

MINUTES  
INDIAN LAKE BOROUGH COUNCIL MEETING  
SEPTEMBER 9, 2015

The regularly scheduled meeting of the Indian Lake Borough Council was held on September 9, 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 – Richard Stern, Carl Chapman, Tom O’Toole, Robert Oates and Gregg Fidler.

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 August 12, 2015 - Shimer asked for additions and/or corrections. There being none, Hanson made a motion to approve the minutes as submitted. St. Clair 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 including the additional outstanding bills to Barbera, Clapper, Beener, Rullo and Melvin, in the amount of \$5,423.52. 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. 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 - Richard Stern, Carl Chapman, Tom O’Toole, Robert Oates and Gregg Fidler.
4. Public Comment – None.
5. Dave Wood’s August Report of Building Permits Issued. Shimer asked Wood if Mr. Probst’s was ever issued a building permit for his garage that he built on his property located at 899 Huckleberry Highway. The garage has been completed and Council has not seen anything listed on his monthly reports that a permit was issued for said garage. Wood stated that he did issue the building permit and would pull the permit for him to review.

6. Correspondence:

A. Somerset County Boroughs Association-September Dinner Meeting – The Somerset County Boroughs Association September Dinner Meeting will be held on Thursday, September 17, 2017, at 6:30 PM at the Morguen Tool Company in Meyersdale. The cost is \$22.00 per person. Shimer and Hanson might be able to attend but they will leave the Borough Secretary know for sure tomorrow.

B. CME Engineering-DEP Joint Permit Application for Boat Dock for James T. Schwadron, located at Ottawa 125 - CME Engineering has submitted a copy of the application for a Joint Permit Application for the construction of a boat dock for James T. Schwadron on Ottawa 125, which has been submitted to the Department of Environmental Protection. The Borough has thirty (30) days from date of receipt of this letter to submit any comments concerning this project. At this time, Council had no comments or concerns.

## 7. Committee Reports:

### A. Finance Report:

1. Thomas J. Anderson & Associates - 2016 MMO for Pension Plan - Hanson made a motion to accept the 2016 Financial Requirement and Minimum Municipal Obligation for the pension plan in the amount of \$9,484.00, as prepared by Thomas J. Anderson & Associates and to authorize the Council President to sign all the associated documents pertaining to the 2016 Financial Requirement and Minimum Municipal Obligation. Dewar seconded the motion. All ayes, motion carried.

2. 2015 Audit Proposal - Morgese made a motion to appoint Joseph Scansaroli, Certified Public Accountant, as the auditing firm for Indian Lake Borough for the year 2015, for \$6,000.00 and to authorize the Council President to sign the commitment letter. Hanson seconded the motion. All ayes, motion carried.

## 8. Legal Report:

A. Update on the Complaint on Donald Mateer's Property, Cayuga 147 - Attorney Rullo informed Council David Wood attended the hearing that had been scheduled before District Magistrate Mankamyer on September 3<sup>rd</sup>. Both parties worked out an arrangement and Mr. Mateer has two (2) weeks to cut the grass and bushes, fix the garage door and to get the outside of the property cleaned up.

B. David Rohrich Challenge to Ruling/Septic – Attorney Rullo informed Council that Mr. Rohrich lost his appeal to the Commonwealth Court. Attorney Rullo has notified Sean Isgan, from CME Engineering, who is the Borough's Sewage Enforcement Officer, of the decision. Mr. Rohrich can appeal to the Supreme Court, but it is Attorney Rullo's understanding that Mr. Rohrich is trying to make arrangement to bring the garage into compliance.

C. Update on the Complaint on the Condition of Donald Wolf's Property, Seneca 411 – Attorney Rullo informed Council that Mr. Wolf did not pick up his Certified Letter and consequently the hearing date scheduled for September 3<sup>rd</sup> had to be postponed and he will need to be served directly by the Constable. The Borough will need to send a check to the District Magistrate for the added Constable Fees to have him served.

D. LCT Energy – Attorney Rullo informed Council that he did receive the answer to the interrogatories.

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

F. David Erimias, Boat Dock Issue – Attorney Rullo informed Council that he did write a letter to Mr. Erimias requesting that when his dock is reinstalled next boating season that the dock as installed would be totally within his own access and not on the Borough's right-of-way. He also encouraged Mr. Erimias to meet with the Borough's Zoning Officer, who could assist him with the appropriate place in which the dock could be reinstalled.

