Plan - Hanson informed Council that he attended a meeting on August 8th concerning the Stonycreek River Watershed Storm Water Management Plan. After five (5) years the Department of Environmental Protection is requiring that the County's Storm Water Management Ordinance needs to be revisited. The Department of Environmental Protection has phased out the people that they had working on this, but they are still requiring the County to redo the county wide Storm Water Management Ordinance anyway, but it isn't clear if they will have anyone who will review it.

8. Old Business:

A. Request from the National Park Service to Supply Water to the Flight 93 Memorial – Hanson reported that the Department of Environmental Protection would not engage in any discussions nor were they able to meet the National Park Service's time table so this is a dead issue at this point.

B. Zoning Hearing Board Application Fees – The matter of whether or not the Borough could ask for a deposit for billable expenses and refund any unused funds back to the applicant was asked to the Pennsylvania State Association of Borough's (PSAB). PSAB stated that the Borough code was silent on this matter and therefore, it would not be permitted to be done, but that the Borough should ask their solicitor's legal opinion on this matter. Council asked that Attorney Rullo research this issue.

9. New Business: None.

12. Public Comment:

Curt Morgese asked that Mayor Miscoe speak with the police department about operating the patrol boat at planing speed instead of slow speed. Mayor Miscoe stated that he has spoken to them about that but will re-address it with them.

Mike Marshall stated that they are having some trouble with a renter who is accessing their dock by driving their vehicle through Dakota Park. Mayor Miscoe stated that you aren't permitted to take a car into a park and requested that Mr. Marshall send him an e-mail as to what is happening over there and he will have an officer look into this. Mr. Marshall informed Council that the police have already been called and were there over this situation. Mayor Miscoe was not aware of this and will speak with Officer Custer.

McCauley made a motion to move into Executive Session to discuss personnel matters and potential litigation at 8:54 P.M. St. Clair seconded the motion. All ayes, motion carried.

At 9:40 P.M. Council returned to Regular Session.

With no further business to discuss, Hanson moved and McCauley seconded to adjourn the meeting at 9:40 P.M. All ayes, motion carried.

The next regularly scheduled meeting of the Indian Lake Borough Council will be held on September 11, 2013 at 7:00 P.M. at the Indian Lake Borough Building.

Respectfully submitted,

Theresa L. Weyant
Borough Manager