

**HOLLIDAYSBURG BOROUGH COUNCIL MEETING
HELD IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING
THURSDAY, MAY 12, 2011, 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, 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, Chief Jeffrey J. Ketner, Main Street Manager Jamie Baser, Director of Water Operations Rick Pope, Jr. Council Members Lindsay Sill and Daniel Harshberger and Borough Secretary Ann M. Andrews. Absent: Council member Michael W. McLanahan.

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 stated that Borough Secretary Ann Andrews made a correction to the Minutes. The Minutes indicated that Mayor Dodson was in attendance at the April meeting, but in fact, the Mayor was absent. It was moved by Mr. Brenner and seconded by Mr. Burket that the Minutes from the April 14, 2011, meeting be approved with the correction noted. There being no objection, motion carried, 6-0.

President Stultz recognized Community Development Director Ethan Imhoff. Mr. Imhoff reported that several years ago, Council had adopted a resolution establishing a preservation award in honor of the late N. Grant Nicklas, Jr. The award recognizes Borough property owners in the Historic District who demonstrate their dedication to historic preservation through an historically appropriate renovation or construction project. On behalf of the Historic Preservation Commission (HPC), Mr. Imhoff presented this year's award to:

Rob & Amanda Eberhart for their historically appropriation renovation to his porch at 605 Blair Street.

President Stultz stated the Building Permits issued for the month of April and May had been included in the packets for Council's information.

President Stultz also stated the Financial Report as of April 30, 2011, had been included in the Council packet and called on Finance Director James Gehret for any additional information.

Mr. Gehret stated that as Council is aware, Brinks, Inc. had been contracted by the Borough to pick up the parking meter money. The Borough was informed by First National Bank that they will be using Dunbar Services and no longer using Brinks. Mr. Gehret stated that the Borough currently has a contract with Brinks, but in conversations with them, the Borough will be permitted to break the contract and no charges will be assessed the Borough since it was no fault of the Borough.

It was moved by Mr. Burket and seconded by Mr. Pompa to authorize staff to enter into a new contract with Dunbar. Motion carried 6-0.

President Stultz then called on Borough Manager Mark Schroyer for additional **Staff Reports and Special Business.**

Mr. Schroyer briefed Council on the following:

- 1) Wastewater Treatment Plant - At the last Sewer Authority meeting, the engineer presented a preliminary estimate of approximately \$10 million dollars for the plant upgrade. Since there are currently no low interest loans or grants available for the Sewer Authority to apply for, this project would be funded by Sewer Revenue Bonds.
- 2) Muleshoe Dam Project - This project has been designed and in the permitting stages and may be out for bid in the next few months. The project cost is approximately \$4.6 million with 10% contingency and additional engineering for construction management. The Water Authority applied for and received an H2O grant in the amount of \$5.6 million. Information was received that this grant may be a 75%-25% split.
- 3) Brush Mountain Waterline Project - The Authority has a \$1.6 million PennVest Loan to cover the first phase of the Brush Mountain Project, but due to concerns about the indebtedness, the Water Authority declined the PennVest loan. Since there was some grant funds of approximately \$260,000 left over from the Army Corps of Engineers that the Authority would lose, so they opted to do a smaller project, or Brush Mountain Phase I.

Main Street Manager Jamie Baser was recognized by President Stultz. Ms. Baser reported on the following:

- 1) Memberships/Sponsorships - One third of the way towards their goal.
- 2) Two new business recently opened on the 200 block of Allegheny Street.
- 3) Harkins Investment will have a grand opening at 11:00 a.m.
- 4) The Partnership will be adding a new event September 22nd along the lines of Roar in the Mountains and a Wing-off.
- 5) The first event for the Partnership will be June 23rd - Downtown Live.

Fire Marshal Robert Kerns reported on:

- 1) Fire Prevention and Safety - The Fire Company has given out 23 free smoke detectors in the Borough this year.
- 2) The preparedness of the Fire Company, Borough facilities and the convalescent homes in the Borough during a recent black out in the Borough. Commended all who were involved in this.

President Stultz recognized Mayor Dodson for a report.

