

MINUTES  
INDIAN LAKE BOROUGH COUNCIL MEETING  
AUGUST 12, 2015

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

THOSE PRESENT:

Lynn Shimer, President  
Robert Hanson  
Scott Hollern  
Robert Marhefka  
Curtis Morgese  
Michael D. Miscoe, Mayor  
Theresa L. Weyant, Borough Manager  
David Wood, Zoning Officer  
Daniel Rullo, Solicitor

THOSE ABSENT:

Patricia Dewar  
Terry St. Clair

Visitors – Myles Stepanovich, Richard Stern, Tom O’Toole, Chris Meyer, Ronald Petrina, Lettie Kennedy, Greg Maust, Carl Chapman, and Eric Kieta.

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 July 8, 2015 - Shimer asked for additions and/or corrections. There being none, Hanson 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. 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.

3. Welcome Visitors - Myles Stepanovich, Richard Stern, Tom O’Toole, Chris Meyer, Ronald Petrina, Lettie Kennedy, Greg Maust, Carl Chapman, and Eric Kieta.

4. Myles Stepanovich, Peninsula 385 – Damage Being Done to his Property Due to the New Park Area in Shoshone Park – Mr. Stepanovich stated that he has had damage done to his boat cover on his boat by people who are accessing the peninsula, which is directly in front of his property, through Shoshone Park. These people are using profanity and throwing rocks at the residents’ boats along this area and something needs to be done about this situation. Council advised Mr. Stepanovich that they have purchased two (2) more “No Trespassing” signs to be placed along that area. Also whenever objectionable activity is seen, call 911 and have the police officers dispatched to this area and take pictures of the people and/or the vehicles, so that the offenders can be identified.

5. Public Comment:

Ronald Petrina questioned if a letter was ever sent to David Erimias regarding the boat dock issue in Pawnee Park? Attorney Rullo stated that he will follow up with David Wood, Zoning Officer, and will send a letter informing Mr. Erimias that his boat needs to be moored clearly on his property and not encroaching on the Borough’s 25 feet.

Ronald Petrina stated that someone needs to take David Wood out on the lake on a boat because there are a lot of boat docks that are unsafe and dilapidated and something needs to be done about these. Mayor Miscoe stated that he would take Mr. Wood out on the lake to do a tour.

6. Dave Wood's July Report of Building Permits Issued. Attorney Rullo informed Council that Richard Bradfield, located at Mohawk 460, has made a good faith effort and is getting his property cleaned up. Council would like David Wood to communicate with Mr. Bradfield that he needs to continue with his good faith effort until his property is cleaned up or the Borough will file a complaint with the District Magistrate.

Shimer would like David Wood to follow up on the Joshua Probst's property located at 899 Huckleberry Highway. The garage has been completed and Council has not seen on his monthly reports that a permit was issued for said garage. Also, a new septic tank was installed and was a permit ever issued for that work?

7. Legal Report:

A. John Oliver Zoning Hearing Board Appeal Update – Attorney Rullo informed Council that his matter has been appealed to the Commonwealth Court. A potential settlement proposal has been submitted to Mr. Oliver but to date Attorney Rullo has heard nothing back.

B. Update on the Complaint on the Condition of Donald Wolf's Property, Seneca 411 – Attorney Rullo informed Council that the hearing has been scheduled for September 3<sup>rd</sup> at 9:00 AM before District Magistrate Mankamyser.

C. Update on the Complaint on Donald Mateer's Property, Cayuga 147 - Attorney Rullo informed Council that the hearing has been scheduled for September 3<sup>rd</sup> at 9:00 AM before District Magistrate Mankamyser.

D. Somerset REC Right-of-Way Agreement – Attorney Rullo has not scheduled a meeting with Somerset REC to discuss the Right-of-Way Agreement yet.

8. Committee Reports:

A. Finance Report:

1. Stonycreek Valley Development Corporation Bill – Hanson made a motion to remove this matter from the agenda. Morgese seconded the motion. All ayes, motion carried.

