

MINUTES
INDIAN LAKE BOROUGH COUNCIL MEETING
AUGUST 11, 2004

The regularly scheduled meeting of the Indian Lake Borough Council was held on August 11, 2004 at 7:00 P.M. at the Indian Lake Borough Building.

THOSE PRESENT:

Andrew L. Horvath, President
John Walters
Michael Miscoe
Robert Pyle
Terry St. Clair
Alex Majesky
Patricia Dewar
Barry S. Lichty, Mayor
David S. Dickey, Solicitor
Theresa L. Weyant, Borough Secretary
Harry Huzsek, Superintendent

THOSE ABSENT:

Visitors – Mark Romano, Sandra Upor, Phil Glogowski, Albert Diehl, Richard Brant, Robert McGowan, Robert McGowan, Jr., Myles Stephanovich, Fred Jones, P.J. McGowan.

The meeting was called to order at 7:00 P.M. by Andrew L. Horvath, President.

ORDER OF BUSINESS

1. Approve the Minutes of the Meetings held on July 14, 2004 - Horvath asked for additions and/or corrections. There being none, Walters moved and Majesky seconded to approve the minutes as submitted. All ayes, motion carried.

2. Financial Reports – Secretary reviewed the Income & Expense Report, the Budget Report and the List of Bills for July 31, 2004. Secretary would like to add the following additional outstanding bills to the List of Bills Report: Bell & Dickey, recording fee to record the easement for Indian Lake Drive, in the amount of \$28.50, Stonycreek Builders Supply, hose coupler and nozzle, in the amount of \$7.74, Somerset Rural Electric, security light, in the amount of \$21.00, Clerk of Courts, filing fee to record Ordinance No. 15, in the amount of \$10.00, Mike's Market, cleaning supplies, styrofoam cups and film, in the amount of \$12.05, Harry Huzsek, reimburse for radio for Dodge Truck, in the amount of \$15.00, Sargent's Court Reporting, transcripts and appearance fee for Rohrich Zoning Hearing, in the amount of \$183.90, A T & T Wireless, July '04 cellular phone charges, in the amount of \$16.27, and Musser Engineering, engineering fees for Indian Lake Drive road, in the amount of \$1,148.40.

Miscoe made a motion to approve the Borough's Financial Reports, including the amendments to the List of Bills Report, and to hold the payment to GAI Consultants, Inc. Walters seconded the motion. All ayes, motion carried.

Secretary reviewed the Water Works Income & Expense Report and the List of Bills for July 31, 2004. Secretary would like to add the following additional outstanding bill to the List of Bills Report: Culligan, two (2) chlorinators, in the amount of \$1,300.00. Miscoe made a motion to approve the Water Work's Financial Reports, including the amendment to the List of Bills Report. Dewar seconded the motion. All ayes, motion carried.

Secretary reviewed the Sewer Plant Financial Reports and the List of Bills for July 31, 2004. Miscoe made a motion to approve the Sewer Plant Financial Reports as presented. Walters seconded the motion. All ayes, motion carried.

Secretary reviewed the Summary of Account Balance Report for July 31, 2004. Miscoe made a motion to approve the Summary of Account Balance Report for July 31, 2004. Walters seconded the motion. All ayes, motion carried.

3. Welcome Visitors - Mark Romano, Sandra Upor, Phil Glogowski, Albert Diehl, Richard Brant, Robert McGowan, Robert McGowan, Jr., Myles Stephanovich, Fred Jones, P.J. McGowan.

At 7:07 P.M. Horvath called for an Executive Session of the Borough Council.

Upon returning to Regular Session at 7:17 P.M. Horvath reported that the Executive Session was held to discuss Personnel Matters.

4. Attorney Sandra Upor-Installation of Guiderail on Delaware Path – Attorney Upor stated that she owns Delaware 11 and approximately 2 years ago the Borough installed guiderail on Delaware Path. The guiderail was installed on approximately 80% of her road frontage, which gives her very little access to her property. Attorney Upor would like a letter from Council stating that they would agree to remove the guiderail to accommodate her to have access to her property.

A letter was also submitted by Attorney Scott Wyland, who owns Delaware 439, stating that he is concerned that any opening in the guardrail would pose a serious safety issue for those who use the road. Delaware Path is particularly difficult to navigate in the wintertime. Attorney Wyland would like to see any action delayed until such time as there is a realistic development plan or building permit application before the Borough that would show some actual need for physical access. The Borough should not put the residents, the Borough road crew, or the public at risk of injury merely for some theoretical request for access.

