

**HOLLIDAYSBURG BOROUGH COUNCIL MEETING
HELD IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING
THURSDAY, OCTOBER 14, 2010, AT 7:00 P.M.**

The meeting was called to order at 7:00 p.m. by President John P. Stultz, Jr., who presided. Present: Council members Joseph A. Pompa, Harold D. Burket, John W. Brenner, Michael W. McLanahan, Timothy M. Baranik and Amy Webster Sill. Also present: Borough Manager Mark G. Schroyer, Mayor Joseph R. Dodson, Solicitor Nathan W. Karn, Sr., Community Development Director Ethan Imhoff, Finance Director James Gehret, Police Chief Jeffrey J. Ketner, Main Street Manager Jamie Baser and Borough Secretary Ann M. Andrews. Absent: Jr. Council member Lindsay Sill.

President Stultz led the Pledge of Allegiance to the Flag followed by a few moments of silence in honor of the men and women serving in the military.

President Stultz announced that Council had met in Executive Session on September 23rd at 6:00 p.m. for the purpose of discussing personnel.

At this time, President Stultz recognized Mayor Joseph Dodson. Mayor Dodson presented a proclamation to Randy Potter of the United Way of Blair County.

It was moved by Mr. Pompa and seconded by Mr. Brenner to approve the Minutes from the August 31st, September 9th, 23rd and 30th meetings. There being no objection, motion carried, 7-0.

President Stultz called on Community Development Director Ethan Imhoff to conduct the Public Hearing on amending the ordinance on HARB appointments. Mr. Imhoff stated that this ordinance would amend the Zoning Ordinance to allow for an alternate member of the Historic Preservation Commission (HPC) to serve on the Historic & Architectural Review Board (HARB). The most senior member of the HPC would serve as an alternate on the HARB in the event there was not a quorum.

There being no public comment on the proposed ordinance, the hearing was closed at 7:09 p.m.

President Stultz moved to **Unfinished Business Agenda Item 11.a.**

ORDINANCE NO. 847 - AN ORDINANCE AMENDING HARB APPOINTMENTS

It was moved by Mr. Brenner and seconded by Mr. Burket to adopt Ordinance No. 847. Mrs. Webster Sill questioned if the most senior HPC member was absent, who would serve. She suggested making the word "member" "member(s)". Mr. Brenner amended his motion and Mr. Burket seconded the amended motion. Upon a roll call vote, Ordinance No. 847 was unanimously adopted, 7-0.

President Stultz moved to **New Business Agenda Item 12.b.**

DISCUSSION - DENIAL OF CERTIFICATE OF APPROPRIATENESS

President Stultz recognized Mr. Imhoff at this time. Mr. Imhoff reported that HARB reviewed an application for replacement windows at 615 Mulberry Street at its meeting on September 16th and voted unanimously to recommend that Council deny the application for vinyl replacement windows. Mr. Imhoff read the reasons for denial. Mr. Imhoff stated that HARB members Andy Haines and Sam Findley are present, as is the applicant Joy Johnson.

Mr. Haines stated that when HARB considers applications, they look into all aspects and in this instance, this is one of the few historic properties that has original wood windows and wood siding. Mr. Haines further stated that two members of the HARB met with Ms. Johnson and gave her names of several contractors to contact who would be able to give her prices on repairing and/or replacing the windows with wood as opposed to vinyl, which may be less costly than to replace with vinyl. Mr. Haines stated that, to date, Ms. Johnson had not supplied HARB with any bids for the project so they felt they had no choice, but to deny the Certificate of Appropriateness. Mr. Haines stated that HARB previously offered to work with Ms. Johnson and is still willing to assist in getting quotes, etc.

Mr. Findley stated that most of the decisions made by HARB are judgment calls based on the Secretary of the Interior standards.

Ms. Joy Johnson stated that her house has already been altered, as there had been an apartment on the back which has been removed. She stated that her house is located on the last street located in the Historic District with (13) houses on the block which some houses have vinyl windows. Ms. Johnson further stated that she had contacted a maintenance and repair company and one person did call her back and advised that she needs to get a permit before they would give an estimate.

Following additional discussion, it was moved by Mr. McLanahan and seconded by Mr. Pompa that this item be tabled and that the homeowner and HARB work together to get prices and come up with a solution. With the exception of Mrs. Webster Sill, who voted nay, motion carried 6-1.

President Stultz then called for **Staff Reports and Special Business.**

Finance Director Jim Gehret reported that the Financial Report as of September 30, 2010, had been included in the packets for Council's information.

President Stultz stated the Zoning and Building Permits issued for the month had been included for Council's information.

Borough Manager Mark Schroyer stated that he would like to schedule a third budget meeting. It was moved by Mr. Baranik and seconded by Mr. Brenner to advertise a budget meeting for Wednesday, October 27th at 6:30 p.m. There being no objection, motion carried unanimously, 7-0.

