

MINUTES  
INDIAN LAKE BOROUGH COUNCIL MEETING  
OCTOBER 14, 2015

The regularly scheduled meeting of the Indian Lake Borough Council was held on October 14, 2015 at 7:00 P.M. at the Indian Lake Borough Building.

THOSE PRESENT:

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

THOSE ABSENT:

David Wood, Zoning Officer

Visitors – Richard Stern, Carl Chapman, Tom O’Toole, Donald and Gay Reed, Robert Oates and Ronald Petrina.

The Meeting was called to order at 7:00 P.M. by Lynn Shimer, Council President.

ORDER OF BUSINESS

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

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

Hanson made a motion to approve the Sewer Financial Reports and to pay the outstanding bills. Hollern 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, Carl Chapman, Tom O’Toole, Donald and Gay Reed, Robert Oates and Ronald Petrina.
4. Public Comment – None.
5. Dave Wood’s September Report of Building Permits Issued.
6. Correspondence:

A. Office of the Chief Assessor – Secretary informed Council that the following property owners are appealing their assessments: 1) Gregory Fidler, Peninsula 1451, Robert B. Charles, Fairway 32 or 33, William Kanczes, Wenatchee 428, Leukhardt Partnership, LP, Airpark 14, 24 and 25, and Daniel Leukhardt, Airpark 13. The hearings are set for October 29<sup>th</sup> starting at 10:00 AM until 1:15 PM.

B. Department of Emergency Services-Somerset County’s Hazard Mitigation Plan – St. Clair made a motion for Robert Hanson and Michael Miscoe to review the County’s Hazard Mitigation Plan and to make their recommendations to Council as to whether or not the Borough should adopt the Resolution accepting the County’s Hazard Mitigation Plan as their plan or if the Borough should pay to have an approved plan prepared. Dewar seconded the motion. All ayes, motion carried.

7. Committee Reports:

A. Finance Report:

1. Hanson made a motion to authorize the Borough Secretary to do the following budget adjustments to the General Fund as outlined in the opinion letter and to accept the Borough Financial Review as presented:

1.	410.210 Police Office	\$ 1,000.00
2.	410.700 Police Capital	\$ 660.00
3.	417.192 Sewage Inspection (Perc)	\$ 2,000.00
4.	486.351 Business Package	\$ 645.00
5.	410.000 Police Wages	\$( 1,660.00)
6.	Dam and Lake	\$( 2,645.00)

Morgese seconded the motion. All ayes, motion carried.

Hanson made a motion to authorize the Borough Secretary to do the following budget adjustments to the Water Works Fund as outlined in the opinion letter and to accept the Water Works Financial Review as presented:

1.	448.136 Laborer 5 Salary	\$ 1,500.00
2.	480.000 Miscellaneous	\$ 2,000.00
3.	437.375 Vehicle Maintenance	\$(1,000.00)
4.	448.222 Purifica	\$( 830.00)
5.	486.357 General Liability Insurance	\$(1,670.00)

Hollern seconded the motion. All ayes, motion carried.

2. 2015 Firemen's Relief Fund Distribution - Hanson made a motion to allocate 100% of the 2015 Firemen's Relief money to the Shanksville Volunteer Fire Department. St. Clair seconded the motion. All ayes, motion carried.

3. Employee Health Insurance Renewal Rates – St. Clair made a motion to accept the renewal rate quotation from UPMC for the EPO \$1,500 1x with the Premium Vision Plan with a yearly cost of \$56,081.76. The Borough will set up a Health Reimbursable Account (HRA) through a third party administrator for each employee and will cover the \$1,500 deductible as well as an additional \$200.00 towards the increase in co-pays. Hollern seconded the motion. All ayes, motion carried.

8. Legal Report:

A. Shofstahl and PBS Properties – Attorney Rullo has prepared the Quitclaim Deeds for the Shofstahl and PBS properties, which is located in Stonycreek Township, and has forwarded them to be signed.

B. Well Head Protection Agreement with John Weir – Attorney Rullo has prepared the Well Head Protection Agreement with John Weir and noted that once this is recorded, this convenient will run with the property. Dewar made a motion to authorize the Council President and the Borough Secretary to execute the Well Head Protection Agreement with John Weir as it was presented and to forward it to Mr. Weir for his signature and to record the document. Hanson seconded the motion. All ayes, motion carried.

C. David Rohrich Challenge to Ruling/Septic – Attorney Rullo informed Council that Mr. Rohrich lost his appeal to the Commonwealth Court. Attorney Rullo has notified Sean Isgan, from CME Engineering, who is the Borough's Sewage Enforcement Officer, of the decision. Mr. Rohrich has not made an appeal to the Supreme Court and to date, CME Engineering has heard nothing from Mr. Rohrich nor has he made any arrangements to bring the garage into compliance. Attorney Rullo noted that the injunction is still in place.

