

MINUTES  
INDIAN LAKE BOROUGH COUNCIL MEETING  
FEBRUARY 13, 2013

The regularly scheduled meeting of the Indian Lake Borough Council was held on February 13, 2013 at 7:00 P.M. at the Indian Lake Borough Building.

THOSE PRESENT:

Patricia Dewar, Council President  
Lynn Shimer  
Robert Marhefka  
Robert Hanson  
Terry St. Clair  
Michael D. Miscoe, Mayor  
Attorney Daniel Rullo, Solicitor  
Theresa L. Weyant, Borough Manager/Secretary

THOSE ABSENT:

Paul Cornez  
Charles McCauley  
Dean Snyder, Zoning Officer/Water & Sewer Plant Operator

Visitors – Kenneth Helsel, Don Reed, and Amber Rosado.

The meeting was called to order at 7:05 P.M. by Patricia Dewar, President.

ORDER OF BUSINESS

1. Approve the Minutes of the Meeting Held on January 9, 2013 - Dewar asked for additions and/or corrections. There being none, Shimer made a motion to approve the minutes as submitted. Hanson 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 the bill to Musser Engineering, in the amount of \$2,892.25. Hanson 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. Shimer 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. Hanson 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. Shimer seconded the motion. All ayes, motion carried.

3. Welcome Visitors – Kenneth Helsel, Don Reed, and Amber Rosado.

4. Legal Report:

1. Easement Status and Ongoing Strategy – Attorney Rullo reported that he is continuing to make telephone calls to the ones who have not submitted their easements. Attorney Rullo informed Council that at the March 13<sup>th</sup> meeting he will have the resolution to authorize the eminent domain proceeding and he will be prepared to file the documents for the takings.

2. David Rohrich Challenge to Ruling/Septic – Attorney Rullo has prepared the complaint and has forwarded that to the Attorney Generals Office as required by the Sewage Facilities Act. Attorney Rullo informed Council that he has met with Jack Crislip, Terry Mattis, and Attorney Bruce Herschlag from the Department of Environmental Protection and Jerry Mostoller, Sewage Enforcement Officer for the Borough. Attorney Herschlag would like one more opportunity to speak with Attorney Tucceri before the complaint is formally filed. Attorney Rullo noted that the Department is totally in support of the action taken by Borough against Mr. Rohrich and the Department has come up with some remedial measures that are available to them.

3. Dennis Markferding Boathouse – Attorney Rullo noted that there was a death in the family so nothing has taken place on this matter since the last meeting. Attorney Rullo informed Council that Attorney Richard Williams will need to reclude himself from preceding over this case and therefore, he would like to recommend that Council appoint Attorney C. Gregory Franz as the Zoning Hearing Board solicitor for the Markferding appeal under the same terms and conditions as Attorney Williams.

Hanson made a motion to appoint C. Gregory Franz as the alternate solicitor for the Indian Lake Zoning Hearing Borough under the same terms and conditions as Attorney Richard Williams. Shimer seconded the motion. All ayes, motion carried.

4. David Lhota – Attorney Rullo informed Council that the Sheriff Sale on this property was postponed until Friday, March 15, 2013.

5. Craig and Linda Aber-Proposed Release of Easement for Peninsula Lot #166 – Dewar made a motion to authorize the release of the easement subject to confirmation that there will remain a 10 foot easement on the other side of each of the lots affected. Hanson seconded the motion. All ayes, motion carried. Attorney Rullo informed Council that he would contact Attorney Scott Bittner to verify that information.

6. Adoption of Proposed Ordinance No 164-Adjusting the Compensation of Elected Tax Collector – Shimer made a motion to adopt Ordinance No. 164 which adjusts the compensation of the elected tax collector. Hanson seconded the motion. All ayes, motion carried.

7. Report of Discussion with IBTS Concerning the Completion of Permit Inspections Paid for in 2012 – Attorney Rullo informed Council that he has not received confirmation from IBTS and he will continue to pursue this matter.

#### 5. Correspondence:

A. PA Department of Transportation-Special Event Permit Application – Dewar informed Council that there is a new application which is required by municipalities or private sponsors for any and all events which will utilize Department Right of Way, or require a closure or partial closure of any state road.

B. U.S. Environmental Protection Agency-Potential Acceptance of Oil and Gas Waste NPDES Permit No PA0030350 – This is a letter to clarify the procedures that a publicly-owned treatment works (POTW) in PA must follow and approvals that must be obtained prior to a POTW accepting new waster, including any waster that is significantly different than a previously accepted waster, for disposal or treatment.

C. Larry Crespo, from Crespo's Wildlife Solutions-2013 Goose Management Program – Council requested that the Environmental Committee contact Mr. Crespo and inquire about the harassment options and the costs and to not enter into an agreement for the nest and egg treatment.

D. Somerset County Boroughs Association March Dinner Meeting – The Somerset County Borough Association will be holding their March Dinner Meeting on Thursday, March 21, 2012 at the Somerset Borough Public Safety Building. The cost is \$11.00 per person. No one at this time would be attending, but Council asked the secretary to send an e-mail out to see if anyone is interested.

