

MINUTES
INDIAN LAKE BOROUGH COUNCIL MEETING
FEBRUARY 10, 2021

The regularly scheduled meeting of the Indian Lake Borough Council was held on February 10, 2021 at 6:00 P.M. at the Indian Lake Borough Building.

THOSE PRESENT:

Kim Yantus
Curt Morgese
Scott Hollern(via Zoom)
Paul Balint
Joe Lazzaro (via Zoom)
Shaun Nemeth (via Zoom)
Bob Hanson (via Zoom)
Kirsten Siehl, Office Manager
Michael Miscoe, Mayor (via Zoom)
Michael Barbera, Solicitor (via zoom)
Jerry Bellak, Chief of Police

THOSE ABSENT:

Dave Wood, Zoning Officer
Dean Snyder, Roads and Maintenance

Visitors - Dick Stern, Pamela Tadken, Bob and Judy Oates, Bill Kirkpatrick

ORDER OF BUSINESS

1. Pledge of Allegiance
2. The meeting was called to order at 6:02 by Hanson.
3. Balint moved to approve the council meeting minutes from January 13, 2021 with the added Resolution 2020-01-13, Hollern 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, Morgese seconded. All ayes, motion carried.
5. Welcome Visitors - Dick Stern, Pamela Tadken, Bob and Judy Oates, Bill Kirkpatrick
6. Public Comment:
 - A. Bill Kirkpatrick, Aquatic Environmental Consultants gave a brief overview of what his company does for Indian Lake each year; aquatic vegetation management and water quality study. He explained the aquatic vegetation management is done yearly with the pre-treatment survey being done in the beginning of June following by the recommended treatments. He explained the water quality monitoring is done yearly and a great way to track the health of the lake from year to year. Morgese questioned if there is an environmental concern with the use of bubblers or deicers, Kirkpatrick explain there is not environmental or water quality concern. Yantus mentioned there were numerous complaints of aquatic vegetation growth in 2020 and asked the best way to address this with residents, Kirkpatrick explained that the elodea is treated at 100% in the growth areas but the pondweed should not be treated at 100% as it is healthy and good for the fish population. Valissneria cannot be treated completely but can be "burnt back" in late July prior to the heavy growth. Kirkpatrick did caution against non-resident boats that could potentially expose Indian Lake to invasive species of vegetation. Balint mentioned that lily pads were a big complaint in 2020, Kirkpatrick said he can treat those in late summer but to remind residents to not cut the lilies or they cannot be

treated. Kirkpatrick asked that resident let the office know where the problem areas of lily pads are to be treated. Lazarro questioned if sediment can change the water quality or if too many trees being removed could have a negative impact on the lake. Kirkpatrick explained the trees will not have an impact on an increase in sediment, but an upstream tributary could. Hanson confirmed with Kirkpatrick that only the first treatment for elodea requires the lake to be closed to boat traffic to increase the effectiveness. Hanson questioned the impact of the invasive species and ways to monitor the use of boats from other bodies of water. Kirkpatrick confirmed that Lake Stonycreek and Raystown, two lakes that we likely have boats coming from do have invasive species.

7. Dave Wood's Report of Building Permits Issued - There was nothing to report.
8. Roads and Maintenance - See attached report. Balint spoke with Snyder on the salt and antiskid supply and was assured they are well stocked to get through the winter, he also confirmed that the trucks were in good working condition. Snyder is looking for a new chassis for one of the plow trucks, the lead time to have it ready for next season would require a commitment by May. Hollern questioned if we are planning to replace a truck or add a truck, Balint confirmed it would be a replacement. Miscoe confirmed he will check Municibid for a used truck at a fraction of the price, he noted Council would have to give Nemeth prior authorization to bid up to a certain dollar amount. Nemeth stated he is looking into options for either replacing the bucket truck or to include subcontracting in future budgets.
9. Legal Report:
 - A. Easement Status & Ongoing Strategy - There was nothing to report.
 - B. Donald Mateer Property - There was nothing to report.
 - C. Somerset REC Right-Of-Way Agreement - Barbera reported that REC is planning on completely Right-Of-Way maintenance in the coming weeks. Barbera did contact REC's solicitor; he is willing to work with us due to the great number of unhappy residents from the last project. There is some responsibility of REC or the company they contract to complete the work but it will ultimately be the responsibility of the property owner to contact REC if there is unsatisfactory work.
 - D. Appeal of DEP Administrative Order - Barbera stated the formal action was taken to adopt the Consent Order and Agreement via resolution in January, DEP returned a few minor changes but it will require an amended resolution. Hanson moved to adopt Resolution 2021-02-10 as presented, Balint seconded. All ayes, motion carried. Barbera confirmed DEP indicated an electronic copy of the Resolution can be sent and the \$25,600 check can be mailed.
 - E. Shanksville Borough Sewer System - There was nothing to report.
 - F. WTP Property & Agreement - There was nothing to report.
 - G. Weir Tax Reimbursement - Hanson commented that in the case in front of Judge Geary, it had been discussed to reimburse Weir for out portion of the property tax for the property we took by eminent domain. The Borough is tax exempt so tax bills were never received. Weir paid the tax collector for the full property and would like to be reimbursed for our portion. Somerset County calculated for Weir that the Borough's portion is \$104.00 but they would not be pursuing the issue. Hanson moved to authorize payment of \$104.00 to John Weir for the property taxes, Morgese seconded. All ayes, motion carried.
10. Correspondence:
 - A. Podrat Media Proposal - Hollern circulated a proposal from Podrat Media, a videographer to create an educational/situational video for proper boat operation. Lazarro moved to accept the proposal from Podrat Media for \$3,000, Hollern seconded. All ayes, motion carried. Miscoe suggested

that the funds come from the CARES Act funding received by the police department.

