

MINUTES  
INDIAN LAKE BOROUGH COUNCIL MEETING  
MAY 8, 2013

The regularly scheduled meeting of the Indian Lake Borough Council was held on May 8, 2013 at 7:00 P.M. at the Indian Lake Borough Building.

THOSE PRESENT:

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

THOSE ABSENT:

Visitors – Kenneth Helsel, Ronald Petrina, Forest Schucker, Beth Fallon, Gary William, and Dan Broskey.

The meeting was called to order at 7:00 P.M. by Patricia Dewar, President.

ORDER OF BUSINESS

1. Approve the Minutes of the Meeting Held on March 27, 2013 - Dewar asked for additions and/or corrections. There being none, Shimer made a motion to approve the minutes as submitted. St. Clair seconded the motion. All ayes, motion carried.

Approve the Minutes of the Meeting Held on April 10, 2013 - Dewar 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 - 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. Shimer 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. Cornez 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. St. Clair 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. Cornez seconded the motion. All ayes, motion carried.

3. Welcome Visitors – Kenneth Helsel, Ronald Petrina, Forest Schucker, Beth Fallon, Gary William, and Dan Broskey.

4. Gary Williams, Peninsula 445 – Zoning Ordinance Violations – Gary Williams, who is located at Peninsula 445, received a violation notice from the Indian Lake Borough Zoning Officer for cutting two (2) trees without a permit and for replacing his old deck without a building permit. Mr. Williams stated that the two (2) trees that were cut were cut because of storm damage. The one (1) Beech Tree which was cut was leaning over his deck and he was unable to remove the portion that fell without sustaining additional damage and therefore he just cut the tree down. The other tree which was on his neighbor's property fell against his dock and he just cut it. Three (3) years ago Mr. Williams tore off his old deck and he just replaced it and he was not aware that he needed a permit to replace his existing deck.

Council questioned the tree that was cut on his neighbor's property had a bench built around the tree and there was no damage done to said bench. Mr. Williams stated that the damage to the tree was sustained higher up. Council asked if Mr. Williams contacted the neighbor prior to cutting the tree? Mr. Williams stated that he did try to contact them. Mr. Williams was concerned that this tree would whined up in the lake and eventually in his dock area. Council questioned as to whether or not someone else witnessed the damage to the neighbor's tree or if he took any photographs of the damaged tree? Mr. Williams does not know if anyone else saw the damage to the tree and he did not take any photographs of the tree.

Attorney Rullo questioned if the neighbor has complained about the cutting of the tree that was on their property. Dean Snyder, Zoning Officer, stated that they have and they have contacted the Indian Lake Police Department about this as well. Attorney Rullo also questioned if Mr. Williams applied for a building permit for the deck yet? Dean Snyder stated that he has not.

Council advised Mr. Williams that he needs to apply for a building permit for the deck and have the inspections done on the deck. Attorney Rullo was asked to work with Dean Snyder on working out a resolution and setting a fine for said violation and if Mr. Williams isn't satisfied with the resolution he can appeal to the Indian Lake Borough Zoning Hearing Board.

5. Beth Fallon, Cost of a Zoning Hearing Appeal – Mrs. Fallon stated that she wants to build a dormer onto her A-Frame which is located at Seneca 411, which in order to do this she would need to apply for a variance, but the cost of the hearing is 15% or the cost of the renovations.

Mayor Miscoe stated that the Zoning Hearing Board Fees needs to be restructured and Council really needs to re-evaluate the fee structure.

#### 6. Dean Snyder's Report:

A. G. Force Engineering-Submission of Application for a GP-2 Permit for the Construction of a Boat Dock on 430 Huron Lane for Anthony Lupinetti – G. Force Engineering has submitted a copy of the application for a GP 2 Permit for the construction of a boat dock on 430 Huron Lane for Anthony Lupinetti, which has been submitted to the Department of Environmental Protection. The Borough has thirty (30) days from date of receipt of this letter to submit any comments concerning this project. At this time, Council had no comments or concerns.

B. Musser Engineering, Inc.-Submission of Application for a GP-2 Permit for a Dredging Permit for the Commercial Docks at Pow Wow for St. Clair Resort Development – Musser Engineering has submitted a copy of the application for a GP 2 Permit for a dredging permit for the commercial docks at Pow Wow for St. Clair Resort Development, which has been submitted to the Department of Environmental Protection. The Borough has thirty (30) days from date of receipt of this letter to submit any comments concerning this project. At this time, Council had no comments or concerns.

