

MINUTES OF THE REGULAR MONTHLY MEETING OF THE INDIANA  
BOROUGH COUNCIL HELD TUESDAY, SEPTEMBER 8, 2009, AT 7:00 PM, IN  
THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING.

PRESENT: President Fruehstorfer, Presiding; D. Peffer, Recording; Council Members Bricklemyer, Gallo, Hartman, Hogan, Jones, Kravetsky, Petrosky, Shively, Simmons and Thompson; Borough Manager Gabler; Police Chief Sutton; Mayor Hood; Wayne Kablack, Esquire; Public Works Director Fairman; Code Officer Kirk; Chuck Kelly, Indiana Fire Association; Randy Wells, Indiana Gazette; Celeste Gossman, Renda Broadcasting; Doug Varner; J. D. Varner; Alan Haycock; and several visitors.

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

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

Pres. Fruehstorfer asked for a Roll Call. All Council members were in attendance, with the exception of Councilman Thorell.

There was a motion by Hogan, second by Bricklemyer, to approve the minutes of the Regular Meeting of August 4, 2009, as written. Motion Carried.

There was a motion by Gallo, second by Jones, to approve the Financial Reports for August 2009 as presented. Motion Carried.

The following action occurred during Public Participation:

- ◇ J. D. Varner, 420 Oak Street, criticized borough officials for not flying the official Indiana Borough flag on the pole outside the Municipal Building and for ignoring a letter from Dr. Lois Blair requesting that they do so. Blair had purchased the flagpole originally and donated it to the borough. Varner asked that Council return a borough flag to the pole before Dr. Blair's 100<sup>th</sup> birthday on November 4<sup>th</sup>. Pres. Fruehstorfer asked Borough Manager Gabler to do some research and find out where a flag could be purchased and the cost. Councilman Gallo stated he personally had a brand new Indiana flag that he would be willing to donate.
- ◇ Alan Haycock, 658 Grant Street, complained about being personally attacked in several letters to the editor in *The Indiana Gazette* for being critical of the Elm Street Project. The letter writers had suggested that Haycock should have volunteered to help with the project instead. In response, Haycock stated he had been a volunteer for the Elm Street Project for three months, but then gave up when he determined the program would be a shambles from beginning to end. Haycock also expressed frustration that someone in the Elm Street office had released personal information to a third party, and he will be taking action in regard to that.
- ◇ Doug Varner reminded Council of the revised text for the proposed sign ordinance he had presented earlier, as well as the petition that contained a number of signatures in support of his position on electronic signs.

The following action occurred during the Committee Reports:

**ADMINISTRATION/PUBLIC WORKS:**

- ◇ There was a motion by Hartman, second by Kravetsky, to approve a License Agreement with IUP for a sewer easement in the KCAC area. Motion Carried.
- ◇ There was a motion by Hartman, second by Jones, to advertise an ordinance providing for an amendment to the Management Pension Plan. Motion Carried.
- ◇ There was a motion by Hartman, second by Jones, to advertise an ordinance to amend the Non-Management Pension Plan. Motion Carried.
- ◇ There was a motion by Jones, second by Hogan, to adopt a resolution approving the following individuals for the Tax Collection Committee: Borough Manager Ken Gabler, Primary Member; Councilman Simmons, First Alternate; and Councilman Hartman, Second Alternate. Motion Carried.
- ◇ Chairman Hartman announced a budget work session would be held tomorrow night as part of the monthly Committee meeting.
- ◇ The recent failure of the EVP system was due to a bee's nest.

**COMMUNITY DEVELOPMENT/PUBLIC SAFETY COMMITTEE:**

- ◇ The Overlay Subcommittee has discussed the vision for the Overlay Zone and development of a design manual. Students from Whit Watt's class will undertake design guidelines for the Overlay Zone during the fall semester. Developers are invited to attend the next meeting of the Overlay Subcommittee on Monday, September 14th, at 9:30 AM, to discuss obstacles to development.
- ◇ There was a motion by Hogan, second by Gallo, to advertise a Fire Loss Escrow Ordinance once Solicitor Kablack as prepared the draft. After a discussion period, there was a motion by Hogan, second by Bricklemyer, to table advertising this ordinance until further discussion at the Work Session. Motion Carried.
- ◇ Downtown Indiana will be holding a Car Cruise on September 12<sup>th</sup>.

