

MINUTES
INDIAN LAKE BOROUGH COUNCIL MEETING
DECEMBER 8, 2010

The regularly scheduled meeting of the Indian Lake Borough Council was held on December 8, 2010 at 7:00 P.M. at the Indian Lake Borough Building.

THOSE PRESENT:

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

THOSE ABSENT:

Visitors – Sean Isgan, Tom O’Toole, Ronald Petrina, Terry St. Clair, Forrest Schucker, and James Dewar.

The meeting was called to order at 7:03 P.M. by Robert Hanson, Council President.

ORDER OF BUSINESS

1. Approve the Minutes of the Meeting Held on October 27, 2010 - Hanson asked for additions and/or corrections. There being none, Dewar made a motion to approve the minutes as submitted. Cornez seconded the motion. All ayes, motion carried.

Approve the Minutes of the Meeting Held on November 10, 2010 – Hanson asked for additions and/or corrections. There being none, Cornez made a motion to approve the minutes as submitted. Dewar seconded the motion. All ayes, motion carried.

2. 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 totals \$54,595.97 and the bill to Marion Hill Associates, in the amount of \$1,757.22, payment should be withheld. The bills to CME Engineering, in the amount of \$4,963.24, for engineering services rendered for the valve should be paid upon the approval of the Change Order Request #2. 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, including the amendments to the List of Bills Report, 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.

3. Welcome Visitors – Sean Isgan, Tom O’Toole, Ronald Petrina, Terry St. Clair, Forrest Schucker, and James Dewar.

4. CME Engineering, Sean Isgan – Update on Dam Remediation:

1. Valve Replacement and Construction Monitoring Proposal #070901 Change Order Request #2 – Cornez made a motion to accept the Change Order Request #2 for the Valve Replacement and Construction Monitoring Proposal #070901, in the amount of \$12,000.00. Dewar seconded the motion. All ayes, motion carried.

2. Fabricated Threaded Outlet Tapping Sleeve – Cornez made a motion to authorize CME Engineering to pursue the idea of installing the fabricated tapping sleeve and to authorize the expenditure not to exceed \$1,500.00. McCauley seconded the motion. All ayes, motion carried.

5. Legal Report:

A. DEP/PBS Trust Fund for the Clear Run Water Shed – Council requested that Paul Cornez and Mayor Michael Miscoe write a set of interrogatory questions to the DEP as to how the fund works, how long it takes for the funds to be disbursed, etc.

B. Red Flag Rules, Fair Credit Act and Post Card Billings and a State Law Called the Pennsylvania Fair Credit Extension Uniformity Act – Cornez made a motion to establish a flat rate for the commercial water billing customers based on the average usage over a five (5) year period, and to continue with reading the water meters on a yearly basis with a yearly review of the commercial water rates. Vogel seconded the motion. All ayes, motion carried.

As an afterthought to Item #4 above, Cornez made a motion to accept the proposal from CME Engineering to do the 2010 annual dam inspection, in the amount of \$6,000.00. Hanson seconded the motion. All ayes, motion carried.

6. Correspondence:

A. The Children’s Aid Home-Request for Donation - The Children’s Aid Home & Society of Somerset County is requesting a donation. Dewar made a motion to make a \$50.00 donation to the Children’s Aid Home & Society of Somerset County. McCauley seconded the motion. All ayes, motion carried.

B. The Humane Society of Somerset County-Request for Donation - The Humane Society of Somerset County is requesting a donation. Dewar made a motion to make a \$50.00 donation to the Humane Society of Somerset County. Cornez seconded the motion. All ayes, motion carried.

C. The Somerset County Planning Commission-Plan Deficiencies for the Revision to Mohawk Lots 13 and 14 – The Somerset County Planning Commission has provided the Borough with a list of plan deficiencies for the Revision to Mohawk Lots 13 and 14, which is owned by William and Lena Kuchera. No action required.

D. James Lyons Letters on 3rd Kickapoo Permit Issue/PRD – The Borough acknowledges receipt of these letters and they will be the subject of an Executive Session. Vogel made a motion to defer the discussion on this matter to Executive Session. Cornez seconded the motion. All ayes, motion carried.