Council stated that the Borough would look at this issue once a development plan or building permit application is filed so that they could see exactly how much of the guiderail would need to be removed in order for her to have access to her property.

5. Richard Brant-Doing Remediation Work on the Borough's Property in Ottawa Park – Mr. Brant addressed the Council to see if they would have a problem with him doing some remediation work in Ottawa Park on the Borough's park lot. The parcel of property, which the Borough owns, currently has a 3-foot drop off. Mr. Brant would like to grade it, level it out, and sand would be placed down in this area so there would be access to the park lots on either side. In order to do this work, three (3) trees would also need to be removed.

Council had no objections to what Mr. Brant was proposing however, he will need to apply for a permit and detailed drawings should be submitted with the application.

6. GAI Consultants, Inc.-Update on Dam Remediation - Phil Glogowski, from GAI Consultants, Inc., submitted two (2) copies of the dam assessment report along with the Aerial Maps. Mr. Glogowski stated that they have completed Phase 1 and Phase II of the task activity report and some minimal work has started on Phase III.

Horvath stated that the Borough has a signed agreement with GAI Consultants, Inc. to do the engineering work for Phase 1 and Phase 2, in the amount of \$92,806.00, on the dam assessment/action planning. With the bills that have been submitted, the Borough is over the above scope of work by \$14,037.21. No one from GAI Consultants, have come to the Borough stating that there needed to be an amendment to the original proposal and no work was ever authorized for Phase 3. The Borough has requested a line item breakdown showing the percentage of the work that has been completed along with the cost spent on each line item for each phase. This information has never been received and therefore the Borough will be holding any payment to GAI Consultants until this information is provided.

7. Myles Stepanovich and Robert McGowan-Channel at Calendar' – Mr. Stepanovich and Robert McGowan, Jr. are requesting some relief to cover the cost of dredging the Calendar's Run inlet. Every five-(5) years this channel fills completely up with silt and they are spending between \$25,000 to \$30,000 to remove the silt.

St. Clair stated that there is a holding pond up above the channel that needs to be kept dug out. This pond will help to collect the silt before it enters the channel. Also, right in front of the arm of the island, there is a sand bar that needs to be removed. This sand bar is trapping the silt in the channel, which is also contributing to the problem.

Mr. McGowan asked the Borough to explore further with the homeowners for a long-term solution to this problem. Miscoe recommended that the homeowners contact someone who has some expertise on this issue and get a recommendation as to what the long-term solution would be and come back to the Borough with this information.

8. Legal Report:

A. Deed of Easement for Indian Lake Drive – Attorney Dickey stated that the Borough received the Easement for Arawak 47 and Arawak 48 and it was recorded in the Somerset County Courthouse on August 11th.

B. Adoption of Proposed Ordinance Accepting Indian Lake Drive – Attorney Dickey stated that the proposed ordinance was advertised for adoption in the Somerset Daily American on July 29th. Miscoe made a motion to adopt the Proposed Ordinance Accepting Indian Lake Drive. Dewar seconded the motion. All ayes, motion carried.

9. Correspondence:

A. Ronald Petrina-Resignation from the Zoning Officer Position –Ron Petrina has submitted his resignation as Zoning Officer for Indian Lake Borough effective July 28, 2004. Miscoe made a motion to reject Ron Petrina's resignation. Horvath called for a vote – 5 ayes to reject resignation, 2 –ayes to accept resignation.

Miscoe will write a letter of apology on behalf of Council and request that he reconsiders his resignation as the Zoning Officer for Indian Lake Borough.

In the Interim, Miscoe made a motion to appoint the Council Members of the Zoning Committee, which consist of Terry St. Clair, John Walters and Michael Miscoe, to review all the Tree Cutting, Building, and Waterfront Encroachment Permits. Pyle seconded the motion. All ayes, motion carried.

B. Indian Lake Anglers Club-Removal of Stumps from the Lake – The Indian Lake Anglers Club understands that stumps, which are deemed to be a hazard to the boats on the lake, are going to be removed. The Anglers Club is concerned with the removal of a large number of stumps. Many of the prime fishing areas on the lake contain stumps where the fish can breed and hide. They are asking that the Borough consider cutting off the stumps well below the water line at some safe height. This would eliminate the hazard and at the same time still provide the habitat and refuge area needed for the fish. Members of the Angler's Club are willing to help with the cutting of the high stumps, erecting signs and to help in any other way that they might be needed.

