

Indian Lake Borough

Resolution 2017 -7-27

Authorization to File Petition for Declaratory Judgement

Whereas, the Borough has been challenged by the Department of Environmental Protection (DEP) to prove control over the Wellhead Protection Zone I for our main drinking water well, Well 99, and,

Whereas, the DEP has filed a Notice of Violation and an Administrative Order citing the Borough for deficiencies in control of Zone I, and,

Whereas, control of Zone I has heretofore been based on control by Zoning Ordinance, but not ownership, and,

Whereas, the property owner has contended that his property is outside the Borough limits, but the 1966 Articles of Incorporation, verified by a recent CME Engineering re-survey, has confirmed the property is and has been within Indian Lake Borough, and,

Whereas, Attorney Timothy C. Leventry has prepared a Petition for Declaratory Judgement/Complaint for Declaratory Relief, with the agreement of Stonycreek Township, as to the confirmed boundary determination, filed with the Court of Common Pleas of Somerset County on or about June 5th, 2017, with a VERIFICATION statement signed by Lynn Shimer, Council President on May 31, 2017.

Therefore, be it resolved that the Borough Council is cognizant of the above facts and assertions, and affirms that Council President had been and was authorized to sign the verification statement, and Attorney Leventry was authorized to file the pleading.

and,

Further, that this resolution represents ratification of such authority, for the record and to resolve any questions regarding the signing of said verification and pursuing the claims set forth above.

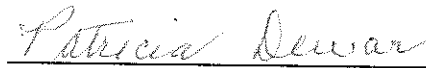
DULY PRESENTED AND ADOPTED by the Borough Council of Indian Lake, Somerset County, Pennsylvania, this 26th day of July, 2017, by a vote of 5 to 0.

ATTEST:

BOROUGH OF INDIAN LAKE



Kirsten Ringler, Borough Secretary



Patricia Dewar, Council Vice President