

MINUTES OF THE REGULAR MONTHLY MEETING OF THE INDIANA
BOROUGH COUNCIL HELD TUESDAY, FEBRUARY 2, 2010, AT 7:00 PM, IN THE
COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING.

PRESENT: President Gallo, Presiding; D. Peffer, Recording; Council members Bricklemyer, Geesey, Hartman, Jobe, Jones, Kravetsky, Petrosky, Shively, Simmons, Thompson and Thorell; Borough Manager Gabler; Police Chief Sutton; Mayor Hood; Wayne Kablack, Esquire; Public Works Director Fairman; Zoning Officer Kirk; Chuck Kelly, Indiana Fire Association; Randy Wells, Indiana Gazette; Celeste Gossman, Renda Broadcasting; Betsy Lauber, Downtown Indiana; Jim Wakefield; and several visitors.

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

After a moment of silent reflection, Councilman Jobe led the Pledge of Allegiance.

Pres. Gallo asked for a Roll Call. All twelve Council members were present.

There was a motion by Hartman, second by Kravetsky, to approve the minutes of the Reorganization Meeting of January 4, 2010, as written. Motion Carried.

There was a motion by Geesey, second by Jones, to approve the minutes of the Regular Meeting of January 5, 2010, as written. Motion Carried.

There was a motion by Simmons, second by Thompson, to approve the Financial Report for January 2010 as presented. Councilman Geesey said that he had asked Borough Manager Gabler for a detailed listing of the line items in the future, but that didn't happen. This month's report is still in the old format. A motion was then made by Geesey, second by Bricklemyer, to table this motion until we can get a detailed report. Borough Manager Gabler stated the detailed report was at each Council member's seat. Gabler explained that with Nichole being out of the office due to illness and the few amount of days between the end of the month and the Council meeting, the detailed report wasn't able to be included in the packets. Geesey stated Council still didn't have a chance to review the information, so he wanted to leave his motion to table stand. Motion Carried.

The following action occurred during Public Participation:

- ◇ Jim Wakefield, 209 Papermill Avenue, spoke in regard to an article that appeared in the *Indiana Gazette* about the misconceptions of Indiana Borough. The article pertained to the survey that has been circulating, and Wakefield wanted to offer his own opinions and/or rebuttals to the article as a concerned citizen.

The following action occurred during the Committee Reports:

ADMINISTRATION:

- ◇ The Committee will be meeting next Tuesday, at 6:00 PM, with representatives of Comcast in regard to the cable franchise agreement negotiations. Chairperson Jones invited all Council members to attend.
- ◇ There was a motion by Jones, second by Shively, to advertise an ordinance for the adoption of the Codified Book of Ordinances. During discussion, Councilman Thorell noted a correction that needed to be made to sections dealing with the time that trash receptacles and recycling bins can be placed at the curb. It should state that they can't be placed at the curb any earlier than 6:00 PM the night before pickup. This change will be made before the ordinance is advertised. Jones stated there are a few other items that will need to be corrected later. Councilman Bricklemyer challenged his fellow Council members to address these items in the near future and not forget about them. Motion Carried.
- ◇ There was a motion by Jones, second by Geesey, to advertise an ordinance amending the Police Pension Plan. Motion Carried.
- ◇ There was a motion by Jones, second by Kravetsky, that Dr. Katherine Hood be appointed to the Police Civil Service Commission for a term to expire December 31, 2011. For the record, Jones then clarified that Dr. Hood is not related to Mayor Hood. Motion Carried.
- ◇ There was a motion by Jones, second by Thompson, to appoint John Rougeaux to the Recreation Commission for a term to expire December 31, 2014. Motion Carried.
- ◇ There was a motion by Jones, second by Geesey, to approve the 2010 Fee Schedule. Motion Carried.
- ◇ There was a motion by Jones, second by Simmons, to approve the 2010 Fire Service Agreement. Jones explained that this year's agreement has a provision that after the sale of a portion of the building to the IFA, the borough will no longer be responsible for paying those utilities. Motion Carried.