Mr. Schroyer reported that he has been working on Request for Proposals (RFPs) for Solicitor and requested a motion from Council. It was moved by Mrs. Webster Sill and seconded by Mr. Burket that RFP's be mailed directly to firms in the Borough and a general ad be placed in the newspaper for other interested firms. There being no objection, motion carried unanimously.

Mr. Schroyer reported that when the Sewer Department receives a call from a resident regarding a sewer back up, the crews have gone into basements and ran a snake through the line into the street. This may create a liability issue so the Sewer Authority is proposing to adopt a new policy that Wastewater crews will no longer go into residents' basements when called for a sewer back up that the homeowner will be advised to contact a plumber. It will be suggested to the homeowner that a clean out and vent be installed. Council concurred with the Authority's proposal.

Manager Schroyer reported that the Water Authority is also proposing a change in their policy concerning water/sewer bills sent to landlords and tenants. Currently, the water/sewer bill is sent to the tenant and if the tenant does not pay the bill or moves, the Authority has to try to track down the tenant or go back to the landlord for payment. The Authority is acting like a collection agency. Therefore, the Water Authority is going to change its policy to require that all water/sewer bills be in the landlord's name. The Authority will hold a public hearing on Tuesday, October 19th, at 5:15 p.m.

Main Street Manager Jamie Baser reported on the following:

- Recent Hollidaysburg Haul 5K Run
- Downtown Live has been nominated as a Hometown Favorite to listen to live music
- Pumpkin Festival
- Winterfest Parade will be Sunday, November 21st at 2:00 p.m. and Light Up Night and Soup Sampling will be Friday, November 26th
- Dutch Hill Chocolates opened; All Pro Trophy moved across the street and Stuff, located on Bedford Street, is reopening.

President Stultz called on Mayor Dodson for his report. Mayor Dodson stated that a letter thanking the Hollidaysburg Police Department and especially Officer Mark Lingafelt regarding recent investigation, had been received from Robert McGee, Director of Manufacturing at McLanahan Corporation. A memo from Chief Jeffrey Ketner regarding the performance of recently appointed Sgt. Officer Rod Estep was read by Mayor Dodson.

Mayor Dodson reported the “iron bridge” is scheduled to be opened in the next few days. Mayor Dodson also reported windows broken out above a beauty shop located on the 200 block of Allegheny Street.

Jr. Council Member Lindsay Sill was absent, however, Mrs. Webster Sill reported that she had two (2) students interested in Jr. Council, but one had to withdraw. She stated that Dan Harshbarger would like to participate in the Jr. Council Program so the Committee should get together. Mr. Baranik volunteered to serve on the Jr. Council Committee and President Stultz so confirmed.

President Stultz called for **Public Comments**.

Mr. Ben Claar, 111 Franklin Street stated the “iron bridge” will be opened on October 18th and urged Council to contact PennDOT to have a grand opening.

Regarding the issue with water bills to be put in the land lords’ names, Mr. Claar stated that the Authority was trying to resolve a problem that doesn’t exist.

Mr. Barry Bidlespach, 1307 Poplar Avenue expressed concern over the possibility of a tax increase. He also discussed the condition of Highland Hall and what is being done.

Mr. Paul Plummer, 905 Penn Street stated that instead of raising taxes, Council should decrease programs. He suggested eliminating the Partnership Program, eliminating the Town Crier newsletter and questioned whether an assistant in the Planning and Zoning Office is necessary.

There being no additional Public Comments, President Stultz recognized Council for **Open Agenda items, which are items to be included on a future agenda**.

Mr. Baranik asked for an update on the meeting Manager Schroyer and Finance Director Gehret had with the Partnership Board regarding the Main Street Program.

At this time, President Stultz recognized Manager Mark Schroyer to present the **Consent Agenda**. The following items were presented:

- 1) Approve Bill List 10
- 2) Approve Certificates of Appropriateness

It was moved by Mr. McLanahan and seconded by Mr. Burket to adopt Resolution No. 2010-48 approving the Consent Agenda.

RESOLUTION NO. 2010-48

A RESOLUTION APPROVING CONSENT AGENDA

BE IT RESOLVED by the Council of the Borough of Hollidaysburg, Blair County, Pennsylvania, that:

- 1) Bill List No. 10 dated October 14, 2010, authorizes payment of expenses totaling \$1,038,065.02 consisting of accounts payable and owing the Borough of Hollidaysburg from duly appropriated monies, is hereby approved.
- 2) The following Certificates of Appropriateness are hereby approved and the Zoning Officer is authorized to issue a Certificate of Appropriateness:
 - a) 208 Allegheny Street- business signage
 - b) 416 Walnut Street - deck/porch roof

DULY adopted by the Council of the Borough of Hollidaysburg this 14th day of October, 2010.

(s) John P. Stultz, Jr.

President of Council

ATTEST:

(s) Ann M. Andrews

Secretary

There being no objection to the motion, Resolution No. 2010-48 approving the Consent Agenda was unanimously adopted, 7-0.

Council Minutes
October 14, 2010

The following **Unfinished Business** was presented.