## 9. Committee Reports:

### A. Police Report:

Mayor Miscoe reported that the police had 212 calls for the month of August and the majority of those calls were security checks. Miscoe reported that patrol boat is having problems with the alcohol free fuel. Morgese suggested putting a can of Sea Foam additive in the gas tank to help deal with moisture and clean the carburetors.

Mayor Miscoe informed Council that he received a notice from the PA Labor Relations Board of a pre-hearing telephone conference on Wednesday, September 30<sup>th</sup> at 11:00 am. Council asked that Attorney Rullo represent the Borough in this matter. Attorney Rullo stated that he would enter a notice of his appearance at the pre-hearing telephone conference.

Marhefka question Miscoe about the bill to the Indian Lake Marina for the new prop in the amount of \$674.88. Miscoe stated that this was a bill from the spring, to replace the prop that came up missing. Miscoe asked the Borough Manager to contact Indian Lake Marina regarding the bill, the Borough should have been charged for an aluminum prop not a stainless steel prop.

Mayor Miscoe stated that the Police handled an incident regarding a Drone that was harassing a resident on the lake. This matter has been resolved, however, Council might want to consider adopting an Ordinance regulating the use of Drone's in the Borough. At this time, Council did not want to pursue this issue.

B. Environmental Report:

1 2015 Fish Stocking Program – Hanson made a motion to contribute \$3,000 towards the 2015 fish stocking program. Morgese seconded the motion. All ayes, motion carried.

C. Water and Sewer Report:

1. Department of Environmental Protection- Notice of Violation for Well 991, Zone 1 – Hanson reported that the Borough received a violation notice on Well 99-1, in Zone 1. DEP regulations require that any well put into service after 1995, the Borough has to own or substantially control through deed restriction or other method acceptable to the Department of Environmental Protection, the Zone 1 Wellhead Protection Area in order to prohibit activities within the Zone 1 that may have potential adverse impact on the source quality or quantity. For Well 99-1 that area is a 137 foot radius.

There are two (2) lots in the Wellhead Protection Area; one (1) lot is owned by PBS Coals and the other lot is owned by John Weir. Inside the Zone 1 boundary on the property that is owned by John Weir is a sand volleyball court. On the property that is owned by PBS Coals is a picnic pavilion/shelter, which has 6 or 7 barbeque grills with propane tanks and a few spare propane tanks, a lawn tractor and lawn mower with a gas can, and there is also an enclosed locked shed on the end of the picnic shelter and the Borough does not have a key for that building to access it to see what is being stored there.

The Borough has approximately thirty (30) days to come up with an Action Plan that will demonstrate that we own or substantially control through deed restriction, or other method such as an Ordinance, etc. all of Zone 1. Attorney Rullo will coordinate a meeting with John Weir and he will also look into the matter of the PBS lot and whether or not it was ever deeded over to the Borough.

2. The Eads Group-Revised Right-of-Way and Easement Agreement for the Lake Stonycreek Sewer Project – Hanson made a motion to authorize the Council President and/or the Borough Secretary to execute the Revised Right-of-Way and Easement Agreement for the Lake Stonycreek Sewer Project as prepared by the Eads Group. St. Clair seconded the motion. All ayes, motion carried.

Hanson informed Council that the Eads Group approached Attorney Rullo inquiring if the Borough was still interested in them including a provision in the contract specifications to determine the cost for the increase in pipe size to accommodate Indian Lake Borough's sewage flow in the future. Hanson reconfirmed that the Borough was.

D. Parks and Recreation – Morgese reported that the picnic bench is in. Two (2) grills have been ordered and they are here, the committee is looking for volunteers to install them.

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

11. New Business – Hanson informed Council that the Water Committee is in the process of getting engineering proposals for the Borough's water issues. So far the committee has received proposals from Nichols & Slagle Engineering, Inc. and Somerset Planning & Engineering. Hanson is meeting with Gibson-Thomas Engineering tomorrow.

Shimer asked for input from Council as to what is the best way to dispense information to the community between meetings. Gaye's e-mail list, e-news, the Borough's Website, the Smoke Signals, and any media that is available to the Borough should be utilized. St. Clair also suggested that the Borough put together a list of the different e-mail lists, websites, etc. that are out there so new residents know about them and where they can go to get information.

With no further business to discuss, Morgese moved and Dewar seconded to adjourn the meeting at 9:02 P.M. All ayes, motion carried.

The next regularly scheduled meeting of the Indian Lake Borough Council will be held on October 14, 2015 at 7:00 P.M. at the Indian Lake Borough Building.

Respectfully submitted,

Theresa L. Weyant  
Borough Manager