Mayor Dodson reported on the following:

- 1) 175th Anniversary - Fund raising letters continue to be sent. To date, \$7,800 has been raised. Poof-Slinky has donated 500 Slinkys with the Borough's logo and 175th anniversary printed on them as their donation.
- 2) Patriot Park - Thanks to Lloyd Forshey who takes care of the Flag at the Park. Thanks to: Harold Burket and Don Smithmyer for their help and getting all the plaques in place; Jeff Long for taking over the mowing and spraying and to all who have donated/supported the Park. There are only two (2) trees remaining that are available for purchase in memory of a veteran. The cost is \$350.00 each and include the plaque.
- 3) Veteran of the Year Award - In conjunction with the American Legion, there are three (3) outstanding veterans nominated for the Lt. Harry "Ed" Soyster Award which will be presented on Memorial Day, May 30th. Those nominees: Roger Bowers, Russ Irwin and Richard Gildea.

President Stultz called upon Jr. Council members Lindsay Sill and Daniel Harshberger for any report.

Miss Sill reported on her attendance at the Annual PA State Association of Boroughs (PSAB) Conference. She distributed grant information to Mr. Schroyer; along with information on security cameras and surplus equipment. Miss Sill also reported she had attended a PSAB session dealing with Police Crisis Intervention and would supply information to Police Chief Ketner. Chief Ketner thanked Miss Sill and advised that the Police Department is already aware of the program and has been working on it and officers will be attending training classes shortly.

President Stultz called for **Public Comments**.

Elder Anderson of the Church of Jesus Christ of Latter Day Saints came before Council advising that he and several other elders are looking to give back to the community and would be available for public service from 10:00 a.m. until 9:00 p.m. Anyone needing help may call 814-889-9368.

Tom & Kim Fedesco, 510 McIntosh Lane, Hollidaysburg, discussed problems with parking, speeding, people driving the wrong way and numerous other traffic issues in the area of PennMont Academy and the Day Care. Mr. & Mrs. Fedesco presented pictures of the area for Council. Mayor Dodson stated the Police Department was aware of the school problems, but not the speeding. Public Works will install traffic counters to conduct speed checks.

Mrs. Elda Brown, 128 Bedford Street, wished Mr. Imhoff well. She stated his job is important and recommended that his job be filled.

Mrs. Brown asked that the \$25,000 of CDBG money not be redistributed for another use, but for the Minnie Ditch where it was originally designated for. She also stated that the 400 block of Bedford Street had been surveyed and asked that CDBG money be used for a sidewalk project.

Under New Business Items B & D, Mrs. Brown asked about the change of recipient for the Housing & Redevelopment Assistance from RADD to the Hollidaysburg Downtown Development. Mrs. Brown was informed that RADD cannot follow through on proposed plans for Highland Hall at this time and in order not to lose the money, to transfer the use to Downtown Development.

Mrs. Brown asked what percentage the Borough would be getting on the theft loss agreement. Mr. Schroyer advised almost 100%.

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

Mr. Brenner extended his appreciation to Ethan Imhoff and wish him good luck on his new position.

Mr. Baranik thanked Mr. & Mrs. Fedesco for their comments regarding the traffic issues in Holliday Hills. He thanked Mayor Dodson and Mr. Burket for their work at the Patriot Park. Mr. Baranik also extended well wishes to Mr. Imhoff and his family.

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

- a) Approve Bill List No. 5
- b) Award Stone & Blacktop Contracts
- c) Approve Bedford Street Pay Estimate No. 5 - DeLozier Construction
- d) Approve Blair Street Streetscape Pay Estimate No. 1 - M&B Construction
- e) Award HVAC Contract to Knisley & Sons, Inc.
- f) Accept Resignation of Community Development Director Ethan Imhoff and appoint Mark Schroyer Interim Community Development Director
- g) Approve Certificates of Appropriateness

It was moved by Mr. Burket and seconded by Mr. Brenner to adopt Resolution No. 2011-14 approving the Consent Agenda.

