

MINUTES OF THE REGULAR MONTHLY MEETING OF THE INDIANA
BOROUGH COUNCIL HELD TUESDAY, MARCH 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; Tom Rivosecchi, Esquire; Public Works Director Fairman; Code & Zoning Director Kirk; Chuck Kelly, Indiana Fire Association; Dr. Rhonda Luckey, IUP; Randy Wells, Indiana Gazette; Celeste Gossman, Renda Broadcasting; David Moore; Brian Okey; Ken Sherwood; Linda Heberling; Bill Odoms; and several visitors.

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

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

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

President Gallo then introduced Dr. Rhonda Luckey, Vice President of Student Affairs, who will now be serving as IUP's representative at Borough Council meetings. Luckey thanked Council for this opportunity, and she looks forward to serving as a liaison between the two groups.

There was a motion by Bricklemyer, second by Geesey, to approve the minutes of the Regular Meeting of February 2, 2010, as written. Motion Carried.

There was a motion by Jones, second by Bricklemyer, to approve the minutes of the Special Meeting of February 11, 2010, as written. Motion Carried.

There was a motion by Simmons, second by Hartman, to bring from the table and approve the January 2010 Financial Reports. Motion Carried.

There was a motion by Kravetsky, second by Simmons, to approve the February 2010 Financial Reports. Once again, Councilman Geesey expressed frustration with the current reporting format. Geesey noted some discrepancies that he can't reconcile. Borough Manager Gabler couldn't answer his specific questions, but offered to check into it with Nichole. Geesey plans to sit down with Gabler and try to come up with a uniform method of reporting the monthly figures so that Council can easily understand where the Borough stands financially. Geesey noted the Sewage Plant Operating Account has several sizeable Certificates of Deposits, and he would like to know what the maturity dates and interest rates are on those CD's. Pres. Gallo asked the Administration Committee to look into this matter. Motion Carried.

The following action occurred during Public Participation:

- ◇ Brian Okey, 323 South Sixth Street, asked for Council's help in encouraging the Indiana School Board to keep all of its elementary schools open. Okey stated the schools play an important role in the strength of Indiana as a community. In

- response, Pres. Gallo stated there will be a joint meeting with the School Directors sometime in March. Once a definite date has been established, it will be advertised.
- ◇ Ken Sherwood, 1133 School Street, also spoke in favor of keeping the elementary schools open. Sherwood stated he was speaking not only as a parent, but as a homeowner. Sherwood doesn't want his property value to go down, and he was encouraged to hear that Council will be meeting with the school district in the near future.
 - ◇ Linda Heberling, 237 Anderson Avenue, thanked the Street Department for their efforts during the recent snow storms; however, she wanted to know why the 12-hour parking ordinance wasn't being enforced. Heberling stated there were cars on her street that hadn't been moved in days, and it was quite obvious by the amount of snow piled on top of them. Heberling expressed concern that emergency vehicles wouldn't be able to get to her house or other homes in her area if necessary. Heberling suggested using an odd/even parking arrangement for snow removal, and she felt this method would also work well for leaf pickup.
 - ◇ Bill Odoms, who isn't a permanent resident but works here about six months of the year, complained about the current permit parking system. Odoms bought a \$70 permit for 940 Water Street, but is away from his residence all day. He didn't realize permit parking wasn't enforced in the evenings or weekends, and that he would have to fight for a spot for his vehicle. If the parking requirements aren't going to be enforced all the time, Odoms questioned why he should waste his money on buying a permit. Borough Manager Gabler stated that when permit parking was first instituted, it was an attempt to control the commuter parking problem. Pres. Gallo asked the Public Safety Committee to look into this, and he invited Odoms to attend that meeting.

Pres. Gallo then announced an Executive Session for personnel matters and property negotiations.

Council adjourned into an Executive Session at 7:30 PM.

Council reconvened into Regular Session at 8:30 PM.

