

MINUTES
INDIAN LAKE BOROUGH COUNCIL MEETING
FEBRUARY 10, 2016

The regularly scheduled meeting of the Indian Lake Borough Council was held on February 10, 2016 at 6:00 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, Carl Chapman, Don and Gay Reed, and Tom O’Toole.

The Meeting was called to order at 6:04 P.M. by Lynn Shimer, Council President.

ORDER OF BUSINESS

1. Approve the Minutes of the Meeting Held on January 13, 2016 - 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.
2. Welcome Visitors - Richard Stern, Carl Chapman, Don and Gay Reed, and Tom O’Toole.
3. 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.

Water Works Certificate of Deposit Redemption - Hanson made a motion to authorize the Borough Secretary to redeem the Water Works 4-year Certificate of Deposit from Somerset Trust Company and to deposit the funds into the Water Works Savings Account. Hollern seconded the motion. All ayes, motion carried.

4. Public Comment – Tom O’Toole would like to take this time to commend the Borough work crew for the great job that they did on the roads during the blizzard.
5. Dave Wood’s January Report of Building Permits Issued – No permits issued.

6. Legal Report:

A. 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.

B. Update on the Complaint on the Condition of Donald Wolf's Property, Seneca 441 – Attorney Rullo informed Council that a judgement has been entered on Mr. and Mrs. Wolf. Attorney Rullo has sent a letter to the Wolf's indicating that it isn't the Borough's desire to collect penalties and fines against them but they do need to get the work completed on their property in the spring. If the work is not completed than the Borough will enforce the terms of the judgement.

7. Correspondence: None.

8. Committee Reports:

A. Water & Sewer Report:

1. Liquid Engineering-2016 Proposal for Water Tank Cleaning – Liquid Engineering provided a proposal for the 2016 water tank cleaning, inspection and reporting on the Cherry Lane and Peninsula Water Storage Tanks, in the amount of \$3,980.00. Hanson made a motion to accept the proposal from Liquid Engineering for the 2016 water tank cleaning, inspection and reporting on the Cherry Lane and Peninsula Water Storage Tanks, in the amount of \$3,980.00. Dewar seconded the motion. All ayes, motion carried.

Attorney Rullo noted for the record that on February 5, 2016, Council held an Executive Session in Somerset at his office to discuss litigation issues.

B. Planning and Zoning Report:

1. Appoint Member to the Planning Commission – Morgese made a motion to appoint Tom Wozniak to a four (4) year term on the Indian Lake Borough Planning Commission, term to expire on December 31, 2019. St. Clair seconded the motion. All ayes, motion carried.

2. Proposed Changes to Zoning Ordinance No. 144 – Hanson made a motion to authorize Attorney Rullo to advertise the proposed changes to Zoning Ordinance No. 144 as presented and to advertise the public hearing for March 9th at 5:30 PM. Hollern seconded the motion. All ayes, motion carried.

Proposed Change to Length of Boat Houses – Hanson made a motion to incorporate the recommended change to the length of a boat house to be 40 feet. Dewar seconded the motion. All ayes, motion carried.

Hanson made a motion to amend the previous motion for the advertisement and public hearing to include the additional change to the boat house length. Dewar seconded the motion. All ayes, motion carried.

C. Dam Report – Hanson reported that the piezometer readings are back to normal.

D. Police Report: Mayor Miscoe reported that the police had 326 calls for the month of January and the majority of those calls were security checks. Miscoe noted that all the officers have completed their update classes.

1. Ratify the Sale of the 2008 Ford Expedition – St. Clair made a motion to ratify the action taken for the sale of the 2008 Ford Expedition in the amount of \$5,000.00 through the Municibid Auction site. Hanson seconded the motion. All ayes, motion carried.

9. Old Business: None.

10. New Business:

A. Encroachment Permits – Hanson made a motion to request that the Planning Commission look at removing the encroachment permit regulation from Zoning Ordinance No. 144 since this is regulated by the Department of Environmental Protection. St. Clair seconded the motion. All ayes, motion carried.

B. Somerset County Boroughs Association-Appointment of Director to the Association – Hanson made a motion to appoint Michael Miscoe as the Borough's Director to the Somerset County Boroughs Association. Shimer seconded the motion. All ayes, motion carried

Hanson made a motion to move into Executive Session to discuss potential litigation and personnel matters at 6:47 P.M. Hollern seconded the motion. All ayes, motion carried.

At 9:30 P.M. Council returned to Regular Session

St. Clair made a motion to dismiss David Smith effective 2-11-16, his services are no longer required. Dewar seconded the motion. 6 ayes and 1 naye. Motion carried.

Hanson made a motion to authorize Lynn Shimer to execute the LCT Memorandum of Understanding as presented. St. Clair seconded the motion. All ayes, motion carried.

Hanson made a motion to engage Alfred Guisepe, of the SSM Group, who was the author of the Source Water Protection Study delineations, to do an independent review of any deep mine contemplation to ensure that it will have no impact upon the Borough's recreational lake as well as engaging him as a potential witness as the Source Water Protection author in the event the settlement is not completed and the hearing goes on as scheduled at the rates set forth in the engagement letter. Hollern seconded the motion. 6 ayes and 1 naye. After a discussion, Hanson withdrew this motion from the table.

Hanson made a motion to authorize Attorney Rullo to engage Alfred Guisepe, of the SSM Group, as a potential expert witness at the rates set forth in the engagement letter dated January 28, 2016, for all things regarding the LCT Appeal. Dewar seconded the motion. All ayes, motion carried.

Hanson made a motion to table any decision on retaining SSM Group for the deep mine aspects based on further evaluation. Hollern seconded the motion. All ayes, motion carried.

With no further business to discuss, Morgese moved and Hollern seconded to adjourn the meeting at 9:50 P.M. All ayes, motion carried.

The next regularly scheduled meeting of the Indian Lake Borough Council will be held on March 9, 2016 at 6:00 P.M. at the Indian Lake Borough Building.

Respectfully submitted,

Theresa L. Weyant
Borough Manager