RESOLUTION NO. 2011-14

A RESOLUTION APPROVING CONSENT AGENDA

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

- A) Bill List No. 5 dated May 12, 2011, authorizes payment of expenses totaling \$249,963.87 consisting of accounts payable and owing the Borough of Hollidaysburg from duly appropriated monies, is hereby approved.
- B) Grannas Bros. Stone & Asphalt Company is hereby awarded the stone and blacktop materials contract per their bid of April 25, 2011, and based upon mileage calculations. All other bids are hereby rejected.
- C) Payments and change orders in connection with the Bedford Street Bridge Project are hereby approved, as follows:
 - a) Pay Estimate No. 5 for DeLozier Construction - \$44,557.39
- D) Payments and change orders in connection with the Blair Street Streetscape Project are hereby approved, as follows:
 - a) Pay Estimate No. 1 for M & B Construction - \$50,889.79
- E) Knisely & Sons, Inc. of Hollidaysburg is hereby awarded the HVAC/Geo-thermal contract for inspections to be done every three months for a period of two years at a fee not to exceed \$6,456.00.
- F) The resignation of Community Development Director Ethan Imhoff effective May 13, 2011, is hereby accepted and Borough Manager Mark Schroyer is hereby appointed Interim Community Development Director.
- G) The following Certificates of Appropriateness are hereby approved and the Zoning Officer is authorized to issue a Certificate of Appropriateness:
 - a) 309-1/2 Mulberry Street - Porch Stoop Remodeling

DULY adopted by the Council of the Borough of Hollidaysburg this 12th day of May, 2011.

ATTEST:

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

(s) Ann M. Andrews
Secretary

There being no objection to the motion, Resolution No. 2011-14 approving the Consent Agenda was adopted, 6-0.

The following **Unfinished Business** was presented:

**RESOLUTION NO. 2011-15 - APPROVING FINDINGS OF FACT,
CONCLUSIONS OF LAW AND DECISION FOR CONDITIONAL USE AT
118 BROAD STREET**

Attorney Nathan Karn reported the Findings of Fact, Conclusions of Law and Decision was prepared consistent with the direction of Council following the public hearing held in April.

It was moved by Mrs. Webster Sill and seconded by Mr. Baranik to adopt Resolution No. 2011-15 approving the Findings of Fact, Conclusions of Law and Decision for a Conditional Use at 118 Broad Street.

RESOLUTION NO. 2011-15

**APPROVING A CONDITIONAL USE FOR
118 BROAD STREET, HOLLIDAYSBURG, PENNSYLVANIA**

WHEREAS, Joseph A. Oricko, Architect & Associates, P.C., has submitted an Application for the Conditional Use Approval on behalf of the property owner J.R. Brown Construction Co. for property owned by James and Kimberly Brown pursuant to the provisions of Chapter 27 (hereinafter "Zoning Ordinance"), Part 4, Section 402.2.A of the Hollidaysburg Code of Ordinances in order to utilize a building, currently used for residential purposes, for a new home and remodeling sales office, which premises is located in a residential/business zoned district; and

WHEREAS, the application has been reviewed and approved and recommended by the Hollidaysburg Planning Commission; and

WHEREAS, the Council of the Borough of Hollidaysburg, Blair County, Pennsylvania, finds the following:

FINDINGS OF FACT

1. Notice of the public hearing was properly publicized pursuant to the provisions of the Borough Ordinance.
2. The Conditional Use Application submitted to the Council was properly completed.
3. The Hollidaysburg Zoning Ordinance permits the conditional use requested.

4. The Hollidaysburg Borough Planning Commission reviewed the Conditional Use Application and recommended that the Conditional Use Application be approved.
5. The proposed use as a new home and remodeling sales office is authorized by the Zoning Ordinance. The premises will be occupied on a regular basis by Mr. Brown and one assistant.
6. The footprint of the exterior of the building will not be changed. The only changes to the exterior will be to remove the front porch and install a handicapped accessible ramp into the building and cosmetic changes to the exterior façade.
7. Mr. Brown has been advised he will be required to comply with the signage regulations of the Zoning Ordinance in the event he wishes to have a business sign.
8. Sufficient parking for the limited number of customers is available on site.
9. The proposed use will not have a negative impact on the existing neighborhood in terms of air and water quality, noise, potential hazards, illumination and glare, restrictions to the natural light or circulation.
10. The site will remain as currently exists and is suitable in terms of size, topography and similar physical features.
11. The proposed use is to be for a show room for new home construction and remodeling and professional office space for book keeping for the business with normal business office hours of 10:00 a.m. to 4:00 p.m. Monday through Friday and evenings by appointment only.
12. Solid and toxic waste storage and its disposal will not take place at the site.
13. No addition is planned for the proposed use; therefore, current existing buffer areas and/or screening will not be impacted.
14. No person appeared at the public hearing in opposition to the application.
15. From the foregoing findings of fact, the Hollidaysburg Council makes the following:

CONCLUSIONS OF LAW

1. The applicant has adequately shown that the conditional use, as requested, subject to the conditions herein imposed should be granted pursuant to the Hollidaysburg Borough Zoning Ordinance.