D. Update on the Complaint on Donald Mateer's Property, Cayuga 147 - Attorney Rullo informed Council David Wood attended the hearing that had been scheduled before District Magistrate Mankamyer on September 3<sup>rd</sup>. Both parties worked out an arrangement and Mr. Mateer has two (2) weeks to cut the grass and bushes, fix the garage door and to get the outside of the property cleaned up. To date, Mr. Mateer has done nothing. Hanson made a motion to authorize Attorney Rullo to refile the complaint before District Magistrate Mankamyer and to seek the penalties provided under the Ordinance, which is an amount up to \$1,000.00 per day for the violations. Hollern seconded the motion. All ayes, motion carried.

E. Update on the Complaint on the Condition of Donald Wolf's Property, Seneca 411 – Attorney Rullo informed Council that the hearing date is scheduled for Thursday, November 19<sup>th</sup> at 10:00 AM before District Magistrate Mankamyer.

F. John Oliver Zoning Hearing Board Appeal Update – Attorney Rullo reminded Council that the Borough has filed an appeal to the Commonwealth Court on this matter and his brief is due on November 16<sup>th</sup>. A potential settlement proposal has been submitted to Mr. Oliver but to date Attorney Rullo has heard nothing back.

G. F.O.P. - Attorney Rullo informed Council that the F.O.P. has agreed to the decertification of the police union.

H. Somerset REC Right-of-Way Agreement – Attorney Rullo informed Council that Somerset REC is willing to meet in order to discuss the Right-of-Way Agreement. Attorney Rullo asked the Borough Secretary to let him know some dates and times that would work to try to schedule this meeting.

I. Right-To-Know Request from PBS Coals – Attorney Rullo noted that PBS Coals did put in a right-to-know request as to what the balance of funds are in the Water Quality Control Account and he did provide that information to them and he also made it clear that there is no agreement relative to the disbursement of those funds at this point in time.

#### 9. Committee Reports:

##### A. Police Report:

Mayor Miscoe reported that the police had 223 calls for the month of September and the majority of those calls were security checks. There was one (1) theft of money incident and that was investigated and solved.

##### B. Environmental Report:

1. 2015 Fish Stocking Program – Shimer reported that on October 13<sup>th</sup> there were 2,590 walleyes stocked and on October 16<sup>th</sup> 1,450 rainbow trout will be stocked.

##### C. Water and Sewer Report:

1. Department of Environmental Protection- Notice of Violation for Well 991, Zone 1 – Hanson reported that the Borough received a violation notice on Well 99-1, in Zone 1. DEP regulations require that any well put into service after 1995, the Borough has to own or substantially control through deed restriction or other method acceptable to the Department of Environmental Protection, the Zone 1 Wellhead Protection Area in order to prohibit activities within the Zone 1 that may have a potential adverse impact on the source quality or quantity. For Well 99-1 that area is a 137 foot radius.

The Borough had approximately thirty (30) days to come up with an Action Plan that will demonstrate that we own or substantially control through deed restriction, or other method such as an Ordinance, etc. all of Zone 1. This Action Plan has been submitted to the Department of Environmental Protection and there has been no response from them

D. Planning and Zoning Report – Mayor Miscoe stated that he has discovered that the Borough had the wrong version of Zoning Ordinance No. 144 signed and recorded into the record. Miscoe requested that Attorney Rullo check at the Law Library to see what version was actually posted there and to verify what version was actually advertised.

Don Reed, Chairman of the Indian Lake Borough Planning Commission, informed Council that at their November Meeting the Commission will be ready to present to them some recommended changes to Zoning Ordinance No. 144. The Planning Commission is proposing that any tree within 10 feet of a driveway or parking area and all dead or diseased trees not require a tree cutting permit and also they will be recommending changing the length of an unwallied boat houses to 36 feet.

10. Old Business: – Marhefka asked if anyone had anything they would like to add to the list of work that needs done to the Borough Office. No additional items were added. Hollern stated that he will look into getting the prisoners here next year to complete some of this work.

11. New Business – Hanson made a motion that the Borough retain the services of Somerset Planning & Engineering to assist the Borough in maneuvering through the current water issues on Well #2.

St. Clair disagreed; he feels that the Borough needs to go with the firm that has the best expertise.

Morgese made a motion to move into Executive Session to discuss personnel matters and contracting personnel issues at 9:00 P.M. Hollern seconded the motion. All ayes, motion carried.

At 10:08 P.M. Council returned to Regular Session

Hanson made a motion that the Borough retain the services of Somerset Planning & Engineering to give the Borough short term assistance as needed to explore solutions to our water issues, most importantly, Well 99-1 and the Buckstown Tank. Hollern seconded the motion. 4 ayes and 3 naves, motion carried.

With no further business to discuss, St. Clair moved and Hollern seconded to adjourn the meeting at 10:09 P.M. All ayes, motion carried.

The next regularly scheduled meeting of the Indian Lake Borough Council will be held on October 28, 2015 at 7:00 P.M. at the Indian Lake Borough Building.

Respectfully submitted,

Theresa L. Weyant  
Borough Manager