The following action occurred during the Committee Reports:

ADMINISTRATION:

- ◇ The Committee is continuing to work with the Indiana Fire Association on a condominium agreement or lease agreement for a portion of the Municipal Building.
- ◇ There was a motion by Jones, second by Hartman, to credit an employee's sick leave payment and FICA taxes back to the borough, and rebill the Recreation Commission for the Fourth Quarter of 2009. Motion Carried.
- ◇ The rescheduled meeting with Comcast for cable franchise agreement negotiations will be held on Tuesday, March 9th, at 6:00 PM. All Council members are invited to attend.
- ◇ There was a motion by Jones, second by Shively, to adopt a resolution for the use of an asset smoothing method to determine the actuarial value of assets. Borough

- Manager Gabler explained that this method is recommended by our actuary and has been offered by the state as a means of mitigating the effects of investment losses and pension distress experienced by some plans in the state. Gabler noted that our plans are not classified as distressed, but use of this option will lower our MMO (Minimum Municipal Obligation) for 2011. During discussion, Councilman Geesey questioned whether Council should do this. Geesey expressed concern that under-funding the pensions in the current economic times will just create worse problems in the future. In response, Gabler stated the Pension Review Committee has reviewed this, and our pension actuary is a very conservative individual. Gabler stated this isn't a risk free thing but if we don't do this, our obligation to the pension funds will be higher next year. Roll Call Vote: 4 yes, 8 no. Council members Jones, Shively, Simmons and Thompson voted yes; and Council members Bricklemyer, Gallo, Geesey, Hartman, Jobe, Kravetsky, Petrosky and Thorell voted no. Motion Defeated.
- ◇ There was a motion by Jones, second by Thompson, to approve a request from the Indiana Borough Police Benevolent Association to erect a flagpole and repair the benches at the front of the Municipal Building in honor of fallen officers. Mayor Hood noted that a Boy Scout from Troop 29 had planned to repair the benches as part of his Eagle Scout Project. He plans to start as soon as the weather improves. Jones didn't think that would be a problem, and the two groups could coordinate their efforts. Motion Carried.
 - ◇ There was a motion by Jones, second by Shively, to accept an energy abatement proposal by ClearChoice. Jones explained that the Borough will receive an annual fee for the voluntary reduction in energy consumption during times of power grid stress from June through September. Gabler stated Solicitor Kablack has reviewed the proposal. Motion Carried.
 - ◇ There was a motion by Jones, second by Shively, to approve a proposal by OnDemand to procure energy as part of a consortium for the Borough's benefit. Solicitor Kablack has reviewed this proposal as well. Motion Carried.
 - ◇ Borough Manager Gabler had informed the Committee that overtime expenditures for snow removal in 2010 are currently at about \$20,000 of the total \$25,000 budget, while expenditures for salt have reached the budget amount for the year at \$30,000. Chairperson Jones then spoke to Council about the huge cost involved in recent snow removal efforts along Philadelphia Street. Jones stated we might not get any emergency funds from the state, and she feels Downtown Indiana should help pay for some of the expense. Jones said the Borough's budget can't handle this if we don't get any type of reimbursement, and she thinks Council needs to come up with a Plan B. When asked about the possibility of billing Downtown Indiana for their share of the cleanup efforts, Borough Manager Gabler stated he doesn't think they have the resources. Total expenses for that portion amount to \$12,400, so the cost would be \$6,200 split between us. Gabler suggested we talk to Downtown Indiana about this situation first. Pres. Gallo referred this matter to the Community Development Committee.
 - ◇ Councilman Simmons then referred back to the Asset Smoothing proposal that was presented earlier. Simmons was concerned that Council wasn't seeing the whole picture, and explained that there is a 30% pendulum swing either way. It is all about cash flow, and Council could decide how they want to handle it when

the time came. Pres. Gallo then asked the Pension Review Committee to revisit this matter and report back to Council at a later date.

COMMUNITY DEVELOPMENT:

- ◇ The IUP Cycling Club has withdrawn their request for an event, so no action was needed.
- ◇ Code Director Kirk informed Council that representatives from Penn Dot's District 10 recently met and have decided to move forward with a reduction of the right-of-way on South 7th Street to 55 feet. Kirk explained that initially they are confirming what all the deeds are. That is something that they had originally asked us to do, but now they are going to do it. Unfortunately, it wasn't ready for tonight. Kirk suggested Council go ahead and take action, pending the endorsement of Penn Dot. There was a motion by Simmons, second by Thompson, that we approve the ordinance reducing the right-of-way to 55 feet contingent upon Penn Dot approving it. During discussion, Acting Solicitor Rivosecchi expressed concern and felt it would be unwise for Council to pass this motion without seeing exactly where the right-of-way is that Penn Dot comes up with. Councilman Simmons offered to withdraw his motion, but as a point of order, Councilman Geesey noted there had already been a motion and a second made. A motion was then made by Bricklemyer, second by Jones, to table this matter for now. Motion Carried.
- ◇ The Sheetz store and gas pumps are now open for business; Dave Moore is waiting on a decision regarding the right-of-way; McDonalds is moving forward with plans for their new building on Wayne Avenue; and the Philadelphia Square project is moving forward as well.