COMMUNITY DEVELOPMENT:

- ◇ Due to a request, there was a motion by Simmons, second by Thompson, to extend the hours of operation for transient retail merchant licenses from 11:00 PM to 3:30 AM on a six-month trial basis. Motion Carried.
- ◇ The Committee received a request from Steve McCabe to operate his food service on Locust Street, near Pizza Hut, during the extended hours after the other restaurants have closed. Mr. Joe Ferranti had been setting up his hot dog cart on the triangle across from the Oak Grove. It has now been determined that this property is actually owned by IUP and is not a part of the street right-of-way as previously believed. His license currently restricts him to that area. Ferranti would like permission to move his business to a different location as well, and alternate it with Hot Dog John. There was a motion by Simmons, second by Thompson, to approve the above locations. An amendment was then made by Simmons and agreed to by Thompson, that transient retail business locations may be conducted in the appropriate zone district locations. Betsy Lauber asked for clarification that this would apply to any transient retail merchant, not just the

ones that made the current requests. The response was yes, as long as it doesn't create a safety hazard. Motion Carried.

- ◇ There was a motion by Simmons, second by Thompson, that the 2010 Transient Retail Merchant License fee remain at \$220. Motion Carried.

PUBLIC SAFETY:

- ◇ There weren't any action items.
- ◇ Councilman Bricklemyer asked about Penn Dot's response to a request that there be no left turn allowed from eastbound Locust Street at Wayne Avenue and Seventh Street between 3:00 PM and 7:00 PM. Chief Sutton stated the verbal answer was no, but he hasn't gotten a written response yet. Sutton stated we really need to look at that whole area. Councilman Thorell asked if Sutton had gotten any indication from IUP that they are planning another type of ingress or egress to the KCAC. Sutton's response was no.

PUBLIC WORKS:

- ◇ We are seeking specs for a new roof on the central building at the Wastewater Treatment Plant.
- ◇ For future budgeting purposes, we need to remember that the digesters will need cleaning on a five-year basis.
- ◇ The Wayne Avenue project should start the third week of February.
- ◇ Money from the H2O grant has been received by the County. Unfortunately, instead of the \$14 million asked for by the borough and White Township, we received only \$1 million. The Borough should receive a majority of the money. Immediate projects of concern are in the area of west Philadelphia Street where White Township is working. The borough lines will be undersized once their project has been completed.
- ◇ Chairman Hartman then presented a request that perhaps could be discussed in more detail during a Work Session. Tom Harley has requested permission to drill two water wells under the sidewalk beside the Café 701 building, in order to install a heat pump system. Due to the implications of future businesses possibly making similar requests, the Committee felt it should come before the whole Council. Mr. Harley was in attendance and explained that this would be a way to save on utilities and take advantage of a 30% tax credit that is currently available. Harley asked that Council make a decision in a timely manner, so that he knows whether to proceed in pursuing this idea or not. Pres. Gallo invited Harley to attend the Work Session scheduled for February 16th, but stated no action could be taken until the March Council meeting.

SHADE TREE COMMISSION: No Report

RECREATION COMMISSION:

- ◇ Most of the meeting was spent looking at the 2010 budget and the bills that will be coming in. Due to the fact that the Parks Department has been eliminated from the Commission, each of the three entities' allocations were going to be reduced by 50%; however, in order to balance the budget, each of the entities will be

