

MONTHLY MEETING OF THE INDIANA
WEDNESDAY, JULY 5, 2011, AT 7:00 PM, IN THE
COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING.

PRESENT: President Simmons, Presiding; D. Pepper, Recording; Council Members Bricklemeyer, Hartman, Jobe, Jones, Kravetsky, Petrosky, Shively, Thompson and Thorell; Borough Manager Raykes; Mayor Hood; Chief Sutton; Acting Solicitor Tom Rivosecchi; Public Works Director Fairman; Asst. Treasurer Sipos; Fire Chief Kelly; Randy Wells, Indiana Gazette; Maria Miller, Renda Broadcasting; Mike Barber and Victoria Rosenberger, Downtown Indiana; and 3 visitors. (Councilman Gallo arrived at 7:02 PM.)

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

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

Pres. Simmons asked for a Roll Call. All Council members were present, with the exception of Councilmen Gallo and Geesey. (Councilman Gallo was absent during the Roll Call, but arrived later at 7:02 PM.)

There was a motion by Bricklemeyer, second by Jones, to approve the minutes of the Regular Meeting of June 7, 2011, as written. Motion Carried.

There was a motion by Jones, second by Shively, to approve the Financial Reports for May 2011 as presented. Motion Carried.

The following action occurred during Public Participation:

- Mike Barber, a Downtown Indiana Board Member, invited Council to attend the Taste and Tour event that will be held on Thursday, July 21st, beginning at 5:30 PM. Victoria Rosenberger then distributed complimentary tickets to Council members.

The following action occurred during the Committee Reports:

ADMINISTRATION:

- Chairperson Jones stated most of the meeting was held in Executive Session for real estate and personnel matters. Due to Code/Zoning Director Kirk's absence, an Executive Session with the full Council for the real estate issue will be held in the near future.
- There was a motion by Jones, second by Bricklemeyer, to pay William Sutton \$500 a week or \$2,000 a month for performing Interim Borough Manager duties from December through June for a total of \$14,000 to be paid over the next seven (7) pay periods. Motion Carried.
- Bids were opened for the Parking Garage's old Ford truck, and the high bid was from Ken Zacherl in the amount of \$1,575.

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- There was a motion by Gallo, second by Hartman, to approve the Head Start request to close Clymer Avenue, between Burns Avenue and Oak Street, on August 18, 19 & 20, 2011. A friendly amendment was then made by Gallo and Hartman that any fee involved be waived. Motion Carried. Pres. Simmons explained that their playground is going to be remodeled by the "Extreme Makeover" television crew. Motion Carried.
- A North 7th Street closure was also approved for the "Taste & Tour" event on Thursday, July 21st, from 4 ó 7 PM; and South 7th Street for "Kids Day" on Saturday, September 10th, from 9:30 AM to 1:30 PM, for Drs. Tarnoff and Hilliard.
- Dave Kirk informed the Committee that Giant Eagle should be starting demolition work on South 7th Street in the near future.
- Downtown Indiana representatives presented the mutual covenants and benefits of the BID (Business Improvement District) program.

PUBLIC SAFETY:

- The June Committee meeting was cancelled.
- Sergeant Anthony Clement was planning to present a second forum regarding illegal drugs in Indiana Borough at the July 21st Committee meeting; however, due to a conflict with the "Taste & Tour" event, the presentation will be made at the August 18th Committee meeting. All Council members and the public are invited to attend.

PUBLIC WORKS:

- There was a motion by Hartman, second by Thorell, to approve Payment #3 in the amount of \$140,204.26 to Terra Works, Inc. Motion Carried.
- Larry She, from Mercuria Energy, spoke at great length about the use of effluent water for fracking gas wells and other uses. The Committee has asked for more information and will share that in the near future.
- Chairman Hartman informed Council that the 1300 block of Locust Street is in need of a total rebuild of the street and infrastructure. The ballpark cost estimate is approximately \$200,000. Since this expense isn't part of the current budget, the Street Department will perform some necessary maintenance; however, Hartman stated this expenditure needs to be considered in future budget planning. Fire Chief Kelly stated there is a serious parking problem in that area as well.

SHADE TREE COMMISSION:

- A routine business meeting was held regarding the planting and cutting of trees.

RECREATION COMMISSION:

- Due to the Fourth of July holiday, their meeting will be held next Monday.

ed Borough Manager Jeff Raykes to the meeting. Sutton was on his first day on the job, but so far things are going well. He then thanked everyone for their office visits and calls of warm wishes.

The following action occurred during Chief Sutton's report:

- Since it is mid-year, Sutton wanted to report some financial statistics to Council. We are at approximately 56% in revenues; and in the General Fund, each expenditure item is at 50% or under. Sutton stated the Borough is in the black, and we intend to keep it that way.
- Everyone received a copy of the Police Department Report for June 2011.
- Council also received a copy of the Parking Department statistics for June 2011, as well as June 2010 for comparison.
- Chief Sutton will be on vacation for the next ten days, but can be reached on his cell phone in the event of an emergency.
- Councilman Hartman suggested we take a look at our current parking fines and the possibility of increasing them. Sutton will place that item on the agenda for the next Public Safety Committee meeting.

