

MINUTES
INDIAN LAKE BOROUGH COUNCIL MEETING
NOVEMBER 11, 2015

The regularly scheduled meeting of the Indian Lake Borough Council was held on November 11, 2015 at 7:00 P.M. at the Indian Lake Borough Building.

THOSE PRESENT:

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

THOSE ABSENT:

Scott Hollern
David Wood, Zoning Officer

Visitors – Ronald Petrina, Don and Gay Reed, Eric Kieta, Richard Stern, Tom O’Toole, Don Wolf, and Don Mateer.

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 October 14, 2015 - Shimer asked for additions and/or corrections. There being none, Dewar made a motion to approve the minutes as submitted. St. Clair seconded the motion. All ayes, motion carried.

Approve the Minutes of the Meeting Held on October 28, 2015 - Shimer asked for additions and/or corrections. There being none, Dewar 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. 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. Morgese 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. Dewar seconded the motion. All ayes, motion carried.

3. Welcome Visitors - Ronald Petrina, Don and Gay Reed, Eric Kieta, Richard Stern, Tom O’Toole, Don Wolf, and Don Mateer.

4. Public Comment – None.

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

Shimer reported that Dave Wood had surgery on Tuesday and he won’t be available for about 6 weeks. In the interim, Dean Snyder will be covering his duties.

6. Correspondence:

A. R. Eric Critchfield-Request to DEP for an Extension on Approved Sewer Permit for Brian Critchfield, Choctaw 15 – R. Eric Critchfield sent a request to the DEP for a two (2) year extension on Brian Critchfield’s sewer permit for Choctaw Lot No. 15. No action needs to be taken by Council.

7. Committee Reports:

A. Finance Report:

1. Authorization to Advertise the Proposed 2016 Budget - Hanson made a motion to authorize the Borough Manager to advertise the Proposed 2016 Budget as presented, which totals \$1,739,867.00. Morgese seconded the motion. All ayes, motion carried.

2. Authorization to Advertise the 2016 Tax Rate Ordinance - Hanson made a motion to authorize the Borough Manager to advertise the proposed 2016 Tax Rate Ordinance, establishing the real estate tax rate for 2016 at 19.3 mills, for adoption at the December 9th meeting. Dewar seconded the motion. All ayes, motion carried.

3. 2015 Somerset Ambulance Contribution - Hanson made a motion to make a donation in the amount of \$2,500.00 to the Somerset Area Ambulance Association. Dewar seconded the motion. All ayes, motion carried.

4. 2015 Donation to the Shanksville Volunteer Fire Department – Hanson made a motion to remit the Borough’s 2015 donation to the Shanksville Volunteer Fire Department, in the amount of \$10,500.00. Morgese seconded the motion. All ayes, motion carried. Mayor Miscoe questioned if the Borough ever received an executed fire services agreement from the Shanksville Volunteer Fire Department for 2015? Manager reported that she has never received anything. Council asked her to follow up with Brad Zearfoss, President of the Shanksville Volunteer Fire Department, about the signed agreement.

5. 2015 Boot Allotment - Hanson made a motion that Robert Hufford, Frank Moldovan, Dave Smith and Dean Snyder receive a boot allotment check in the amount of \$100.00 per person. Dewar seconded the motion. All ayes, motion carried.

8. Legal Report:

A. Update on the Complaint on the Condition of Donald Wolf’s Property, Seneca 441 – Hanson made a motion to authorize Attorney Rullo to request that District Magistrate Mankamyer grant a thirty (30) day continuance on the Wolf matter pending a plan with milestones for the corrective issues. Mr. Wolf needs to submit a plan of action to Council within thirty (30) days, which outlines when work will commence, who is doing the work, signed contract, and when work is expected to be completed. Council expects to receive monthly progress reports in order to keep up with his progress. Dewar seconded the motion. All ayes, motion carried.

B. Update on the Complaint on Donald Mateer’s Property, Cayuga 147 – Attorney Rullo informed Council that on Monday, November 9th, David Wood, Zoning Officer, was out and looked at Mr. Mateer’s property and the grass and bushes have all been cut, the garage door was repaired and the spouting has been repaired. Wood did take pictures of the property and forward them to him. Hanson made a motion to withdraw the complaint before District Magistrate Mankamyer if Mr. Mateer reimburses the Borough for the court filing fees. Dewar seconded the motion. All ayes, motion carried.

C. 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 16th. A potential settlement proposal has been submitted to Mr. Oliver but to date Attorney Rullo has heard nothing back.

D. LCT Energy – Attorney Rullo informed Council that LCT Energy wants to take discovery depositions and that will be done on November 19th in Pittsburgh. Robert Hanson will be the Borough’s designated representative to be deposed.