7. Committee Reports:

A. Finance Report:

1. Adoption of the 2011 Budget - Dewar made a motion to adopt the proposed 2011 budget as advertised and presented. Cornez seconded the motion. All ayes, motion carried.

2. Set Millage Rate and all other Borough Taxes for 2011 - Dewar made a motion to set the millage rate at 16 mills and for all the other Borough taxes to remain the same for 2011. Stern seconded the motion. All ayes, motion carried.

3. Adoption of Tax Rate Ordinance - Dewar made a motion to adopt the 2011 Tax Rate Ordinance as presented and advertised. Cornez seconded the motion. All ayes, motion carried.

B Roads and Maintenance – Hanson made a motion to authorize the expenditure of up to \$350.00 to fix the drainage ditch on Seneca/Cherokee by filling the ditch with No. 3 stone, which would still allow the water to drain. Stern seconded the motion. All ayes, motion carried.

C. Police Report:

1. Hunting in Borough – Mayor Miscoe reported that he received a letter from residents along Clear Run Road (Rick and Karen Lamkie, Steve and Rene Straka, Rick and Patti Perrott, and Jim and Sue Elder) regarding the numerous hunters on that road and shots being fired near their homes. Mayor Miscoe is suggesting that the allowance of archery and goose hunting by Ordinance No. 112 and 120 isn’t really accomplishing what it was intended to do and that it is potentially creating confusion about the legality of hunting in the Borough. He suggested that the Borough consider reviving Ordinance No. 6 by precluding hunting and to come up with a strict definition as to what constitutes the act of hunting to ensure that the Ordinance can be enforced.

Cornez made a motion to authorize Attorney Rullo to draft an ordinance repealing Ordinance No. 120 and creating a complete restriction of hunting in the Borough. Dewar seconded the motion. All ayes, motion carried.

2. Purchase of Glock 23 Weapons – McCauley made a motion to purchase 2 Glock 23 semi-auto pistols as required by the Police Contract. Vogel seconded the motion. After a discussion, McCauley moved and Hanson seconded to table this motion until after Executive Session. After further discussion, McCauley withdrew his motion since the purchase amount was within the Mayor’s authority to approve as a budgeted expense.

D. Personnel Report:

1. Amendment to Employee Policy on Paydays – McCauley made a motion to amend the employee policy dealing with paydays to reflect that employees are paid bi-weekly on Fridays. Hanson seconded the motion. All ayes, motion carried.

2. Authority to Approve Vacation Days and Other Absences and Routine Day-to-Day Personnel and Administration Issues – Cornez made a motion that the Chairman of the Personnel Committee will have the supervisory responsibility of the employees so that day to day personnel and administration issues can be resolved outside of Council. Hanson seconded the motion. All ayes, motion carried. As clarification, Manager will continue to approve the employees vacation and sick time and the chairman of the Personnel Committee will approve the Managers’ vacation and sick time. Hanson stated that Charlie McCauley will be the Chairman of the Personnel Committee.

E. Water & Sewer Report:

1. Water System Monitoring Change Order Request #1 – Vogel made a motion to approve the Water System Monitoring Change Order Request #1, in the amount of \$16,800.00. Hanson seconded the motion. All ayes, motion carried.

Vogel made a motion to approve the bill from CME Engineering, in the amount of \$450.18, to respond to bidder questions and take additional bidder on site tour. After a discussion, Vogel withdrew motion since this invoice is part of the Change Order Request #1, as previously approved.

Vogel made a motion that the Borough adopt a policy that bid projects require a mandatory pre-bid meeting and only one (1) site tour be given. After a discussion, Vogel withdrew his motion.

2. Bids for the Water System Monitoring/SCADA Project – Vogel made a motion that due to all the discrepancies with all the bids and due to the fact that the Borough would like to apply for an H2O Grant for the SCADA System, which would pay for this project in full, that all bids be rejected and to re-bid this project in the Spring. Hanson seconded the motion. All ayes, motion carried.

