

BOROUGH COUNCIL MEETING MINUTES
THURSDAY, JULY 12, 2018
7:00 PM
COUNCIL CHAMBERS

CALL TO ORDER: This meeting was called to order at 7:00 PM by President Joseph A. Pompa.

PRESENT: A quorum was present including members of Council as follows: Joseph A. Pompa; Patrick Plummer; Jeffrey Ketner; Sean Burke; Joyce Lowe; Mark Shawley, and Brady Leahey. Others in attendance: Borough Manager Jim Gehret; Borough Solicitor Nathan Karn, Borough Secretary Patricia J. Duron; Chief Rodney B. Estep, Jr.; Main Street Manager Jordan Futrick; and Code Enforcement Officer Patrick Rabits. Mayor Joseph R. Dodson was absent.

PLEDGE OF ALLEGIANCE: President Pompa led the Pledge of Allegiance followed by a moment of silence.

MINUTES: The minutes dated June 14, 2018 were presented for approval. A motion was made by Mr. Leahey to approve the minutes, and was seconded by Mr. Ketner. A vote was taken with the motion carrying in a unanimous vote of seven votes for to zero votes against.

THANK YOU: President Pompa advised the members that he had received a thank you from the Hollidaysburg Area Arts Council for the Borough's annual contribution.

PUBLIC HEARING FOR ORDINANCE NO. 883: Attorney Karn opened the public hearing for Ordinance No. 883, which will amend Chapter 22 of the Code of Ordinances, Subdivision and Land Development, with respect to stormwater management matters. Mr. Rabits gave a summary of the ordinance. Public comment as follows was taken during the hearing:

Richard Latker, 703 Allegheny Street, representing the Hollidaysburg Community Watchdog Group: spoke against Section 10, part B, the right of entry regulation in the ordinance.

Louis Molica, 120 Newry Street, representing the Hollidaysburg Community Watchdog Group: spoke against Section 10, part B, the right of entry regulation in the ordinance.

Steve Albright, 421 Bedford Street: asked a question about how this ordinance affects his residential property, and if it was for commercial properties only. (Mr. Rabits advised that this ordinance regulates both residential and commercial properties.)

Following public comment, council members discussed the adoption of the ordinance. A motion was made by Mrs. Lowe to adopt Ordinance No. 883. This motion was seconded by Mr. Plummer. A roll call vote was taken as follows:

Mrs. Lowe: yes

Mr. Plummer: yes
Mr. Burke: yes
Mr. Leahey: yes
Mr. Pompa: yes
Mr. Shawley: yes
Mr. Ketner: yes

Ordinance No. 883 was adopted unanimously, seven ayes to zero nays.

MANAGER'S REPORT: Mr. Gehret advised that his report was in their agenda binder. No one had any further questions.

MONTHLY FINANCIAL REPORT: Mr. Gehret advised that the financial report was in their binders. There were no questions.

PLANNING AND ZONING REPORT: Mr. Rabits advised that his report was in the agenda binders.

MAIN STREET MANAGER: Ms. Futrick advised that there are three Downtown LIVE! Concerts remaining this summer. The Farmers Market began on July 10th and will run through September. She is meeting with some representatives of Southern Alleghenies Planning & Development Commission tomorrow regarding the grant for the bike racks that will be installed within the Borough. She also announced the following event dates: August 11th for the Canal Basin Festival, October 13th for the Pumpkinfest, November 18th for the Winterfest parade and the 23rd for Light up Night.

FIRE MARSHAL REPORT: Dave Zeek reported on a burning complaint in the Borough and also on some fire prevention measures at St. Leonard's Home.

MAYOR'S REPORT: Mayor Dodson was not in attendance.

DAN BRADLEY, AUDITOR'S REPORT: Mr. Dan Bradley, of Young Oakes and Brown, presented a summary of the 2017 audit for Borough Council.

PUBLIC COMMENT:

- Richard Latker, 703 Allegheny Street; Hollidaysburg Community Watchdog: Spoke about the Code of Civility discussion that was brought up by Councilwoman Lowe and about his Right To Know Requests for audio tapes from the council meetings.
- Regis Nale, 210 Jackson Street, Hollidaysburg Community Watchdog: Spoke about the PENNDOT project with regard to the proposal to close the intersection at Mulberry and Front Streets.

- Art Chamberlain, representing the Allegheny Club: Spoke about the PENNDOT project with regard to the proposal to close the intersection at Mulberry and Front Streets.
- Tim Kimmel, business owner on Front Street: Spoke about the PENNDOT project with regard to the proposal to close the intersection at Mulberry and Front Streets.
- Steve Albright, 421 Bedford Street: Spoke about the closed bridge in Gaysport, and about the police monitoring of Wing Fest at Legion Park.
- Jerry Boswell, 310 Front Street business owner: Spoke about the PENNDOT project with regard to the proposal to close the intersection at Mulberry and Front Streets.

Following Public Comment, President Pompa asked if Council wished to discuss the PENNDOT project with regard to the proposal to close the intersection at Mulberry and Front Streets later in the meeting. There was a consensus of Council that discussion could take place at this meeting.

