

MINUTES OF THE REGULAR MONTHLY MEETING OF THE INDIANA
BOROUGH COUNCIL HELD TUESDAY, JUNE 2, 2009, AT 7:00 PM, IN THE
COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING.

PRESENT: President Fruehstorfer, Presiding; D. Peffer, Recording; Council Members Bricklemyer, Hartman, Hogan, Jones, Petrosky, Shively, Simmons, Thompson and Thorell; Borough Manager Gabler; Police Chief Sutton; Mayor Hood; Wayne Kablack, Esquire; Code Officer Kirk; Public Works Director Fairman; Chuck Kelly, Indiana Fire Association; Betsy Lauber, Downtown Indiana; Victoria Rosenberger, Elm Street Manager; Lauren Daley, Indiana Gazette; Celeste Gossman, Renda Broadcasting; and several visitors.

President Fruehstorfer called the meeting to order, at 7:00 PM.

After a moment of silent reflection, Councilman Thorell was asked to lead the Pledge of Allegiance.

Pres. Fruehstorfer asked for a Roll Call. All Council members were present, with the exception of Councilmen Gallo and Kravetsky.

Pres. Fruehstorfer announced an Executive Session had been held, prior to the Regular Meeting, for personnel matters.

There was a motion by Jones, second by Hogan, to approve the minutes of the Regular Meeting of May 5, 2009, as written. Motion Carried.

There was a motion by Bricklemyer, second by Thorell, to approve the Financial Reports for May 2009 as presented. Motion Carried.

The following action occurred during Public Participation:

- ◇ Victoria Rosenberger, Elm Street Manager, invited Council to attend a fundraising party on June 20th at Mack Park. There are a lot of family activities planned, and she hopes everyone will plan to attend the social gathering.

The following action occurred during the Committee Reports:

ADMINISTRATION/PUBLIC WORKS:

- ◇ There was a motion by Hartman, second by Jones, to award the bid for sludge-handling equipment at the WWTP to Flo Trend Systems, Inc. in the amount of \$31,280, plus \$645 for fixtures. This will be paid for out of the Sewage Operating Fund. Motion Carried.
- ◇ There was a motion by Hartman, second by Jones, to accept the bid of Earthmovers Unlimited, Inc. in the amount of \$109,747, for the Marsh Run Stream Bank Rehabilitation Project. Motion Carried. Borough Manager Gabler

explained that the County will technically award this bid at the next Commissioner's meeting.

COMMUNITY DEVELOPMENT/PUBLIC SAFETY:

- ◇ There was a motion by Hogan, second by Simmons, to approve an amendment to the fee schedule of Ordinance 2004-O5 to provide for a maximum charge of \$95 for any vehicle towed in a conventional manner. Chief Sutton explained that this is for the private towing companies that work for us. Motion Carried.
- ◇ There was a motion by Hogan, second by Simmons, that approval be given for the borough to transport ICCAP food to the Trinity United Methodist Church on the first Tuesday of each month. Motion Carried.
- ◇ There was a motion by Hogan, second by Thorell, to adopt a resolution designating the 300 block of North 7th Street as a residential permit parking district. Borough Manager Gabler suggested delaying this implementation until September when it will be time for the new permits to be issued. Motion Carried.
- ◇ Downtown Indiana's "Taste and Tour" will be held on July 16th. North 7th Street, from Philadelphia Street to Nixon Avenue, will be closed for the event.
- ◇ In regard to the "Road Diet", Councilman Brickleyer asked if all of the issues have been resolved, and the response was no. Brickleyer stated a real backup occurs at the light at Ninth and Philadelphia Streets. Chuck Kelly also voiced concern about pedestrian safety. He urged pedestrians to obey the crosswalk signals.
- ◇ Pres. Fruehstorfer expressed concern about the fact that the Code Department is about one-third behind on routine inspections. If we miss an inspection and there is a problem, do we share in the liability? Code Officer Kirk stated we aren't required to do the inspections within three years. We just can't do them more often than that.

SHADE TREE COMMISSION: No Report

RECREATION COMMISSION:

- ◇ They approved the purchase of a safe for in the office.
- ◇ There are a lot of good programs planned for the summer.
- ◇ Discount admission tickets for various amusement parks and the zoo are on sale at the Recreation Department Office.

PENSION COMMITTEE:

- ◇ Reports were received from the fund managers. While the bench marks weren't met, they were positive so that has turned around. Fruehstorfer also stated that we are going to go into Real Estate Investment Trusts up to a maximum of 3%.
- ◇ Prior to the next Work Session, everyone will be getting a copy of the new investment schedule to review, and then be prepared to take action at the next regular meeting.

