

MINUTES
INDIAN LAKE BOROUGH COUNCIL MEETING
JANUARY 13, 2010

The regularly scheduled meeting of the Indian Lake Borough Council was held on January 13, 2010 at 7:00 P.M. at the Indian Lake Borough Building.

THOSE PRESENT:

Robert Hanson, President
Patricia Dewar
Robert Marhefka
Robert Vogel
Richard Stern
Paul Cornez
Michael D. Miscoe, Mayor
Dan Rullo, Solicitor
Theresa L. Weyant, Borough Manager/Secretary
Dean Snyder, Zoning Officer

THOSE ABSENT:

Charles McCauley

Visitors – Sean Isgan, Albert Diehl, James Brant, Ken Helsel, Don Reed, Vanessa Keiser, Tom O’Toole, and Bruce Siwy.

The meeting was called to order at 7:02P.M. by Robert Hanson, Council President.

ORDER OF BUSINESS

1. Approve the Minutes of the Meeting Held on December 9, 2009 - Hanson asked for additions and/or corrections. There being none, Vogel made a motion to approve the minutes as submitted. Dewar seconded the motion. 3 ayes and 3 abstentions. Motion carried. Cornez, Hanson and Marhefka filed the abstention memorandum with the Borough Secretary.
2. Welcome Visitors - Sean Isgan, Albert Diehl, James Brant, Ken Helsel, Don Reed, Vanessa Keiser, Tom O’Toole, and Bruce Siwy.
3. Sean Isgan from CME Engineering – Update on Dam Remediation – Sean Isgan questioned as to who he should contact if issue’s come up over at the dam? Until instructed otherwise, Isgan should contact either Robert Hanson or Michael Miscoe.
4. Financial Reports – Dewar made a motion to approve the Finance Committee’s recommendation to approve the Borough’s Financial Reports, including the amendments to the List of Bills Report, and to pay the outstanding bills except for the bills to GAI Consultants, which total \$54,595.97, payment should be withheld. Cornez seconded the motion. All ayes, motion carried.

Dewar made a motion, based on the recommendation of the Finance Committee, to approve the Water Works Financial Reports and to pay the outstanding bills. Stern seconded the motion. All ayes, motion carried.

Dewar made a motion, based on the recommendation of the Finance Committee, to approve the Sewer Financial Reports, and to pay the outstanding bills. Cornez seconded the motion. All ayes, motion carried.

Dewar made a motion, based on the recommendation of the Finance Committee, to approve the Summary of Account Balance Report as presented. Stern seconded the motion. All ayes, motion carried.

Dewar made a motion to authorize the Borough Manager to transfer \$204,649.10 from the PNC Bank Line of Credit to pay the invoice from Howard Concrete Pumping Co., Inc., in the amount of \$163,561.60 and to pay the invoices from CME Engineering, in the amount of \$41,087.50. Cornez seconded the motion. All ayes, motion carried.

Dewar made a motion to approve the expenditure to Lee Supply Company for the anti-seep collars in the amount of \$976.14. Hanson seconded the motion. All ayes, motion carried. Council instructed Isgan that if the delivery charges are less than \$150.00, Isgan should authorize Lee Supply Company to directly ship the anti-seep collars to the Borough Office.

Dewar made a motion to accept Change Order Request #1 to Proposal #070901 for the Valve Replacement and Construction Monitoring, in the amount of \$1,900.00. Cornez seconded the motion. All ayes, motion carried.

Dewar made a motion to accept Change Order Request #1 to Proposal #070902 for Phase II, Part B - Dam Embankment Permeation Grouting, in the amount of \$40,000.00. Stern seconded the motion. All ayes, motion carried.

Attorney Rullo stated that in 2009 the Borough purchased some property in Stonycreek Township, which was located at the toe of the dam. GAI Consultants, on behalf of the Borough, submitted a subdivision plan for those properties to the Somerset County Planning Commission. The subdivision plan as submitted had some deficiencies, which have not been corrected, and therefore the subdivision plan has not been completed. Attorney Rullo has received no response from GAI Consultants and requested that Council get a proposal to engage CME Engineering to make the curative amendments to the subdivision plan in order to finalize that subdivision plan. Council was in agreement.

5. Legal Report:

A. FOP Arbitration Update – Hanson stated that he polled each Council Member to see if the majority of the board still agreed to the negotiation tactic. As a result, Hanson instructed Mayor Miscoe that he did have the authority to instruct Attorney Rullo as to what was and what wasn't acceptable on behalf of the Borough

6. Correspondence:

A. Next Step Center–Donation Request – The Next Step Center located at 406 Stoystown Road, in Somerset is an emergency shelter for Somerset County residents. The Next Step Center is requesting a donation from the Borough to help purchase paint and supplies that are needed to refresh their facilities, to help cover the costs of upgrading their fire safety systems, and to help keep their doors open with their ongoing operational expenses. At this time, Council did not authorize a contribution.

B. Robert Myers, Peninsula 625-Damage to Post & Rail Fence – Mr. Myers stated that on December 10-11th his post and rail fence and mailbox were virtually destroyed by the Borough's plow truck. Mike Swank's mailbox was also damaged, along with his other neighbors. Mr. Meyers has asked Carl Chapman to give him an estimate on the cost of the damages and repair. Mr. Meyers has a \$500.00 insurance deductible and the Borough is responsible and should pay this deductible.

Dean Snyder, Zoning Officer, provided Council with picture of the damage to the fence. The damage to the fence post that Mr. Meyers is referring to is about 12 to 13 feet from the edge of the road back by his driveway and there is no way that the plow trucks throw snow that far back. It appears that whoever plowed his driveway was pushing the snow around the corner and caught the rail.