CONDITIONS

1. All construction and renovation to the premises must comply with all applicable federal, state and local ordinances including the requirements of the Uniform Construction Code, if any.
2. The applicant shall have a period of thirty (30) days to either accept or reject these conditions and to so notify Borough Council. If the applicant fails to notify Borough Council within this time, the plan approval shall be rescinded automatically.

DECISION

The conditional use and the nature of the change of use of 118 Broad Street, Hollidaysburg, Pennsylvania, from a residential to a professional office, to be used as a new home and remodeling sales office, is approved subject to the foregoing conditions imposed thereon.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Hollidaysburg, Blair County, Pennsylvania, that the Conditional Use Permit for the use of 118 Broad Street as a new home and remodeling sales office, is approved for the reasons set forth in the foregoing Findings of Fact, Conclusions of Law and Decision subject to the conditions imposed as described more fully herein.

DULY ADOPTED by the Council of the Borough of Hollidaysburg, this 12th day of May, 2011.

(s) John P. Stultz, Jr.

President of Council

ATTEST:

(s) Ann M. Andrews

Secretary

There being no objection to the motion, Resolution No. 2011-15 approving Findings of Fact, Conclusions of Law and Decision for a conditional use at 118 Broad Street was adopted, 6-0.

FLEX NET SYSTEM - COW HILL TOWER SITE

Mr. Schroyer stated that following the April Council meeting, Rick Pope Director of Water Facilities, was asked to provide Council with additional information. Mr. Pope has prepared the information and it was included in the Council packet. Mr. Pope was present to answer any additional questions. Mr. Schroyer stated that Council can act as an advisory to the Water Authority, but ultimately it is the Authority's decision. It was the consensus that the decision be made by the Water Authority.

DISCUSSION - STOWELL FARM - ZONING CHANGES (TABLED)

It was moved by Mr. Pompa and seconded by Mr. Burket to remove this item from the table for discussion. Motion carried, 6-0.

Mr. Imhoff stated that Tim Albright, owner of the Stowell and Kline Farms, is requesting Council consider his most current proposed of his property which consists of an age restricted, retirement community. This proposal would require considerable changes to the existing Zoning Ordinance and would deviate from the intended uses Council established in 2007 when the Traditional Neighborhood Development (TND) ordinance was created. The major differences would be a lack of single family housing, increased density over what the ordinance currently allows and age restrictions on residents.

Owner Tim Albright, Engineer John Foreman and Architect Todd Meckly of Entasis Design presented a power point presentation and explained the concept of the project.

Lengthy discussion ensued. Mr. Schroyer questioned whether the developer would be willing to pay the costs associated with the zoning change. Mr. Albright responded that he would provided he would get approval. Mr. Schroyer asked for financial assurances, but first Council must decide whether it agrees with the concept and if it agrees to changing the zoning. Mr. Imhoff stated that Council would need to develop a new ordinance. He also suggested talking with the ABCD Corporation to discuss this project with respect to marketing 55 and over.

Mrs. Webster Sill felt there were a lot of questions regarding this issue and stated there is a committee in place that could address this proposal and get back to Mr. Albright at a future time. No action was taken on this matter.

The following **New Business** was presented:

RESOLUTION NO. 2011-16 - A RESOLUTION AUTHORIZING PARTICIPATION IN MERCHANT SERVICE PROGRAM

At the April meeting, Council authorized staff to pursue on-line credit card payments with PLGIT. Resolution No. 2011-16 authorizes the Borough's participation in the program, as the Merchant.

It was moved by Mr. Pompa and seconded by Mr. Brenner to adopt Resolution No. 2011-16 authorizing participation in Merchant Service Program.