PUBLIC SAFETY:

- ◇ Recognition of performance was given to Patrolman Tom Dessell, as well as a Chief's Commendation for Detective John Scherf.
- ◇ Notices were sent to 256 residents affected by establishing current enumerated 12-hour parking zones as permit parking zones. Approximately 40 to 50 residents were in attendance at the meeting, and all of them were opposed to doing this.
- ◇ Councilman Bricklemyer questioned Item #5 on the report that talked about there being no left turn allowed from east bound Locust at Wayne and 7th between 3:00 & 7:00 PM. Chief Sutton replied that he has been in contact with an engineer from Penn Dot and since Locust Street is a local road, in order to make any signage change, we have to conduct our own survey. Council would then make its recommendations, and we would have to get Penn Dot approval. Sutton has given Corporal Kovalcik a directive to conduct a survey of the entire area. After this is completed, Sutton will place this matter back on the Public Safety Committee agenda.
- ◇ Chief Sutton stated IUP wants the parking meters removed from Grant Street, especially between Sprowls Hall and the parking garage. While Sutton agrees with the concern about pedestrian and vehicle safety, those meters are used all the time. Sutton stated his department is doing an analysis for a thirty (30) day period, during which time the bank will be counting the money from those meters separately.

PUBLIC WORKS:

- ◇ There was a motion by Hartman, second by Simmons, to accept the low bids for the Parking Department renovation project in the garage totaling \$83,891. Motion Carried. Chairman Hartman then asked that the Administration Committee look into returning the remaining money from the project to the bank.
- ◇ There was a motion by Hartman, second by Thorell, to adopt the Emergency Operations Plan as presented. During discussion, Councilman Kravetsky expressed concern about some of the wording. For example, that Council would be responsible for people’s lives. Borough Manager Gabler stated that it didn’t mean individual members of Council, but that Borough Council would be responsible for implementing a plan and appointing officials to deal with it. Acting Solicitor Rivosecchi suggested a change in the language that would address Kravetsky’s concerns. Both Councilmen Hartman and Thorell agreed to the amendment with the verbiage change. Motion Carried.
- ◇ Councilman Thompson stated that the Municipal Building lot should be at the top of the priority list when it comes to snow removal during bad weather. It is very important that the emergency vehicles can get out.
- ◇ Chairman Hartman stated the Committee intends to conduct a post-emergency review and look at our standard operating procedures, and he plans to ask the Public Works Director to look at the idea of odd/even parking.
- ◇ There was a motion by Hartman, second by Jones, to adopt the Continuity of Government Plan. During discussion, Hartman noted that a line of succession is needed as part of this plan. Rivosecchi stated that part doesn’t have to be done tonight, but the Mayor and the Emergency Management Coordinator need to know what it is. Pres. Gallo asked the Public Safety Committee to study this and bring back a line of succession plan to Council. Motion Carried.
- ◇ Borough Manager Gabler stated only \$1 million dollars was received from the H2O Grant that was applied for with White Township. It was originally to be divided with a 90/10 split. At a meeting with White Township, they would like to have \$130,000 for the project they are currently doing on South Sixth Street. The rest of the money would come back to the Borough and result in more of an 87/13 split. Gabler stated the groups then talked about submitting another application and using elements from our first application. One of White Township’s major projects is the Wildcat lines. We talked about doing a 75-25 split for this one, with the Borough getting 75% and White Township getting 25%. Gabler explained that we would have to get \$1.2 million in funding for this formula to work. Gabler was asking for Council’s input. Councilman Hartman stated the Committee also talked about applying for the grant on our own, but Gabler explained that we get “bonus points” for a combined application. Pres. Gallo referred this matter to the Public Works Committee for further review.