Vogel made a motion to authorize Somerset Planning and Engineering to apply for the H2O Grant for the SCADA project and clarify what their fee will be to prepare the grant documents. Hanson seconded the motion. All ayes, motion carried.

8. Old Business:

A. Expiring Terms of Planning Commission Members and Zoning Hearing Board Member and Alternate Member – Hanson made a motion to re-appoint Forrest Schucker to the Zoning Hearing Board for a three (3) year term, term expires on December 31, 2013. McCauley seconded the motion. All ayes, motion carried.

Hanson made a motion to re-appoint Robert Vogel to the Planning Commission for a four (4) year term; term expires on December 31, 2014. McCauley seconded the motion. All ayes, motion carried.

Hanson made a motion to re-appoint Thomas O’Toole to the Planning Commission for a three (3) year term; term expires on December 31, 2013. Vogel seconded the motion. All ayes, motion carried.

Hanson opened the floor for nominations for an alternate member on the Zoning Hearing Board. Robert Hanson nominated Donald Newman. Paul Cornez nominated Lynn Shimer.

Stern made a motion to close the nominations. Vogel seconded the motion. All ayes, motion carried.

Hanson asked for votes for Donald Newman – Roll call vote – Hanson - aye, Dewar - naye, McCauley -, naye, Marhefka –aye, Vogel – aye, Stern – aye, Cornez – naye. 4 ayes and 3 naves. Motion carried to appoint Donald Newman as the third alternate member to the Zoning Hearing Board for a three (3) year term; term expires on December 31, 2013.

B. Building Emergency Equipment –Cornez made a motion that the Borough spend money from the Building Maintenance Account to move this building towards modern safety standards. As a minimum, illuminated exit signs, with emergency lamps over the doors in the main office and the conference room be installed at a cost not to exceed \$370.64. Further, the door in the conference room should be replaced with a steel door with panic hardware and exterior key at a cost not to exceed \$1,395.00. Total cost \$1,765.64. McCauley seconded the motion. All ayes, motion carried.

Vogel made a motion to also install a screen door with a kick plate in the conference room. Dewar seconded the motion. 6 ayes and 1 naye, motion carried.

9. New Business:

A. Mileage Allowance – Hanson made a motion that Indian Lake Borough establish the IRS mileage allowance as the Borough’s millage allowance. McCauley seconded the motion. All ayes, motion carried.

10. Public Comment: None.

Cornez made a motion to move into Executive Session to discuss litigation and personnel matters at 10:46 P.M. Hanson seconded the motion. All ayes, motion carried.

At 12:17 P.M. Council returned to Regular Session.

Hanson made a motion that Borough Council turn over to the Planning Commission for an in depth review and recommendation as to whether or not St. Clair Resort Development Plan should be a PRD and Council should investigate and assess the harm in allowing the first structure (Cocopa) in Phase II to continue as planned as we deliberate the PRD issue. Stern seconded the motion.

Attorney Rullo stated that he would like to put on the record that by taking such action, Council would be going against his legal advice. He referenced an opinion given to Council that nothing in the subdivision plan triggered PRD analysis under the Ordinance. Attorney Rullo further stated that if the Borough continued to treat this as a PRD, they would not only subject the Borough to additional litigation from all sides, but would be opening a Pandora’s Box that he didn’t believe he would ever be able to close.

Cornez made a motion to table this matter. McCauley seconded the motion. 3 ayes and 4 naves. Motion denied.

Hanson stated that the motion on the table is again, that Borough Council turn over to the Planning Commission for an in depth review and recommendation as to whether or not St. Clair Resort Development Plan should be a PRD and Council should investigate and assess the harm in allowing the first structure (Cocopa) in Phase II to continue as planned as we deliberate the PRD issue. Stern seconded the motion. 3 ayes and 4 naves. Motion denied.

With no further business to discuss, Cornez moved and McCauley seconded to adjourn the meeting at 12:50 A.M. All ayes, motion carried.

The next regularly scheduled meeting of the Indian Lake Borough Council will be held on January 12, 2011 at 7:00 P.M. at the Indian Lake Borough Building.

Respectfully submitted,

Theresa L. Weyant
Borough Manager