

MINUTES  
INDIAN LAKE BOROUGH COUNCIL MEETING  
JULY 8, 2015

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

THOSE PRESENT:

Lynn Shimer, President  
Patricia Dewar  
Robert Hanson  
Scott Hollern  
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:

Visitors – Carl Chapman, Forrest Schucker, Ronald Petrina, Eric Kieta, Richard Stern and Jeff Carey.

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 June 10, 2015 - Shimer asked for additions and/or corrections. There being none, St. Clair 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. 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. Hollern seconded the motion. All ayes, motion carried.

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

3. Welcome Visitors - Carl Chapman, Forrest Schucker, Ronald Petrina, Eric Kieta, Richard Stern and Jeff Carey.
4. Jeff Carey-Road Access to Peninsula Estate Lot #303 off of East Fairway Road – Jeff Carey informed Council that he purchased Peninsula Estate Lot #303 from PBS Coal Company. According to the Borough Map, there is a road, which goes to his property, but the road isn't there and would like Council to put the road in so that he has access to his property. Council informed Mr. Carey that the Borough will not be putting in a road until a residence is built on one of those lots.
5. Dave Wood's June Report of Building Permits Issued. Morgese questioned Wood if he looked into 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 Mr. Probst was issued a permit to construct an addition to the house and he has dug a hole for the garage but hasn't applied for a permit yet nor has any work been started on the garage.

Shimer questioned Wood if he does any follow ups on the building permits after they are issued? Wood stated that he does

## 6. Legal Report:

A. David Rohrich Challenge to Ruling/Septic – Rullo informed Council that the Commonwealth Court will take the appeal based on the submitted briefs and there will be no oral arguments.

B. Update on the Complaint on the Condition of Donald Wolf's Property, Seneca 411 – Attorney Rullo stated that he expects this matter to be scheduled in August before District Magistrate Mankamyer.

C. Update on the Complaint on Donald Mateer's Property, Cayuga 147 - Attorney Rullo stated that he expects this matter to be scheduled in August before District Magistrate Mankamyer.

D. Karl Denison, Peninsula 1673 Dilapidated Boat House – Attorney Rullo informed Council that he has prepared a violation notice to Mr. Denison and if he receives no response within ten (10) days a civil complaint will be filed with District Magistrate Mankamyer. Shimer informed Council that Mr. Denison has cleaned up and removed the dilapidated boat house and the only thing left is the foundation. Dave Wood stated that he would go over to Mr. Denison's property tomorrow and verify that everything has been taken care of and would follow up with Attorney Rullo.

Shimer questioned Wood if Mr. Denison was in violation on the deck he has on his house, it has no railing on it and it is on the second story. Wood stated that he would follow up on this matter.

E. Richard Bradfield, Mohawk 460 – Attorney Rullo stated that he received a written complaint from James Lyons regarding the condition of Mr. Bradfield's property. Dave Wood stated that Mr. Bradfield has a crew working over there to take care of this. Attorney Rullo noted that he has prepared a complaint for Mr. Bradfield for creating a public nuisance but will hold off filing the complaint. Rullo requested that Mr. Wood follow up with him as to whether or not the matter is taken care of and if the property is not cleaned up than he will file the complaint.

F. 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. Council agreed that no further action should be taken at this time to try to collect the judgement; the Borough will address this matter whenever Mr. Crespo tries to sell something.

Shimer informed Council that he will contact the local Wildlife Conservative Officer to see who the Borough can use for the Goose Management Program next year.

G. Somerset REC Right-of-Way Agreement – Council asked Attorney Rullo to schedule a meeting with Somerset REC to discuss the Right-of-Way Agreement.

H. David Erimias – Attorney Rullo stated that if Dave Wood needs any assistance with handling the David Erimias matter, he can write a letter to Mr. Erimias.

I. Evan Jones, Chickasaw 142-Zoning Hearing Board Appeal – Attorney Rullo informed Council that the Zoning Hearing Board voted 2 to 1 to grant Mr. Jones's variance request for his fence.

Hanson made a motion to refund Mr. Jones Zoning Hearing Board fee less the expenses with the exception of the attorney fees. St. Clair seconded the motion. All ayes, motion carried.

## 7. Committee Reports:

### A. Finance Report:

1. Shanksville Volunteer Fire Department – Request for Donation or a Raffle Basket – The Shanksville Volunteer Fire Department is requesting either a basket for their basket raffle to be held at the annual community picnic or a donation. The Finance Committee is recommending that the Borough donate \$100.00. Hanson made a motion to donate \$100.00 to the Shanksville Volunteer Fire Department for their basket raffle. Hollern seconded the motion. All ayes, motion carried.

