

MINUTES  
INDIAN LAKE BOROUGH COUNCIL MEETING  
FEBRUARY 9, 2011

The regularly scheduled meeting of the Indian Lake Borough Council was held on February 9, 2011 at 7:00 P.M. at the Indian Lake Borough Building.

THOSE PRESENT:

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

THOSE ABSENT:

Charles McCauley

Visitors – Sean Isgan, Tom O’Toole, Don Reed, Terry St. Clair, Julianne Keri, Jim Hahn, and Denise Miller.

The meeting was called to order at 7:02 P.M. by Robert Hanson, Council President.

ORDER OF BUSINESS

1. Approve the Minutes of the Meeting Held on January 12, 2011 - 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.

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. 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, Don Reed, Terry St. Clair, Julianne Keri, Jim Hahn, and Denise Miller.

4. Don Reed, Release of Easement for Kha Nguyen, Fairway 109 – Marhefka made a motion to approve the release of the easement for Kha Nguyen, Fairway 109. Cornez seconded the motion. All ayes, motion carried.

5. Reggie Musser-Thomas Kotch, Jr. Sewage Facilities Planning Module for the Clear Run Property – Hanson made a motion to refer the Thomas Kotch, Jr. Sewage Facilities Planning Module for the Clear Run Property to the Indian Lake Borough Planning Commission for review. Vogel seconded the motion. All ayes, motion carried.

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

A. Quarterly Flume and Piezometer Monitoring and Preparation of O & M Manual - Cornez made a motion to accept the proposal from CME Engineering to do the quarterly flume and piezometer monitoring for \$3,500.00 and to prepare the O & M Manual for \$4,500.00. Dewar seconded the motion. All ayes, motion carried.

B. Classification of the Dam – Council requested that Attorney Rullo research what the Borough would need to do to request that the Department of Environmental Protection reconsider the classification of the Dam. The Borough might also need to speak with Representative Metzgar, and Senator Kasunic to see if any concession can be made, because ultimately the Borough will need to go back to the electorate with another referendum to exceed the borrowing capacity.

7. Legal Report:

A. John Oliver Appeal – Hanson made a motion to accept Attorney Rullo’s recommendation to stay the earlier appeal and to see what the outcome is with the appeal before the Zoning Hearing Board now and depending on the ruling, either the first appeal would be mute or the two appeals would be consolidated and there would be one argument. Cornez seconded the motion. All ayes, motion carried.

8. Correspondence:

A. L & I Letter Acknowledging Receipt of the Borough’s Opt-out Letter – Hanson reported that the Borough received a letter from the PA Department of Labor & Industry acknowledging the Borough’s desire to Opt-out of UCC enforcement.

B. Department of Community and Economic Development on the Borough’s Proposed Floodplain Ordinance – Hanson reported that he received a letter from DCED with some minor comments on the Floodplain Ordinance. The Borough probably won’t receive anything further until March of 2012.

9. Committee Reports:

A. Water & Sewer Report – Vogel reported that the new governor has suspended all water grants of all types for the present time. John Wahl, from Somerset Planning and Engineering, believes that by the first part of April this will be resolved and the grants will be available and the Borough will be able to apply for the H2O Grant for the SCADA system.

10. Old Business:

A. Mayor’s Veto of UCC Opt-Out Decision –Secretary called for a roll call vote: A yes vote is agreeing to override the Mayor’s veto and to accept the resolution to opt-out and a no vote is not agreeing to override the Mayor’s veto and not agreeing to the resolution to opt-out.

Hanson – Yes  
Dewar – No  
Vogel – No  
Marhefka –No  
Stern – Yes  
Cornez – No

Mayor’s veto stands.

Hanson made a motion to adopt a resolution that the Borough remains a member of the Somerset County Municipal Co-op Association for 2011 and to not have any membership assessment fees. Cornez seconded the motion. All ayes, motion carried.

At 9:10 P.M Hanson made a motion to move into Executive Session to hear a grievance that has been submitted by the Fraternal Order of Police and to deliberate on the grievance and the second issue will be to discuss litigation. Dewar seconded the motion. All ayes, motion carried.

At 10:20 P.M. Council returned to Regular Session.

Vogel made a motion to deny the grievance filed by the Fraternal Order of Police. Dewar seconded the motion. 4 ayes and 2 naves, motion carried.

Hanson stated for the record that his naye vote is not strong; his preference would be to compensate her for doing the right thing and responding. Mayor Miscoe stated that she did not work more than 80 hours and she was compensated for the time that she worked. This was not an issue about her response time; it was an issue about not reporting an alteration to her work schedule as required.

11. Old Business:

B. DEP Clear Run Trust Fund - Cornez reviewed the latest communication between himself, the DEP and Severstal (PBS). DEP has arranged for direct communication between ILB and Severstal. Severstal had offered to come to a Council Meeting to make a presentation and answer question, if Council so decided. Council requested that the meeting be set up for our April meeting as several member will be absent for the March meeting

12. New Business:

A. Ski Slalom Course – Stern reported that the Ski Club needs a state permit this year for the ski slalom course and as part of the application, they will need to specify a location where the course will be located. Council requested that they submit all three (3) locations so that it can continue to be on a rotation.

13. Public Comment: None.

With no further business to discuss, Stern moved and Vogel seconded to adjourn the meeting at 10:32 P.M. All ayes, motion carried.

The next regularly scheduled meeting of the Indian Lake Borough Council will be held on March 9, 2011 at 7:00 P.M. at the Indian Lake Borough Building.

Respectfully submitted,

Theresa L. Weyant  
Borough Manager