

**HOLLIDAYSBURG BOROUGH COUNCIL MEETING
HELD IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING
THURSDAY, JULY 8, 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 J. Michael Dorezas, 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.

Due to the short time between the June 29th meeting and July 2nd when the Council agenda was distributed, no Minutes have been included.

President Stultz called for **Staff Reports and Special Business**. He recognized Finance Director Jim Gehret who presented financial and budgetary status reports for the period ending June 30th. Mr. Gehret also presented a copy of the Main Street budget, as well. Mr. Gehret answered questions pertaining to the deficit in the Main Street fund.

At this time, Jeff & Tami Hinish were recognized. Mrs. Hinish shared with Council that they had lost their son, Zack, in January and explained how the *Zack Hinish Foundation* was established. Mrs. Hinish discussed proposed plans for the construction of a handicapped accessible playground to be built at C. W. Longer Elementary School and the budget of approximately \$200,000. Mrs. Hinish further stated that Foundation is a 501(c)3 non-profit organization and donations can be sent to the Central PA Community Foundation noting the contribution would be for the *Zack Hinish Foundation*.

With respect to funding, the Borough's Director of Community Development, Ethan Imhoff, was asked to research whether this project would qualify for any Community Development Block Grant (CDBG) funding and will also check to see if there are any grants available for playground equipment.

Mayor Dodson welcomed Borough Manager Mark Schroyer and thanked Finance Director Jim Gehret for all his help in recording Patriot Park donations. Mayor Dodson announced Patriot Park would be dedicated on August 14th at 2:00 p.m.

President Stultz recognized Manager Schroyer for his report. Mr. Schroyer reported on the following:

- **DCED Contract with RADD - Highland Hall** - Mr. Schroyer stated that the contract in the amount of \$350,000 was recently extended until June 30, 2012 and that he had received a call from DCED advising that the Borough would need to prepare a drawn down request which he had done. He received a follow-up call from DCED informing him that money could not be released until a loan agreement is supplied. Mr. Schroyer stated he had talked with the developer (RADD) who could not find any formal loan agreement. Mr. Brenner suggested contacting Pat Miller from the ABCD Corporation to assist with the loan agreement document. Mrs. Webster Sill questioned whether it would be possible to give a small portion of the funds to the developer to put in windows and perhaps offering funds to the Downtown Development Group to be used for their project. Mr. Schroyer stated that the Borough could consider this, but that would require a contract amendment and the State did not want to do that, but either way, you would still need a loan agreement. Attorney Dorezas stated the Borough could draw up a loan agreement, get it signed, draw down the monies and if the developer doesn't move forward in a specified time, go back to the State for a contract amendment.

Following lengthy discussion, it was moved by Mrs. Webster Sill and seconded by Mr. Pompa that the manager work with RADD to prepare a loan agreement to submit to the State. It was suggested that a time limit be imposed on the developer until June 30, 2011. The motion was amended to stipulate the time limit. There being no objection to the amended motion, all voted in favor, 7-0.

Community Development Director, Ethan Imhoff, will contact the developer regarding the condition of the structure and a possible enforcement action.

- **County Assessment Office** -Mr. Schroyer reported that the Borough received a notice from the County of Blair Assessment Office regarding property in Mattern Orchard (Holliday Hills) owned by the Borough. It was the consensus of Council to prepare and file an exemption request with the County.
- **Canal Basin Park Rentals** - Mr. Schroyer stated he had a request from Arrow Child and Family Ministries stating they would pay the security deposit but was asking that the fees to rent the park/performance pavilion for a fund raising event be waived since they are a non-profit group.

Following lengthy discussion, a motion was made by Mr. McLanahan and seconded by Mrs. Webster Sill that the security deposit remain the same, but the rental fees be cut in half for non-profit agencies. Mr. Pompa suggested that the rental fees be ½ of the hourly rate for “Hollidaysburg based” non-profit organizations. Mr. McLanahan then amended his motion and Mrs. Webster Sill seconded the amended motion. Motion carried 7-0.

With respect to Canal Basin Park rental, he stated that he had received a call from Brooke Welsh from the Altoona Symphony Orchestra requesting the Symphony be permitted to use the Reiser House on September 4th as in the past. It was the consensus of Council to approve the Symphony’s request.

With two of the three Jr. Council members graduating and with school being out for the summer, there is no Jr. Council report.

Mr. Pompa was recognized by President Stultz at this time. Mr. Pompa stated that St. Leonard’s had come in and asked for Community Development Block Grant (CDBG) funds to upgrade the electrical and replace the existing generator which Council authorized. Mr. Pompa further stated that St. Leonard’s is now ready to move forward and would like Council to approve the Subrecipient Agreement and release the funds.