B. Road Report:

1. Ratify the Awarding of the 2015 Stone Aggregate Bids – Council requested that Attorney Rullo write a letter to Garrett Limestone requesting clarification that the AASHTO #8's are 100% washed. Council would like a written guarantee before awarding the contract for that line item.

St. Clair made a motion to ratify awarding the bid for the 2RC Material, AASHTO #3, AASHTO #1, and AASHTO #57 to Garrett Limestone. Hollern seconded the motion. All ayes, motion carried.

Hanson made a motion to table awarding the contract for the washed AASHTO #8 until this matter is clarified. Hollern seconded the motion. All ayes, motion carried.

St. Clair made a motion that pending clarification that the AASHTO #8's is 100% washed, the contract will be awarded to Garrett Limestone. Hanson seconded the motion. All ayes, motion carried.

C. Police Report – Mayor Miscoe reported that the police had 204 calls for the month of June and the majority of those calls were security checks and 34 boat inspections. Officer Rigby was certified to use the taser. The UCR reports were completed and the Acutrak stop watches were calibrated and certified. Beau Rigby finished his internship and worked a total of 309 hours with the department.

D. Personnel Report:

1. Thomas J. Anderson – 2015 Act 205 Actuarial Valuation Report – Dewar made a motion to accept the 205 Actuarial Valuation Report as prepared by Thomas J. Anderson and to authorize the Council President to execute the documents. Hanson seconded the motion. All ayes, motion carried.

E. Environmental Report:

1. Calendar's Run – Shimer reported that Chuck Colbert, from the Department of Environmental Protection, was getting ready to advertise the Borough's Permit Application in the PA Bulletin. He has a call into Mr. Colbert but has heard nothing back from him.

F. Water and Sewer Report – There has been some comments made that the Borough's drinking water is disastrous and substandard. The Borough's drinking water is safe for drinking. Council is aware of some water quality issues that the Borough has due to the 4 log rule. There are primary contaminants, which effect health and safety, and secondary contaminants, which are considered to be aesthetic such as odor and color. The Borough's water quality issues are with secondary contaminants, which is iron and manganese.

Council knows that something needs to be done, and they want to explore all their options such as using the lake as our reservoir, filtration systems, and speaking with the General Authority about tying into the Quemahoning pipeline. Council doesn't want to spend money on a water system that they might be abandoning when the money might be better spent tying into another water system or water source. These are things that the Council is studying and evaluating.

G. Planning/Zoning Report – Hanson noted that the Planning Commission is reviewing the tree cutting requirements and depth and length of boat houses.

8. 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.

9. New Business

A. Neighborhood Electrical Vehicles (NEVs) – Mayor Miscoe requested that Council consider adopting an ordinance that would permit the operation of licensed and insured NEVs that conform to the requirements. The vehicle code has been amended to allow NEVs on roadways that are posted less than 25 mph and for roadways posted 25 to 35 mph, it is up to the municipality to adopt such ordinance that permits them to be on the roadways. Hanson stated that he would prepare a draft ordinance to present to Council to consider.

Rope Swings – Shimer stated that there is a 12 or 14 foot aluminum boat that is now tied up by the new rope swing, which is located on Mr. Raymond’s property, and it does not have any valid licenses on it. Shimer requested that the police department get this boat out of the water; it is not Mr. Raymond’s boat. Shimer noted that he has spoken with Mr. Raymond and Cyndi Iseman and neither resident knew the rope swings were up nor do they want people trespassing on their property, so the police department needs to keep a close eye on this area.

10. Public Comment:

Forrest Schucker asked if the lake would be lowered in the fall. Council decided that the lake would be lowered in the fall whether or not the permits were issued for the Calendar’s Run Project in order for residents to work on their lake fronts.

Hanson made a motion to move into Executive Session to discuss potential litigation and personnel matters at 9:02 P.M. Hollern seconded the motion. All ayes, motion carried.

At 9:53 P.M. Council returned to Regular Session

St. Clair made a motion to authorize Attorney Rullo to file an appeal with the Commonwealth Court on the John Oliver ruling unless a resolution can be reached. Dewar seconded the motion. All ayes, motion carried.

With no further business to discuss, Hanson moved and Hollern seconded to adjourn the meeting at 9:54 P.M. All ayes, motion carried.

The next regularly scheduled meeting of the Indian Lake Borough Council will be held on August 12, 2015 at 7:00 P.M. at the Indian Lake Borough Building.

Respectfully submitted,

Theresa L. Weyant  
Borough Manager