

MINUTES
INDIAN LAKE BOROUGH COUNCIL MEETING
NOVEMBER 9, 2016

The regularly scheduled meeting of the Indian Lake Borough Council was held on November 9, 2016 at 6:00 P.M. at the Indian Lake Borough Building.

THOSE PRESENT:

Lynn Shimer, President
Patricia Dewar, via telephone
Robert Hanson
Scott Hollern
Robert Marhefka
Curtis Morgese
Terry St. Clair
Daniel Rullo, Solicitor
David Wood, Zoning Officer
Theresa L. Weyant, Borough Secretary
Jerry Bellak, Police Chief

THOSE ABSENT:

Michael D. Miscoe, Mayor

Visitors – Richard Stern, David McCudden, Tom O’Toole, Don and Gay Reed, Ronald Petrina and James Lyons.

The meeting was called to order at 6:00 P.M. by Lynn Shimer, Council President.

ORDER OF BUSINESS

1. Approve the Minutes of the Public Hearing and Council Meeting Held on August 10, 2016 – 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.

Approve the Minutes of the Meeting Held on October 12, 2016 - Shimer asked for additions and/or corrections. Shimer stated that he had issues with the vote that was taken on the Indian Lake Marina matter. Members of Council may not abstain from voting because they feel they don’t have enough information. Members must ask questions to get the information they need in order to be able to vote or make a motion to table the matter. Shimer also felt that St. Clair should have abstained from voting. Hanson made a motion to approve the minutes as submitted. Hollern 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. Morgese 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. Morgese seconded the motion. All ayes, motion carried.

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

3. Welcome Visitors - Richard Stern, David McCudden, Tom O’Toole, Don and Gay Reed, Ronald Petrina and James Lyons.

4 Public Comment – None.

5. Legal Report:

A. Clear Run Trust Account Funds – Attorney Rullo informed Council that Attorney John Bonya, who is representing PBS Coal Company, would like to schedule a meeting with a committee of Council to discuss the funds in the Water Quality Control Fund for Clear Run. Hanson made a motion to instruct Attorney Rullo to inform Attorney Bonya that Council is not interested in discussing the Water Quality Control Funds with him. St. Clair seconded the motion. All ayes, motion carried.

Council requested that Attorney Rullo request copies of the information from PBS Coals that they feel is pertinent to this meeting that they want to schedule.

B. Wellhead Protection Issue with Well 99-1 – Attorney Rullo met with Attorney Tim Leventry to discuss the possibility of him handling the Wellhead Protection Issue with Well 99-1 and John Weir due to Attorney Rullo’s conflict of interest issue. Attorney Leventry is willing to represent the Borough on the matter at a rate of \$210.00 per hour along with a \$1,000.00 retainer fee. Hanson made a motion to accept the proposal as per the engagement letter from the Law Firm of Leventry, Haschak & Rodkey, LLC. Morgese seconded the motion. All ayes, motion carried.

C. Indian Lake Marina’s Request to Amend Zoning Ordinance No. 144 – Attorney Rullo reminded Council of the Public Hearing scheduled for Wednesday, December 14, 2016 at 5:30 pm to discuss the proposed amendment to Zoning Ordinance No. 144 to allow a restaurant on the Commercial Marina Property.

D. Update on the Complaint on the Condition of Donald Wolf’s Property, Seneca 441 – Attorney Rullo reported that he has filed the Writ of Execution on the judgement and he is waiting to get that scheduled for sale.

E. Records Management – Hanson stated that the Somerset County Commissioners have an agreement with Iron Mountain, but Hanson has been unable to obtain a copy of the agreement, but believes this agreement only deals with storing and does not cover scanning, OCR, indexing, etc. Attorney Rullo told Council that he would get them a copy of the contract. Hanson informed Council that the Borough received a quote directly from Iron Mountain for scanning the Borough’s documents, putting them into an OCR format with indexing before they go into storage at a monthly cost of \$99.00, which also gives the Borough their own room. The Borough can piggyback with Somerset County and use their room and the Commissioners asked what the Borough would be willing to pay per month. The number that Hanson and Hollern through out to them was \$20.00 per month for the first 10 boxes and a \$1.00 a box there after.

6. David McCudden, West Shore Trail 558-Hunting in Borough – Mr. McCudden discussed with Council hunting in the Borough and Borough Ordinance No 120 regulating hunting. Mr. McCudden feels that the Borough’s Ordinance is not valid, the Borough cannot require him to sign the hunting release form in order for him to hunt on his own property and his son’s property and the Borough has no right to give other hunters permission to hunt on his property or his son’s property just because he signed the property release form. As long as he complies with all application game laws, he can archery hunt and hunt with a rifle on his own property, the Borough Ordinance cannot supersede state game laws. Hanson requested that Mr. McCudden present to the Borough in writing what changes he would like to see made to the Hunting Ordinance. Attorney Rullo will review the Borough’s Hunting Ordinance No. 120 and will give his opinion to Council.