It was moved by Mr. Pompa and seconded by Mr. Baranik to authorize the execution of the Subrecipient Agreement and release the funds to St. Leonard’s Home. There being no objection, motion carried 7-0.

At this time, President Stultz called for **Public Comments and Petitions.**

Mrs. Linda Schaefer, 606 Blair Street, stated she had attended last evening’s meeting to discuss plans for the Blair Street Streetscape project. Although excited about the project, Mrs. Schaefer expressed concern over safety issues, trees and also street lighting. Mrs. Schaefer asked that the lighting to be installed for Blair Street be more subdued than the lighting on Broad Street.

Mr. Larry Daugherty, 612 Blair Street, stated that he could not stress how concerned he was over the excessive speeds, truck traffic and traffic shortcutting the intersection by using the alleys. Mr. Daugherty also asked if anything could be done with respect to trucks and jake brakes. Mr. Daugherty concurred with Mrs. Schaefer regarding the street lighting.

Mrs. Elda Brown, 128 Bedford Street, commented on Highland Hall. Mrs. Brown suggested talking with Pat Miller of the Altoona Blair County Development (ABCD) Board who worked with the RADD Corporation and the Borough on applying for the \$350,000 grant.

President Stultz recognized Council for **Open Agenda items, which are items to be included on a future agenda.**

In light of Mr. Daugherty's comments regarding the Blair Street Streetscape, Mr. Brenner asked to have jake brakes placed on a future agenda.

Mr. McLanahan mentioned noise coming from the compressors at the Lutheran Home. Chief Ketner stated the Borough has a noise ordinance and a decibel meter, but none of the police officers have been certified, but he could check into seeing what would be involved in having an officer certified.

To follow up on Mr. Daugherty's speeding in the alley, Mayor Dodson asked if speed humps could be installed in the alley. Attorney Dorezas stated he would have to research this, but expressed concern that someone walking may trip over the hump or a child on a bicycle hitting it. Mayor Dodson and Chief Ketner will discuss this issue further.

President Stultz recognized Borough Manager Mark Schroyer to present the following **Consent Agenda:**

- 1) Approve Bill List No. 7
- 2) Approve Reimbursement Agreement for Blair Street Streetscape Project with PennDOT
- 3) Approve Certificates of Appropriateness

It was moved by Mr. Pompa and seconded by Mr. Burket to adopt Resolution No. 2010-35 approving the Consent Agenda.

RESOLUTION NO. 2010-35

A RESOLUTION APPROVING CONSENT AGENDA

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

- 1) Bill List No. 7 dated July 8, 2010, authorizes payment of expenses totaling \$147,444.99 consisting of accounts payable and owing the Borough of Hollidaysburg from duly appropriated monies, is hereby approved.

- 2) The Reimbursement Agreement with PennDOT for the Blair Street Streetscape project is hereby approved and that Borough staff is authorized to execute any and all documents necessary for the Borough to be reimbursed for the costs of the project.
- 3) The following Certificates of Appropriateness are hereby approved and the Zoning Officer is authorized to issue a Certificate of Appropriateness:
 - a) 517 Allegheny Street - business signage

DULY adopted by the Council of the Borough of Hollidaysburg this 8th day of July, 2010.

(s) John P. Stultz, Jr.

President of Council

ATTEST:

(s) Ann M. Andrews

Secretary

There being no objection to the motion, Resolution No. 2010-35 approving the Consent Agenda was unanimously adopted, 7-0.

The following **Unfinished Business** was presented:

LIGHTING, LANDSCAPING & SIGNAGE ORDINANCE AMENDMENTS

A committee meeting has been scheduled for July 20th at 1:00 p.m. to discuss amending the lighting, landscaping and signage ordinance. This item remained tabled.

ORDINANCE AMENDING CHAPTER 26, PART 20 - ACT 2 RELEASE OF LIABILITY UNDERGROUND STORAGE TANK REMEDIATION

Attorney Dorezas stated that Mountain Research will do the additional well monitoring required by DEP and once DEP responds, the ordinance would have to be amended. This item remained tabled.

RESOLUTION NO. 2010-32 AUTHORIZING SOLICITOR TO EXECUTE STIPULATION OF COUNSEL - TAX EXEMPTION STATUS OF KEYSTONE SERVICE SYSTEM, INC.

Mr. McLanahan stated that this item had been tabled in order for staff to gather information on whether the 900 Block of Edgar was zoned to permit group homes and also how much the Borough would forfeit in taxes. Mr. Imhoff responded that he would double check on the zoning but felt certain that group homes are a permitted use in that neighborhood. Manager Schroyer will check into the amount of tax revenue the Borough would be losing. This item remained tabled.