OPEN AGENDA:

- Joyce Lowe: Consideration of a code of civility.

RESOLUTION NO. 2018-30, CONSENT AGENDA: Mr. Pompa asked for Council's consideration of Resolution No. 2018-30 for bill list number 7 totaling \$ 82,856.90 and to approve one COA for 225 Allegheny Street for repairs. A motion was made by Mr. Plummer to approve Resolution No. 2018-30. Mr. Shawley seconded this motion. A vote was taken with the motion carrying, seven votes to zero votes.

RESOLUTION NO. 2018-30

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 12, 2018 authorizes payment of expenses totaling \$82,856.90 consisting of accounts payable and owing the Borough of Hollidaysburg from duly appropriated moneys is hereby approved.
- 2) One Certificate of Appropriateness as follows:
225 Allegheny Street, Repairs
 - repair wood fascia, crown and frieze boards on the front of the building
 - repoint some mortar
 - install a new cap on top
 - install a new metal roof
 - install rubber roofing over the built in gutter

DULY adopted by the Council of the Borough of Hollidaysburg this 12th day of July, 2018.

Joseph A. Pompa, President

ATTEST:

Patricia J. Duron, Secretary

DISCUSSION: FOUR WAY STOP AT ALLEGHENY AND BELLA STREETS: Chief Estep updated Council on emphasized speed enforcement at the intersection of Allegheny and Bella Streets. He advised that there is no major problem at this time, and that the enforcement will continue.

DISCUSSION: OLD CANAL INN AND AMPLIFIED MUSIC: Mr. Leahey began this discussion, advising of a meeting between Chief Estep and Mr. Laratonda, owner of the Old Canal Inn. Chief Estep advised Council of his concerns regarding Mr. Laratonda's request. At this time, there was a consensus of Council that Mr. Laratonda submit his request again in January 2019.

DISCUSSION: FRONT AND MULBERRY STREET INTERSECTION: Mr. Gehret spoke about the June Council meeting's discussion about the PENNDOT project and also advised that PENNDOT will hold a public hearing on July 17th regarding this Route 22 project. He encouraged those who made public comment regarding the intersection to attend this hearing.

RESOLUTION NO. 2018-31, A RESOLUTION IN SUPPORT OF A CITIZENS COMMISSION FOR LEGISLATIVE AND CONGRESSIONAL DISTRICTING: A motion was made by Mr. Burke to approve Resolution No. 2018-31. This motion was seconded by Mr. Leahey. A vote was taken and the motion carried unanimously, seven votes to zero votes.

**RESOLUTION NO. 2018-31
A RESOLUTION IN SUPPORT OF A CITIZENS COMMISSION FOR LEGISLATIVE AND
CONGRESSIONAL DISTRICTING**

WHEREAS, the citizens of the Borough of Hollidaysburg and the Commonwealth of Pennsylvania deserve a fair, fully transparent, impartial and depoliticized process of the decennial drawing of state legislature and congressional districts of near equal population; and

WHEREAS, legislative and congressional redistricting has at times resulted in gerrymandered districts that favor one political party over others; and

WHEREAS, such gerrymandering of legislative and congressional districts has worked at times to the detriment of our representative democracy; and

WHEREAS, the creation of a truly independent citizens redistricting commission devoid of political motivation or partisanship will: ensure a fair, transparent, and accurate legislative and congressional redistricting process that respects political subdivisions; prohibit districts from being drawn to favor or discriminate against a political party or candidate; require public input; and fully comply with the constitutional requirement that "no county, city, incorporated town, borough, township or ward" be divided "unless absolutely necessary"; and

WHEREAS, legislation to amend the Pennsylvania Constitution to reform the decennial legislative and congressional redistricting process with the intent of using fairness and sound methodology in a non-partisan fashion is required to ensure these reforms.

NOW, THEREFORE, BE IT RESOLVED THAT the Council of the Borough of Hollidaysburg does hereby support legislative efforts to amend the Pennsylvania Constitution to assign the decennial task of both legislative and congressional redistricting to an independent citizens redistricting commission; and

BE IT FURTHER RESOLVED THAT we call upon all those elected officials and party leaders in the Commonwealth of Pennsylvania who represent the citizens of the Borough of Hollidaysburg to publicly announce their support of and commitment to work towards passage of such legislative efforts, and that a copy of this resolution be delivered to each of them.

DULY adopted by the Council of the Borough of Hollidaysburg, this 12th day of July, 2018.

Joseph A. Pompa, President

ATTEST:

Patricia J. Duron, Secretary

DISCUSSION: CODE OF CIVILITY: Mrs. Lowe advised Council that she had given Council Members a copy of a proposed Code of Civility Ordinance for their perusal. Mrs. Lowe advised also that this code of civility ordinance would be pertinent to the Mayor and to the members of Borough Council. She asked that this discussion be held on the August 9th agenda.

