

MINUTES  
INDIAN LAKE BOROUGH COUNCIL MEETING  
NOVEMBER 11, 2020

The regularly scheduled meeting of the Indian Lake Borough Council was held on November 11, 2020 at 6:00 P.M. at the Indian Lake Borough Building.

THOSE PRESENT:

Kim Yantus  
Scott Hollern  
Paul Balint  
Joe Lazzaro  
Bob Hanson (via Zoom)  
Michael Miscoe, Mayor  
Michael Barbera, Solicitor  
Jerry Bellak, Chief of Police  
Dean Snyder, Roads and Maintenance  
Kirsten Siehl, Office Manager

THOSE ABSENT:

Curt Morgese  
Shaun Nemeth

Visitors - Dick Stern, Dave Finui, Allison Finui, George Kauffman, Randy Musser

ORDER OF BUSINESS

1. Pledge of Allegiance
2. The meeting was called to order at 6:02 by Hollern.
3. Hanson called for approval of the September meeting minutes. Hollern moved to approve the minutes from October 14, 2020, Yantus seconded. All ayes, motion carried.
4. Financial Reports - Hollern moved to approve the Profit & Loss Budget Performance, Unpaid Bills, Summary of Account Balances and Previous Year Comparison reports as presented for the General, Water and Sewer funds, Yantus seconded. All ayes, motion carried.
5. Welcome Visitors - Dick Stern, Dave Finui, Allison Finui, George Kauffman, Randy Musser
6. Public Comment:
  - A. Musser Engineering-Release of Easement (Finui) - Musser reported a drip irrigation system was designed for Peninsula Lot 100 for Finui, the system requires 44' but with the easements there is not enough space. The 10' Borough setbacks with the additional 12' set back required by sewer regulations do not allow for enough space. Musser is asking for release of easement on the right hand side of the property (facing the lake) to allow for the drip irrigation system with all the required setbacks. Hanson moved to authorize Council President to sign the release of easement, with Siehl as the witness, subject to Barbera's changes, Yantus seconded. All ayes, motion carried. [Resolution 2013-6 applies]
  - B. Musser Engineering-Release of Easement (Zubek/Richards) - Musser reported the Zubek properties, Peninsula 218 and Peninsula 219 are being purchased with the buyer planning to build straddling the property line. During the title search, the easements were discovered, Musser is requesting the Borough release the easements between the two lots to allow for the buyer to proceed with his building plans. Hanson moved to execute the release of easement, subject to Barbera approval with addition of the suggested indemnification clause, Hollern seconded. All ayes, motion carried.

Hanson pointed out that this is essentially identical to what was done in the past [most recently Kuchera] and that both lots are assessed separately by the Service Corporation, and both lots retain boating privileges.

7. Dave Wood's Report of Building Permits Issued - See attached report.
8. Roads and Maintenance - See attached report. Snyder also reported the directional signs at the three way on Peninsula/South Shore/Entrance Drives are being stained and painted. Hollern asked if the road crew would look into painting the conference room, Snyder agreed they could, and Council approved the project.
  - A. Antenna for radio system - Miscoe reported he spoke with Snyder concerning the radio system. Snyder confirmed the road crew would rather have cell phones if they have to choose between the phones and radios. Hanson confirmed they will keep the Borough cell phones. Hollern moved to approve the quote for the used antenna from Bob's Radio Service with no further costs associated with the project without further review, Balint seconded. All ayes, motion carried.
  - B. Ford F550 Repair Bids - Miscoe opened the two sealed bids received by Toe's Auto and Yantus Diesel Performance. Toe's Auto quoted \$3,354.72, Yantus Diesel Performance quoted \$2,786. Hollern moved to accept the Yantus Diesel Performance bid for \$2,786, Lazzaro seconded, Yantus abstained. All ayes, motion carried.
  - C. Chickasaw Tree - a resident on Chickasaw filed a complaint that a tree was trimmed back too far on their property by the road crew. Snyder explained that the tree is in the Borough's easement and was cut back to prevent the plow trucks from getting caught up this winter. Council didn't see any issues with the tree trimming. Hanson suggested taking before and after pictures in the future and adding this to future e-news.
9. Legal Report
  - A. Easement Status and Ongoing Strategy - Barbera reported argument on post-trial motions in the Miller case have been scheduled for December 21. The opposing council asked if Barbera would object to him participating in argument remotely, Barbera did not see an issue with it.
  - B. Donald Mateer Property - Barbera reported the order was received in October and granted motion on pleadings. Mateer did submit a building permit and drawings, the denial letter was sent on the grounds that he did not meet the square footage requirement. He has not appealed to the Zoning Hearing Board at this time. Barbera suggested filing contempt of court once the time runs out.
  - C. Somerset REC Right-Of-Way Agreement - There was nothing to report.
  - D. Appeal of DEP Administrative Order - This matter was discussed in executive session.
  - E. Shanksville Borough Sewer System - This matter was discussed in the water/sewer report.
  - F. WTP Property & Agreement - Barbera reported his is waiting on Gibson-Thomas, Buss is waiting on drawings and maps. Balint spoke with Buss trying to solve the issue for the survey plan. Hollern questioned if we have a requirement to show DEP we have ownership at this time, Barbera confirmed that we will not need to show ownership until the closing of the PennVest loan.
10. Correspondence:
  - A. Siehl received a Thank You card from Camp Living Waters for the pipe donation.
11. Committee Reports:
  - A. Finance Report:
    - i. Budget - Hollern moved to authorize advertisement for adoption of the 2021 budget at the December meeting, Yantus seconded. All