**DISCUSSION - HOLLIDAYSBURG COMMUNITY PARTNERSHIP -
MAIN STREET PROGRAM**

This item had been tabled until August, however, it was moved by Mr. Burket and seconded by Mrs. Webster Sill to remove this item from the table for discussion. Mr. McLanahan stated that a meeting had been held with the Main Street Manager, Partnership Board Members, Borough Manager and Finance Director and that he and Mrs. Webster Sill had also attended and the Board is still gathering information to be presented in August and stated this item should remain tabled. Upon a vote, this item was removed from the table. With the exception of Mr. McLanahan who voted nay, the motion to remove this item from the table for discussion carried, 6-1.

Mr. Schroyer stated that the meeting came together very quickly and he felt the meeting was positive. The Hollidaysburg Community Partnership (HCP) was asked to come up with a plan for a financial commitment to the Borough to be presented in August. Main Street Manager Jamie Baser was to put together a list of all programs the Partnership does and incorporate that information into a report for Council, as well.

Mrs. Webster Sill, who attended the meeting, stated that the Borough stressed to the HCP that it needed to justify why taxpayers should pay for this program and what contributions the HCP can financially put into the program.

Mr. Baranik stated that he would like to work with the Partnership, but felt there was a lack of communication especially with such short notice of the meeting.

Mr. Pompa stated that he made the motion that a meeting be scheduled with the Borough Manager, Finance Director, Main Street Manager and the HCP to discuss the Main Street Program and not try to schedule the meeting around Council's calendars. Mr. Pompa further stated that this item be discussed at the August meeting and a decision can be made then.

Finance Director Gehret stated the meeting did happen quickly, but concurred with Manager Schroyer that the meeting was positive, and by waiting until August to discuss this, Ms. Baser will have time to gather information to present to Council. This item will be discussed at the August Council meeting.

APPOINTMENT - HISTORIC PRESERVATION COMMISSION (HPC)

This item remained tabled.

The following **New Business** was presented:

RESOLUTION NO. 2010-36 - A RESOLUTION APPROVING A SIDEWALK MAINTENANCE AGREEMENT - PENNDOT

PennDOT is currently designing and preparing plans for the US 22/Blair Street Bridge Project to be let on February 17, 2011 and they are requiring an approved Sidewalk Maintenance Agreement be in place.

It was moved by Mr. McLanahan and seconded by Mr. Brenner to adopt Resolution No. 2010-36.

RESOLUTION NO. 2010-36

**AUTHORIZING SIDEWALK MAINTENANCE AGREEMENT
US 22 BLAIR STREET BRIDGE**

BE IT RESOLVED by the Council of the Borough of Hollidaysburg, Blair County, Pennsylvania, that the Sidewalk Maintenance Agreement by and between the Commonwealth of Pennsylvania, acting through the Department of Transportation and the Borough of Hollidaysburg, attached hereto, is hereby approved.

BE IT FURTHER RESOLVED that the John P. Stultz, Jr., President is hereby authorized and directed to execute said Agreement and Ann M. Andrews, Borough Secretary is authorized and directed to attest the same.

DULY adopted by the Council of the Borough of Hollidaysburg this 8th day of July 2010.

(s) John P. Stultz, Jr.

President of Council

ATTEST:

(s) Ann M. Andrews

Secretary

There being no objection to the motion, Resolution No. 2010-36 approving a Sidewalk Maintenance Agreement with PennDOT was unanimously adopted, 7-0.

RESOLUTION NO. 2010-37 - AUTHORIZING THE BLAIR REGION CODE ADMINISTRATION COMMITTEE TO JOIN WITH OTHER LOCAL GOVERNMENTAL UNITS AS A MEMBER OF THE PA INTERGOVERNMENTAL RISK MANAGEMENT ASSOCIATION FOR THE PURPOSE OF ENTERING INTO AN INTERGOVERNMENTAL CONTRACT TO FORM A LOCAL GOVERNMENT RISK POOL

Mr. Imhoff stated that Hollidaysburg is a member of the Blair Region Code Administration Committee, which is an oversight committee to the Blair Region Board of Appeals. The Board of Appeals hears all appeals to the Uniform Construction Code. The Blair Region Code Administration Committee has decided to purchase risk insurance at a cost of approximately \$150 per year.

It was moved by Mr. McLanahan and seconded by Mr. Pompa to adopt Resolution No. 2010-37.

RESOLUTION NO. 2010-37

A RESOLUTION AUTHORIZING THE BLAIR REGION CODE ADMINISTRATION COMMITTEE TO JOIN WITH OTHER LOCAL UNITS AS A MEMBER OF THE PA INTERGOVERNMENTAL RISK MANAGEMENT ASSOCIATION FOR THE PURPOSE OF ENTERING INTO AN INTERGOVERNMENTAL CONTRACT TO FORM A LOCAL GOVERNMENT RISK POOL

BE IT RESOLVED by the Council of the Borough of Hollidaysburg that the attached documents in connection with the Blair Region Code Administration Committee to enter into a contract to form a local government risk pool, attached hereto as Exhibit A, is hereby approved.