DISCUSSION: CODE VIOLATION ENFORCEMENT PROCEDURES: President Pompa discussed the code violation enforcement process regarding how long it takes to get compliance. Mr. Rabits explained the process. Following the discussion, there was consensus to form a commission to research and discuss these issues, as well as the issue of landlords and code enforcement. Those who will serve on the commission are: Mr. Leahey, Mr. Pompa, and Mr. Ketner. The Mayor will be serve in an ex-officio capacity. Mr. Rabits will be the staff liaison.

DISCUSSION: DISORDERLY HOUSE ORDINANCE: This discussion item will be on the August 9th agenda.

ORDINANCE NO. 884, AMENDMENTS TO THE FLOODPLAIN ORDINANCE: Mr. Rabits gave a summary of the mandated amendments from FEMA in Ordinance No. 884. A motion was made by Mr. Ketner to adopt this ordinance. A second to the motion was made by Mr. Shawley. A roll call vote was taken as follows:

Mr. Ketner: yes
Mr. Shawley: yes
Mr. Burke: yes
Mrs. Lowe: yes
Mr. Leahey: yes

Mr. Pompa: yes
Mr. Plummer: yes

Ordinance No. 884 was unanimously adopted, seven ayes to zero nays.

RESOLUTION NO. 2018-32: FLOODPLAIN PERMIT APPLICATION FEE AND ESTABLISH AN ENGINEERING FEE ESCROW ACCOUNT: Mr. Rabits advised that the application fee will be \$25.00 in addition to any other pertinent zoning or UCC permit fees. An engineering fee escrow account will also be required. A motion was made by Mr. Leahey to approve Resolution No. 2018-32. Mr. Plummer seconded this motion. A vote was taken and the motion carried, unanimously, seven votes to zero votes.

**RESOLUTION 2018-32
OF THE COUNCIL OF THE BOROUGH OF HOLLIDAYSBURG SETTING THE
FLOODPLAIN ORDINANCE PERMIT APPLICATION FEE AND REQUIRING APPLICANTS
TO DEPOSIT FUNDS IN ESCROW WITH THE BOROUGH FOR ENGINEERING REVIEW**

BE IT RESOLVED, that the floodplain application permit fee referenced in Section 3.04D of the Hollidaysburg Borough Flood Plain Ordinance adopted July 12, 2018, shall be \$25.00 payable to Hollidaysburg Borough.

BE IT FURTHER RESOLVED, that such applicant shall deposit such sum as the Borough shall direct in escrow with the Borough prior to the Borough authorizing an engineering review. The minimum amount of such deposit shall be \$750.00 but may be higher depending on the size, scope and characteristics of the proposed application. The Borough may request the applicant to make additional deposits during the engineering review processes in the event it is apparent that the existing deposit will be insufficient to pay all fees. Nevertheless, in the event that the escrow deposit is exhausted and the Borough's engineering fees associated with the project remain unpaid, the applicant shall still be responsible for the balance of the fees, and the Borough will not approve any permit until any remaining fees are paid in full. Upon the termination of the project by the applicant or the approval of the permit and after all engineering fees related to the project have been paid in full, the Borough shall return to the applicant any remaining balance held in escrow.

DULY ADOPTED by the Council of the Borough of Hollidaysburg, this 12th day of July, 2018.

BOROUGH OF HOLLIDAYSBURG

By: _____
Joseph A. Pompa, President

ATTEST:

Patricia J. Duron, Secretary

SEWER AUTHORITY APPOINTMENT: At this time, a motion was made by Mr. Plummer to appoint James Burke to the Sewer Authority. Mr. Leahey seconded the motion and a vote was taken. The motion carried unanimously, seven votes to zero votes. This term will expire on December 31, 2019.

ORDINANCE NO. 885, CABLE FRANCHISE: Mr. Gehret introduced Ordinance No. 885, to authorize the execution of the cable franchise agreement between the Borough and Atlantic Broadband. A motion was made by Mr. Ketner and was then seconded by Mr. Plummer. A roll call vote was taken as follows:

Mr. Ketner: yes
Mr. Plummer: yes
Mr. Burke: yes
Mrs. Lowe: yes
Mr. Leahey: yes
Mr. Pompa: yes
Mr. Shawley: yes

Ordinance No. 885 was adopted unanimously, seven ayes to zero nays.

LETTER OF SUPPORT FOR THE CONSERVATION DISTRICT GRANT APPLICATION: A motion was made by Mr. Plummer to write a letter of support from Borough Council to support a Growing Greener Grant Application from the Blair County Conservation District. This motion was seconded by Mr. Shawley. A vote was taken and the motion carried, seven votes to zero votes.

APPOINTMENT TO THE HARB/HPC: A motion was made to appoint Jane Sheffield to the HARB and to the HPC to fill a vacancy left by the resignation of Sondra Kranich by Mr. Burke. This motion was seconded by Mr. Shawley. A vote was taken and the motion carried unanimously, seven votes to zero votes. This term will expire on December 31, 2020.

ADJOURN: This meeting was adjourned at 8:32 PM.

Patricia J. Duron, Secretary