- ayes, motion carried. Hollern reported the 2021 budget is \$1,318,000.
- ii. Tax Resolution - Hollern confirmed there will not be an increase or decrease in taxes for the 2021 year. The 2021 Tax Resolution will be adopted following adoption of the budget at the December meeting; an Ordinance is no longer required unless taxes increase.
  - iii. S & D Calibration Invoice - Siehl reported S & D Calibration submitted an invoice option to pay for all of 2021 calibrations at one time, totally \$84. The finance committee agreed to pay the annual invoice as long as there were no plans in changing the speed enforcement method. Miscoe explained he is looking into providing another option of speed enforcement but they will not be abandoning the stop watches. Hollern moved to pay the annual S & D Calibration invoice for \$84, Balint seconded. All ayes, motion carried.
  - iv. 2021 Solvency Fee - Siehl reported the annual option to pay the solvency fee. Lazzaro moved to opt out of paying the solvency fee, Balint seconded. All ayes, motion carried.
- B. Police Report - See attached Report. Miscoe reported that an officer was instructed to produce a negative COVID test prior to returning to work after possible exposure at Meyersdale Police Department. He was out for a total of five shifts.
- C. Personnel Report:
- i. Salary Reviews - Yantus reported the road crew and office staff was given cost of living raises, effective the first pay after January 1<sup>st</sup> 2021.
  - ii. COVID - Yantus reported an employee's wife tested positive, he was instructed to quarantine for fourteen days and if he develops symptoms he will need to be tested and quarantine an additional fourteen days after the positive test result.
- D. Environmental Report:
- i. Fish Stocking - Siehl was asked by Morgese to report that approximately 3,000 walleye were stocked on November 6<sup>th</sup>.
- E. Water and Sewer Report:
- i. Shanksville/EADS Meeting - Balint reported Shanksville Borough, Stonycreek Township, EADS Group and CME Engineering met with himself and Hanson on November 10<sup>th</sup>. They had questions regarding the effluent quality and price per gallon of treatment. The issues will be discussed at Shanksville Borough's December meeting.
  - ii. DEP Approval of Water Treatment Plant - Balint reported approval from DEP is moving forward with the water treatment plant, there are a few items to be tied up. Buss projects having the bid package ready for review on or about December 1<sup>st</sup> and ready to go out for bid on January 1<sup>st</sup> with the contract awarded in March. Balint reported he has still not received meeting minutes back from Buss with the comments addressed.
  - iii. Generators - Balint reported Mike Bowers looked at the generators for emergency power to the wells and police department. Bowers concluded they can be converted to supply emergency power and there will be some adjustments that need to be made, he suggested doing a test run on the voltage capabilities. Bowers is willing to help with the project.
- F. Planning/Zoning Report:
- i. Hollern Resignation - Hollern submitted his resignation from Planning/Zoning due to the additional responsibilities on Council/Finance. Hanson moved to accept Hollern's resignation, Balint seconded. All ayes, motion carried. Hollern moved to appoint Hanson to carry out the remainder of his term, expiring in 2023, Balint seconded. All ayes, motion carried.

- G. Parks & Recreation - Siehl was asked by Morgese to report that the memorial bench for Shimer has been ordered. Council proposed doing a dedication once it is installed.
  - H. Land Management - Hollern reported the committee met with the Smith's and Barbera on November 4<sup>th</sup>. The Smith's gave a run down of the Peninsula Club, they stated that while it was heavily impacted by COVID they did have a profitable year. The Lease Agreement was discussed and proposed that the Smith's are not due to pay the lease charges for 2021. Randy Smith suggested 2021 and 2022 be \$1 per year lease and that in 2023 we go into the regular schedule of rates. The liquor license renewal is between \$1,200 and \$1,300 and the committee explained that it would be at the Smith's expense, and that PLCB has subsequently waived the 2021 fee. Barbera will work with Siehl to renew the application and the change of directors form. Hollern moved to extend the \$1 per year lease payments through 2022, Hanson seconded. All ayes, motion carried.
  - I. Storm Water Management - There was nothing to report.
- 12. Old Business:
    - A. Comcast Renewal - There was nothing to report.
  - 13. New Business:
    - A. Hazard Mitigation Resolution - Miscoe circulated the template resolution provided by Somerset County and the Somerset County Hazard Mitigation Resolution. Hanson moved to adopt the Hazard Mitigation Resolution (2020-11-11), Balint seconded. All ayes, motion carried.
  - 14. Executive Session - Hanson moved to move into executive session at 8:22 for matters of litigation for which identifiable claims have been made and one Personnel matter, Balint seconded. All ayes, motion carried.
  - 15. Additional Business from Executive Session - Council returned from executive session at 9:18. Hollern moved to advertise the proposed amendment to Ordinance 144, section 308, relating to detached garages, subject to solicitor approval, and to schedule a public hearing for December 9, 2020 at 5:30, Balint seconded. All ayes, motion carried. [Subsequently changed to January 13<sup>th</sup> based on Solicitor advice due to MPC timing requirements.]
  - 16. Adjournment - Hollern moved to adjourn the meeting at 9:19, seconded. All ayes motion carried.

The next regularly scheduled meeting of the Indian Lake Borough Council will be held on December 9, 2020 at 6:00 P.M. at the Indian Lake Borough Building or by teleconference.

Respectfully submitted,

Kirsten Siehl  
Borough Secretary