

MINUTES
INDIAN LAKE BOROUGH COUNCIL MEETING
DECEMBER 9, 2020

The regularly scheduled meeting of the Indian Lake Borough Council was held on December 9, 2020 at 6:00 P.M. at the Indian Lake Borough Building.

THOSE PRESENT:

Kim Yantus
Curt Morgese
Scott Hollern
Paul Balint
Joe Lazzaro
Shaun Nemeth (via Zoom)
Bob Hanson (via Zoom)
Kirsten Siehl, Office Manager
Dave Wood, Zoning Officer
Michael Miscoe, Mayor (via Zoom)
Michael Barbera, Solicitor (via Zoom)
Jerry Bellak, Chief of Police

THOSE ABSENT:

Dean Snyder

Visitors - Dick Stern, Bob Bustamante, Ron Petrina

ORDER OF BUSINESS

1. Pledge of Allegiance
2. The meeting was called to order at 6:16 by Hanson.
3. Hollern moved to approve the council meeting minutes from November 11, 2020, Lazzaro seconded. All ayes, motion carried.
4. Financial Reports - Hollern moved to approve the Profit & Loss Budget Performance, Unpaid Bills, Summary of Account Balances and Previous Year Comparison reports as presented for the General, Water and Sewer funds, Morgese seconded. All ayes, motion carried.
5. Welcome Visitors - Dick Stern, Bob Bustamante, Ron Petrina
6. Public Comment: There was no public comment
7. Dave Wood's Report of Building Permits Issued - See attached report. Wood questioned what constitutes 'clear cutting' a property? Miscoe stated according to case law, clear cutting is defined as all trees being removed from a property. Miscoe is hoping for a defensible and enforceable tree cutting section of the zoning ordinance. Hanson stated going forward the owner or builder will be asked to stake out where the structure will sit plus ten feet, any trees within that area can be removed. Any additional trees will be marked individually.
8. Roads and Maintenance - See attached report. Siehl reported she was asked by the road crew to present their expense request for garage door openers for the upper garage. The cost is \$375.00 per opener, they are requesting approval for four garage door openers, totaling \$1,500. Morgese moved to approve the purchase and installation not to exceed \$2,000, Balint seconded. All ayes, motion carried. Hollern commented that the road crew painted and installed new LED lights in the conference room and did a great job. It was also commented that the directional sign on entrance drive was redone and looks great. Hollern stated the 'Road Closed' sign at Pow Wow Court has been repositioned to

now prevent use of the road and questioned if that prohibits snowmobile and ATV use as well. After discussion it was decided to keep the road closed to all traffic.

9. Legal Report

- A. Easement Status and Ongoing Strategy - Barbera reported there was argument on post-trial motions on December 1, 2020 for the Miller trial, the judge ruled in our favor, Barbera filed a praecipe to enter judgement, he is expecting opposing counsel to file a motion of appeal. Barbera also stated the Board of View did not rule on three of the five remaining matters, a letter dated November 20 issued ruling on the five remaining cases, two landowners were awarded \$0 and three landowners were awarded \$1.00, decisions were filed with the court on November 30, appeals can be filed to the court of common pleas within thirty days, as of today there has been no activity.
- B. Donald Mateer Property - Barbera reported the judge granted motion for judgement on pleadings, Mateer did not appeal but did attempt to file a building permit to bring the building into compliance, the application was denied based on the minimum square footage requirement due to Mateer losing his grandfather status. Mateer then notified the Borough Office that he would be filing an amended application on November 23, nothing has been received to date. Mateer has not appealed to the Zoning Hearing Board at this point. Barbera stated Mateer is getting close to being petitioned to being held in contempt of court. Hollern moved to authorize Barbera to proceed with preparing to file for contempt of court, Lazzaro seconded. All ayes, motion carried.
- C. Somerset REC Right-Of-Way Agreement - There was nothing to report.
- D. Appeal of DEP Administrative Order - Barbera stated this matter is in the hands of DEP, correspondence was submitted to Dep on November 18 with receipt of acknowledgment on November 30.
- E. Shanksville Borough Sewer System - This matter was discussed in the water/sewer report.
- F. WTP Property & Agreement - There was nothing to discuss.
- G. Zoning Amendment - Barbera submitted the proposed amendment to Somerset County Planning, they did not have any comment, everything is still on track to proceed.