C. Somerset County Municipal Co-Op Association-Proposed Ordinance Requiring a Building Permit Report for Structures Less than 1,000 sq. ft. which are not Habitable and Limited to One-Story – Council was provided with a copy of a proposed ordinance which the Somerset County Municipal Co-Op Association is considering to Adopt at their May 15<sup>th</sup> meeting. Council discussed the Ordinance and had to recommendations for any changes at this time.

D. James Lyons-Richard Bradfield Complaint – Mr. Lyons, who is located at 462 Mohawk, has filed a formal complaint against his neighbor Mr. Bradfield who is located at 460 Mohawk. There is rubbish and junk clutter, building materials, soda machine and unlicensed trailers around the house which will soon be attracting rodents and unwanted infestation. Also, Mr. Bradfield has partially buried his oil tank onto Mr. Lyons property setback. The Zoning Officer stated that Mr. Bradfield has an active building permit until July 2, 2013, which is when Act 46 will expire.

Attorney Rullo stated that the rubbish and junk clutter, building materials, soda machine and unlicensed trailers can be addressed through Nuisance Ordinance No. 105 if this stuff has been there for at least 6 months. Council requested that Dean Snyder file a citation against Mr. Bradfield with the District Magistrate and reply to Mr. Lyons as to what action is being taken.

E. Request from the National Park Service to Supply Water to the Flight 93 Memorial – Dean Snyder stated that he received a telephone call from the National Park Service inquiring if the Borough would be interested in sell water to them for the Flight 93 Memorial. Council would be interested in discussing this with them further and that all inquiries should be directed to Robert Hanson as Chairman of the Water Committee.

#### 7. Legal Report:

A. Easement Status and Ongoing Strategy – Attorney Rullo informed Council that all the exhibits for the declarations of taking are prepared and he will be filing these next week.

B. David Rohrich Challenge to Ruling/Septic – Attorney Rullo informed Council that he has filed a scheduling praecipe asking the court to schedule this injunction.

C. David Lhota – Attorney Rullo informed Council that Mr. Lhota’s property did sale at the Sheriff’s Sale and were purchased back by the bank.

D. Adoption of the Proposed Ordinance Accepting and Ordaining the Additional Portion of Road on West Shore Trail Extension – Attorney Rullo informed Council that he dropped the ball on this one and did not get the ordinance advertised but will have that done for the next meeting and it will be ready for adoption at the June 12<sup>th</sup> meeting.

E. John Oliver-Zoning Hearing Board Decision Appeal – Attorney Rullo informed Council that Mr. Oliver has re-activated the case and this matter will be scheduled before the court.

8. Correspondence:

A. Musser Engineering, Inc.-LCT Energy, LP-Boone Mine Proposed Surface Mining – Council reviewed a proposed letter to the Department of Environmental Protection not supporting the LCT Energy, LP Boone Mine Proposed Surface Mining and requesting that the DEP consider rejecting the present application for the surface mine permit. Hanson made a motion to authorize the Council President to execute the proposed letter as prepared by Attorney Rullo and presented to Council. McCauley seconded the motion. All ayes, motion carried.

B. Somerset County Boroughs Association-May Dinner Meeting – The Somerset County Boroughs Association will be holding their May Dinner Meeting on Thursday, May 16<sup>th</sup> at Rizzo’s Restaurant in Windber. The cost is \$19.00 per person. Paul Cornez will attend on behalf of the Borough.

C. R. Eric Critchfield-Operation & Maintenance Agreement for the Sewage Planning Module Application for Choctaw #15 – Mr. Critchfield presented Council with the Proposed Operation & Maintenance Agreement for the proposed SFTF-HT Hybrid System for Choctaw #15. After reviewing the document, Hanson made a motion to authorize either the Council President or the Borough Secretary to execute the document as presented. Shimer seconded the motion. All ayes, motion carried.

9. Committee Reports:

A. Finance Report:

1. Ratify Increasing the Non-Resident General Boat Licenses – McCauley made a motion to ratify the action taken to increase the number of non-resident general boat licenses from 6 to 10. Should the 10<sup>th</sup> non-resident general boat license be sold, then 25% of the \$1500 (\$375.00) will be donated to the anglers club to go towards their fish restocking program. St. Clair seconded the motion. 6 ayes and 1 naye. Motion carried.

