

MINUTES  
INDIAN LAKE BOROUGH COUNCIL MEETING  
SEPTEMBER 14, 2016

The regularly scheduled meeting of the Indian Lake Borough Council was held on September 14, 2016 at 6:00 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  
Daniel Rullo, Solicitor  
Theresa L. Weyant, Borough Manager  
David Wood, Zoning Officer  
Jerry Bellak, Police Chief

THOSE ABSENT:

Scott Hollern

Visitors – Don and Gay Reed, Myles Stepanovich, Brandon Mick, Richard Stern, Tom O’Toole, and Marc Alaia.

The meeting was called to order at 6:05 P.M. by Lynn Shimer, Council President.

ORDER OF BUSINESS

1. Financial Reports - Hanson made a motion to approve the Borough’s Financial Reports and to pay the outstanding bills. Dewar 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. 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.

Hanson made a motion to ratify the approval of paying the August 2016 outstanding bills. Morgese seconded the motion. All ayes, motion carried.

2. Welcome Visitors - Don and Gay Reed, Myles Stepanovich, Brandon Mick, Richard Stern, Tom O’Toole, and Marc Alaia.

3 Public Comment – None.

4. Dave Wood’s August Report of Building Permits Issued.

Attorney Rullo informed Council that he is handling the Richard Bradfield estate on Mohawk 460. The family wants to sell the house at an auction and it has been discovered that a sunroom was constructed without a permit and it does not meet the set-back requirements from the lake and it is in violation of the Zoning Ordinance. Attorney Rullo would like to apply for a variance before the Indian Lake Borough Zoning Hearing Board but wants to make sure that Council does not feel that there would be a conflict of interest if he applies for the variance on behalf on Mr. Bradfield’s estate. Council did not see any conflict since the Indian Lake Zoning Hearing Board has their own solicitor, therefore Hanson made a motion that Council consider Attorney Rullo’s action of good faith, the Indian Lake Zoning Hearing Board retains their own solicitor and on that basis this is not considered a conflict of interest. St. Clair seconded the motion. All ayes, motion carried.

Attorney Rullo informed Council that he represents a client who was cited by the Indian Lake Borough Police Department for a dog law violation in the Borough and for disorderly conduct. This client has asked him to represent him in connection with the dog law violation and the disorderly conduct charges should this go before District Magistrate Mankamyer. Council stated that they felt this would be a conflict of interest

5. Legal Report:

A. Update on the Complaint on the Condition of Donald Wolf's Property, Seneca 441 – Attorney Rullo reported that he has filed the Writ of Execution on the judgement and he is waiting to get that scheduled for sell.

B. Agreement Regarding the Capital Contribution with Stonycreek Township – Hanson made a motion to authorize the agreement with Stonycreek Township regarding the Capital Contribution and to remit the payment of \$100,000.00. Dewar seconded the motion. All ayes, motion carried.

C. Wellhead Protection Issue with Well 99-1 – Hanson stated that Council agreed to engage CME Engineering to do a survey of the Indian Lake Borough boundaries at Well 99-1, therefore it is Council's intention to move forward with the survey and Hanson made a motion to authorize CME to do the survey at a cost not to exceed \$10,000.00 with a budgetary figure of \$6,900.00. Dewar seconded the motion. All ayes, motion carried.

Marhefka stated that he has been receiving complaints about the Donald Wolf property, located at Seneca 441. Apparently someone is mowing the grass and putting the debris and kicking up garbage onto the neighbors' property.

6. Correspondence:

A. Somerset County Boroughs Association-September Dinner Meeting – The Somerset County Boroughs Association will be holding their September Dinner Meeting on Thursday, September 8<sup>th</sup> at 6:30 pm at the Indian Lake Lodge. The cost is \$22.00 per person. Dewar made a motion to authorize the expenditure of \$22.00 for Robert Hanson to attend the Somerset County Boroughs Association Dinner Meeting. Morgese seconded the motion. 5 ayes and 1 abstention, motion carried. St. Clair filed the abstention memorandum with the Borough Secretary.

B. Somerset County Municipal Newsletter and Grant Writing Seminar – The 2016 Somerset County Municipal Summit will be held on Wednesday, October 5<sup>th</sup> at the Somerset Volunteer Fire Department. The Municipal Summit will feature a grant writing workshop on the Fundamentals of Grant Writing. The cost is \$35.00 per person. No one to attend.

