

MINUTES  
INDIAN LAKE BOROUGH COUNCIL MEETING  
JANUARY 13, 2016

The regularly scheduled meeting of the Indian Lake Borough Council was held on December 9, 2015 at 7:00 P.M. at the Indian Lake Borough Building.

THOSE PRESENT:

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

THOSE ABSENT:

David Wood, Zoning Officer

Visitors – Richard Stern, Reggie Musser, Marc Alaia, Don and Gay Reed, Gregg Fidler, and Tom O’Toole.

The Meeting was called to order at 6:09 P.M. by Lynn Shimer, Council President.

ORDER OF BUSINESS

1. Approve the Minutes of the Meeting Held on December 9, 2015 - Shimer asked for additions and/or corrections. There being none, Dewar made a motion to approve the minutes as submitted. Hollern seconded the motion. All ayes, motion carried.

Approve the Minutes of the Meeting Held on January 4, 2016 - Shimer asked for additions and/or corrections. There being none, Dewar made a motion to approve the minutes as submitted. Hanson seconded the motion. All ayes, motion carried.

2. Financial Reports - Hanson made a motion to approve the Borough’s Financial Reports and to pay the outstanding bills. Dewar seconded the motion. All ayes, motion carried.

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

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

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

3. Welcome Visitors - Richard Stern, Reggie Musser, Marc Alaia, Don and Gay Reed, Gregg Fidler, and Tom O’Toole.

4. Public Comment – None.

5. Dave Wood’s December Report of Building Permits Issued.

6. Correspondence:

A. Fred R. Brant-Submission of Application for a GP-2 and a GP-3 Permit for the Construction of a New Boat Dock and the Replacement of Existing Dumped Rock Bank Protection with Cribbing on Cayuga 135 for Joseph D. Shearer – Fred R. Brant has submitted a copy of the application for a GP-2 and a GP-3 Permit for the construction of a new boat dock and the replacement of existing dumped rock bank protection with cribbing on Cayuga 135 for Joseph D. Shearer, 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. Stonycreek Township Supervisors–Proposed Lake Stonycreek Sanitary Sewer Project – Stonycreek Township Supervisors opened bids for their proposed sewer project for Lake Stonycreek. In their bid package, they obtained an Additive Alternate bid to install 12’ pipe for all sections of the project to accommodate 200,000 gallons per day of average daily flow from Indian Lake Borough. The low bidder on the contract submitted an Additive Alternate Bid of \$100,411.00 to upsize the above referenced sections of 10’ and 9’ gravity sewers to 12’ gravity sewers. The Stonycreek Township Supervisors are requesting a Letter of Intent from the Borough to commit to paying the cost of the Additive Alternate Bid to upsize the aforementioned gravity sewers. Hanson made a motion to authorize himself to issue the Letter of Intent to the Stonycreek Township Supervisors to agree to pay the Additive Alternate Bid of \$100,411.00 to upsize the 10’ and 8’ gravity sewers to 12’ gravity sewers as necessary to accommodate future Indian Lake Borough sewage flows up to 200,000 gallons per day. Hollern seconded the motion. All ayes, motion carried.

C. Musser Engineering, Inc.-Patty Varner, Comanche 435 for the NPDES Permit Renewal and Transfer from Robert Weitzel – Musser Engineering, Inc. has submitted the paperwork to the Department of Environmental Protection for the NPDES Permit Renewal and Transfer from Robert Weitzel to Patty Varner for Comanche 435. At this time, Council had no comments or concerns.

D. Appalachian Engineering Group, LLC-Submission of Application for a GP-3 Permit to Replace a Boat Dock Wall on Seneca 143 for Ronald Delano – Appalachian Engineering Group, LLC has submitted an application to the Department of Environmental Protection for a GP-3 Permit to replace a boat dock wall on Seneca 143 for Ron Delano. At this time, Council had no comments or concerns.

7. Reggie Musser-Potential Septic Management Inspection Scheduling Change – Mr. Musser approached Council about making some changes as to the way the sewage maintenance inspections are scheduled. Mr. Musser would like to propose that he be allowed to set the schedule for the inspections. Once Mr. Musser gets the list from the Borough as to whose septic systems need done for the year, he will then set up a particular area to be completed during a specific week. He is looking at having all the inspections done during the months of June, July and August. If a resident cannot conform to the schedule, Musser will charge an additional \$25.00 for a service charge fee to make a special appointment for them. Inspections for Real Estate Sales will continue to be done as in the past. After a discussion, Hanson made a motion to authorize Reggie Musser to proceed with the recommended changes to the scheduling of sewage maintenance inspections as he proposed. Hollern seconded the motion. All ayes, motion carried. Hanson stated that he will review the Ordinance to make sure no changes need to be made to that.

#### 8. Committee Reports:

##### A. Finance Report:

1. Set 2016 Boat License Fees and Numbers - Hanson made a motion to set the number of available Primary Powered Boat Licenses at an unlimited number for \$75.00, Primary Non-Powered Boat Licenses at an unlimited number for \$30.00, available Resident General Boat Licenses at 30 for \$750.00, available Non-Resident General Boat Licenses at 10 for \$1,500.00, available Secondary Powered Boat Licenses at 300 for \$150.00, and available Secondary Non-Powered Boat Licenses at 500 for \$30.00. After the July 4<sup>th</sup> weekend, there will be 100 additional Secondary Non-Powered Boat Licenses available with a limit of 2 per lot. A Replacement Boat License for \$20.00, Transfer Boat License for \$50.00, and the Same Day Service Fee for re-registering a boat at \$30.00 per boat. Dewar seconded the motion. 6 ayes and 1 naye, motion carried.