**ORDINANCE NO. 848 - AMENDING CHAPTER 26, PART 20
ACT 2 RELEASE OF LIABILITY UNDERGROUND STORAGE TAX REMEDIATION**

It was moved by Mrs. Webster Sill and seconded by Mr. Pompa to remove this item from the table. There being no objection, motion carried 7-0.

With respect to the underground storage tank located in Market Square Alley, Attorney Karn reported that in order for DEP to issue an Act 2 Release, Council voted to amend Chapter 26, Part 2001 of the Code of Ordinances as an alternative to entering into an environmental covenant. DEP has now notified the Borough that it is satisfied with the results from the well monitoring and will issue the release once the Ordinance is adopted.

It was moved by Mrs. Webster Sill and seconded by Mr. Brenner to adopt Ordinance No. 848. Upon a roll call vote, Ordinance No. 848 amending Chapter 26, Part 20 was unanimously adopted, 7-0.

AMENDMENTS TO TRAFFIC CODE

Mr. Schroyer stated that the traffic counters are still out and being monitored. He further stated with the exception of the stop and speed control signs, the other signs could be installed and no traffic study would be required. Mr. Schroyer stated the traffic counts should be completed for discussion at the November meeting.

JAKE BRAKE ORDINANCE

Mr. Imhoff reported that the first step to adopting an engine retardant brake ordinance is to initiate a study from PennDOT. The Borough has contacted PennDOT and PennDOT is in the process of gathering data.

DISCUSSION - ANTI-DISPLACEMENT PLAN

Mr. Schroyer stated that at the last Council meeting, Mrs. Webster Sill brought up a point on NOT displacing anyone. He deferred to Mr. Imhoff for an update. Mr. Imhoff stated he had contacted DCED and was informed that Council can go over and above what the State required and adopt a more stringent policy, but advised to be careful what the Borough would be obligating future Council on. Mrs. Webster Sill stated that this issue could be taken up on a future Agenda, perhaps in the summer.

Before moving on to New Business, Mr. Imhoff was recognized. He stated that he had not received any notice and was unaware that the “iron bridge” was being opened. Mr. Imhoff reminded Council of the upcoming meeting with the Planning Commission and the Planning & Ordinance Committee to be held on Monday, October 18th at 6:30 p.m. He stated discussion would be held regarding parking and landscaping. If Council had any other items or questions, to please get them to staff so that staff can be prepared. Mr. Schroyer suggested that only parking and landscape issues be discussed at the October 18th meeting. Signage and lighting issues could be discussed at a future meeting.

Mayor Dodson stated, with Council’s permission, he would contact PennDOT regarding an official grand opening of the “iron bridge”.

The following **New Business** was presented.

RESOLUTION NO. 2010-49 - APPROVING AN INDEMNIFICATION AGREEMENT WITH D HOLDINGS, INC.

It was moved by Mr. Burket and seconded by Mrs. Webster Sill to adopt Resolution No. 2010-49 approving an Indemnification Agreement with D Holdings, Inc. to permit the Borough to dump snow on the site of the former Norfolk Southern site.

RESOLUTION NO. 2010-49

APPROVING INDEMNIFICATION AGREEMENT & RIGHT OF ENTRY

BE IT RESOLVED by the Council of the Borough of Hollidaysburg, Blair County, Pennsylvania, that the Indemnification Agreement and Right of Entry (attached hereto as Exhibit A) between the Borough of Hollidaysburg and D. Holdings, Inc. to deposit snow in the former employee parking area of the Hollidaysburg Car Shop facility is hereby approved and the officers authorized to execute said Agreement.

DULY adopted by the Council of the Borough of Hollidaysburg this 14th day of October, 2010.

ATTEST: (s) John P. Stultz, Jr.
President of Council

(s) Ann M. Andrews
Secretary

There being no objection to the motion, Resolution No. 2010-49 approving an Indemnification Agreement with D Holdings was unanimously adopted, 7-0.

RESOLUTION NO. 2010-50 - APPROVING THE 2011 PRELIMINARY BUDGET

Mr. Schroyer stated the purpose of the presentation of the preliminary budget is to formally initiate the budget process.

It was moved by Mr. Pompa and seconded by Mr. Brenner to adopt Resolution No. 2010-50 approving the 2011 preliminary budget.

RESOLUTION NO. 2010-50

ACCEPTING THE PRELIMINARY 2011 BUDGET

BE IT RESOLVED by the Council of the Borough of Hollidaysburg, Blair County, Pennsylvania, that the 2011 Preliminary Budget is accepted and by accepting said preliminary budget in no way indicates final approval.

DULY adopted by the Council of the Borough of Hollidaysburg this 14th day of October, 2010.

(s) John P. Stultz, Jr.

President of Council

ATTEST:

(s) Ann M. Andrews

Secretary

There being no objection to the motion, Resolution No. 2010-50 accepting the preliminary 2011 Budget was unanimously adopted, 7-0.

There being no further business to come before Council, President Stultz adjourned the meeting at 9:18 p.m.