



Indian Lake Borough

Office of the Mayor

May 2017

Indian Lake Lot Owners and Residents:

The trees are budding, temperatures are rising and the summer season is just about upon us. The following is the latest news regarding what is going on in the Borough as well as some reminders, which are provided to ensure we all have a safe summer season.

GARBAGE SERVICE

The Borough Council has recently announced that the garbage service contract with our current vendor has expired and the Borough has put the contract up for bid. As part of the bid announcement, the Borough has asked prospective bidders to provide a bid for residential refuse disposal that provides the following service options:

1. Annual service or Seasonal service (seasonal homeowners can arrange for service during the periods they are likely to be using the property. As an example, if you do not use your property in the winter months, but do use your property during the months of May through October, then garbage service can be contracted for only those months).
2. Curbside Service or Backdoor Service.

The election of either annual or seasonal service is between the homeowner and the refuse collector. Regardless of whether annual or seasonal service is selected, homeowners will have the option of choosing either curb side service (pickup is along the road at the end of the driveway), or back door service (cans need not be taken to the road, pickup is literally at your door). The backdoor service option is appropriate for those who are not here on Monday in order to remove the cans from along the roadway.

Additionally, the Borough has asked prospective bidders to submit a bid based on a potential ordinance change that would require all homeowners to contract for garbage service. The present garbage collection rates are \$13.14 per month (curbside) and \$17.14 per month (backdoor).

THE CURRENT GARBAGE ORDINANCE

In the present Ordinance (#62), which was enacted in 1985, all homeowners are required to contract for garbage service. There is, however, a provision that permits a homeowner to haul his or her own garbage, provided that they have a **proper means of conveyance** and that such garbage is disposed of in compliance with the requirements of the Ordinance as well as the **Pennsylvania Solid Waste Management Act**. The Ordinance requires those who do not contract with the Borough's refuse collector and instead elect to haul their own garbage to affirmatively demonstrate to the Borough that they are using a proper means of conveyance and that such refuse is being disposed as required by law. The Ordinance provides for a civil fine of \$300.00 for non-compliance. Traditionally, the Borough has not required those without garbage service to provide evidence of compliance with this exception and instead has trusted homeowners to act responsibly.

PRESENT PROBLEM

While the vast majority of residents either contract for garbage service or responsibly handle their own garbage by taking it home to where they have another service provider to dispose of their weekend refuse from the lake, there are some that instead elect to dispose of their garbage in the dumpsters of either the commercial residents (golf courses, lodge, marina, airport) or the dumpsters that serve the

various homeowners associations (Arrowhead condominiums, Kickapoo townhouses). Others dispose of their garbage by placing it with the garbage of a neighbor who has garbage service, with or without permission or in some cases, throw bags of garbage along the roads for our maintenance workers to pick up.

For years, commercial residents have complained to Council regarding the dumping of garbage in their dumpsters by some residents. Such dumping constitutes a theft of service and is illegal. The commercial and homeowner association residents with dumpsters object to having to bear the cost of disposing the garbage of those who are not complying with the present ordinance and also object to having to bear the expense of installing locking systems, or to install camera or other recording systems in the attempt to catch those who are illegally depositing trash in their dumpsters. In some cases, the problem has been bad enough that the capacity of the dumpster has been used by others such that they cannot dispose of their own garbage. Refuse contractors also object to residents depositing their garbage with a neighbor who has garbage service. Even where the resident doesn't mind, the garbage contractor does. There has been occasion where the contractor became aware of such activity and has proceeded against the offender for theft of service.

POTENTIAL SOLUTIONS

1. **Revise the Ordinance:** The Borough Council is currently considering a modification to Ordinance #62 that involves the elimination of the exception that permits homeowners to haul their own garbage. Should this change to the Ordinance be passed, all homeowners would have to contract with the refuse collector that is the successful bidder for the contract on either an annual or seasonal basis. While we anticipate a slight increase over the present rates (see above) when we receive the new bids and cannot predict whether a requirement for all will have any impact on rates, the costs, even as they are, are relatively low especially for those that only require service on a seasonal basis.