##### B. Road Report:

1. Ratify the Purchase of Wood Burner – St. Clair made a motion to ratify the purchase of a wood burner for the garage area from Jerry Bellak, in the amount of \$500.00. Hanson seconded the motion. All ayes, motion carried.

##### C. Police Report:

1. Ratify the Hiring of Matthew Truszka as a Part-Time Police Officer – Dewar made a motion to ratify the hiring of Matthew Truszka as a part-time police officer at a starting salary of \$13.50 per hour, with an increase of \$0.50 after 6 months of service and an additional \$1.00 after 1 year of service at the discretion of Mayor Miscoe based on Mr. Truszka’s performance. Hanson seconded the motion. All ayes, motion carried.

2. Accept Resignation of Richard Brant as a Part-Time Police Officer – Dewar made a motion to accept the resignation of Richard Brant from the Indian Lake Borough Police Department, effective December 17, 2015. Hanson seconded the motion. All ayes, motion carried.

D. Water & Sewer Report:

1. Notice of Water Violation - Hanson reported that Somerset Planning and Engineering has prepared a new permit application for the derating of Well 99-1. Hanson has signed off on the permit application and the Borough has remitted the \$750.00 application fee.

Hanson stated that Dean Snyder, Water Operator for the Borough, has started doing the baseline water testing, which is needed to be done, in order to come up with a plan to help solve the iron and manganese issue with Well #2.

9. Old Business: None.

10. New Business:

A. Work on the Island at Indian Lake Marina – Marc Alaia, owner of the Indian Lake Marina, stated that he is in the process of remediating the island wall in front of the Marina. The work is ¼ of the way completed and he would like to ask Council if they could drop the lake another 2 to 3 feet in order to help with this project because at the current level of 10 feet down, it is impacting their efforts. Council informed Mr. Alaia that the Borough's lake draw down permit says that we are lowering the lake by 12 feet. Council asked Mr. Alaia as to whether or not this work needs approval from the Department of Environmental Protection? Mr. Alaia said that it did not, that this work is considered maintenance work.

B. State Ethics Forms - State Ethics Forms for 2015 need to be returned to Theresa no later than May 1, 2016.

C. Adopt Resolution on the Written Procedures in How Professional Services are Chosen for the Borough's Pension Plans – Dewar made a motion to adopt the proposed resolution adopting the written procedures in how professional services are chosen for its pension plans in order to comply with Act 44 of 2009 and the Auditor General's recommendation. Hanson seconded the motion. All ayes, motion carried.

D. PSAB Anniversary Recognition Plaque – Hanson made a motion to authorize the Borough Secretary to submit the application to the Pennsylvania State Association of Borough's to receive a 50 year anniversary plaque for the Borough. Hollern seconded the motion. All ayes, motion carried.

E. Borough Insurance – Marhefka asked Hollern to look at the Borough's insurance policies and the amount of coverages to see if they are adequate. Council should consider possibly bidding out our insurance to try to get the best possible price. Secretary stated that the Borough is currently in a government pool through PIRMA and in the past when other insurance agencies call to see if they can submit a bid for the Borough's insurance, once they find out that we are in the government pool they don't want to bid it. Hollern stated that he would review this and will report back to Council.

11. Legal Report:

A. Update on the Complaint on the Condition of Donald Wolf's Property, Seneca 441 – Attorney Rullo informed Council that Mr. Wolf has submitted a proposal for the remediation to his property. Council requested that Attorney Rullo proceed with the hearing scheduled before District Magistrate Mankamyer on January 21, 2016. Council wanted to know when the work would be started and completed, along with who the contractor was and a copy of a signed contract. The proposal that Mr. Wolf submitted included none of this information and this has drug on for long enough and action needs to be taken to correct the situation.

B. John Oliver Zoning Hearing Board Appeal Update – Attorney Rullo reported to Council that the Commonwealth Court has set the argument date for April 11, 2016, in Pittsburgh.

12. Public Comment:

Greg Fidler wanted to inform Council that on Thanksgiving Day someone was on a canoe and a speed boat with shot guns shooting birds and water fowl. Secretary stated that she did have one registered hunter who was hunting geese on that day and he did say that he would be taking his canoe out in the lake. Secretary knew nothing about a speedboat. Fidler stated that this seems very redneckish to him and the hunter was only within 100 feet of the shoreline and this should not be encourage. His daughter did video tape the incident on her phone. Council advised Mr. Fidler that he needs to call the police when incidents like this occur so that our police officers can take care of incidents like this when they are happening.

Hanson made a motion to move into Executive Session to discuss potential litigation matters at 7:35 P.M. Hollern seconded the motion. All ayes, motion carried.

At 8:35 P.M. Council returned to Regular Session

Hanson made a motion to authorize Attorney Rullo to send an overture for a financial resolution to LCT Energy. Hollern seconded the motion. 4 ayes and 3 naves, motion carried.

With no further business to discuss, Dewar moved and Hanson seconded to adjourn the meeting at 8:36 P.M. All ayes, motion carried.

The next regularly scheduled meeting of the Indian Lake Borough Council will be held on February 10, 2016 at 6:00 P.M. at the Indian Lake Borough Building.

Respectfully submitted,

Theresa L. Weyant  
Borough Manager