**SHADE TREE COMMISSION:** No Report

**RECREATION COMMISSION:**

- ◇ Due to the lack of a quorum, a regular meeting couldn't be held; however, the members present heard a report from the Mack Foundation on the proposed swimming pool renovations and discussed involvement with the skateboard area.

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

- ◇ In regard to the 2010 Act 205 MMO (Minimum Municipal Obligation) for the various pension plans, the Borough's estimated share will be \$97,813.
- ◇ Gabler distributed a proposed 2010 budget schedule.
- ◇ The Parking Garage is officially back in business, and there will be a ribbon cutting ceremony on Monday, September 14<sup>th</sup>, at 6:30 PM.

The following action occurred during Chief Sutton's report:

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

President Fruehstorfer reminded everyone that the Work Session will be held on September 15<sup>th</sup>.

The following action occurred during Mayor Hood's report:

- ◇ Hood thanked everyone for their public participation.
- ◇ A supervised group of inmates from the prison recently picked up debris from the Vinegar Hill steps.
- ◇ Indiana Borough's Trick-or-Treat will be held on October 31<sup>st</sup>, from 6 – 8 PM.
- ◇ The annual Kiwanis Halloween parade will be held on Monday, October 26<sup>th</sup>.
- ◇ Indiana has a song written by Abby Morris, which is going to be put on our website and used at future events.
- ◇ Mayor Hood is glad the Parking Garage work is completed.
- ◇ Hood asked that everyone keep the military personnel in their thoughts and prayers.

The following action occurred during Unfinished Business:

- ◇ There was a motion by Hartman, second by Jones, to adopt an ordinance amending the Zoning Ordinance regulating signs. A motion was then made by Hogan, second by Simmons, to table any action on the ordinance until Council has had a chance to review the information that Doug Varner presented tonight. Roll Call Vote: 2 yes, 9 no, 1 absent. Councilmen Simmons and Brickleyer voted yes; Council members Petrosky, Shively, Thompson, Fruehstorfer, Gallo, Hartman, Hogan, Jones and Kravetsky voted no; and Councilman Thorell was absent. Motion Defeated. A Roll Call Vote was then held on the original motion and the result was: 7 yes, 4 no and 1 absent. Council members Thompson, Fruehstorfer, Hartman, Hogan, Jones, Kravetsky and Petrosky voted yes; Councilmen Shively, Simmons, Brickleyer and Gallo voted no; and Councilman Thorell was absent. Motion Carried.
- ◇ There was a motion by Hogan, second by Shively, to adopt an ordinance amending the Zoning Ordinance regulating the number of unrelated individuals permitted in non-conforming rental units. Roll Call Vote: 11 yes, 1 absent. Councilman Thorell was absent. Motion Carried.

The following action occurred during New Business:

- ◇ Penn Dot wants to meet with us to discuss South 11<sup>th</sup> Street. This meeting will only involve representatives of Penn Dot and Indiana Borough, not IUP, and will take place once Councilman Thorell has returned from his trip.
- ◇ Code Officer Kirk informed Council that in working with Mr. David Moore on a proposed overlay project on South 7<sup>th</sup> Street, between Washington and the intersection of Wayne Avenue, he discovered a right-of-way distance problem. Kirk explained that in 1854, the borough passed an ordinance declaring South 7<sup>th</sup> Street has a 65 foot right-of-way. However, where Sheetz is located there isn't 65 feet, and Kirk stated the property lines on almost every single property are screwed up. Kirk feels that to fix the problem, the borough needs to reestablish the right-of-way on South 7<sup>th</sup> Street to 50 feet. Pres. Fruehstorfer and Mayor Hood stated it is a state road, so that would be up to Penn Dot. Kirk has been in contact with District 10, and they said it is up to us to establish the right-of-way. Borough Manager Gabler stated 50 feet is the normal right-of-way for most of our streets. Code Officer Kirk stated this could not only affect Moore's proposal, but other future developments as well. Kirk's recommendation would be to reestablish the right-of-way to 50 feet upon re-verification from Penn Dot's District 10. He feels that would be about as close as we could get to correcting the problem.

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