#### 6. Committee Reports:

##### A. Finance Report

1. Ratify the Sale of the 2003 F-450 – Hanson made a motion to ratify the action taken for the sale of the 2003 F-450 in the amount of \$15,500.00 through the Municibid Auction site. Shimer seconded the motion. All ayes, motion carried.

2. Ratify the Sale of the 1998 Ford Explorer – Shimer made a motion to ratify the action taken for the sale of the 1998 Ford Explorer in the amount of \$1,150.00 through the Municibid Auction site. Hanson seconded the motion. All ayes, motion carried.

3. Musser Engineering Proposal for the Pueblo Path and West Shore Trail Extension Revised Right-of-Ways – Hanson informed Council that at the August 8, 2012 meeting, Council accepted a proposal from Musser Engineering to prepare the drawings to revise the right-of-ways for Pueblo Path and West Shore Trail Extension to 33 feet and to show the 370 foot road dedication of West Shore Trail Extension past Pueblo Path at a cost not to exceed \$1,000.00. Musser Engineering did a field survey and ran into all kinds of issues which were not anticipated. Everything has been reconciled and the Borough has received the final drawings and no deeds will need to be re-done. However, the cost for the work did exceed the \$1,000.00 but based on all the issues that arose and have now been resolved, Hanson made a motion to recommend that the Borough authorize payment in the amount of \$2,892.25 to Musser Engineering for the work on revising the right-of-ways for Pueblo Path and West Shore Trail Extension. Dewar seconded the motion. All ayes, motion carried.

4. Water Works Certificate of Deposit Redemption – Hanson made a motion to authorize the Borough Secretary to redeem the Water Works 1-year Certificate of Deposit from Ascenia Bank and to reinvest \$100,000.00 into a 3-Year Certificate of Deposit with Somerset Trust Company at an interest rate of 1.15%. Shimer seconded the motion. All ayes, motion carried.

B. Police Report - Council asked Robert Hanson to get a price quote for the purchase of a new computer for the police department and to present the proposal to Council at the March meeting.

C. Environmental Report – Shimer reported that the Environmental Committee will be looking into what the Borough can do about the non-resident ice fisherman. They park along the roadways and some are even parking in resident driveways and they are depleting the lake of the fish that are being put into the lake to take care of other species of fish that need to be controlled. The committee will be looking at possibly adopting an ordinance where an individual would need to obtain a permit from the Borough in order to be able to ice fish on the lake.

D. Water Report:

1. Free Chlorine Process Analyzer – Hanson reported that the Rosement Chlorine Analyzer, which the Borough purchased for Well #2, isn't working how the Borough needs it to work it seems to be set up more for a lab grade sensor. The Water Committee has researched the Free Chlorine Process Analyzer from Hach, at a cost of \$4,147.48, which includes the warranty plus option (instrument start-up, all parts, labor, and travel for onsite repairs, 2 on-site calibrations per year and factory recommended maintenance). The Borough will need to install a dry well for it to discharge into though.

Hanson made a motion to authorize the expenditure not to exceed \$6,000.00 to replace the Rosemount Chlorine Analyzer with a new Free Chlorine Process Analyzer from Hach and to construct the dry well, which will be done by the Borough employees. Shimer seconded the motion. All ayes, motion carried.

2. Rural Water/DEP Proposal to Study our Water Sources – Hanson reported that he executed the documents and forwarded copies of the paperwork to all Council Members.

3. Sewage Planning Module Component 3 for Ottawa 12 – Don Reed informed Council that the Planning Commission has reviewed the Sewage Planning Module Application for Ottawa 12 and they are recommending that Council approve the application.

Hanson made a motion to approve the Sewage Planning Module Component 3 Application for Ottawa #12 and to adopt the resolution and to authorize the Borough Secretary to execute the documents contingent on verifying that there is no easement down the middle of the property. Marhefka seconded the motion. All ayes, motion carried.

7. Old Business: None.

8. New Business:

Hanson reported that currently the Borough is using his Web-ex subscription to allow Council and Planning Members to call in on the telephone in order to be able to participate in meetings if they are out of town. This subscription has now expired and he will not be renewing it. Hanson is recommending that Council subscribe to Join-Me, which is ½ the cost of Web-ex, for \$115.00 per year. St. Clair made a motion to authorize the expenditure of \$115.00 to subscribe to Join-Me for one year. Hanson seconded the motion. All ayes, motion carried.

Marhefka stated that the Borough is starting to get an accumulation of old cars, lumber, old riding lawn mowers, boats and trailers just sitting around and this needs to get addressed. Hanson stated that he would review the proposal from Reese Sanitation Agreement and the garbage ordinance to see if there is a spring clean-up day clause in the contract.

9 Public Comment:

With no further business to discuss, Shimer moved and St. Clair seconded to adjourn the meeting at 8:36 P.M. All ayes, motion carried.

The next regularly scheduled meeting of the Indian Lake Borough Council will be held on March 13, 2013 at 7:00 P.M. at the Indian Lake Borough Building.

Respectfully submitted,

Theresa L. Weyant  
Borough Manager