10. Correspondence:

- i. DEP Letters on LCT Boone Deep Mine - Hanson stated a response is required by December 13, he circulated several drafts and received comments. The final draft is in the Shared Drive, Hanson would like authorization to send response with all comments incorporated. Hanson moved to authorize him to send the response to DEP, subject to incorporating any additional comments from Barbera. Hollern seconded. All ayes, motion carried.

11. Committee Reports:

- A. Finance Report:
 - i. Budget - Hollern stated a public hearing was held at 5:30, there was no public comment. Hanson moved to adopt the proposed 2021 Budget for \$1,318,000, Hollern seconded. All ayes, motion carried.
 - ii. Tax Resolution - Hanson moved to adopt Resolution 2020-12-9 with no changes in the real estate tax, Lazzaro seconded. All ayes, motion carried.
 - iii. Resolution Appointing Independent Auditor - Hollern moved to adopt Resolution 2020-12-9 (2) appointing Wessel & Company as the independent auditor for 2021 for a fee of \$12,000, Yantus seconded. All ayes, motion carried.
- B. Police Report - See attached Report. Chief Bellak thanked the road crew for their help in retrieving a boat during cold and windy weather. Miscoe stated he will finish the combined nuisance and noise ordinance to

incorporate police having the capacity to enforce the nuisance ordinance give a recent ruling by the magistrate that the police are not permitted to enforce the nuisance ordinance currently. Miscoe is also working on a revision to the boating ordinance prior to the 2021 boating season.

C. Personnel Report -- There was nothing to report.

D. Environmental Report:

- i. Fish Stocking - Morgese reported approximately 3,000 walleye were stocked on November 6th. Morgese thanked the road crew for installing the bench for Shimer. Siehl reported she did speak to Kirkpatrick about attending a meeting, she will arrange it for February. Aquatic Environmental Consultants sent the 2020 Water Quality Report, the synopsis reported there is an overall good balance for both a fish and swimming/boating environment.

E. Water and Sewer Report:

- i. Shanksville/EADS Meeting - Balint reported a meeting was held with various members of Shanksville council, Stonycreek supervisors and Indian Lake regarding the plan for a dump station for Indian Lake Borough. Shanksville questioned if there were any issues from a DEP standpoint for the storage tank, Isgan contacted DEP, the request was reviewed by the Pittsburgh office, they stated the plan would require a revision to the Act 537 and would need to include an intermunicipal agreement with Shanksville Borough. Isgan indicated he is waiting to see what DEP requires prior to giving a cost estimate. Isgan stated he was encouraged by DEP's invitation to submit a project narrative first, he indicated he could prepare a project narrative for \$1,000. Balint moved to authorize Isgan to proceed with a project narrative not to exceed \$1,000, Lazzaro seconded. All ayes, motion carried.
- ii. DEP Approval of Water Treatment Plant - Balint reported he received plans on December 8 & 9, he was disappointed to see that some items that he asked to be included were not, he is going to contact Gibson-Thomas. He noticed the bid package is somewhat incomplete at this time. After discussion it was discovered that Balint was not included in the meeting with PENNVEST. Barbera stated nothing has been finalized with DEP as far as a completion date and liquidated damages would be the responsibility of the contractor if not completed by the deadline set by DEP.
- iii. PennVest Loan Schedule - Hanson, Siehl, Barbera, Gibson-Thomas and PennVest met on December 2 to discuss the loan schedule. It was established that advertisement to bid would go out January 1, bids would be opened February 1, contract would be awarded February 10, construction would begin in May/June and PennVest loan closing would take place April 22 at 10:00 am.

F. Planning/Zoning Report:

- i. Hollern Resignation - Hollern reported planning met on December 7, they agreed on the draft letter to DEP from a planning perspective. Hanson and Tadken set goals to accomplish by Planning, including, detached garages, tree cutting concerns and driveway permits. Hanson commented that the zoning map and the zoning ordinance should coincide with each other. Hanson presented the revised zoning map from January 2018 that was never formally approved, he stated there have been changes made that will affect the zoning map since the last revision. Musser quoted \$1,000 to make the changes and do necessary research to revise the zoning map. Hanson moved to release Musser to incorporate all changes to the zoning map not to exceed \$1,000, Hollern seconded. All ayes motion carried. Miscoe and Barbera will work together to figure out the next steps regarding adoption.

G. Parks & Recreation - There was nothing to report.

H. Land Management:

