

MINUTES OF THE REGULAR MONTHLY MEETING OF THE INDIANA
BOROUGH COUNCIL HELD MONDAY, JULY 12, 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, Simmons and Thompson; Borough Manager Gabler; Mayor Hood; Chief Sutton; Wayne Kablack, Esquire; Chuck Kelly, IFA; Betsy Lauber, Downtown Indiana; Randy Wells, Indiana Gazette; and five (5) visitors.

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

Prior to the moment of silence, Pres. Gallo asked everyone to remember the families of Sergeants Raymond Shegan and Richard Frederick, retired Indiana Borough Police Officers who recently passed away. Pres. Gallo also welcomed Councilman Petrosky back to Council. Petrosky had been recovering from recent transplant surgery. Councilman Simmons then led the Pledge of Allegiance.

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

There was a motion by Hartman, second by Kravetsky, to approve the minutes of the Regular Meeting of June 8, 2010, as written. Motion Carried.

There was a motion by Simmons, second by Geesey, to approve the Financial Reports for May 2010 as presented. Councilwoman Jones noted that everyone had received the May 2010 Financial Report, but the individual line item report was for June 2010. Jones had a couple of questions about a few of the line item entries. Borough Manager Gabler stated those questions can be addressed by Nichole at the next Administration Committee meeting. Motion Carried.

The following action occurred during Public Participation:

- ◇ Tim Johnson, 55 South 14th Street, asked Councilman Simmons if he didn't feel it was a conflict of interest for him to endorse the alcohol on the sidewalk proposal while being a member of Downtown Indiana. Simmons replied no. Simmons only serves as Council's representative on DI, but he is Chairman of the Community Development Committee. Simmons stated that if he owned an establishment in the downtown area and would benefit financially from the proposal, then that could be seen as a conflict of interest; however, that isn't the case.
- ◇ Betsy Lauber, of Downtown Indiana, reminded everyone of the "Taste & Tour" event that will take place on Thursday, July 15th, from 5:30 PM to 8:30 PM. If interested in attending, Lauber had free tickets available for members of Council and the Mayor.

- ◇ Jim Wakefield, 209 Papermill Avenue, presented a petition to change the zoning around his neighborhood from R-1 to R-3. Wakefield has appeared before Council several times over the years to explain his plight. His residence is located a half block from the university and under Borough Ordinances he is not permitted to sell and/or rent the property to anyone who wishes to place students within the dwelling thus devaluing the property. The petition is represented on the north by the 1100 block of School Street, on the east by the 200 block of South 11th Street, on the south by the 1100 block of Washington Street and on the west by the railroad track. Wakefield stated there are 39 properties involved in the outlined area, and the result was as follows: 26 signed in favor, 4 signed opposed, 2 refused to sign and he wasn't able to get in touch with 7 of the owners. Wakefield stated that by rezoning this area to R-3, it will create the highest and best use of the property, which will generate the highest value of it as well.
- ◇ Stanley Jake, of Iselin, asked how many establishments had applied for the outdoor dining with alcohol permit. Borough Manager Gabler replied none yet. The businesses have to apply for an extension from the Liquid Control Board first. Jake then suggested that the penalty section of Resolution #2010-R17 should be increased to include a stiffer fine amount and/or a possible revocation of the license for a certain period of time. Jake also expressed his frustration that his allotted time to speak at last month's meeting was limited, while others were allowed to speak longer.
- ◇ Victoria Rosenberger, Elm Street Manager, informed Council that the ICUC will be conducting a "Hawk Walk" on September 8th, from 5 – 8 PM. She is asking for representation from the Borough, IUP, Police, etc. They will be walking through the Second Ward with Welcome Bags.

The following action occurred during the Committee Reports:

ADMINISTRATION:

- ◇ There weren't any action items to bring before Council.
- ◇ The Committee met with representatives of the library.
- ◇ They are working on a plan for the Parking Department.