2. **Enforce the Current Ordinance:** Council is also considering leaving the Ordinance as is but enforcing the terms of the Ordinance relative to those who do not contract for garbage service. Under the present Ordinance, those individuals who are not contracting for garbage service would have to submit evidence of compliance with the Ordinance requirements. This creates an additional administrative burden for Borough staff who will have to determine monthly who has not contracted for garbage and for those new on the list, solicit information from each of those homeowners to verify compliance with the terms of the Ordinance.

3. **Provide Garbage Service Paid by the Borough.** While many municipalities package refuse collection in their budgets, which are supported by tax revenues, this option would likely cause a tax increase of close to 2 mils. The anticipated annual cost would be approximately \$85,000-\$90,000. Given that Indian Lake Borough is currently the most highly taxed municipality in the County, this would have a negative impact on real estate sales and in turn, the property values around the Borough. While this might be an option once the debt for the dam remediation is retired and taxes are reduced accordingly, it would not appear viable now.

4. **Do Nothing.** While this approach may seem attractive to those who object to paying \$15 or \$20 a month for garbage service, even on a seasonal basis, it does not satisfy the concerns of the townhome owners and commercial residents who use dumpster service, whose dumpsters are being used as dumping points by residents without garbage service.

5. **Lock the Dumpsters.** Discussion with residents who have businesses that use commercial dumpster services and discussion with some local refuse contractors reveals that inappropriate dumping into commercial dumpsters is an unfortunately common problem. Some refuse contractors such as Waste

Management and Pro Disposal provide (for an extra fee) a lock that will secure the dumpster. Certainly, those who pay for dumpster service will object to the extra fee as well as the hassle of having to unlock the dumpster every time they have garbage to put in but this additional fee (collectively) would be far less than the financial burden on the residents who do not presently contract for garbage service. Because dumpster services are not part of the exclusive Borough refuse contract, it will be difficult for the Borough to absorb the costs of locking devices so as to mitigate the impact of this option to those with dumpsters. Possibly the Council could consider making commercial dumpster service a part of the contract and require the refuse contractor to provide pricing that includes locking services.

Out of roughly 565 private homes in the Borough, only 230 homes presently contract for garbage service. We believe this number rises in the summer months as some seasonal homeowner's contract for garbage service - but only for the duration of the summer season when they are likely to use their property. Even if this raises the number of contracted customers to half (287), this still leaves a significant number of people who are apparently handling their refuse disposal by other means. No doubt, many take their garbage home with them, Unfortunately, a significant few are improperly disposing of their garbage in the various dumpsters around the Borough. Given the numbers, the concerns of the townhome owners and commercial residents who pay for dumpster service appear legitimate. Doing nothing does not address their concerns and like it or not, Council has a responsibility to address the concerns of those residents as well as the concerns of the other residents who will no doubt object to being forced to contract for garbage service that they do not truly need.

Once again, members of Council are faced with having to solve a dilemma that is caused by the improper actions of a few. Regardless of the option chosen, action or inaction by the Borough is going to negatively impact someone. The townhome owners associations, the golf courses, the lodge and marina who have dumpsters should not have to pay to remove anyone's garbage but their own. They shouldn't have to suffer having their dumpsters filled by others such that there is no room to dispose of their own garbage. They shouldn't have to pay extra for locking services as a solution to combat the improper dumping of others. Additionally, no one should use a neighbor's garbage service and shift the expense of their refuse disposal on the Borough's garbage collector. Finally, it is unfair that those who are acting responsibly should have to bear a new expense because of the actions of a few.

I am hopeful that with knowledge of the problem, our residents will act responsibly relative to the disposal of their refuse so that the Borough is not forced to impose a solution to address this problem since any such solution will negatively impact those who are not responsible for this problem in the first place. Some who are aware of this issue have expressed concern that the Borough is acting, and I quote, "dictatorial." The proposed change to the Ordinance, which would eliminate the exception to the existing mandate that everyone contract for garbage service is only being considered because of the irresponsible and illegal actions of a few.

This issue has been raised now for the third time in my 20 years with the Borough. It is never pleasant and no solution can possibly please everyone. There will be a public hearing before any change to the Ordinance is voted on and Council will solicit input during the annual town meeting. For those unable to attend either meeting, I encourage you to submit comments to the Council via e-mail at Council@IndianLakePa.us. Please be sure to copy me at mayor@IndianLakePa.us so that I too can benefit from your input. My discussions with those opposed to such a change have helped me develop a broader perspective and to that end, an understanding that there may be more options to consider. As you communicate with Council, please understand the difficult position this issue places them in. Please be objective and consider the impact to others as you make recommendations regarding what you believe to be the best course of action. With objective input, Council can make a more informed and reasonable decision.