9. Committee Reports:

A. Police Report:

Mayor Miscoe reported that the police had 293 calls for the month of October and the majority of those calls were security checks. Officer Kistler has resigned from the department and has turned in all his equipment. Mayor Miscoe informed Council that the new radio system for the police department that the County upgraded to does not work when out on patrol on the lake. The County is keeping the old system up and running due to some of these issues with the new system and the department will be using the old radios when out on lake patrol.

B. Environmental Report:

1. Borough's Chapter 105 Permit – Mayor Miscoe informed Council that as he understands it, the Department of Environmental Protection has rejected all the Borough's Chapter 105 Permits that have been submitted to them by the residents for work that they want to do while the lake is drawn down. Miscoe stated that his permit was returned because it did not contain a copy of the 100 year flood map and they wanted some new form that they are now requiring, which wasn't required when he applied.

Council agreed that it was time to schedule another meeting with the State Representative and Senator to discuss the issue with DEP and the Chapter 105 Permits. Miscoe stated that the Borough should compile a list of the permits that have been rejected and why and how long it takes residents to get their permits. The Borough needs to make a case that the DEP apparently is overburdened and they are impeding issuing these permits which are ultimately going to be issued anyway. DEP can't handle issuing these Chapter 105 Permits because they are short staffed but the Borough clearly can and the Department needs to give that authority back to the Borough. The Borough has proved over the last thirty (30) years that we can handle this responsibility because Indian Lake has one of the cleanest waterways in the State.

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. As everyone is aware, John Weir's property falls within the Zone 1 area, which means he can't do anything with his property other than mow it, and DEP would prefer that the Borough mow it and Mr. Weir will more than likely have to tear down his pavilion.

Hanson noted that the Borough doesn't need all the flow that they could get out of Well 99-1 and the Borough could double there draw from Well 99-1 and still be half of the rating of Well 99-1. If the Borough redid the calculations, Zone 1 would go down to 100 feet and there would be no encroachment onto Mr. Weir's property and the pavilion can stay and he would be able to build a house on it. Only a small sliver (2 feet at one point) of Mr. Weir's property would fall in the Zone 1 area. If Mr. Weir is okay with this, the Borough can pursue amending the permit for Well 99-1. Hanson stated that he will try to set up a meeting with the DEP on November 19th to discuss this, since Attorney Rullo and himself will already be in Pittsburgh for the depositions.

D. Planning and Zoning Report:

1. Proposed Changes to Zoning Ordinance No. 144 in Regard to Boathouse Depth – Don Reed, Chairman of the Indian Lake Borough Planning Commission, presented Council with the Commission's recommended changes to Zoning Ordinance No. 144 in regard to boat house depth. The Commission is recommending that unwallied boat houses be changed from thirty (30) feet deep to thirty-six (36) feet deep. Council was in agreement with incorporating this proposed change.

2. Proposed Changes to Zoning Ordinance No. 144 in Regard to Cutting or Removal of Trees - Don Reed, Chairman of the Indian Lake Borough Planning Commission, presented Council with the Commission's recommended changes to Zoning Ordinance No. 144 in regard to the Cutting or Removal of Trees. The Commission is recommending that any tree within ten (10) feet of a driveway, structure or parking area and all dead or diseased trees not require a tree cutting permit. The Commission also added some clearer language on the desire of the community to maintain a wooded atmosphere, by allowing selective thinning and/or improving view, but clear-cutting is discouraged. Council agreed to make no changes to this section and to leave it as it is.

Mayor Miscoe stated that at the December 9, 2015 meeting, he will have all the incorporated changes to Zoning Ordinance No. 144 ready to present to Council.

3. Cutting off the stumps in the lake – Morgese stated that he received a request to have the stumps cut off since the lake is drawn down so that once the lake is brought back up they won't be visible. Council stated that by cutting off the stumps below the water level, this would be creating a boating and a safety hazard and Council would not authorize that work to be done.

10. Old Business:

1. Somerset County 2015 Hazard Mitigation Plan and Municipal Adoption Resolution – Hanson made a motion to adopt the proposed resolution adopting the Somerset County 2015 Hazard Mitigation Plan as the Borough’s Official Plan. Dewar seconded the motion. All ayes, motion carried.

11. New Business:

1. Sheriff Sale-William Tunstall property at South Shore Trail 742 – Marhefka reported that the William Tunstall property located at South Shore Trail 742 is schedule to go up for Sheriff Sale on March 18, 2016. Manager stated that she would update the liens on the property prior to the Sheriff Sale.

With no further business to discuss, Morgese moved and St. Clair seconded to adjourn the meeting at 9:43 P.M. All ayes, motion carried.

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

Respectfully submitted,

Theresa L. Weyant
Borough Manager