C. Insurance Service Office, Inc.- ISO Analysis – ISO has completed its analysis of the structural fire suppression delivery system provided to Indian Lake Borough. Effective December 1, 2016, the Borough's Public Protection Classification is 05/5X.

D. Indian Lake Marina-Proposed Enhancements to Marina – Council was not clear as to what exactly Mr. Alaia wanted to do such as i.e. where the lakeside dining/restaurant would be located on the property, what is it going to look like, parking issues, sewage. Hanson made a motion to defer this matter to the Indian Lake Borough Planning Commission. Dewar seconded the motion. All ayes, motion carried.

7. Committee Reports:

A. Finance Report:

1. Thomas J. Anderson & Associates-2017 MMO for Pension Plan - Dewar made a motion to accept the 2017 Financial Requirement and Minimum Municipal Obligation for the pension plan in the amount of \$9,671.00, as prepared by Thomas J. Anderson & Associates and to authorize the Council President to sign all the associated documents pertaining to the 2017 Financial Requirement and Minimum Municipal Obligation. Hanson seconded the motion. All ayes, motion carried.

B. Road Report: St. Clair reported that the Borough had to purchase new tires for the new back-hoe at a cost of \$1,772.00.

Modifications to Pole Building – Morgese made a motion to authorize the modifications to the pole building to accommodate the International Truck at a cost not to exceed \$3,000.00. Hanson seconded the motion. All ayes, motion carried.

St. Clair made a motion to authorize Mayor Miscoe to list the 1999 F-350 and the Grader for sale on Municibid. Hanson seconded the motion. All ayes, motion carried.

C. Police Report – Chief Bellak reported that the department had 2 burglaries, 3 boat inspections, 2 dog complaints, and 106 security checks. Total calls for the month were 131. The UCR Reports have been completed for the month. Chief Bellak has cleared the two burglaries and the stolen property was recovered and returned to the victims. Chief Bellak reported that there was water damage to the Police Office from a toilet that over flowed and this will be covered by the insurance company. The Borough does however have a \$500.00 deductible.

St. Clair made a motion to authorize the purchase of eight (8) “No Hunting Signs” to be placed at all the entrances into the Borough. Hanson seconded the motion. All ayes, motion carried.

St. Clair made a motion to authorize the purchase of two (2) signs for the “Police Department” at a cost of \$510.00. Hanson seconded the motion. All ayes, motion carried.

D. Environmental Report:

A. Calendar’s Run – Shimer reported that the Borough has asked and was given our last extension for the completion of the Borough’s application to have this finished up is October 31, 2016. Shimer has been working with Representative Metzgar’s Office and Brian Schimmel, the governmental liaison for the Southwest Regional Office of the Department of Environmental Protection, to schedule a meeting to see if the issues with this permit can get resolved.

B. Lake Draw Down – Hanson made a motion to not lower the lake in 2016. Morgese seconded the motion. All ayes, motion carried.

Myles Stepanovich, who resides at Peninsula 385, was attending tonight’s meeting on behalf of all the property owners who live along Calendar’s Run. The residents in that area wants to know what Council is going to do in that area to make that section of the lake usable next year. Council will investigate as to what reasonably could be done in this area without lowering the lake, to remove the silt in this area.

8. Old Business:

A. Craig Aber, Peninsula 1647-Sewage Maintenance Agreement – Hanson made a motion to authorize the execution of the PreDoc Operations and Maintenance Agreement as presented. Morgese seconded the motion. All ayes, motion carried.

9. New Business:

A. Repairs to Police Office – Hanson made a motion to accept the proposal from Mihalko’s General Contracting, in the amount not to exceed \$3,500.00, and to authorize the repairs to the police department’s office. St. Clair seconded the motion. All ayes, motion carried.

Hanson made a motion to move into Executive Session to discuss potential litigation and personnel matters at 8:05 P.M. Dewar seconded the motion. All ayes, motion carried.

At 9:05 P.M. Council returned to Regular Session

Dewar made a motion to increase the salary of Theresa Weyant, effective September 15, 2016 to \$25.00 per hour. Morgese seconded the motion. All ayes, motion carried.

With no further business to discuss, Morgese moved and St. Clair seconded to adjourn the meeting at 9:06 P.M. All ayes, motion carried.

The next regularly scheduled meeting of the Indian Lake Borough Council will be held on October 12, 2016 at 6:00 P.M. at the Indian Lake Borough Building.

Respectfully submitted,

Theresa L. Weyant  
Borough Manager