Fire Chief Kelly reported there were 40 calls for service in the month of June, with only a \$50 loss in the Borough. Kelly also provided mid-year totals of 251 calls for service with a loss total of \$275,200. There have been 65 false alarms, but none of them has been a repeat offender of three or more.

Mayor Hood reported the following action during his report:

- Hood thanked everyone in the audience for their attendance.
- Hood also welcomed Borough Manager Jeff Raykes and wished him well in his new position.
- Mayor Hood recently attended the grand opening of the Tandoor restaurant, which features Indian cuisine and recently reopened downtown under new management.
- Hood also participated in a flag ceremony at the Court House yesterday, in honor of Navy Master Chief Henry Shields Williams, Sr.
- Mayor Hood has been participating in Parent Orientation at IUP, and tomorrow is the last one.
- Mayor Hood and Councilman Thorell recently attended the PLCM Convention in Erie. Hood informed Council that Resolution #3 regarding Alcohol Related Fines in College Towns and Resolution #5 regarding the Local Option of 10% Tax on the Sale of Alcohol was approved by the PLCM. They will now go to Harrisburg and hopefully find a legislator to sponsor them.
- Councilman Thorell stated the convention was a very worthwhile experience, and he highlighted four of the sessions that he attended.

ing Unfinished Business:

- There was a motion by Hartman, second by Jones, to put the Trash Service Agreement out to bid. During discussion, Councilman Thorell expressed his concern that Section 5 regarding large items that can be picked up at the curb is being abused. Thorell also stated that the special collection schedule doesn't work, and the town looks awful when the students depart for holiday breaks and at the end of semesters. Thorell questioned why landlords shouldn't be held to the same rules as other residents in terms of when garbage is permitted to be placed at the curb. There was a motion by Thorell, second by Petrosky, to amend the motion and delete Section C from Part 9 of the proposed Trash Service Agreement. Several Council members objected to Thorell's suggestion and stated the problem is with enforcement. There is a provision for special collections and the waste is to be removed in a timely manner. If that isn't being done, then it is our responsibility to start enforcing it in order to make sure it is being handled properly. Councilman Bricklemyer stated the problem is the current service provider doesn't care. Chief Sutton asked Solicitor Rivosecchi if we were obligated to accept the low bidder, and the answer was no. If there has been poor performance in the past, we do not have to award the bid to the low bidder. The contract is to be awarded to the lowest, responsible bidder. The vote on Thorell's proposed amendment was 1 yes, 10 no, and 1 absent. Councilman Thorell voted yes; Council members Bricklemyer, Gallo, Hartman, Jobe, Jones, Kravetsky, Petrosky, Shively, Simmons and Thompson voted no; and Councilman Geesey was absent. Motion Defeated. On the advice of the Solicitor, Hartman and Jones offered a friendly amendment that would add a sentence about being able to terminate the service contract after one warning. Councilman Bricklemyer, who was absent from the Work Session when this was thoroughly discussed, then brought up some concerns that he felt should be deleted from the agreement. Hartman and Jones both agreed to the following friendly amendments: Section 4C ó Delete the phrase clean grass clippings with no earth or soil attached to the root system. Section 30 ó Delete last paragraph regarding Fee for Service System. A vote was then held to put out to bid the Trash Service Agreement with the amendments, and the result was 10 yes, 1 no, and 1 absent. Councilman Thorell voted no; and Councilman Geesey was absent. Motion Carried.
- Solicitor Rivosecchi informed Council that the current contract stipulates that the Borough must give Waste Management a 120 day notice that we intend to put the contract out to bid or else it automatically renews. Council authorized Borough Manager Raykes to send a letter to Waste Management notifying them of our intent to put the contract out for bid.
- There was a motion by Jones, second by Hartman, to approve the BID agreement. Motion Carried.
- There was a motion by Hartman, second by Gallo, to advertise the BID Ordinance for adoption at a Special Council Meeting to be held on July 19th, in conjunction with the July Work Session. In regard to Section 4 and the Sunset Provision, Councilman Hartman asked who would be responsible for review of the BID

ager Raykes stated a special committee could be
himself.

- There was a motion by Hartman, second by Kravetsky, to adopt a resolution providing for the use of Liquid Fuels money for the railroad crossing project at Eleventh Street. Motion Carried.

The following action occurred during New Business:

- There was a motion by Hartman, second by Jones, to accept the resignation of Dave Fairman from the COG Board. Motion Carried.
- There was a motion by Hartman, second by Jones, to appoint Jeff Raykes to the COG Board. Motion Carried.

The meeting was adjourned at 8:30 PM, upon a motion by Jones.