**RESOLUTION NO. 2011-16
AUTHORIZING PARTICIPATION
IN MERCHANT SERVICE PROGRAM**

WHEREAS, the Borough of Hollidaysburg (the “Merchant”) is a participant in the Pennsylvania Local Government Investment Trust (the “Trust”); and

WHEREAS, the Trust intends to enter into or has entered into a Terms and Conditions of Merchant Service Agreement dated as of March 1, 2004 (as the same may be amended and supplemented from time to time, the “Merchant Service Agreement”) with Global Payments Direct, Inc. (“Global”) and the member bank and the debit sponsor identified therein, under which Global will make available to the Trust’s participants a Merchant Service Program (the “Merchant Service Program”); and

WHEREAS, under the Merchant Service Program, Global will offer to the Merchant the ability to honor at its operational locations certain credit cards and debit cards in connection with the payment of various governmental fees, fines, services and facility charges and other payments by the Merchant’s customers and citizens using various electronic payment processes; and

WHEREAS, the funds collected under this Merchant Service Program will be credited to an account of the Merchant in the Trust’s PLGIT Portfolio; and

WHEREAS, the Merchant may from time to time enter into additional agreements to provide for the use of additional cards or other enhancements as part of the Merchant Service Program (the “Additional Agreements”); and

WHEREAS, the Merchant desires to participate in the Merchant Service Program.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Merchant is authorized to participate in the Merchant Service Program.
2. The Merchant approves the Merchant Service Agreement, the Participant Agreement, the PLGIT Participant Boarding Application and the PLGIT Agreement Regarding Merchant Service Program substantially in the form presented to this meeting.
3. The officers of the Merchant are authorized to take any actions and to execute and deliver any documents (including, without limitation, the Participant Agreements, the PLGIT Participation Boarding Applicant, the PLGIT Agreement Regarding Merchant Service Program and, from time to time, Additional Agreements) as may be necessary or proper to effectuate the Merchant’s participation in the Merchant Service Program and to carry out the purposes of this resolution.

DULY adopted by the Council of the Borough of Hollidaysburg this 12th day of May, 2011.

(s) John P. Stultz, Jr.

President of Council

ATTEST:

(s) Ann M. Andrews

Secretary

There being no objection to the motion, Resolution No. 2011-16 authorizing participation in Merchant Service Program was adopted, 6-0.

**RESOLUTION NO. 2011-17 - AUTHORIZING CHANGE OF RECIPIENT OF
HOUSING & REDEVELOPMENT ASSISTANCE FROM
THE RADD DEVELOPMENT CORPORATION TO
HOLLIDAYSBURG DOWNTOWN DEVELOPMENT CORPORATION**

Mr. Pompa moved and it was seconded by Mr. Burket that the interest rate for the loan will be 3.25% with interest only due for the first 24 months and payments of interest due at the end of the first 12 months and second 12 months and thereafter the principal and interest will be payable monthly over the next 13 years.

RESOLUTION NO. 2011-17

**AUTHORIZING THE CHANGE OF RECIPIENT OF HOUSING & REDEVELOPMENT
ASSISTANCE FROM THE RADD DEVELOPMENT CORPORATION TO
HOLLIDAYSBURG DOWNTOWN DEVELOPMENT**

WHEREAS, the Borough of Hollidaysburg obtained funds from the Department of Community & Economic Development (DCED) in the amount of \$350,000 for prevention and elimination of blight under Section 4 (c) of the Housing & Redevelopment Assistance law, as amended.

WHEREAS, the Borough of Hollidaysburg previously entered into an agreement with The RADD Development Corporation for use of these funds for the intended purpose of the renovation and remodeling of Highland Hall; and

WHEREAS, the The RADD Development Corporation is now unable to utilize the funds, and formally notified the Borough of Hollidaysburg of its desire to abandon its use of the HRA funding to renovate Highland Hall; and

WHEREAS, Borough staff met with representatives from the Pennsylvania Department of Community and Economic Development, who informed the Borough it would be permissible to transfer the HRA funding to another entity who would be able to utilize the funding for the intended purpose; and

WHEREAS, Borough staff and representatives from the Pennsylvania Department Community and Economic Development met with members of the Hollidaysburg Downtown Development LLC, who own several buildings in downtown Hollidaysburg; and

WHEREAS, members of Hollidaysburg Downtown Development LLC presented a project for which the HRA funding could be utilized in several of Hollidaysburg Downtown Development LLC's buildings along the 200 block of Allegheny Street, in accordance with the terms of the HRA program; and

WHEREAS, the Borough of Hollidaysburg, in order to continue investment in the Borough's downtown, and with the approval of the Pennsylvania Department of Community and Economic Development, desires to redirect the HRA funding in its entirety from The RADD Development Corporation to the Hollidaysburg Downtown Development LLC.

