

MINUTES
INDIAN LAKE BOROUGH COUNCIL MEETING
OCTOBER 9, 2013

The regularly scheduled meeting of the Indian Lake Borough Council was held on October 9, 2013 at 7:00 P.M. at the Indian Lake Borough Building.

THOSE PRESENT:

Paul Cornez
Charles McCauley
Lynn Shimer
Robert Hanson
Terry St. Clair
Michael D. Miscoe, Mayor
Theresa L. Weyant, Borough Manager/Secretary
Attorney Daniel Rullo, Solicitor
Dean Snyder, Zoning Officer/Water & Sewer Plant Operator

THOSE ABSENT:

Patricia Dewar, Council President
Robert Marhefka

Visitors – Richard Stern, Kenneth Helsel, Bret Kahler, Marc Alaia, Ronald Petrina, Don Reed, Reggie Musser, Andrea Rosado and Dan Kovacs.

The meeting was called to order at 7:01 P.M. by Paul Cornez, Vice-President.

ORDER OF BUSINESS

1. Approve the Minutes of the Meeting Held on September 11, 2013 - Cornez asked for additions and/or corrections. There being none, Hanson made a motion to approve the minutes as submitted. St. Clair seconded the motion. All ayes, motion carried.
2. Financial Reports - Cornez made a motion to approve the Borough's Financial Reports and to pay the outstanding bills except for the bill to Barbara, Clapper, Beener, Rullo & Melvin, in the amount of \$5,241.00, which should be held until the Chairman of the Finance Committee has reviewed and signed off on the bill. Shimer seconded the motion. All ayes, motion carried.

Cornez made a motion to approve the Water Works Financial Reports and to pay the outstanding bills. Shimer seconded the motion. All ayes, motion carried.

Cornez made a motion to approve the Sewer Financial Reports and to pay the outstanding bills. Shimer seconded the motion. All ayes, motion carried.

Cornez made a motion to approve the Summary of Account Balance Report as presented. Shimer seconded the motion. All ayes, motion carried.
3. Welcome Visitors – Richard Stern, Kenneth Helsel, Bret Kahler, Marc Alaia, Ronald Petrina, Don Reed, Reggie Musser, Andrea Rosado and Dan Kovacs.
4. Brett Kahler, Peninsula 966-Request to Change the Nuisance Ordinance to Allow Keeping Chickens on Property – Mr. Kahler addressed Council about amending the Nuisance Ordinance to allow residents to keep chickens on their property. In the last few years there has been a growing trend with farm hobbyist and in larger cities such as Pittsburgh you are allowed to keep certain animals on your property with a permit. Mr. Kahler would like Council to consider amending the Nuisance Ordinance, to allow farm hobbyists to raise chickens for their own use with a special permit from the Borough. Mr. Kahler would like to raise Rhode Island Red's and he wouldn't have any roosters, so noise wouldn't be an issue and the chickens would be properly confined to an area on his property so they wouldn't be roaming the neighborhood or visible from any public roadway. No action was taken on amending the Nuisance Ordinance.

5. Reggie Musser, Musser Engineering-Sewage Malfunction on South Peninsula 286 – Mr. Musser informed Council that Mr. Frank Szczechowicz has received a building permit to construct a new dwelling and demolish the existing house. This lot was up for its routine sewage maintenance inspection this year and during the inspection on September 30th it was discovered that the leach field was not absorbing wastewater at an acceptable rate. This malfunction prompted the owner to apply for a septic repair permit. After a site evaluation, it was determined that a Small Flow Sewage Treatment Facility (SFTF) with a lake discharge would be the appropriate repair. These systems can take up to one (1) year to get approved by the Department of Environmental Protection and a 2013 fall date is planned for the construction of the new home. A sewage plan has been completed and submitted to Jerry Mostoller, Sewage Enforcement Officer for Indian Lake Borough, for a temporary holding tank. This temporary holding tank would eventually be used as the septic tank for the SFTF. Due to the width constraints on lakefront lots and the size of the proposed dwelling the construction process would need to be implemented as follows:

- A. The existing cabin and septic be removed
- B. The new septic tank (temporary holding tank) be installed and the construction of the new dwelling to begin

This order of events is necessary to facilitate the truck access for removal of the demolition debris and the installation of the new septic tank. All parties felt that it would be advantageous to obtain Council's concurrence with this plan prior to the start of demolition, which will effectively create a vacant lot and possibly eliminate the proposed septic repair option.

Hanson made a motion that Borough Council respond affirmatively to the letter from Musser Engineering and he will prepare the letter for the Council President's signature. Shimer seconded the motion. All ayes, motion carried.

Hanson made a motion to accept and execute the holding tank agreement as presented. St. Clair seconded the motion. All ayes, motion carried.