SHADE TREE COMMISSION: No Report

RECREATION COMMISSION:

- ◇ A routine business meeting was held last night.
- ◇ The winter recreation programs have already started.
- ◇ They discussed a possible leasing procedure for ball fields and pavilions.
- ◇ They discussed plans for improving the website.

During the Borough Manager's report, there was a motion by Hartman, second by Thompson, to adopt a resolution terminating the declaration of a Disaster Emergency. Motion Carried.

The following action occurred during Chief Sutton's report:

- ◇ Everyone received a copy of the Police Department Report for February 2010.
- ◇ Council also received a copy of the Parking Department statistics for February 2010, as well as February 2009 for comparison.
- ◇ Sutton stated the Public Safety Committee took a lot of abuse at the last meeting over the possibility of establishing current enumerated 12-hour parking zones as permit parking zones. Sutton just cautioned Council that it is impossible to please everyone.
- ◇ Council received a copy of the Police Department's Annual Report for 2009. Please contact Chief Sutton if you have any questions.

During his report, Acting Solicitor Rivosecchi wanted to reassure Council that they had acted properly tonight by not taking action in regard to reducing the right of way to 55 feet on South 7th Street yet. Rivosecchi stated that if the survey from Penn Dot would have come back differently than expected, the question then would have been did we really have Penn Dot's approval.

Code & Zoning Director Kirk didn't have a report, but Councilman Thorell called Council's attention to the last paragraph of the Planning Commission minutes, which was in regard to declaring an area suitable for fraternity houses. Thorell also gave Kirk an article from the *Indiana Gazette* about an intruder that had broken into a couple of sororities. Thorell didn't think we had any sororities, so he questioned whether they are recognized by IUP and in a proper area, or are they just rogue ones.

The following action occurred during the IFA Report:

- ◇ Kelly thanked Public Works Director Fairman and his crew for their help and hard work during the recent bad weather.
- ◇ Kelly stated there are a lot of parking problems in town, and it makes it extremely difficult for emergency vehicles to get through.

The following action occurred during President Gallo's report:

- ◇ Gallo appointed Councilmen Thorell, Bricklemeyer and Shively to the Code Enforcement Committee. They will look at some of the issues that Dave Kirk is dealing with.
- ◇ Gallo also commended the Street Department for their actions during the recent snow storms.
- ◇ The ICBA will be meeting on Wednesday, March 24th, at Pie Cucina in Blairsville, at 6:00 PM. Please let Borough Manager Gabler know if you are interested in attending.

The following action occurred during Mayor Hood's report:

- ◇ Hood has proclaimed March as "Red Cross Month."
- ◇ Hood stated that his reason for recently declaring a "State of Emergency" was two-fold. First, for the safety of the residents of Indiana Borough; and secondly, so that we could attempt to get some financial relief to help offset all of expenses involved. If he hadn't made that call, we wouldn't have a chance at getting any money.
- ◇ Hood also invited Council to attend the upcoming ICBA meeting in Blairsville.
- ◇ Mayor Hood asked that everyone continue to keep our military personnel in your thoughts and prayers.

The following action occurred under Old Business:

- ◇ There was a motion by Jones, second by Geesey, to adopt an ordinance amending the Police Pension Plan. Roll Call Vote: 12 yes. Motion Carried.
- ◇ Since vacating a portion of South Seventh Street was tabled earlier, no action was taken on an ordinance that had been prepared for tonight's meeting.
- ◇ There was a motion by Hartman, second by Kravetsky, to authorize Solicitor Kablack to draft an agreement to allow for the drilling of water wells. Motion Carried.

The following action occurred during New Business:

- ◇ There was a motion by Kravetsky, second by Simmons, that tentative approval be given for a TND (Traditional Neighborhood Development) by Dave Moore. Final plans will be presented for formal action at a Special Meeting on March 16th. During the discussion period, Councilman Simmons asked if we needed to include something that if the parking is changed, he will be grandfathered in. Code & Zoning Director Kirk stated that was part of Moore's request. Pres. Gallo stated that if Council approves his request, the grandfathering will be part of it. Motion Carried.

The meeting was adjourned at 10:00 PM, upon a motion by Simmons and a second by Geesey.