NOTES FROM THE POLICE CHIEF

- Residents are reminded that the Police Department has a heart defibrillator in the Police cruiser and therefore can respond to emergency cardiac situations. If on duty, police are usually first on scene. When contacting 911 for a potential cardiac issue, be sure to ask that the police be dispatched as well. In such situations, seconds count.
- Officers of the Department will be participating in the following training:
 - A tactical first aid course where each Officer will receive certification in the provision of emergency tactical first aid.
 - All officers will participate in an active shooter training course to become trained in responding to active shooting situations in schools or other public places. Chief Bellak has already undergone such training (this will be a refresher) and will potentially participate in separate training leading to certification as an active shooter training instructor. Chief Bellak is already an FBI certified firearms instructor.
- The Borough Police boat has undergone much needed service. The engine has been completely serviced, a new spotlight was installed for night patrol and rather than sell the light bar from our previous cruiser for next to nothing, we retained it as a replacement for the light bar on the patrol boat that is no longer working properly. Emergency flood lighting is also being added to permit emergency water rescue in low light conditions and the boat is getting some much-needed cleaning.
- Chief Bellak has been selected as a local liaison officer to the State Intelligence center, which provides the Borough with more timely access to information regarding criminal or terrorist threats to Indian Lake and surrounding communities.
- In support of the Department's community policing objectives, officers will implement a "Stop and Talk" program where officers will take every opportunity possible to talk with residents they see or encounter while on patrol in order to not only develop better relations between the officers and the residents they serve but to obtain a better understand of resident policing concerns. Don't be alarmed if an officer stops to speak with you. For the kids, Chief Bellak promises an ample supply of blue raspberry lollipops!
- Finally, the Police Department office has received a facelift following a waterline break that caused flooding in the police office. While our insurance did cover the cost of basic repairs, thanks to the generosity of borough resident **Lou Mihalko** and his company **Mihalko Construction**, a complete facelift was completed and the department now has a professionally designed office that we are not embarrassed to have people visit. If you see Lou, be sure to join me in thanking him not only for his generosity, but for the exceptional work he and his team did in remodeling the police office.

SPEEDING IN THE BOROUGH

While I addressed this topic in my last newsletter, it bears repeating. With the summer months approaching, we anticipate seeing many residents enjoying the ability to walk/run/bike on the roads of Indian Lake. To keep everyone safe, Chief Bellak and the other officers of the department are focused like a laser beam on speeding, which jeopardizes the safety of all. As previously advised, our Police Officers have been instructed to strictly enforce the posted speed limits and they are doing so. While our officers do not wish to write citations, or cause you to get points on your license, they are committed to deterring speeding to ensure that the roads remain safe for vehicles and pedestrians alike. If you are walking, running, or biking on the roads, be responsible and keep to the side of the road facing traffic.

BOATING INSPECTIONS

Boat permit applications have been mailed for anyone who had a powered or non-powered boat registered on the lake last year. Be sure to get those applications completed and returned to the Borough office so that you can receive your lake sticker in time to use the lake. Boats without an Indian Lake registration sticker are subject to citation. If you are registering a new boat to the lake, the Boating Ordinance requires a member of the Police Department to measure each powered and non-powered boat requiring a registration. To schedule a measurement, please contact the police office at (814) 754-3231 or by e-mail at police@indianlakepa.us. When scheduling, remember that the boat owner or representative must be available with the registration information and to sign the boat measurement form.

FISHING AND GUEST FISHING PERMITS

Ordinance 116 and 165 address fishing and the need for guest fishing permits at Indian Lake. Ordinance 165 incorporates a provision of Ordinance 116 which precludes fishing from a boat more than fifty (50) feet from the shoreline during the hours of 11:00 am and sunset on weekends and holidays. This provision is designed to preclude hazardous conditions during times of recreational use of the lake.