6. Marc Alaia, Indian Lake Marina-50 Year Anniversary, Sunken and/or Abandoned Boats Left on Lake – Mr. Alaia inquired as to what, if any, plans for the Borough's upcoming 50th year anniversary celebration. The Marina is willing to help in planning the celebration. Danielle, Office Manager for Indian Lake Marina, is willing to Chair this endeavor. Council is in favor of this idea and as events unfolded they would like to be kept in the loop as to what is being planned.

Two (2) issues came up this past summer/fall regarding sunken and/or abandoned boats left on Indian Lake. Mr. Alaia would like Council to consider implementing an ordinance that whenever a boat sinks and/or is abandoned on the lake it would empower either the Mayor or the Police Department to authorize the Indian Lake Marina to remove the boat from the lake and their fees would be billable back to the property owner.

Council addressed the boat parking at the Marina along the Borough right-of-way along South Shore Trail and would like to remind Mr. Alaia that boats are not to be parked along the roadway in the Borough's right-of-way and would like the current situation corrected. Mr. Alaia stated that in the past whenever the Borough had an issue where he parked the boats they would just notify him and he would move them. He wasn't aware that there was an issue as to where they were parked this year but he would correct the problem.

Council also addressed the issue of the abandoned vehicle that has been down by the Marina. It is a white jeep and it has been there for a number of years, which is in violation to the Borough's Nuisance Ordinance. Mr. Alaia stated that he doesn't want this vehicle there either but it is a former employee's vehicle that just left it there. He has been going through the process to try to obtain ownership of the vehicle. The vehicle is a leased vehicle from Laurel Valley Auto Sales and he has contacted them about the vehicle but they don't want it. Attorney Rullo advised Mr. Alaia to send the former employee a letter indicating that you are going to take him to the District Magistrate and charge him for storage on it. You will also need to find out if a title of ownership was ever issued to the former employee. District Magistrate Susan Mankamyer, who is located in Boswell, will have the forms that you will need to fill out.

7. Dam Remediation Update: Cornez reported that the embankment fill is completed all the way across and including onto Mr. and Mrs. Lichtenfels' property. The top of the embankment has not been graveled nor has it been seeded.

A complaint has been made from the Lichtenfels' regarding all the dust and Maust Excavating is continuing to water down the affected areas. The Lichtenfels' have made a claim today that the compaction on the easement area caused a crack to appear on the upper side of his home. The engineer from CME Engineering, who is here daily, has reviewed this and has taken photographs and in his opinion the vibration from the compaction roller never caused this problem.

The west side rip rap is done and the east side rip rap should be completed in the next day or two and then they will start spreading topsoil. 85% of the spillway excavation is completed. There is approximately 4 foot of mud in the spillway channel which will need to be excavated out before work on the waterline can commence. Maust Excavating has started to haul out the extra material because all the material that they could use has been used.

Council was presented with Change Order Request No. 2 from Maust Excavating, for the additional grouting work, in the amount of \$4,538.40 and the addition of one (1) extra day to the contract. Cornez made a motion to approve Change Order Request No. 2 from Maust Excavating, in the amount of \$4,538.40 plus one (1) additional day to the contract. Shimer seconded the motion. All ayes, motion carried.

Cornez made a motion to approve Maust Excavating's Payment Request No. 2 for Phase No. 3, in the amount of \$99,742.50. Hanson seconded the motion. All ayes, motion carried.

8. Dean Snyder's Report:

A. Occupancy Permits – Snyder reported to Council that an issue arose this week with IBTS not issuing Occupancy Permits for projects that were or still need to be completed in the Borough. A permit was issued by Somerset County Building Inspectors (SCBI) and in the meantime SCBI was sold and taken over by IBTS, who were going to honor all the existing permits that were issued by SCBI and they were to complete all the inspections and close out building permit. Apparently a bunch of those permits were put in a dormant file and IBTS will not do the inspections or issue the Occupancy Permits for anything later than 2012. This matter was referred to Attorney Rullo to look into and to contact IBTS because they stated that they would complete all permits that were still pending with them. In the meantime, Council asked Snyder to send a letter to every resident who is affected by this to see who does and does not have their Occupancy Permits.

B. Dirty Water Complaint on Peninsula 1309 – Snyder reported that a dirty water complaint was filed with the Department of Environmental Protection by Karl Ocepek, who is located at Peninsula 1309, over the Labor Day weekend. DEP was here and pulled some water samples. They were unable to get a sample from Mr. Ocepek's residence but they did draw a sample from the neighbors (2) doors down. No other complaint was received by either the Borough or the DEP.

9. Legal Report:

A. Easement Status and Ongoing Strategy – Attorney Rullo reported that Robert Hanson and himself met with Robert Hagerich, the appraiser for the Borough, to bring him up to speed on the properties that will be going before the Board of View. Some of the people who are on the list will probably be withdrawn because some have already willingly signed their easement and some of them weren't even taken by eminent domain.