Snyder noted that the Borough has a fifty (50) foot right-of-way on Peninsula Drive and Mr. Meyers' fence is approximately 8 feet in the right-of-way and the portion of the fence that runs along Peninsula Drive is entirely in the right-of-way.

Hanson made a motion to authorize the Borough Secretary to send a letter to Mr. Meyers, along with a copy of the Borough's Ordinance which prohibits the placement of personal property in the Borough's right-of-way and setting forth responsibility for damages to any personal property placed in the right-of-way, and inform Mr. Meyers that the Borough will evaluate his request in the Spring and that he should forward a copy of his estimate from Mr. Chapman to them as well. Dewar seconded the motion. 5 ayes and 1 naye. Motion carried.

C. PSATS Training-Zoning Decisions – The Pennsylvania State Association of Township Supervisors are holding a training seminar on zoning decisions. The cost is \$50.00. Council asked the Borough Secretary to forward this information to all Planning Commission and Zoning Hearing Boards members to see if anyone is interested in attending.

7. Committee Reports:

A. Finance Report:

1. Set 2010 Boat License Numbers - Cornez made a motion to set the number of available Primary Powered and Non-Powered Boat Licenses at an unlimited number, available General Boat Licenses at 40 (non-modifiable), available Secondary Powered Boat Licenses at 289 (non-modifiable) and available Secondary Non-Powered Boat Licenses at 345 (modifiable). Marhefka seconded the motion. All ayes, motion carried

2. Set 2010 Boat License Fees – Cornez made a motion to set the 2010 boat license fees as follows: Primary Powered Boat Licenses at \$75.00, Secondary Powered Boat Licenses at \$150.00, Primary and Secondary Non-Powered Boat Licenses at \$20.00, and General Boat Licenses at \$750.00, a replacement boat license at \$20.00, and a transfer boat license at \$50.00. Dewar seconded the motion. All ayes, motion carried.

B. Public Works:

1. Updating Controller for Well 99-1 – Hanson made a motion to refer this matter to the Water & Sewer Committee for review and recommendations. Dewar seconded the motion. All ayes, motion carried.

Hanson made a motion to authorize the Borough Secretary to advertise the meeting dates and times for the water and sewer committee once the meeting schedule is established. Stern seconded the motion. All ayes, motion carried.

2. Allowing the Flight 93 Memorial to Tap into the Borough’s Water System – Cornez made a motion to refer this matter to the Water & Sewer Committee for review and recommendations. Stern seconded the motion. All ayes, motion carried.

D. Zoning Report:

1. Adopt Resolution to Remain a Member of the Somerset County Municipal Co-op Association - Cornez made a motion to adopt a resolution that the Borough remain a member of the Somerset County Municipal Co-op Association for 2010 and to not have any membership assessment fees and to authorize the Council President to appoint a committee to look into other alternatives for the Borough. Hanson seconded the motion. All ayes, motion carried.

8. Old Business:

A. Department of Environmental Protection-Stonycreek River Watershed Storm Water Management Plan – Council referred this to Attorney Rullo.

9. New Business:

A. Discussion on Proposed Zoning Ordinance No. 155 and Review of Planning Commission Comments – Attorney Rullo suggested that the Planning Commission or representatives of the Planning Commission meet with Mr. Iseman, Mr. Smith, and Mr. Alaia and any other individual who has raised certain questions and engage the professional planners to review the proposed Ordinance with the understanding that another public meeting will be scheduled at a later date. Council was in agreement.

Hanson made a motion to table any action until the February 10th meeting. Vogel seconded the motion. All ayes, motion carried.

10. Public Comment: None.

Kenneth Helsel – At the last meeting it was suggested that the Council Meetings be moved to a larger place in order for all Council Members to be able to face the audience. Mr. Helsel stated that he suggested to Dean and Theresa that instead of moving the meeting locations, could the tables be reconfigured so that all Council Members could face the audience. Mr. Helsel feels that this should be adequate for our needs

Dewar made a motion to move into Executive Session to discuss litigation and personnel matters at 10:30 P.M. Hanson seconded the motion. All ayes, motion carried.

At 11:50 P.M. Council returned to Regular Session.

Hanson would like to tentatively appoint the following committees:

Watershed Advisory Committee will consist of: Robert Marhefka-Chairman, Charles McCauley, Robert Vogel, and Chris Meyers.

Recreational Advisory Committee will consist of: Joe Bucks-Chairman, Paul Cornez, Patricia Dewar, and Robert Oates.

Road and Maintenance Advisory Committee will consist of: Richard Stern-Chairman, Patricia Dewar, Charles McCauley, and David McCudden.

Dam Remediation and Over site Administration Committee will consist of: Paul Cornez-Chairman.

Personnel Administration Committee will consist of: Robert Hanson-Chairman, Patricia Dewar, and Charles McCauley.

Police Administration Committee will consist of: Patricia Dewar-Chairman, Michael Miscoe, and Charles McCauley.

Cornez made a motion to authorize either Robert Hanson or Michael Miscoe to sign off on all time cards. Hanson seconded the motion. All ayes, motion carried.

With no further business to discuss, Dewar moved and Hanson seconded to adjourn the meeting at 12:22 A.M. All ayes, motion carried.

The next regularly scheduled meeting of the Indian Lake Borough Council will be held on February 10, 2010 at 7:00 P.M. at the Indian Lake Borough Building.

Respectfully submitted,

Theresa L. Weyant
Borough Manager