NOW, THEREFORE, BE IT RESOLVED by the Borough of Hollidaysburg that a blighting influence exists because of existing condition of the semi vacant Weirman Furniture and Blair Theater buildings and grounds and the proposed project will prevent further blight and/or eliminate the existing influences by providing some of the necessary financing to the developers, Hollidaysburg Downtown Development LLC, to convert the building into a mixed-use commercial/residential development. In addition, the repayment of the loan back to the Borough of Hollidaysburg will allow the Borough to establish a revolving loan pool of funds to support other such redevelopment projects in the Borough.

BE IT FURTHER RESOLVED that the Borough of Hollidaysburg will reimburse the Commonwealth for the DCED's share of any expenditures found by DCED to be ineligible.

BE IT FURTHER RESOLVED that the Secretary of the Borough of Hollidaysburg is directed to execute a certificate attesting to the adoption of this resolution and to furnish a copy of this resolution to DCED.

DULY adopted by the Council of the Borough of Hollidaysburg this 12th day of May, 2011.

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

(s) Ann M. Andrews
Secretary

Mr. Brenner disclosed a potential conflict of interest, wherein he is employed for one of the RADD Partners and abstained from discussion and voting. Resolution No. 2011-17 authorizing the change of recipient of Housing & Redevelopment Assistance from RADD Development Corporation to Hollidaysburg Downtown Development was adopted with 5 in favor and 1 abstention.

**RESOLUTION NO. 2011-18 - A RESOLUTION ACCEPTING PLAN AMENDMENTS
FOR ADVANCED METAL PRODUCTS**

Mr. Imhoff stated that Council approved this project in 2010. At this time, the applicant, Advanced Metal Products is proposing some changes to the layout of the grounds around the parcel at the former Hollidaysburg car shops. The most significant change is that the office building proposed to be built is no longer being built outside the existing building, but rather, within the building. The Planning Commission reviewed the plan at its meeting on May 4th and recommended approval with the condition that the stormwater management complies with application Borough ordinances and the applicant complies with the comments from the Borough engineer.

It was moved by Mr. Burket and seconded by Mrs. Webster Sill to adopt Resolution No. 2011-18 approving an amendment to approved land development plans for Advanced Metal Products.

RESOLUTION NO. 2011-18

**APPROVING AN AMENDMENT TO APPROVED LAND DEVELOPMENT PLANS
FOR ADVANCED METAL PRODUCTS**

WHEREAS, an application for an AMENDMENT to a previously approved land development project has been filed with the Borough of Hollidaysburg by Lehman Engineers, on behalf of Advanced Metal Products, (hereinafter referred to as the "DEVELOPER"); and

WHEREAS, the DEVELOPER desires to modify the existing approved FINAL PLAN, to remove an exterior office space and remove landscaping around the building (hereinafter referred to as the "PROJECT"), to be located in the Borough of Hollidaysburg; and

WHEREAS, the DEVELOPER was granted FINAL PLAN APPROVAL for the PROJECT by BOROUGH COUNCIL at their January 14, 2010 meeting; and

WHEREAS, the DEVELOPER has filed for approval of an AMENDMENT to a FINAL PLAN; and

WHEREAS, Borough staff reviewed the AMENDMENT to the FINAL PLAN and found it to be in compliance, as a FINAL PLAN with all applicable provisions of the Borough's Zoning and Subdivision and Land Development Ordinances; and

WHEREAS, the Hollidaysburg Planning Commission reviewed the AMENDMENT to the FINAL PLAN at its May 3, 2011 meeting, and has forwarded a recommendation for APPROVAL to Borough Council; and

WHEREAS, the BOROUGH has the power to APPROVE an AMENDMENT to a FINAL PLAN deemed to be in conformance with the Hollidaysburg Zoning and Subdivision and Land Development Ordinances; and

WHEREAS, the DEVELOPER shall be in possession of an approved erosion and sedimentation control plan or NPDES permit from the Blair County Conservation District prior to the issuance of any permits; and

WHEREAS, the DEVELOPER must comply with the Pennsylvania Uniform Construction Code and obtain all applicable permits prior to commencement of the PROJECT.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Hollidaysburg, Blair County, Pennsylvania, that the FINAL PLAN, as filed by the Developer, is hereby approved, with the following conditions to be satisfied prior to the issuance of any permits:

1. The applicant and property owner shall be in conformance with the Borough's storm water management ordinances at all times.