Lichty noted that the Borough is not removing any stumps, the Borough is simply cutting the stumps off.

C. Representative Bob Bastian-Renewable Energy Conference – Representative Bastian is hosting the First Renewable Energy Conference at the Seven Springs Resort on August 31st and September 1st. The purpose of the conference is to provide education on the latest developments in renewable technologies as well as their potential to stimulate economic growth. Planned components are the various renewable energy options, funding sources available, improvements in technology, implementing a renewable energy project, consequential legislation, regulatory standards, and incentives for renewable uses. No one to attend.

D. Department of Environmental Protection-Alternative Ecoflo Peat Based Biofilter/A/B/ Bed System Design for Terry St. Clair on Airpark 3 – The Department of Environmental Protection has reviewed the proposed design for Airpark 3, which was submitted by Terry St. Clair. The system met the requirement of the Alternate System Guidance. Therefore, the Borough's S.E.O. is authorized to issue a permit for this alternate system. An Operation and Maintenance Agreement for this Alternate system must be enacted prior to construction.

E. Somerset County Planning Commission-Cheyenne Subdivision – The Somerset County Planning Commission has revised and approved the revised plan for the Cheyenne Subdivision. The only change to the previously approved plan was the size and location of the water line that will service Sections B and C.

10. Committee Reports:

A. Finance Report:

1. Joseph Scansaroli-2004 Auditing Proposal – Dewar made a motion to appoint Joseph Scansaroli, Certified Public Accountant, as the auditing firm for Indian Lake Borough for the year 2004. Walters seconded the motion. All ayes, motion carried.

B. Public Works Report:

1. New Enterprise-Work Change Order on Indian Lake Drive – Secretary provide Council with a change order from New Enterprise Stone & Lime Company. The scope of work is removing unsuitable material in a soft area on the roadway and cutting a trench to act as a bleeder to the edge of the road. They will place #3 stone back to sub-grade and in the trench and also replacing 2A Stone. Total price is \$560.00.

2. Liquid Engineering-Proposal for Water Tank Cleaning - Pyle made a motion to accept the proposal from Liquid Engineering for a complete bottom cleaning and video inspection of the Cherry Lane, Peninsula and Buckstown Tanks at the quoted price of 5,890.00. St. Clair seconded the motion. All ayes, motion carried.

3. 2004 De-Icing Salt Bids

A.	Cargill Salt	\$39.67/ton
B.	Morton Salt	\$41.85/ton

Dewar made a motion to accept the Deicing Salt Bid from Cargill Salt at \$39.67 per ton. St. Clair seconded the motion. All ayes, motion carried.

C. Environmental Report:

1. Musser Engineering-Engineering Contract – Dewar made a motion to accept the engineering proposal from Musser Engineering at a fixed cost of \$25,000.00 to provide engineering services for the Calendar's Run Hiking and Biking Trail. Pyle seconded the motion. All ayes, motion carried.

11. Old Business:

A. Defibrillators – Lichty reported that the only police department in our area that carries a defibrillator in their cruiser is Paint Township. The Shanksville Volunteer Fire Department has 2 defibrillators and the Somerset Area Ambulance, which is stationed in Stoystown, has a very sophisticated one.

Dewar stated that she has spoken with both of the Borough's Police Officers and they are both trained to use defibrillators.

Secretary stated that she contacted the Borough's insurance carrier and there will be no additional premium charge for the law enforcement liability should the Borough have a defibrillator in the Police Cruiser.

Mr. Lawson stated at the last meeting that he had requested information on a grant program. Council asked Bob Pyle to contact Mr. Lawson to see if he received this information and if he would be willing to assist with submitting the grant application.

B. One-Way on Peninsula Drive – Dewar stated that she looked at this area and felt that it is clearly marked and people are just intentionally making a violation by going the wrong way.

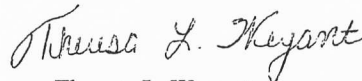
12. New Business: None.

13. Public Comment: None.

With no further business to discuss, Walters moved and Pyle seconded to adjourn the meeting at 9:10 P.M. All ayes, motion carried.

The next regularly scheduled meeting of the Indian Lake Borough Council will be held on September 8, 2004 at 7:00 P.M. at the Indian Lake Borough Building.

Respectfully submitted,



Theresa L. Weyant
Borough Secretary