B. Road Report:

1. Proposed Parking Ordinance – Marhefka provided each Council member with a copy of the proposed parking ordinance and a proposed sponsored fishing permit ordinance. These will be discussed at the June 12, 2013 meeting.

2. Open Bids for Gasoline, Diesel, and Heating Oil - Bids for the Gasoline, Diesel, and Heating Oil were opened and quotes were as follows:

	<u>Gasoline</u>	<u>Diesel</u>	<u>Heating Oil</u>
Glassmere Fuel Service	.3115	.3115	.3115
Luther P. Miller	.24	.24	.24

Hanson made a motion to accept the bid furnished by Luther P. Miller. St. Clair seconded the motion. All ayes, motion carried.

3. Open Bids for Weed eating Around Fire Hydrants, Hiking and Biking Trail Trailheads, Main Entrances, and Road Signs and Mowing of the Hiking and Biking Trail – Secretary stated that the only bid that she received was from Ronald Petrina, in the amount of \$4,000.00. St. Clair made a motion to accept the bid from Ronald Petrina, in the amount of \$4,000.00. Shimer seconded the motion. All ayes, motion carried.

4. Authorization to Sell the 2004 Ford Expedition on Municibid – Hanson made a motion to authorize Mayor Miscoe to list the 2004 Ford Expedition for sale on Municibid. Shimer seconded the motion. All ayes, motion carried.

C. Police Report:

1. Ratify the Hiring of Chad Howell and Set Hourly Wage – St. Clair made a motion to ratify the hiring of Chad Howell as a part-time police officer at a starting salary of \$15.00 per hour. McCauley seconded the motion. All ayes, motion carried.

2. Re-Adopt the Emergency Management Plan and Update Promulgation Page – Hanson made a motion to adopt the Resolution stating that the Borough has reviewed Emergency Management Plan and Updated the Promulgation Page with no modifications made. Cornez seconded the motion. All ayes, motion carried.

D. Environmental Report:

1. Discuss an Ordinance Regulating Stocking Fish in the Lake – Shimer made a motion that before any fish can be stocked in the lake, there must be prior advanced notice given to Council and Council must approve what species of fish are getting stocked into the lake. Marhefka seconded the motion. All ayes, motion carried.

E. Water & Sewer Report:

1. Sewage Malfunction Complaint – Secretary reported to Council that she received a written complaint about a possible sewage system malfunction on Peninsula Lot No. 1651. Secretary will forward the complaint on to Jerry Mostoller, Sewage Enforcement Officer for the Borough, to investigate. Secretary noted that if a malfunction is found, the property owner will be billed for Mr. Mostoller’s fees but if no malfunction is found than the Borough will be responsible for the bill.

F. Planning/Zoning Report:

1. Proposed Guidelines for Side Property Line Easement Waiver Requests – Hanson stated he has received no comments on this proposed documents. The next step is to turn this document into a Resolution and Hanson will prepare that document.

G. Dam Remediation Update: Cornez reported that the Borough received a letter from the Department of Environmental Protection on the Borough’s application to proceed with Phase #3. The DEP had three (3) comments which are very easy to address. The permit to proceed will not be issued until all the easements are in place.

The tentative schedule is as follows:

- Request for Bids by the end of June
- Bids Returned by the third week in July
- Award the Bid early in August

This is as far as the Borough can go until the easements are in place. If this all takes place according to schedule, construction will start the day after Labor Day.

Cornez stated that if Council has no objections, he will go down to a dock on Lake Stonycreek, where he has permission, and will monitor the water level on Lake Stonycreek and will adjust our valve accordingly to prevent any flooding on the properties on Lake Stonycreek.

10. Old Business:

11. New Business:

Hanson made a motion to amend the Zoning Hearing Board fee schedule by reducing the Zoning Hearing Board Fee on de minimis dimensional violations to \$200.00. There was no second. Motion died.

12. Public Comment: None.

With no further business to discuss, Shimer moved and Hanson seconded to adjourn the meeting at 9:48 P.M. All ayes, motion carried.

The next regularly scheduled meeting of the Indian Lake Borough Council will be held on June 12, 2013 at 7:00 P.M. at the Indian Lake Borough Building.

Respectfully submitted,

Theresa L. Weyant  
Borough Manager