RESOLVED by the Council of the Borough of Hollidaysburg this 12th day of May, 2011.

(s) John P. Stultz, Jr.

President of Council

ATTEST:

(s) Ann M. Andrews

Secretary

Before voting, Mrs. Webster Sill clarified that Advanced Metal can go ahead with the project and they would not have to blacktop or put in trees since they are in an Industrial Zoning District.

There being no objection to the motion, Resolution No. 2011-17 accepting plan amendments for advanced metal products was adopted, 6-0.

**RESOLUTION NO. 2011-19 - A RESOLUTION ACCEPTING FULL AND FINAL
RELEASE - THEFT LOSS SETTLEMENT AGREEMENT**

Attorney Karn reported that Council has a copy of the Agreement and staff has provided Council with a copy of the e-mail setting forth the proposal. The Borough would receive \$77,000 and the remaining \$23,000 over the next nine (9) years.

It was moved by Mr. Baranik and seconded by Mrs. Webster Sill to adopt Resolution No. 2011-19 accepting full and final release - Theft Loss Settlement Agreement.

RESOLUTION NO. 2011-19

**ACCEPTING FULL & FINAL RELEASE
THEFT LOSS SETTLEMENT AGREEMENT**

BE IT RESOLVED by the Council of the Borough of Hollidaysburg, Blair County, Pennsylvania, that the Full and Final Release, attached hereto as Exhibit A, is hereby accepted and the officers of the Borough are authorized to execute said Agreement.

DULY adopted by the Council of the Borough of Hollidaysburg this 12th day of May, 2011.

(s) John P. Stultz, Jr.

President of Council

ATTEST:

(s) Ann M. Andrews

Secretary

There being no objection to the motion, Resolution No. 2011-19 accepting full and final release - Theft Loss Settlement Agreement was adopted, 6-0. Mr. Pompa thanked Attorney Karn for his diligence on this matter.

RESOLUTION NO. 2011-20 - AUTHORIZING THE DISPOSITION OF PUBLIC RECORDS

Borough Secretary Ann Andrews reported that Council adopted a Municipal Records Retention Policy in 2009 setting forth the schedule and procedures for the disposition of records. She stated that staff undertook a “housecleaning” of the attic and part of the basement and compiled a list of records to be destroyed. Another round of cleaning is planned to take place in the fall or after the records have been destroyed. Finance Director Gehret is making arrangements for the shredding of the documents. This is the first step in this process. Staff will also need to notify the PA Historical & Museum Commission.

It was moved by Mr. Pompa and seconded by Mr. Burket to adopt Resolution No. 2011-20 authorizing the disposition of public records.

RESOLUTION NO. 2011-20

DESTRUCTION OF PUBLIC RECORDS

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

WHEREAS, by virtue of Resolution No. 2009-17 adopted the 9th day of April, 2009, the Borough of Hollidaysburg declared its intent to follow the schedules and procedures for the disposition of records as set forth in the Municipal Records Manual approved December 16, 2008; and

WHEREAS, in accordance with Act 428 of 1968, each act of disposition shall be approved by resolution of the governing body of the municipality.

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Hollidaysburg, Blair County, Pennsylvania, in accordance with the above cited Municipal Records Manual, hereby authorizes the disposition of public records attached hereto as Exhibits A and B.

DULY adopted by the Council of the Borough of Hollidaysburg this 12th day of May, 2011.

(s) John P. Stultz, Jr.

President of Council

ATTEST:

(s) Ann M. Andrews

Secretary

There being no objection to the motion, Resolution No. 2011-20 authorizing the disposition of public records was adopted, 6-0.