B. Public Hearing on the Proposed Amendment to Zoning Ordinance No. 144 – Attorney Rullo will prepare the public hearing notice for the public hearing to be held at 6:30 pm on November 13th and will also prepare the notice for the consideration for adoption of the amendment to Zoning Ordinance No. 144 and will forward the notices to the Borough Secretary for advertisement.

10. Correspondence:

A. Somerset County Boroughs Association-November Dinner Meeting – The Somerset County Boroughs Association November Dinner Meeting will be held on Thursday, November 21, 2013, at the Oakhurst Tea Room in Somerset. The cost is \$18.75 per person. Mayor Miscoe will attend and Hanson will take care of the donation of a basket to be raffled off.

11. Committee Reports:

A. Finance Report:

1. 2014 Tax Collector Audit Proposal – The Borough received a revised proposal from Wessel & Company to do the 2013 Tax Collector Audit at a cost of \$2,500-\$3,000. St. Clair made a motion to accept the audit proposal from Wessel & Company as presented. Shimer seconded the motion. All ayes, motion carried.

2. 2013 Firemen's Relief Fund Distribution - Cornez made a motion to allocate 100% of the 2013 Firemen's Relief money to the Shanksville Volunteer Fire Department. St. Clair seconded the motion. All ayes, motion carried.

3. 2013 State Aid Allocation and MMO for Employee Pension Plan – Cornez made a motion to remit \$1,371.24 from the Borough's General Fund to cover the shortage of funds received from the state to fully fund the municipal obligation to the 2013 Minimum Municipal Obligation Budget for the employee pension plan. McCauley seconded the motion. All ayes, motion carried.

4. 3rd Quarter Financial Review - Cornez made a motion to authorize the Borough Secretary to do the following budget adjustments to the General Fund as outlined in the opinion letter and to accept the Borough Financial Review as presented:

1.	409.375 Building Maintenance	\$ 4,995.00
2.	Fuel	\$ 5,000.00
3.	486.352 General Liability Insurance	\$ 920.00
4.	Workmen Pay	\$(10,915.00)

St. Clair seconded the motion. All ayes, motion carried.

Cornez made a motion to authorize the Borough Secretary to do the following budget adjustments to the Water Works Fund as outlined in the opinion letter and to accept the Borough Financial Review as presented:

1.	400.200 Office Supplies	\$ 1,250.00
2.	448.222 Purifica	\$ 7,800.00
3.	486.162 U/C Insurance	\$ 600.00
4.	408.313 Engineering Services	\$(3,650.00)
5.	448.132 Laborer 1 Salary	\$(6,000.00)

Shimer seconded the motion. All ayes, motion carried.

5. 2013 Somerset Ambulance Contribution - St. Clair made a motion to make a donation in the amount of \$2,500.00 to the Somerset Area Ambulance Association. Hanson seconded the motion. All ayes, motion carried.

B. Police Report:

1. Complaint from Richard and Judy Benny – Mr. and Mrs. Benny are upset about their truck and boat trailer being towed from the public boat ramp area. This vehicle was blocking the roadway. The police department properly sited the individuals and had the vehicle towed. Mayor Miscoe would like to suggest that Council authorize the purchase of some additional larger no parking signs that can be placed at the public launch ramp location. Marc Alaia stated that where they were parked, they were on the Marina’s property and he is purchasing additional signage for the area in question. Council asked that Mayor Miscoe prepare a response letter to Mr. and Mrs. Benny as they requested in their letter.

C Personnel Report:

1. Professional Service Agreement with David Wood (D & I Wood, LLC) as the new Zoning Officer for Indian Lake Borough – McCauley made a motion to authorize the acceptance of the Profession Service Agreement with David Wood (D & I Wood, LLC) as prepared and presented. St. Clair seconded the motion. All ayes, motion carried.

12. Old Business: None.

13. New Business:

A. Set Budget Workshop Meeting – Council will hold the Budget Workshop Meeting at the second regularly scheduled meeting on Wednesday, October 23, 2013.

B. Proposed Building Report Permit Ordinance Regarding Miscellaneous Structures not Reviewed under the Uniform Construction Code – The Somerset County Municipal Cooperative Association will advertise the adoption of the proposed Ordinance for the November 13th meeting. St. Clair made a motion to accept the proposed ordinance as presented. Cornez seconded the motion. All ayes, motion carried.

C. 2013 Boot Allotments for Workmen – Cornez made a motion that the workmen receive a boot allotment check in the amount of \$100.00 per person. Hanson seconded the motion. All ayes, motion carried.

14. Public Comment: None.

With no further business to discuss, Shimer moved and St. Clair seconded to adjourn the meeting at 8:55 P.M. All ayes, motion carried.

The next regularly scheduled meeting of the Indian Lake Borough Council will be held on October 23, 2013 at 7:00 P.M. at the Indian Lake Borough Building.

Respectfully submitted,

Theresa L. Weyant
Borough Manager