COMMUNITY DEVELOPMENT:

- ◇ The Committee didn't meet, so there was no report.

PUBLIC SAFETY:

- ◇ The Police Civil Service Commission has been conducting testing for an entry level Police Officer. Chief Sutton plans to have a recommendation ready for the August Council meeting.
- ◇ The July Public Safety Committee meeting has been cancelled.
- ◇ The Administration Committee was asked to attend the August 19th Public Safety Committee meeting in order to review the 2011 proposed Police Department budget. The budget portion of the meeting will last from 7 – 8 PM, followed by the regular meeting agenda from 8:00 – 9:00 PM.

- ◇ The Committee would like the borough to take the necessary steps to place occupancy loads/requirements for all commercial properties uptown. Councilman Geesey suggested the Fire Department be involved with this for a variety of reasons. Borough Manager Gabler asked that Code & Zoning Director Kirk, Chief Sutton and Chuck Kelly address this issue with Council at the August 17th Work Session.
- ◇ There was a motion by Kravetsky, second by Jones, to advertise an ordinance for the installation of stop signs both northbound and southbound at the intersection of 14th and Church Streets. Roll Call Vote: 5 yes, 5 no, 2 absent. Council members Gallo, Hartman, Jones, Kravetsky and Petrosky voted yes; Council members Bricklemyer, Geesey, Jobe, Simmons and Thompson voted no; and Councilmen Shively and Thorell were absent. Mayor Hood then broke the tie vote by voting yes. The ordinance will be advertised for action at the August Council meeting. Motion Carried.
- ◇ In regard to infrastructural deficient conditions within the Police Department, one bid was received for the work but two more were needed. Councilwoman Jones asked if the additional bids had been received, and the answer was not yet.

PUBLIC WORKS:

- ◇ No action items to present to Council.
- ◇ The KCAC Interceptor Project is going well. The Committee approved pay estimate #3 in the amount of \$147,041.06.
- ◇ The Parking Garage work is going well.
- ◇ The H2O grant application has been submitted. Chairman Hartman stated there will need to be a joint meeting between Indiana Borough and White Township to finally determine how to divide the money.
- ◇ At the August Work Session, they are going to try and give Council some flood control options for Marsh Run.
- ◇ The paving contract is done, and it was done very efficiently.
- ◇ Councilman Bricklemyer stated that a summer college student had been hired to mow some abandoned properties. Bricklemyer stated that one of the properties, 805 Oak Street, had been sold, and he wondered if we had gotten any money out of it. Borough Manager Gabler stated he would have to check on that. Bricklemyer asked that he let the Community Development Committee know the outcome of that as well.

SHADE TREE COMMISSION: No Report

RECREATION COMMISSION: No Report

Borough Manager Gabler reported the following items during his report:

- ◇ Council members are asked to bring in their Code Books for updating.
- ◇ Gabler will be away on vacation from July 15 -25, but he is confident that his staff will be able to handle anything that might come up in his absence.

The following action occurred during Chief Sutton's report:

- ◇ Everyone received a copy of the Police Department Report for June 2010.
- ◇ Council also received a copy of the Parking Department statistics for June 2010, as well as June 2009 for comparison.
- ◇ A Parking Department Plan is being reviewed.

The following action occurred during Solicitor Kablack's report:

- ◇ We did foreclose on a property and collected \$9,000.
- ◇ Councilwoman Jones asked the status of the agreement with the County for an area of land by the former jail. Kablack stated it has been prepared and is in the hands of the County, but their Solicitor is on vacation.

Council received a copy of the Planning and Code Enforcement Report for June 2010.

