

MINUTES  
INDIAN LAKE BOROUGH COUNCIL MEETING  
JUNE 10, 2015

The regularly scheduled meeting of the Indian Lake Borough Council was held on June 10, 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  
David Wood, Zoning Officer  
Daniel Rullo, Solicitor

THOSE ABSENT:

Scott Hollern

Visitors – Ronald Petrina, Tom O’Toole and Robert Oates.

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 May 13, 2015 - 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.

Hanson informed Council that Dewar did sign the long term financial agreement with Somerset Trust Company on May 15, 2015.

2. Financial Reports - Hanson made a motion to approve the Borough’s Financial Reports and to pay the outstanding bills. St. Clair seconded the motion. All ayes, motion carried.

Hanson made a motion to approve the Water Works Financial Reports and to pay the outstanding bills. Dewar 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, Tom O’Toole and Robert Oates.

4. Dave Wood’s May Report of Building Permits Issued. Council requested that Wood also put the lot name and number on the report so they know where the work is being done. Marhefka questioned Wood as to what is being done on Joshua Probst’s property located at 899 Huckleberry Highway directly across from the Entrance Drive of Indian Lake. Wood stated that he would check into it.

Evan Jones-Variance Request for Fence - Attorney Rullo informed Council that he discussed with Attorney Williams that Council was willing to consider taking action to authorize a refund of Mr. Jones’s Zoning Hearing Board Filing Fee if he was granted a dimensional variance.

Ronald Petrina stated that David Erimias built 15 feet of his sea wall onto Borough property and that the Borough agreed to allow him to continue using the sea wall, however, he was not permitted to place his dock nor his boat on Borough property. Mr. Erimias has his boat encroaching on the Borough's 25 feet and he has requested numerous times that the Zoning Officer enforce the Borough's rules and regulations to make Mr. Erimias keep his boat on his own property. Wood stated that there are no property markers that he can find and both Mr. Snyder and himself have been down here numerous times measuring and depending if you measure from the right or the left he might or might not be encroaching on Borough property. Wood has informed both Mr. Erimias and Mr. Petrina that they should get it surveyed to find out exactly where the property lines are, without property markers he has no way of verifying whether or not Mr. Erimias is in violation. Council stated that the Zoning Officer should measure from where Mr. Erimias's sea wall starts and measure out 25 feet and the other 15 feet would be the Borough's.

5. Legal Report:

A. David Rohrich Challenge to Ruling/Septic – Rullo informed Council that the Commonwealth Court sent an order that the Notice of Appeal shall be submitted on briefs, without oral argument.

B. John Oliver Zoning Hearing Board Appeal Update – Attorney Rullo informed Council that Judge Klementik heard arguments on April 17<sup>th</sup> at 1:30 PM and this matter is now under advisement.

C. Update on the Complaint on the Condition of Donald Wolf's Property, Seneca 411 – Attorney Rullo stated that he has spoken with the Office Manager for District Magistrate Mankamyer and she expects this matter to be scheduled either at the end of July or the beginning of August.

D. Update on the Complaint on Donald Mateer's Property, Cayuga 147 - Attorney Rullo stated that he has spoken with the Office Manager for District Magistrate Mankamyer and she expects this matter to also be scheduled either at the end of July or the beginning of August.

E. Lawrence J. Crespo Civil Action Hearing – Attorney Rullo stated that the Borough does have a judgement against Mr. Crespo, which probably won't be collected. There is a lien on his assets, so when he tries to sell something than this matter will have to be dealt with.

F. LCT Energy – Attorney Rullo informed Council that a conference with the Environmental Hearing Judge was held and he issued an order scheduling a hearing for March 22<sup>nd</sup>, 23<sup>rd</sup>, and 24<sup>th</sup>, 2016, in Pittsburgh. A request has been made to hold the hearing at the Somerset County Court House. The Judge has extended the discovery time until November 30, 2015. Attorney Rullo has submitted a request for documents and interrogatories and once those documents are received depositions will be taken.

6. Committee Reports:

A. Finance Report:

1. Stonycreek Valley Development Corp-Dam Assessment – Morgese informed Council that he has spoken with Larry Rosage, President of the Lake Stonycreek Development Corp., about the assessment charges and has heard nothing back from him.

B. Road Report:

1. Open 2015 Paving Bids - Bids for the Paving were opened and quotes were as follows:

HRI, Inc.	\$192,689.00
New Enterprise Stone & Lime Co.	\$207,041.95

St. Clair made a motion to accept the bid from HRI, Inc., in the amount of \$192,689.00. Hanson seconded the motion. All ayes, motion carried.

C. Police Report – Mayor Miscoe reported that the police had 193 calls for the month of May and the majority of those calls were security checks and 41 boat inspections. Officers Kistler and Rigby have completed their lake orientation. The police cruiser was professionally detailed and the patrol boat was cleaned by the Marina and put into service on Memorial Day. UCR reported have been completed. Officer Jacobs, Kistler and Rigby have all requalified with their duty weapons. Mayor Miscoe informed Council that he did order the officers new polo shirts and hats.

Hanson stated that the Police Fax line is the only telephone line that the Borough still has with Verizon. Comcast has put in the jack for this line, the Borough just needs to run the telephone line to the box and disconnect the Verizon jack and replace it with Comcast. Mayor Miscoe stated that he will check with Officer Rigby to see if he can run the line.

St. Clair made a motion to authorize the Borough Manager to open the stone aggregate bids on June 17<sup>th</sup> and to award the contract to the lowest bidder. Dewar seconded the motion. All ayes, motion carried. Mayor Miscoe and/or Robert Hanson will be here and they will also look at the police phone line at that time.

D. Environmental Report:

1. Calendar’s Run – Shimer reported that the Borough Permit Application has made it to Chuck Colbert’s desk from the Department of Environmental Protection, so it should be issued shortly.

2. 2015 Weed Treatment Agreement - The weed treatment dates have been set for Monday, June 22<sup>nd</sup>, Tuesday, June 23<sup>rd</sup>, and Wednesday, June 24<sup>th</sup>. St. Clair made a motion to execute the agreement with William Kirkpatrick, the Aquatic Biologist, to do the herbicide treatment of the lake for a cost not to exceed \$45,000.00. Morgese seconded the motion. All ayes, motion carried.

3. Somerset Rural Electric Right-of-Way- Agreement – Attorney Rullo informed Council that he was unable to obtain a copy of the right-of-way agreement that the Borough has with Somerset Rural Electric. Rullo has contacted their solicitor to obtain a copy through him.

E. Dam Remediation Report – Hanson informed Council that Sean Isgan, from CME Engineering, is recommending that the Borough have the toe drains cleaned out and inspected and he will get a quote to have that work completed.

F. Parks and Recreation – Morgese stated that this committee will be meeting on Monday, June 19<sup>th</sup> at the Borough Office

7. Old Business: – Marhefka stated that the Borough Office needs repainted as well as the doors and the windows and also the door at the pole building is all rusted and would like something done with that also.

8. New Business

9. Public Comment:

With no further business to discuss, Morgese moved and Dewar seconded to adjourn the meeting at 8:41 P.M. All ayes, motion carried.

The next regularly scheduled meeting of the Indian Lake Borough Council will be held on July 8, 2015 at 7:00 P.M. at the Indian Lake Borough Building.

Respectfully submitted,

Theresa L. Weyant  
Borough Manager