**RESOLUTION 2011-21 - A RESOLUTION ENDORSING THE INTERNATIONAL
TOUR DE 'TOONA ROAD RACE**

The International Tour de 'Toona Committee is asking Council to endorse the International Tour de 'Toona bicycle race scheduled to begin July 5th through July 10, 2011. The Hollidaysburg venue is scheduled for Wednesday, July 6th with the start/finish on the Diamond.

Council discussed what, if any, reimbursement the Borough might receive from the Committee.

It was moved by Mrs. Webster Sill and seconded by Mr. Burket to adopt Resolution No. 2011-21 endorsing the Tour de 'Toona and ask for any monetary payment to help offset the costs for overtime, etc.

RESOLUTION NO. 2011-21

**ENDORISING THE INTERNATIONAL TOUR DE TOONA
AMERICA'S PREMIER STAGE RACE**

WHEREAS, THE INTERNATIONAL TOUR DE TOONA bicycle race promises intangible benefits to the local community; and

WHEREAS, the route of THE INTERNATIONAL TOUR DE TOONA includes the list of streets attached hereto and made a part hereof; and

WHEREAS, the U.S. Cycling Federation intends to indemnify against liability, personal injury and property damage resulting from the conduct of THE INTERNATIONAL TOUR DE TOONA; and

WHEREAS, the organizers of THE INTERNATIONAL TOUR DE TOONA have requested the support of the Council of the Borough of Hollidaysburg in order to secure a "special events permit" from the PA Department of Transportation for the event.

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Hollidaysburg, Blair County, Pennsylvania, endorses THE INTERNATIONAL TOUR DE TOONA and permits the inclusion of the aforesaid streets in the route of the event.

DULY adopted by the Council of the Borough of Hollidaysburg this 12th day of May, 2011.

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

ATTEST:

(s) Ann M. Andrews
Secretary

There being no objection to the motion, Resolution No. 2011-20 endorsing the International Tour De 'Toona Road Race was adopted, 6-0.

RESOLUTION NO. 2011-22 - A RESOLUTION TO AUTHORIZE THE OPENING OF A BANK ACCOUNT FOR HOUSING & REDEVELOPMENT ASSISTANCE

In connection with the \$350,000 the Borough had previously received, staff is asking Council that they be authorized to open a separate bank account to handle the cash payments and future receipts.

It was moved by Mr. Brenner and seconded by Mrs. Webster Sill to adopt Resolution No. 2011 authorizing the opening of a bank account for Housing & Redevelopment Assistance.

There being no objection to the motion, Resolution No. 2011-22 authorizing the opening of a bank account for Housing & Redevelopment Assistance was adopted, 6-0.

TOT LOT - CANAL BASIN PARK

Mr. Schroyer stated he has been working with representatives from the Hollidaysburg Area Women's Club regarding a tot lot at the Canal Basin Park. Mr. Schroyer stated the Women's Club is proposing to donate \$5,000 towards the project.

Mr. Baranik, though appreciative of what the Women's Club is proposing, is opposed to putting play equipment in Canal Basin Park and suggested contacting the Women's Club to see if they would consider putting the money towards the Quince Court Park. Mrs. Webster Sill was hesitate to put more taxpayers money into park equipment and was concerned about the maintenance of the play equipment.

Following discussion, it was the consensus of Council that the Manager talk with the Women's Club to see if they would consider giving the money to be used in Quince Court Park instead of a tot lot at Canal Basin Park.

DISCUSSION - CODE OF ETHICS

Mr. Baranik presented a sample Code of Ethics adopted by Ebensburg Borough that he would like Council to consider adopting. Mr. Brenner asked if Council wasn't bound by the State Ethics Law to which Attorney Karn responded, yes.

Mrs. Webster Sill suggested removing the sentence dealing with holdings in a privately-held company or partnership of less than \$1,000

It was the consensus of Council that Solicitor Karn review the draft Code of Ethics supplied by Ebensburg Borough and report back at the June meeting.

Mr. Burket stated that he had distributed PSAB Resolutions at the last meeting and would like Council to support said resolutions. Mr. Schroyer suggested Mr. Burket and he meet to discuss this issue and he would write a letter to Senator Eichelberger and Representative Stern asking for their support.

President Stultz congratulated Ethan Imhoff on his new job and thanked him for his work to the Borough and its residents.

President Stultz then announced Council would hold an Executive Session for the purpose of discussing personnel issues. The meeting was adjourned at 9:55 p.m.