The following action occurred during IFA Representative Chuck Kelly's report:

- ◇ Everyone received a copy of the Fire Chief's Report for the first half of 2010.
- ◇ The department is going to have a tour of the new building in the 1000 block of Philadelphia Street.
- ◇ Kelly reported that there were no injuries sustained by anyone fighting the recent fire at Rustic Acres.
- ◇ Pres. Gallo commended Detective John Scherf for reporting that fire. Scherf observed smoke while driving past the structure on his way to work.
- ◇ Councilman Hartman asked the status of the false fire alarms. Kelly stated there has only been one repeat offender in the borough, and that is Tom's Pizza with four. Councilman Thompson asked if those still ring into the Police Dispatch area or where. Borough Manager Gabler stated Roland is working on this, but nothing has been changed yet.

Due to Dr. Luckey's absence, there wasn't an IUP report this month.

President Gallo commended Mayor Hood for handling the presentation of a Borough flag to each of the families of the two recently deceased police officers.

The following action occurred during Mayor Hood's report:

- ◇ Hood offered a warm welcome back to Councilman Petrosky.
- ◇ Hood thanked everyone for their public participation.
- ◇ Hood also thanked Councilwoman Jones for taking his place at two recent IUP Parent Orientations.
- ◇ Councilman Thorell and Mayor Hood recently attended the PLCM Convention in Bethlehem. Hood reported that five mayors will be heading up a CORE Community in Crises Task Force to focus on the key issues of urban PA. Hood

hopes that he and Borough Manager Gabler will be selected to serve as volunteers on that task force as well.

- ◇ Hood asked that everyone keep the members of our military personnel and those dealing with the Gulf crises in their thoughts and prayers.

The following action occurred during Unfinished Business:

- ◇ There was a motion by Jones, second by Bricklemyer, to adopt an ordinance amending the Non-Management Pension Plan. Roll Call Vote: 10 yes, 2 absent. Councilmen Shively and Thorell were absent. Motion Carried.
- ◇ There was a motion by Hartman, second by Geesey, to adopt an ordinance amending and restating the Pretreatment Regulations. Roll Call Vote: 10 yes, and 2 absent. Councilmen Shively and Thorell were absent. Motion Carried.
- ◇ There was a motion by Kravetsky, second by Simmons, to adopt an ordinance establishing stop signs on Gompers Avenue at 10th Street. Roll Call Vote: 8 yes, 2 no and 2 absent. Councilmen Thompson and Geesey voted no; and Councilmen Shively and Thorell were absent. Motion Carried.

The following action occurred during New Business:

- ◇ There was a motion by Hartman, second by Jones, to approve for publication the Subdivision and Land Development Ordinance. Motion Carried.
- ◇ There was a motion by Bricklemyer, second by Hartman, that the rezoning petition presented by Jim Wakefield earlier in the meeting be sent to the Planning Commission, along with a letter from Council President Gallo to not only look at that but also the Zoning Map. Bricklemyer wants the Planning Commission to review the Usage Map that the Code Department has put together that shows what the properties are being used for. Bricklemyer would like to ask that some of these properties be rezoned to U-1, from what is currently R-2. He would also like to request that they seriously look at the Overlay Zone Ordinance and consider repealing the Overlay Zone and incorporate the features of the Overlay Zone into the areas that could be potentially changed into U-1. Bricklemyer feels this would be a lot less confusing for contractors and everyone else. Bricklemyer and Hartman then amended their original motion and second to include a time limit of six (6) months for the Planning Commission to bring a recommendation back to Council. Councilman Simmons stated he thought the idea of the Overlay Zone was to bring the students back closer to campus. Hartman replied that is true, but then it should be zoned as such. Don't make it R-1, with an Overlay Zone. Motion Carried.
- ◇ Councilman Hartman stated Roland Francis has been working on the borough's website, and he is able to set up individual email addresses for Council members based on their particular Ward. Hartman wanted to poll Council and see who would be interested in participating in this new venture. The idea was approved unanimously by all those in attendance.

President Gallo announced there would be an Executive Session, immediately following adjournment.

The meeting was adjourned at 8:22 PM, upon a motion by Geesey and a second by Jones.