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DULY approved by the Council of the Borough of Hollidaysburg this 8th day of July, 2010.

(s) John P. Stultz, Jr.

President of Council

ATTEST:

(s) Ann M. Andrews

Secretary

There being no objection to the motion, Resolution No. 2010-37 authorizing the Blair Region Code Administration Committee to purchase risk insurance was unanimously adopted, 7-0.

**RESOLUTION NO. 2010-38 AUTHORIZING THE OFFICERS OF THE BOROUGH
TO EXECUTE CONSTRUCTION DRAWINGS & ASSOCIATED DOCUMENTS FOR
THE BEDFORD STREET BRIDGE (CULVERT)**

Engineering/design work has been ongoing on the Bedford Street Bridge over the Minnie Ditch. The Borough previously had entered into a Reimbursement Agreement with PennDOT for the culvert which is utilizing 80% Commonwealth Participating Funds and 20% Borough Funds. In order for PennDOT to move forward and put this project out to bid, Council is asked to adopt Resolution No. 2010-38 authorizing the officers of the Borough to execute construction drawings and associated documents in connection with this project.

It was moved by Mrs. Webster Sill and seconded by Mr. Brenner to adopt Resolution No. 2010-38.

RESOLUTION NO. 2010-38

**AUTHORIZING OFFICES TO EXECUTE CONSTRUCTION DRAWINGS
AND ASSOCIATED DOCUMENTS FOR BEDFORD STREET BRIDGE CULVERT**

BE IT RESOLVED by the Council of the Borough of Hollidaysburg, Blair County, Pennsylvania, that the officers of the Borough of Hollidaysburg are hereby authorized to execute construction documents and other documents related to the Bedford Street Bridge Culvert over the Minnie Ditch.

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DULY adopted by the Council of the Borough of Hollidaysburg this 8th day of July 2010.

(s) John P. Stultz, Jr.

President of Council

ATTEST:

(s) Ann M. Andrews

Secretary

There being no objection to the motion, Resolution No. 2010-38 authorizing the officers of the Borough to execute construction drawings and all associated documents in connection with the Bedford Street Bridge Culvert was unanimously adopted, 7-0.

DISCUSSION - ELECTRIC RATE CAPS

Finance Director Gehret reported that with the upcoming electric rate cap removal scheduled to occur in January, 2011, the Borough would like to enter into an agreement with Utility Rates Analysts (URA) to work on identifying any over-billings that may have occurred from the Borough's current provider and to also have URA shop for the best available rate when the caps are removed. Mr. Gehret stated that the cost to the Borough for any over-billings would be 50% of all recovered overcharges. Mr. Gehret asked Council to authorize the officers of the Borough to execute the agreement with URA.

It was moved by Mr. Baranik and seconded by Mr. Burket to authorize the officers of the Borough to execute the agreement between the Borough and URA. There being no objection, motion carried unanimously, 7-0.

DISCUSSION - HONEY BEE ORDINANCE

At the request of Mr. McLanahan, this item had been placed on the agenda for discussion. Mr. McLanahan stated that with the smaller properties and close proximity to each other, the Borough should consider prohibiting beekeeping in the Borough. Mr. McLanahan moved to have the Borough Manager and the Community Development Director research beekeeping ordinances in other communities and draft an ordinance for consideration. President Stultz twice called for a second to Mr. McLanahan's motion and there being no second, the motion died on the floor.

DISCUSSION - ORDINANCE AMENDING TRAFFIC CODE

Discussion was held regarding the installation of stop signs and the need for a warrant study conducted by an engineer. Mr. Schroyer thought the Police Officers might be able to conduct the study but would have to research the issue. The Public Works Department currently conducts the speed studies. It was moved by Mr. Baranik to direct staff to get a price from the engineers on what it would cost to do a warrant study and to also check with PennDOT on whether an engineer must conduct the study or if the Borough's Police officers can be certified to do this. Mr. Burket seconded this motion and there being no objection, motion carried unanimously, 7-0.

President Stultz apologized for missing Agenda item 5.c under Staff Reports and Special Business. President Stultz stated he had read the letter from Mr. Baechle regarding the conduct and comments made by Mr. Plummer at the last Council meeting and did not feel there was any merit to the letter. Mr. Pompa agreed and if Mr. Baechle is afraid, he should resign from the boards he serves on.

There being no further business to come before Council, President Stultz adjourned the meeting at 9:13 p.m.