Ordinance 165 also requires any guest to have a fishing permit to fish at Indian Lake. A guest is defined as a person who is not a property owner and who is not accompanied by a property owner. If you have guests who intend to fish unaccompanied, in addition to having a state fishing license, a guest permit, which is available by application from the Borough office, must be prominently displayed while fishing at Indian Lake. Guests may only access the lake from the property of the property owner supplying the guest permit or from the public launch ramp or from a boat registered to the property owner provided it has an Indian Lake boat sticker. A guest fishing permit does not allow a guest to place a boat on the lake. The Ordinance provides for a \$150 fine for violation of the guest fishing Ordinance and thus far this year, the Department has issued two citations for violation of this Ordinance.

CONTACTING POLICE:

If you have an issue where you need the Police dispatched (i.e. suspicious activity, traffic complaints, noise complaints, fishing violations, etc.) please call 911 so that an on-duty officer or the Pa. State Police can be dispatched. For non-emergent issues such as scheduling boat inspections or house checks please call the non-emergency number for the Police Department at (814) 754-3231. You may also e-mail the Department for non-emergency issues at police@indianlakepa.us. Again, if you need emergency assistance or need to report criminal activity, please call 911.

GOLF CARTS AND ATVs

Under the PA Vehicle Code, no unregistered vehicle, which includes ATVs, UTVs and Golf Carts, are permitted on the roadways. Neighborhood Electric Vehicles (“NEVs”) can, however, be registered and be issued a PA license plate for use on secondary roadways such as the roads of Indian Lake. NEV’s are not golf carts. They are specially designed electric mini-cars with windshields, seatbelts, bumpers etc. that are titled and registered as a motor vehicle and which you are required to carry minimum liability coverage just as you do with cars/trucks. We have noted that some are bringing golf carts, which do have license plates from other states such as Florida, and driving them on the roads. This is not permissible as PA does not permit a golf cart, even if it has a license plate from another state, to be driven on the roadways of the Commonwealth. If you drive a golf cart, UTV or ATV on the roadways, you will be cited. That said, unregistered vehicles are permitted to cross the road at 90 degrees to get to the other side and are permitted to travel on the side of the road provided that **you are completely off of the roadway**. They are also permitted to cross a bridge and return immediately to the berm.

When using off-road vehicles in the Borough, please be certain to not trespass on private property. This includes the golf courses and the airport. Those trespassing will be charged, upon complaint by the property owner, for defiant trespass. Avoid the headache and be courteous and respectful of the property rights of others. Finally, DCNR registration, which must be renewed annually, is required for each ATV or UTV that you intend to operate beyond the boundary of your own property.

The Police Department will issue citations for those that operate illegally, not because we want to, but to ensure the safety of all. We had an unfortunate ATV accident two years ago that caused injury and we do not wish to see another. Wear helmets and be safe.

TIPS FOR SAFE BOATING ON THE LAKE

- The traffic pattern is counter-clockwise. That means the closest shoreline should be on your right.
- If traveling at no wake speed, stay close to the shoreline. If above no wake speed, you must be at least 100 feet away from the shoreline or any dock protruding from the shoreline or any other boat, moving or not.
- When towing a tube, no S-Turns in the narrows. This area of the lake is too narrow to permit S turns. Also, give way to boats towing skiers/wakeboarders. You can stop or slow down without dumping the passengers of the tube, they can't.
- The speed limit on the lake is 40 mph. There are many boats and PWCs that can travel faster. Doing so, however, provides you with little to no time to avoid a dangerous situation. Slow down so you can enjoy the scenery and not hurt anyone in the process.
- Paddleboards, canoes and kayaks should stay close to the shoreline, especially during peak recreational use of the lake (11:00 am to 5:00 pm on weekends and holidays).
- If you want to park your boat and enjoy the sun or swim, head to one of the coves so that you do not create a traffic hazard in the middle of the lake.
- When using a PWC or boating, avoid following directly behind a boat towing a tube or skier. If you are a skier that has fallen, keep your arms above your head to let the folks in your tow boat that you are okay and additionally to make it easier for other boats to see you.
- Remember that the PA Fish Commission also patrols the lake. They focus on BWI (boating while under the influence), appropriate registration/insurance, proper safety gear and reckless operation. You must have a flotation device for each passenger on your boat, a fire extinguisher, and a signaling device (whistle or horn). Check your equipment before heading out on the lake to avoid an unnecessary citation.

You can be responsible and still have fun. Let's all have a safe and enjoyable summer!

/s/

Michael Miscoe

Mayor, Indian Lake Borough