

MINUTES  
INDIAN LAKE BOROUGH COUNCIL MEETING  
JULY 14, 2004

The regularly scheduled meeting of the Indian Lake Borough Council was held on July 14, 2004 at 7:00 P.M. at the Indian Lake Borough Building.

**THOSE PRESENT:**

Andrew L. Horvath, President  
John Walters  
Michael Miscoc  
Robert Pyle  
Terry St. Clair  
Alex Majesky  
Patricia Dewar  
Barry S. Lichy, Mayor  
David S. Dickey, Solicitor  
Theresa L. Weyant, Borough Secretary  
Harry Huzsek, Superintendent

**THOSE ABSENT:**

Visitors – Albert Diehl, Ronald Petrina, Forrest Schucker, Ronald Hamaty, Veil Schiffhauer, Frank Duca, Alfred Lawson, Tom Walters, David Rohrich, Marty Hutton.

The meeting was called to order at 7:00 P.M. by Andrew L. Horvath, President.

**ORDER OF BUSINESS**

1. Approve the Minutes of the Meetings held on June 9, 2004 - Horvath asked for additions and/or corrections. There being none, St. Clair moved and Walters seconded to approve the minutes as submitted. All ayes, motion carried.

2. Financial Reports – Secretary reviewed the Income & Expense Report, the Budget Report and the List of Bills for June 30, 2004. Secretary would like to add the following additional outstanding bills to the List of Bills Report: Bell & Dickey, June '04 legal services, in the amount of \$431.00; Daily American, adv. reconvening zoning hearing board meeting, in the amount of \$63.85; Indian Lake Marina, install alternator in patrol boat, in the amount of \$216.50; Video Systems Plus, repair body microphone to video system, in the amount of \$95.00; U.S. Postal Service, postage, in the amount of \$150.00; Sandra Pritt, replacement license plate for '99 F-450, in the amount of \$10.00; and A T & T Wireless, June '04 cellular phone charges, in the amount of \$14.10.

Secretary discussed the bill from GAI Consultants, Inc. in the amount of \$66,198.60. Secretary reminded Council that at the October 8, 2003 Council Meeting, Council accepted a proposal from GAI Consultants for engineering work, in the amount of \$92,806.00 to do Phase 1 and Phase 11 of the dam assessment/action planning. With the above-mentioned bill, the Borough would be \$14,037.21 over the above scope of work, which was previously approved. GAI Consultants did provide a status reported on each task item for each phase. Council asked the secretary to contact GAI Consultants and request that someone attend the August 11<sup>th</sup> meeting to go over what work has been completed to date, the cost spent on each line item for each phase, and what work has been done on Phase III.

Miscoc made a motion to approve the Borough's Financial Reports, including the amendments to the List of Bills Report, and to hold the payment to GAI Consultants, Inc. Walters seconded the motion. All ayes, motion carried.

Secretary reviewed the Water Works Income & Expense Report and the List of Bills for June 30, 2004. Secretary would like to add the following additional outstanding bill to the List of Bills Report: Stonycreek Builders Supply, adapters, in the amount of \$4.76. Miscoe made a motion to approve the Water Work's Financial Reports, including the amendment to the List of Bills Report. Walters seconded the motion. All ayes, motion carried.

Secretary reviewed the Sewer Plant Financial Reports and the List of Bills for June 30, 2004. Miscoe made a motion to approve the Sewer Plant Financial Reports as presented. Walters seconded the motion. All ayes, motion carried.

Secretary reviewed the Summary of Account Balance Report for June 30, 2004. Miscoe made a motion to approve the Summary of Account Balance Report for June 30, 2004. Dewar seconded the motion. All ayes, motion carried.

3. Welcome Visitors - Albert Diehl, Ronald Petrina, Forrest Schucker, Ronald Hamaty, Veil Schiffhauer, Frank Duca, Alfred Lawson, Tom Walters, David Rohrich, Marty Hutton.

4. Alfred Lawson-Defibrillator – Mr. Lawson wanted to address Council as to the possibility of purchasing an Automatic External Defibrillator to be kept in the police cruiser to be available for immediate response for cardiac emergencies. The costs for these defibrillators run between \$2,000.00 to \$3,000.00. Sandy Dublansky, from Southern Alleghenies EMS, informed him that they have a grant program to cover the cost of these defibrillators, which the Borough could apply for.

At this time Council was not sure as to what training would be needed, the Borough's liability exposure if the defibrillator is misused or misapplication, and what the additional costs for insurance would be. Council asked Mayor Lichty to check with other police departments in the area to see if they have this piece of equipment and what procedures they follow. This matter was tabled at this time.

5. Forest Schucker, Zoning Ordinance Pertaining to Boat Houses – Forrest Schucker and Tom Walters were attending tonight's meeting as members of the Indian Lake Zoning Hearing Board. The current regulations on boat houses currently have no depth restrictions. They would like to see the Borough amend the Zoning Ordinance to put a restriction on the depth and also, have a special provision that if you own two (2) lots adjacent to one another, you can building a wider boat house.

A committee consisting of John Walters, Terry St. Clair, Forrest Schucker, Richard Bryant and Michael Miscoe was formed to look into this request and to make recommendations back to Council.

