

MINUTES
INDIAN LAKE BOROUGH COUNCIL RE-ORGANIZATIONAL
AND REGULAR MEETING
JANUARY 4, 2010

As duly advertised in the Somerset Daily American, the Borough Council Re-Organizational and Regular Meeting was held on January 4, 2010, at 7:00 P.M. at the Indian Lake Borough Building.

THOSE PRESENT:

Patricia Dewar
Charles McCauley
Paul Cornez
Robert Marhefka
Richard Stern
Robert Vogel
Robert Hanson
Michael D. Miscoe, Mayor
Theresa L. Weyant, Borough Manager

THOSE ABSENT:

Visitors – Ronald Petrina, Ken Helsel, Forrest Schucker, James Lyons, Jay McClatchey, Don Reed, Tom O’Toole, and James Dewar.

The meeting was called to order at 7:00 P.M. by Michael D. Miscoe, Mayor.

ORDER OF BUSINESS

1. Nominations for President and Vice President of Council – Mayor Miscoe opened the floor for nominations for President and Vice President.

McCauley made a motion to open the floor for nominations for President and Vice President of Council. Vogel seconded the motion. All ayes, motion carried.

Robert Marhefka nominated Robert Hanson for President and Patricia Dewar for Vice President. Charles McCauley nominated Patricia Dewar for President and Paul Cornez for Vice President.

Vogel moved that the nominations be closed. Cornez seconded the motion. All ayes, motion carried.

Mayor Miscoe pointed out that the Borough Council had an experience not too long ago, with an individual who was doing a development, also serving as Borough Council President, which raised a substantial amount of eyebrows around the Borough. While there wasn’t any abuse of the position then, and this individual did abstain from all votes relative to his development and Mr. Hanson has done the same as Chairman of the Planning Commission, but it raised an enormous amount of concern that could and should have been avoided. Miscoe believes that these positions are incompatible either in actual fact or superficially

Robert Hanson stated that his involvement with the Pine Cove Development began in 2005. The sewage planning and permitting have been approved. The subdivision and land development plan has also been approved by the Somerset County Planning Commission. The PRD has been approved by Indian Lake Borough. The only thing remaining is applying for building permits and constructing the homes. This property is owned by James Brant and Brant Excavating. Mr. Hanson stated that his involvement in 2005-2006 was strictly to loan a substantial amount of money to Mr. Brant in exchange for 1 lot and Mr. Hanson would also fund, at his own expense, the sewage plant. Therefore, his involvement with this development is pretty much at conclusion. As for the Planning Commission, Mr. Hanson has taken extreme measures to be incredibly above board with his involvement with Pine Cove.

McCauley stated that he understands that 4 individual members have met together surreptitiously and decided that Mr. Hanson would be the person of their choice for president. Is this correct or incorrect? Hanson stated that they did meet, but at the beginning of the meeting he did challenge whether it was appropriate for them to be meeting. They did not deliberate on anything, most of the time was spent discussing what it would take to alleviate some of the legal issues. At the conclusion of this meeting, there was a discussion as to whether or not he would accept the nomination. At the conclusion of the meeting, he had not yet decided.

Paul Cornez stated that since this Borough Council was accused of violating the spirit of the Sunshine Law, is it within the spirit of the Sunshine Law for four-(4) members of Borough Council to be meeting and discussing Borough business? Mayor Miscoe stated that this is not appropriate, but he would like to point out that Robert Hanson was not sworn in and was technically not seated on Council at that time. Mayor Miscoe stressed that a public notice must be provided for any time and place that members of Borough Council are meeting to discuss or deliberate Borough business. Mayor Miscoe would like to caution all Council Members that having these side meetings to deliberate Borough business is clearly in violation of the Sunshine Law.

Hanson stated that the meeting was held and the reservation was noted.

McCauley questioned who called the meeting?

Hanson stated that he did not know, he was just called and asked to attend.

Forrest Schucker stated that someone needs to stand up and admit that they called this meeting. How is anyone to have any faith in any one of these people?

McCauley asked Robert Vogel if he called the meeting. No response.

McCauley asked Richard Stern if he called the meeting. Stern stated that he would not say that he called a meeting. He suggested that there was information on an e-mail that was sent to him from the Borough's Association which identified how the proceedings this evening were to be conducted. Stern does not agree that there was any deliberation done. When you discuss how this meeting is suppose to operate and what issues there are within the Borough and how we need cooperation on Council, I don't consider that deliberation.

Paul Cornez asked why every member of Council wasn't invited to attend so that they could have been better educated?

Richard Stern stated that he is sorry if he does not invite everyone when something comes to mind to discuss.

Miscoe stated for the record that Council discussed a meeting which occurred on Saturday, January 2, 2010 and as to whether or not that constituted a violation to the Sunshine Act, and that will be up to a court to decide, there is nothing that Council can do. McCauley would like the Borough Solicitor to address this. Mayor Miscoe will follow up with Attorney Rullo to see if there is any reporting requirement that the Borough will need to do.

Miscoe asked for votes for Robert Hanson as President:

Charles McCauley – Naye
Robert Hanson – Aye
Robert Vogel – Aye
Richard Stern – Aye
Paul Cornez – Naye
Robert Marhefka – Aye
Patricia Dewar - Naye

All members of Council conceded that the votes would be reversed with respect to Patricia Dewar.

Miscoe asked for votes for Patricia Dewar as Vice President:

Charles McCauley – Aye
Robert Hanson – Aye
Robert Vogel – Aye
Richard Stern – Aye
Paul Cornez – Aye
Robert Marhefka – Aye
Patricia Dewar – Aye

Miscoe instructed the Borough Secretary to cast a ballot by the Council for Robert Hanson as President and Patricia Dewar as Vice President of Borough Council FY 2010-2012.