Borough Manager Gabler reported the following items during his report:

- ◇ We are going to have a brush and limb pick-up day on Friday, June 12th.
- ◇ The insurance proposals have been received. They were distributed to the Administration Committee. Gabler plans to narrow the field of potential firms from five to three.
- ◇ There have been numerous complaints about Waste Management and their pick-up of residential garbage. Betsy Lauber stated they have issues with the downtown receptacles as well. Councilman Brickleyer feels they are guilty of “breach of contract”, and Borough Manager Gabler was directed to put Waste Management on notice.
- ◇ Concern was also voiced about the 600 block of Grant Street. Borough Manager Gabler stated there is a new subcontractor, and the deadline was May 28th to finish the job. There were some additions to the project that could extend that time, but our engineer thought at most it would be a two-week extension. After that, they would be in the penalty phase. Gabler stated the residents have been very patient, and he is telling people that we expect that job to be done by the second week of June.

The following action occurred during Chief Sutton’s report:

- ◇ Everyone received a copy of the Police Department Activity Report for May 2009.
- ◇ Council also received a copy of the Parking Department statistics for May 2009, as well as May 2008 for comparison.

The following action occurred during Mayor Hood’s report:

- ◇ Hood complimented Diane Peffer for the excellent job she did with the recent Relay for Life. Peffer reported that the Indiana Borough Bunion Busters donated over \$6,000 to help surpass the American Cancer Society’s goal of \$112,000 by raising \$122,000. Peffer thanked everyone for their support of this very worthwhile cause.
- ◇ Mayor Hood and Councilman Thorell will be attending the PLCM Convention in Lancaster.
- ◇ Hood invited everyone to attend the upcoming Flag Day ceremonies at the Elks on Saturday, June 13th.
- ◇ Hood also asked that everyone keep the military personnel in their thoughts and prayers.

The following action occurred during Unfinished Business:

- ◇ There was a motion by Thorell, second by Jones, to adopt Article V – Signs of the Zoning Ordinance. During the discussion period, Councilman Hartman listed five reasons why he felt this ordinance should be denied. Some of Hartman’s concerns were that we are being way too restrictive here; we are piling them onto

the M-1 Zone; and sandwich boards are not addressed. A Roll Call Vote was held and the result was: 4 yes, 6 no, 2 absent. Council members Jones, Petrosky, Thompson and Thorell voted yes; Council members Hogan, Shively, Simmons, Bricklemyer, Fruehstorfer and Hartman voted no; and Councilmen Gallo and Kravetsky were absent. Motion Defeated. Councilman Hartman asked that this be sent back to the Planning Commission to be reworked and that sandwich board regulations be included as well.

- ◇ Code Officer Kirk then asked Council for some definitive direction and suggested Council take a vote on whether it wants electronic signs in the commercial district. There was a motion by Hartman, second by Simmons, that electronic signs be allowed in the C-2, U-1 and M-1 Zone Districts. A motion was then made by Jones, second by Bricklemyer, to only permit electronic signs in the C-2 and M-1 Zones. A vote was then held on the amendment, and the result was 9 yes, 1 no, 2 absent. Councilman Thorell voted no; and Councilmen Gallo and Kravetsky were absent. Motion Carried. A vote was then held on the amended original motion to only allow electronic signs in the C-2 and M-1 Zones, and the vote was 7 yes, 3 no, 2 absent. Council members Jones, Petrosky and Thorell voted no; and Councilmen Gallo and Kravetsky was absent. Motion Carried.
- ◇ There was a motion by Hartman, second by Hogan, to adopt an ordinance defining the responsibility for rubbish, garbage and recyclables. Roll Call Vote: 9 yes, 1 abstained and 2 absent. Councilman Bricklemyer abstained due to his investments; and Councilmen Gallo and Kravetsky were absent. Motion Carried.
- ◇ There was a motion by Hartman, second by Hogan, to adopt an ordinance repealing Ordinance No. 1723 and No. 1743 providing for the registration, inspection and issuance of occupancy licenses for non-owner occupied buildings and establishing requirements for leases and the application of fees and penalties. Roll Call Vote: 8 yes, 1 no, 1 abstained and 2 absent. Councilman Thorell voted no; Councilman Bricklemyer abstained due to his investments; and Councilmen Gallo and Kravetsky were absent. Motion Carried.

The following action occurred during New Business:

- ◇ There was a motion by Jones, second by Simmons, to approve the agreement with Tom Zaucha regarding the paving and maintenance of the alley located between his parking lot and the Parking Garage. Motion Carried.

The meeting was adjourned at 8:32 PM, upon a motion by Hartman and a second by Simmons.