7. Dave Wood’s October Report of Building Permits Issued.

James Lyons questioned as to what is happening with the Richard Bradfield property on Mohawk 460. Attorney Rullo reported that the heirs to this property have been cleaning up the residences and getting the property ready to auction the property off. The sunroom that was constructed was built in violation of Zoning Ordinance No. 144 and Attorney Rullo will be applying for a variance on behalf of the estate for a variance before the Indian Lake Borough Zoning Hearing Board. Lyons stated that the auction is set for Friday, November 11th. Attorney Rullo stated that whoever buys it will buy it with the understanding that there is this issue with the sunroom that will need to be resolved.

8. Correspondence:

A. Somerset County Boroughs Association Social Meeting - The Somerset County Boroughs Association will be holding their annual Social Meeting on Thursday, November 17, 2016 at the Oakhurst Tea Room in Somerset. The cost is \$20.00 per person. Robert Hanson and Lynn Shimer will attend.

B. PA Municipal Code Alliance-2017 Fee Schedule – Secretary provided each member of Council with a copy of the 2017 fee schedule for the PA Municipal Code Alliance, who will be the Borough’s new building code inspectors.

C. Dockmaster, LLC – Indian Lake Marina Minor Subdivision - Hanson made a motion to endorse the Indian Lake Marina’s Minor Subdivision Plan as it was presented and to authorize the Borough Secretary to sign the Request for Planning Waiver and Non-Building Declaration Form. Hollern seconded the motion. All ayes, motion carried.

9. Committee Reports:

A. Finance Report:

1. Employee Health Insurance Renewal Rates and Adopt the Health Reimbursement Arrangement Agreement - Hanson made a motion to ratify accepting the renewal rate quotation from UPMC for the HMO \$1,000/\$2,000 with the Elite Vision Plan and Premium Dental with an estimated yearly cost of \$41,937.00. The Borough will set up a Health Reimbursable Account (HRA) through a third party administrator for each employee and will cover the \$1,000/\$2,000 deductible. Morgese seconded the motion. All ayes, motion carried.

2. Authorization to Advertise the 2017 Budget- Hanson made a motion to authorize the Borough Manager to advertise the Proposed 2017 Budget as presented, which totals \$1,554,041.00. Hollern seconded the motion. All ayes, motion carried.

3. Authorization to Advertise the 2017 Tax Rate Ordinance - Morgese made a motion to authorize the Borough Manager to advertise the proposed 2017 Tax Rate Ordinance, establishing the real estate tax rate for 2017 at 19.3 mills, for adoption at the December 14th meeting. Hanson seconded the motion. All ayes, motion carried.

4. 2016 Somerset Ambulance Contribution - Hanson made a motion to make a donation in the amount of \$2,500.00 to the Somerset Area Ambulance Association. Hollern seconded the motion. All ayes, motion carried.

5. 2016 Donation to the Shanksville Volunteer Fire Department – Hanson made a motion to remit the Borough's 2016 donation to the Shanksville Volunteer Fire Department, in the amount of \$10,500.00. Morgese seconded the motion. All ayes, motion carried.

B. Road Report: Hollern made a motion to authorize the expenditure of up to \$750.00 put an entry roof over the police office door. Hanson seconded the motion. All ayes, motion carried.

C. Police Report – Chief Bellak reported that the department had 2 arrest warrants, 1 hearing, and 76 security checks. Total calls for the month were 101. The UCR Reports have been completed for the month. The police computer got a virus and destroyed several programs and folders. The remodeling of the police office has been completed and the police office signs have all been installed.

D. Environmental Report:

1. Calendar's Run - Shimer informed Council that there is a meeting scheduled with the Department of Environmental Protection on November 15th in Pittsburgh at 8:30 A.M.

2. Fish Stocking – Shimer informed Council that 1,650 rainbow trout between 8 and 11 inches and 3,600 Walleyes between 5 to 8 inches were stocked in the lake in October.

10. Old Business: None.

11. New Business:

With no further business to discuss, Hollern moved and Morgese seconded to adjourn the meeting at 7:35 P.M. All ayes, motion carried.

The next regularly scheduled meeting of the Indian Lake Borough Council will be held on December 14, 2016 at 6:00 P.M. at the Indian Lake Borough Building.

Respectfully submitted,

Theresa L. Weyant
Borough Secretary