At this time, Mayor Miscoe turned the meeting over to President Hanson.

2. Welcome Visitors - Ronald Petrina, Ken Helsel, Forrest Schucker, James Lyons, Jay McClatchey, Don Reed, Tom O'Toole, and James Dewar.
3. Appoint Member to Vacancy Board – Hanson opened the floor for nominations to the Vacancy Board. Cornez made a motion to open the floor for nominations to the Vacancy Board. Hanson seconded the motion. All ayes, motion carried. Cornez nominated Bryan Bozovich. Stern moved that the nominations be closed. Cornez seconded the motion. All ayes, motion carried. Bryan Bozovich was appointed to the Vacancy Board by acclimation. FY 2010-2012.
4. Appoint Borough Solicitor - Cornez moved that Council retain Attorney Daniel Rullo from the law firm of Barbara, Clapper, Beaner, Rullo and Melvin as legal solicitor for the Borough. McCauley seconded the motion. All ayes, motion carried.
5. Appoint Borough Secretary-Treasurer – McCauley moved that Theresa Weyant be appointed as Secretary-Treasurer for the Borough. Cornez seconded the motion. All ayes, motion carried. .
6. Name Depository Bank for Borough Accounts - Dewar moved that First National Bank of Pennsylvania be named as the Depository Bank for Indian Lake Borough for all Borough Checking Accounts. Hanson seconded the motion. All ayes, motion carried.
7. Authorize Bank Signatories – Vogel made a motion to authorize the following officers as approved bank signatories on all Borough accounts – Robert F. Hanson, Jr. - President, Patricia A. Dewar - Vice President, Michael D. Miscoe - Mayor and Theresa L. Weyant - Borough Secretary-Treasurer and Barry S. Lichty to be removed. Dewar seconded the motion. All ayes, motion carried.
8. Set Time and Date of Regular Council Meetings – Dewar moved that the Council Meetings be held on the second and fourth Wednesday of each month at 7:00 P.M FY 2010-2012 and to authorize the Borough Secretary to advertise the meeting dates and times accordingly. McCauley seconded the motion. All ayes, motion carried.
9. Committee Appointments:
 - A. Set up Finance Committee and Set Time and Date of Finance Committee Meetings – Dewar made a motion that the members of the Finance Committee are Patricia Dewar, Charles McCauley, and Richard Stern. The Finance Committee Meetings will be held on the second Wednesday of each month at 5:30 P.M FY 2010-2012 and to authorize the Borough Secretary to advertise the meeting dates and times accordingly. McCauley seconded the motion. All ayes, motion carried.
 - B. Set up Water & Sewer Committee – Hanson made a motion that the members of the Water & Sewer Committee are Robert Hanson, Charlie McCauley, Robert Vogel, Robert Marhefka, and Chris Meyer. The committee will set the time and date of their meetings as needed and will request authorization to advertise from Council at that time. Stern seconded the motion. All ayes, motion carried.

10. Resignation of Paul Cornez from the Planning Commission – McCauley made a motion to deny the resignation request of Paul Cornez from the Indian Lake Borough Planning Commission. Dewar seconded the motion. 3 ayes, 3 nays, and 1 abstention. Mayor Miscoe voted Aye. Motion carried. Cornez filed the abstention memorandum with the Borough Secretary.

Paul Cornez stated that he will not serve on the Planning Commission.

Miscoe made a motion to call for a revote in light of Mr. Cornez's affirmation that he does not want to serve on the Indian Lake Borough Planning Commission and to accept his resignation. McCauley seconded the motion. 6 ayes and 1 abstention. Motion carried. Cornez filed the abstention memorandum with the Borough Secretary.

11. Appointment of Member to the Indian Lake Borough Planning Commission – Cornez made a motion to appoint Don Reed to the Indian Lake Borough Planning Commission to fill the unexpired term of Paul Cornez, term expiring December 31, 2012. Hanson seconded the motion. All ayes, motion carried.

12. Ratify the Approval of the Cost for Insulating the Sewage Treatment Plant – Vogel made a motion to ratify the action taken by Council to install installation in the new roof of the sewage treatment plant. Cornez seconded the motion. All ayes, motion carried.

Paul Cornez stated that he would be interested in serving on the Finance Committee. Vogel made a motion to appoint Paul Cornez to the Finance Committee. Dewar seconded the motion. All ayes, motion carried.

13. Public Comment

Ron Petrina asked for an update on the dam remediation. Miscoe stated that the last he heard the weather has prohibited them from working. Sean Isgan, from CME Engineering, will be at the January 13, 2010 meeting to give Council an update.

Tom O'Toole stated that council needs to be more involved with the invoicing from the engineer and the contractor on the dam remediation project and apparently no one has imposed that discipline on this project. Mayor Miscoe stated that he rejects that completely, that is why Council is withholding payment to GAI Consultants, in the amount of \$54,595.97, because they could not substantiate what the work was for on this project.

James Lyons stated that there is litigation on the valve. Mayor Miscoe stated that the Borough has not filed anything to date and the Borough has not released the bonds. The bonding company as well as the Borough are waiting to see what the total damages are before a decision is made to proceed with the litigation.

With no further business to discuss, McCauley moved and Dewar seconded to adjourn the meeting at 8:53 P.M. All ayes, motion carried.

The next regularly scheduled meeting of the Indian Lake Borough Council will be held on January 13, 2010 at 7:00 P.M. at the Indian Lake Borough Building.

Respectfully submitted,

Theresa L. Weyant
Borough Manager