- asked to contribute 65% of their normal allocation for this first year only. For example, at 50% the borough's allocation would have been \$19,000; but now at 65%, the borough's share would be \$24,700. The Indiana School District's share would be \$35,750, and White Township would contribute \$35,900. Using these figures, the Commission hopes to be able to get caught up with the money it owes the borough by June 30th.
- ◇ Sealed bids were opened for numerous items that were part of the Parks Department. While White Township had bid on 68 items, we only submitted bids on a 97 F-150 truck and a Country Clipper mower at \$301 and \$1,501 respectively. We were outbid on the truck, but we were the successful bidder of the mower. This piece of equipment will be very useful since we will now have to maintain the Paul McGregor Memorial Park on Water Street. The mower will need to be moved in the near future because White Township wants to take possession of their garage that used to house the Parks Department equipment.
 - ◇ The Commission was very concerned about the borough's Fourth Quarter billing, which seemed higher than in the past. This is due to the payment of unpaid sick leave to Donald Peffer, an employee who retired as a result of his position being eliminated. Hartman stated that in the past, when former Director Jerry Kozusko had retired, he was considered a school district employee and they absorbed all of that type of expense. Since Peffer was considered a borough employee, the Commission feels that the borough should be responsible for that sick leave payment. There was a motion by Hartman, second by Jones, that the borough rebill the Recreation Commission for its Fourth Quarter 2009 costs, but reduce it by the amount of the unpaid sick leave and the FICA taxes. Since Hartman wasn't sure of the exact figure involved and it dealt with a personnel issue, Councilwoman Jones suggested this be sent to the Administration Committee for further review. There was a motion by Simmons, second by Bricklemeyer, to table action on this matter for now. Motion Carried.
 - ◇ Hartman stated the secretary of the Recreation Commission is also concerned about how they are being billed, and would like the quarterly bills to be consistent. There were some questions about the hospitalization and life insurance costs, and it is hard to develop a budget if you don't know what the bills are going to be.
 - ◇ Hartman then gave an electric bill for the Water Street park facility to Borough Manager Gabler. The utilities (water and electric) will now be the borough's responsibility.
 - ◇ Hartman also stated that with spring approaching, we need to develop a plan on how we are going to take care of that park. There are several possibilities, which include using the Street Department crew, sub-contracting it out, or using some residents of the area that have inquired about it.

The following action occurred during Borough Manager Gabler's report:

- ◇ Each member of Council received copies of the Tax Collector Commission's By-Laws that were approved at the last meeting. Gabler stated the Commission is moving forward and getting the things done that need to be done.

- ◇ Gabler requested an Executive Session for a legal matter, and stated Council will need to come back into Regular Session afterwards.

The following action occurred during Chief Sutton's report:

- ◇ Everyone received a copy of the Police Department Report for January 2010.
- ◇ Council also received a copy of the Parking Department statistics for January 2010, as well as January 2009 for comparison.
- ◇ Sutton will distribute the Police Department's 2009 Annual Report at the March Council meeting.

The following action occurred during the Indiana Fire Department report:

- ◇ Kelly asked that the Fire Department be informed of any street closings that are going to occur. This could be due to planned events, construction, etc.
- ◇ Kelly also asked that the Fire Department be informed of any buildings that have been condemned or labeled inhabitable. That information would be very helpful in the event of a fire or some other type of emergency.
- ◇ Everyone received a copy of the 2009 Annual Report. If anyone has any questions, don't hesitate to ask Kelly or IFA President Simmons.
- ◇ False alarms continue to be a problem
- ◇ Simmons stated that the 2010 Fire Service Agreement does include language dealing with the utilities. Simmons stated all of the written agreements will be ready for review at the February Work Session and can be voted on at the March Council meeting.

The following action occurred during President Gallo's report, who also presented some information on behalf of Mayor Hood, who had to leave the meeting early:

- ◇ Pres. Gallo commended Patrolman Thomas Dessell, Jr. and other officers of the Indiana Borough Police Department for their intervention of an underage drinking party on January 23rd, at 429 South Fisher Avenue. Gallo stated Indiana Borough will not tolerate this destructive and unlawful action, and this should be a warning to others. Our police have demonstrated that they are here not only to enforce the laws, but to protect lives.
- ◇ Pres. Gallo appointed Mr. George Evans to the Indiana Borough Comprehensive Planning Commission.
- ◇ The IUP Political Science breakfast went very well.
- ◇ Please keep our military personnel in your thoughts and prayers.

The following action occurred during Unfinished Business:

- ◇ There was a motion by Simmons, second by Jones, to vacate a portion of South 7th Street and reduce the right-of-way from 65 to 55 feet. A motion was then made by Brickleyer, second by Hartman, to table action on this ordinance at this time. Roll Call Vote: 9 yes, 3 no. Council members Brickleyer, Geesey,

Hartman, Jobe, Jones, Kravetsky, Petrosky, Shively and Thorell voted yes; and Council members Gallo, Simmons and Thompson voted no. Motion Carried.

There wasn't any new Business.

Council adjourned into an Executive Session at 8:25 PM.

Council reconvened into Regular Session at 8:54 PM.

Mr. Geesey made a motion to approve the settlement agreement for Local 580 Grievance No. 2009-02. The motion was properly seconded by Ms. Jones, and approved by all. Motion Carried.

The meeting was adjourned at 8:55 PM, upon a motion by Jones and a second by Thompson.