B. Road Report:

1. Awarding of the Washed AASHTO No. 8 Stone – Council received a letter from Garrett Limestone Company stating that the washed AASHTO #8 stone is PA State certified to meet the certification required for washed stone. Hanson made a motion to award the bid for the washed AASHTO No. 8 to Garrett Limestone. Morgese seconded the motion. All ayes, motion carried.

C. Police Report:

1. Ratify the Hiring of Part-Time Police Officer Jerry Bellak – At this time, Mayor Miscoe introduced Jerry Bellak to Council. Hanson made a motion to ratify the hiring of Jerry Bellak as a part-time police officer and OIC, at a starting salary of \$15.00 per hour. Morgese seconded the motion. All ayes, motion carried.

Mayor Miscoe reported that the police had 229 calls for the month of July and the majority of those calls were security checks and 34 boat inspections. Miscoe reported that Officer Rigby filed the decertification papers with the PA Labor Relations Board and the notice has been posted in the department.

A steel wheeled tractor came into the Borough and they were using this vehicle as a personal conveyance and a citation was issued by report and a hearing was held before Judge Mankamyser. Even though the judge acknowledged the fact that the use at the time was not within the definition of "implementation of husbandry" she did find the individual not guilty. Miscoe did check with Penn Dot and if the Borough would pass an ordinance prohibiting steel wheeled vehicles, the Borough would lose their state liquid fuels allotment.

Hanson questioned as to what makes Indian Lake Borough different or unique from any other community in Pennsylvania as far as steel wheeled vehicles on roadways Hanson made a motion to table any further discussion on this issue until Attorney Rullo can give Council a fundamental explanation as to why this should be a unique problem to Indian Lake Borough. Attorney Rullo stated that there is nothing unique about the Borough; the Borough would be the same as any other municipality in the Commonwealth.

Hanson made a motion to authorize the purchase of a bullet proof vest for Officer Bellak. Hollern seconded the motion. All ayes, motion carried.

Hanson made a motion to issue a 2015 boat license to Jerry Bellak, part-time police officer, at no charge for the remainder of the 2015 boating season. Hollern seconded the motion. All ayes, motion carried.

D. Environmental Report:

1. Calendar's Run – Shimer reported that Chuck Colbert, from the Department of Environmental Protection, informed him that the biologist is reviewing our permit application. Gavin Guarino, from G Force, also contacted Mr. Colbert and was told that it was on his desk and it will take a month before he will be able to review it.

2. Lake Draw Down Date – Council stated that they will start lowering the lake on October 31, 2015.

E. Water and Sewer Report:

1. Water Issues on Well #2 Side – Hanson informed Council that the Borough needs help on addressing the water issues on Well #2 and he has spoken with Somerset Planning and Engineering and they will be providing the Borough with an engagement proposal for the scope of work.

F. Planning/Zoning Report – Hanson noted that the Planning Commission is still reviewing the tree cutting requirements.

G. Dam Remediation Update:

1. Drainage Pipe Video Inspection – On July 28<sup>th</sup> GAP, Inc. of Johnstown did a video inspection of the transverse drainage pipes. The inspection revealed no debris or water and no blockage was discovered and CME sees no need to proceed with pipe cleaning. The video inspection did show that that drawings, as prepared by GAI Consultants, were wrong and the pipes are perforated not smooth as originally thought.

Hanson noted that CME Engineering will be going back to their routine inspections.

9. Old Business: – Marhefka provided each Council Member with a list of work that he feels needs done to the Borough Office.

10. New Business

Morgese made a motion to move into Executive Session to discuss potential litigation at 9:10 P.M. Hollern seconded the motion. All ayes, motion carried.

At 10:22 P.M. Council returned to Regular Session

With no further business to discuss, Hanson moved and Hollern seconded to adjourn the meeting at 10:22 P.M. All ayes, motion carried.

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

Respectfully submitted,

Theresa L. Weyant  
Borough Manager