- B. Boating Ordinance - Hollern circulated the latest boating ordinance revision including the input from Miscoe, Barbera and Stern.

11. Committee Reports:

A. Finance Report:

- i. Fee Schedule - Hanson commented that the fee schedule had not been updated and published to the public. He advised Siehl to adjust the sewer tap in fee to \$2,500 and remove the 'Newly Platted Lots' fee. Hollern moved to authorize Siehl to make the changes and publish the schedule. Hollern seconded, all ayes, motion carried.

- B. Police Report - See attached report. Bellak commented that he received a thank you from Don and Gay Reed for the use of the Police Humvee to deliver Gay's dialysis supplies. Bellak also commented that Gregory Wright thanked the department for having the call out program available after he was notified there was a security alarm triggered at his house and Pennsylvania State Police never responded. Miscoe commented that Shanksville is using Officer Pattison as a resource officer and that the tool to change the run flat tires on the Humvee was ordered through Yantus Diesel Performance. Miscoe believes Unit #116 will need replaced in the next year or two and would like to see approximately \$20,000 of the CARES Act funding transferred to the Police Capital Account to help fund a new cruiser.

- C. Personnel Report - There was nothing to report.

D. Environmental Report:

- i. Bubblers - Morgese commented that he did research on the use of bubblers and circulated the information to Council. Morgese assumes that as new homes are being purchased and built, residents will be putting money into their lake front (seawalls/docks) and will want to protect those assets. Morgese stated the realtors advertise Indian Lake as a four-season recreational lake, the more open water there is due to the use of bubblers increases the danger in recreational activities in the winter. Morgese believes that Indian Lake either needs to be the safest recreational lake as possible (no bubblers) or no recreational activities in the winter (allowing use of bubblers). Barbera suggested moving the issue into executive session.
- ii. NPDES Pesticide Permit - Siehl prepared the annual permit to treat the lake with pesticides for weed treatment and returned it.

E. Water and Sewer Report:

- i. Shanksville/EADS Meeting - Balint spoke with Isgan to coordinate with DEP on what will be required from Shanksville to keep the project moving.
- ii. Water Treatment Plant - Balint reported that DEP has fully approved the project. The revised drawings for the land acquisition from the Smith's are in the hands of Somerset Planning Commission to finalize and execute. Balint reported the bid opening happened on February 10 with two separate contracts (general/mechanical and electrical) and the bids came in higher than expected. Gibson-Thomas is taking preference on Base Bid 3 and will review the general/mechanical bids for completeness before accepting the apparent low bid from Hickes. The apparent low bid for the electrical contract was Westmoreland Electric. Hanson moved to award the contract to the lowest responsible bidder, Hickes subject to acquisition of the property from Lake Properties, final funding for the project and solicitor and engineer approval, Lazarro seconded. All ayes, motion carried. Hanson commented that there are options to cover the balance; request additional funding from

PennVest, use cash reserves or look on the open market for a commercial loan. The Borough has 60 days to award a bid.

- iii. EADS Group Sewage Maintenance Agreement - Balint authorized himself to engage EADS Group to take over the entire sewage maintenance project and authorize signature, Hanson seconded. All ayes, motion carried.
 - iv. Delaware 11 Sewage Tap - Balint recommended to follow Hanson's prepared draft and allow John Oliver to purchase the tap for Delaware 11. Randy Musser is confident that the surge tank will not be used by issuing the tap and it will not require involving DEP.
- F. Planning/Zoning Report:
- i. New Chair - It was reported that Pam Tadken has been appointed and accepted the position of Chair of Planning and Zoning.
 - ii. Nomination of Maureen Brown - Taken requested Council to approve the nomination of Maureen Brown to fill one of the vacancies. Brown has been a resident since 2015 and has showed great interest in being an active member of the community. Hanson moved to appoint Maureen Brown to fill one vacancy on Planning with the term expiring in 2023, Lazarro seconded. All ayes, motion carried.
 - iii. 9-Acre Rezone - Geoff Miscoe has requested a zoning change for the 9-Acre property he owns near the Airport from Residential to Commercial General. The request will be discussed at the March Planning meeting with an action plan prepared for consideration from Council at the March meeting with a public hearing for the April Council meeting.
 - iv. Nuisance Ordinance - Taken reported the comments received by residents. Residents were against the 15 person "party rule" but would support having to get a permit for larger events that have a band or DJ. Most residents reported that asking neighbors for permission would be an additional burden and not conducive to the largely vacation community. Most residents did support the enforcement of noise violations after determined hours. Miscoe stated he is only asking for direction due to the numerous complaints received each summer that currently cannot be enforced.
- G. Parks & Recreation - There was nothing to report.
- H. Land Management - There was nothing to report.
- I. Storm Water Management - Miscoe stated he circulated the training information from FEMA.

12. Old Business:

- A. Comcast Renewal - There is nothing to report.
- B. New Resident Welcome Kits - Siehl has had a few residents and local businesses reach out that are willing to help, she will have more information prepared for next month.
- C. Nancy Hoover Plaque - Council is willing to provide the funding once the verbiage has been finalized.

13. Executive Session - Hanson moved to move into executive session at 9:21 for a matter of litigation in which identifiable claims have been made, Morgese seconded. All ayes, motion carried.

14. Additional Business - There was no additional business from Executive Session.

15. Adjournment - Yantus moved to adjourn the meeting at 9:51, Balint seconded. All ayes motion carried.

The next regularly scheduled meeting of the Indian Lake Borough Council will be held on March 10, 2021 at 6:00 P.M. at the Indian Lake Borough Building or by teleconference.

Respectfully submitted,

Kirsten Siehl

Kirsten Siehl
Borough Secretary