6. Legal Report:

A. Ordinance Accepting Indian Lake Drive as a Borough Road – Each member of Council was provided with a copy of the proposed ordinance dedicating Indian Lake Drive as a public street. Miscoe made a motion to authorize Attorney Dickey to advertise the proposed ordinance for adoption at the August 11, 2004, Council Meeting. Walters seconded the motion. All ayes, motion carried.

7. Correspondence:

A. Department of Environmental Protection-Alternate Free-Access-Gravity-Sand Filter/Sloped at-Grade Bed System Design for Terry St. Clair – The Department of Environmental Protection has reviewed the proposed alternate on-lot sewage disposal system. The Department found that the designs met the requirements of the Alternate Systems Guidance. Therefore, the Borough's S.E.O. is authorized to issue a permit for this alternate system. An Operation and Maintenance Agreement for this Alternate system must be enacted prior to construction.

B. Department of Environmental Protection-Lake Industrial Service Development Planning Module New Land Development Component 1 – The Department of Environmental Protection has received the above-referenced subdivision plan. The proposal qualifies as an “exception” under Chapter 71 Section 71.55.

C. Somerset Soil Conservation District-Strategic Plan – members of Council was provided with a copy of the Somerset Conservation District’s Strategic Plan for their review. This matter was tabled until the August 11<sup>th</sup> meeting to allow council members time to review the plan.

8. Committee Reports:

A. Finance Report:

1. Dam Emergency Action Plan – Miscoe made a motion to reimburse Stonycreek Valley Development Corporation \$790.72, which is ½ the cost of the expenses for the update to the Joint Emergency Action Plan for both Indian Lake Borough and Stonycreek Valley Development Corporation Dams. Dewar seconded the motion. All ayes, motion carried.

2. Bottled Water Machine – Miscoe made a motion to authorize the expenditure of \$150.00 to purchase a bottled water machine for the office. St. Clair seconded the motion. All ayes, motion carried.

B. Public Works Report:

1. Installation of Security Light at the Entrance of Indian Lake Drive and Route 30 – Miscoe made a motion to contact Somerset Rural Electric and request a high-pressure sodium street light at the intersection of Indian Lake Drive and Route 30. Walters seconded the motion. All ayes, motion carried.

2. One-way on Peninsula – Walters stated that he has received some complaints that the signage at the on-way on the Peninsula is not very visible and people are using the lower road instead of the upper road. Council will look at this area and will make recommendations at the next meeting.

C. Environmental Report:

1. Hiking and Biking Trails – Secretary reported that PennDot wanted a more formal contract with Musser Engineering. Randy Musser, from Musser Engineering, has provided the Borough with a contract for Engineering Services for the Calendar’s Run Hiking & Biking Trail. Council asked Attorney Dickey to review the contract.

Secretary also reported that the Borough needs to send a letter stating, the Borough as the owner of the land accepts the planned project and that the project is consistent with the designated use of the “natural area” and that all possible planning to minimize harm to the area will be taken in the design of the hiking and biking trail. Miscoe made a motion to send the letter and to authorize Andy Horvath to sign the letter. Walters seconded the motion. All ayes, motion carried.

D. Sewer Report:

1. Update to the Act 537 Plan – St. Clair made a motion to select Alternative 5 as the Borough’s option and Hatch Mott MacDonald should redo the Act 537 Plan to incorporate the changes of Alternate 5 as presented with both Option 1-No funds financed and Option 2-\$1 Million financed included. Miscoe seconded the motion. All ayes, motion carried.

9. Old Business:

A. Ronald Hamaty-Swimming Pool Issue – Attorney Dickey stated that he felt above-ground swimming pools may reasonably be made subject to the same zoning regulations as in-ground pools, for purposes of regulating their location, set backs, fencing and other matters.

Mr. Hamaty stated that four (4) years ago when he wanted to put up the swimming pool, he met with Ron Petrina, Zoning Officer for Indian Lake Borough, and discussed this matter with him. At that time, it was determined that an above ground pool was not a permanent structure and therefore required no permit. Mr. Petrina was okay with the location of the pool as long as there were no objections with the neighbors. Mr. Hamaty did have a document drawn up and signed by each of the property owners stating that they had no objections to an above ground pool being erected on Choctaw #7 and that they were aware that the proposed placement of the pool may be closer to the Choctaw Park boundary line than the required 10 foot setback. This document was attached to his building permit application.

Mr. Hamaty would like to keep the pool at its present location. It will cost Mr. Hamaty approximately \$2,000.00 to have the pool moved, which are unnecessary costs to him.

Horvath stated that he felt the Borough could not force Mr. Hamaty to move his pool since the Zoning Officer signed off on the building permit application stating that no building permit was required for the above ground swimming pool.

St. Clair stated that Mr. Hamaty verbally agreed that if a complaint ever arose in the future about the swimming pool, the pool would be removed. St. Clair has raised a complaint that the pool is obstructing the view of the lake, it is encroaching on the property line, and the swimming pool is also on top of his water line.

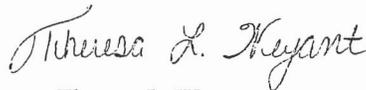
10. New Business: None.

11. Public Comment: None.

With no further business to discuss, Pyle moved and Majesky seconded to adjourn the meeting at 9:37 P.M. All ayes, motion carried.

The next regularly scheduled meeting of the Indian Lake Borough Council will be held on August 11, 2004 at 7:00 P.M. at the Indian Lake Borough Building.

Respectfully submitted,



Theresa L. Weyant  
Borough Secretary