

MINUTES  
INDIAN LAKE BOROUGH COUNCIL MEETING  
DECEMBER 14, 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  
Michael D. Miscoe, Mayor  
Daniel Rullo, Solicitor  
David Wood, Zoning Officer  
Theresa L. Weyant, Borough Secretary  
Jerry Bellak, Police Chief

THOSE ABSENT:

Visitors - Ronald Petrina, Richard Stern, Tom O'Toole, Don and Gay Reed, Carl Chapman, and Marc Alaia.

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 Meeting Held on November 9, 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. Morgese 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. Hollern seconded the motion. All ayes, motion carried.

3. Welcome Visitors - Ronald Petrina, Richard Stern, Tom O'Toole, Don and Gay Reed, Carl Chapman, and Marc Alaia.

4 Public Comment:

R. Gordon Allen, Iroquois 318 – Mr. Allen is here tonight to discuss the dirty water that he is continuing to experience at his residence, which is located at Iroquois 318. Hanson stated that the problem is settling and a lot of residents have installed an in line filter system and there are a number of units out there that residents can buy to take care of their problem if they chose to do that. Hanson informed Mr. Allen that the Borough knows the cause and a range of solutions for the problem but the Department of Environmental Protection won't agree to anything and only prefers an expensive fix to the problem, which will cost approximately \$1 million dollars.

5. Legal Report:

A. Easement Status and Ongoing Strategy – Attorney Rullo informed Council that flowage easement issue has been reactivated and there are 16 properties involved. There will be a case management conference order in February of 2017. Attorney Rullo has sent a list of interrogatories for each of the 16 properties identified. Attorney Rullo stated that the

Borough's expert has maintained that the change to the flowage easement has made no diminution of the market value of their property.

B. Hunting Ordinance No. 120 – Attorney Rullo informed Council that an associate from his firm has had the opportunity to review the Borough's Hunting Ordinance No. 120 as well as the PA State Game Law Act. The State Game Law Act does preempt the local Borough Ordinance No. 120. Unfortunately, it appears that the State Game Law does prohibit the Borough's ability to regulate hunting in the Borough. Mayor Miscoe noted that based on this information the citation was already withdrawn.

Hanson made a motion to remove the no hunting signs and to rescind Borough Ordinance No. 120 for the reasons as stated in the Memorandum from Barbara, Clapper, Beener, Rullo and Melvin dated December 3, 2016. Hollern seconded the motion. All ayes, motion carried.

C. Proposed Amendment to Zoning Ordinance No. 144 – Hanson made a motion to table the vote on this issue until the January 11, 2017 meeting. Marhefka seconded the motion. All ayes, motion carried. Council must take a vote on this matter within ninety (90) days after the last public hearing and the public hearing was held on December 14, 2016.

#### 6. Correspondence:

A. Request for Donation from the Children's Aid Home – Hanson made a motion to make a \$50.00 donation to the Children's Aid Home. Hollern seconded the motion. All ayes, motion carried.

B. Request for Donation from the Humane Society of Somerset County - Hanson made a motion to make a \$50.00 donation to the Humane Society of Somerset County. Hollern seconded the motion. All ayes, motion carried.

C. Somerset County Planning Commission-Approval of Subdivision Plan for Indian Lake Marina – The Somerset County Planning Commission has approved the subdivision plan for Indian Lake Marina and the Marina has ninety (90) days to record the subdivision plan.

D. Senator Pat Stefano – Senator Pat Stefano's office is soliciting projects for Inclusion in the Capital Projects Itemization Bill and a list of various project categories included in the capital budget was provided.

#### 7. Committee Reports:

##### A. Finance Report:

1. Adoption of the 2017 Proposed Budget – Hanson made a motion to adopt the proposed 2017 budget as advertised and presented. Morgese seconded the motion. All ayes, motion carried.

2. Set Millage Rate and all other Borough Taxes for 2017 - Hanson made a motion to set the millage rate at 19.3 mills and for all the other Borough taxes to remain the same for 2017. Hollern seconded the motion. All ayes, motion carried.

3. Adoption of Tax Rate Ordinance No. 178 - Hanson made a motion to adopt the 2017 Tax Rate Ordinance No. 178 as presented and advertised. Morgese seconded the motion. All ayes, motion carried.

##### B. Road Report:

1. 2016 Boot Allotment - Hanson made a motion that Dean Snyder, David Morrow, Keith Miller, and Cayce McCartney receive a boot allotment check in the amount of \$100.00 per person. St. Clair seconded the motion. All ayes, motion carried.

C. Police Report – Chief Bellak reported that the department had 1 criminal mischief, 1 dog complaint, 1 suspicious activity, and 41 security checks. Total calls for the month were 60. The UCR Reports have been completed for the month.

D. Personnel Report – Dewar reported that all of the employees would be receiving a 1.7% cost of living increase which will go into effect January 1, 2017 except for the 3 new hires, which will go into effect on the anniversary of their hire date. Dave Wood will increase per his contract effective January 1, 2017.

Michael Miscoe informed Council that Matthew Truszka has resigned from the Police Department. Dewar made a motion to authorize an expenditure of up to \$200.00 to advertise for part-time police officers. Hollern seconded the motion. All ayes, motion carried.

E. Environmental Report:

1. Calendar's Run - Shimer informed Council that there was a conference call with the Department of Environmental Protection and the Borough went from twenty-two (22) questions to sixteen (16) questions and a lot of these will go away.

F. Water & Sewer Report:

1. Notice of Water Violation – Hanson did note that the Department of Environmental Protection may or may not issue a citation to the Borough. Hanson reported that CME Engineering has the certified survey completed and they are just re-checking it and then it will be sent to the Department of Environmental Protection.

G. Planning & Zoning Report:

1. Indian Lake Resort Proposed Subdivision – Hanson made a motion to approve the proposed subdivision plan for Indian Lake Resort and he will prepare and sign the letters on behalf of the Borough. Hollern seconded the motion. 6 ayes and 1 abstention. Motion carried. St. Clair filed the abstention memorandum with the Borough Secretary.

2. Expiring Terms of Planning Commission Members – Don Reed informed Council that he is not seeking reappointment to the Planning Commission. St. Clair made a motion to re-appoint Christopher Keiser and appoint Cheryl Hohman to a four (4) year term on the Indian Lake Borough Planning Commission, term to expire on December 31, 2020. Hollern seconded the motion. All ayes, motion carried.

8. Old Business:

A. Records Management – Hanson reported that he has spoken with County Commissioner James Yoder and Mr. Yoder will come up with a rate to present to the Borough.

9. New Business:

A. Appoint Member and Alternate Member to the Indian Lake Borough Zoning Hearing Board – St. Clair made a motion to re-appoint Forrest Schucker to the Indian Lake Borough Zoning Hearing Board for a three (3) year term; term expires on December 31, 2019 and to re-appoint Donna Gibson as an alternate member to the Indian Lake Borough Zoning Hearing Board for a three (3) year term; term expires on December 31, 2019. Hollern seconded the motion. All ayes, motion carried.

With no further business to discuss, Morgese moved and Hollern seconded to adjourn the meeting at 7:54 P.M. All ayes, motion carried.

The next regularly scheduled meeting of the Indian Lake Borough Council will be held on January 11, 2017 at 6:00 P.M. at the Indian Lake Borough Building.

Respectfully submitted,

Theresa L. Weyant  
Borough Secretary