

**BOROUGH COUNCIL MEETING MINUTES  
THURSDAY, MARCH 9, 2023, 7:00 PM  
COUNCIL CHAMBERS**

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

**PRESENT:** A quorum was present including members of Council as follows: Joseph A. Pompa; Michele Baker; James Mielnik; Jeffrey Ketner; Walter Kalista, III; and Sean Burke. Also participating: Borough Manager James Gehret; Borough Secretary Patricia J. Duron; Building Code Official Gerald Harbison; Solicitor Nathan W. Karn, Sr.; Sgt. Richard Oldham; and Fire Marshal Amy Hazlett. Chief Christopher Storm and Director of Community Relations and Events Melanie Ramsey was absent. Councilman Brady Leahey was absent. Mayor Dodson participated by phone.

**PLEDGE OF ALLEGIANCE:** President Pompa led the pledge of allegiance and a moment of silence.

**MINUTES:** The minutes from the meeting held on February 9, 2023 were presented for Council's review and approval. A motion to approve the minutes was made by Ms. Baker and was seconded by Mr. Mielnik. A vote was taken and the minutes were approved, six votes to zero votes.

**PUBLIC HEARING:** Upon the recommendation of the Blair County Planning Commission, the hearing was not conducted regarding Ordinance 906

**MANAGER'S/FINANCIAL REPORT:** Mr. Gehret advised that the field portion of the annual audit had been completed and that a formal report will be presented to Council in June or July.

**PLANNING AND ZONING REPORT:** Mr. Harbison's report was in the council agenda. He had nothing additional.

**FIRE MARSHAL REPORT:** Fire Marshal Amy Hazlett presented her monthly report.

**MAYOR'S REPORT:** Mayor Dodson reported by phone.

**PUBLIC COMMENT:**

**Steve Albright; 421 Bedford Street:** Spoke about the red light at Newry and Bedford Streets. Thanked Council for their efforts toward stormwater mitigation in Gaysport.

**Mark Slonaker, PVFD:** Presented the PVFD Monthly Report. Thanked everyone for their continuing support.

Regis Nale; 202 Spruce Street: Advised that the Community Watchdog supports the conditional use for outdoor dining in the Historic District. He also spoke about the Yield Sign at the high school, the electronic speed sign for Bel Aire Road, and stormwater regulations.

Shaun Leydig; 211 Newry Street: Spoke about the Borough's Christmas decorations, the Hometown Hero banners, the Allegheny Street Cruise In event and weeds that grow on Allegheny Street between Wayne and Penn Streets.

Elda Jean Boose; 121 Bedford Street: Thanked Borough Council, Borough Staff, the Borough Engineer and the Blair County Planning Commission for the stormwater management project for Gaysport.

**OPEN AGENDA:**

Ms. Baker: Flooding in Gaysport.

Mr. Pompa: Water discharge to the streets.

Mayor: Purchasing more electronic speed signs.

**RESOLUTION NO. 2023-8: CONSENT AGENDA:** Mr. Gehret asked for Council's consideration of Resolution No. 2023-8 for bill list number 3 totaling \$128,397.93 and the approval of two Certificates of Appropriateness. A motion was made by Mr. Burke and was seconded by Mr. Kalista to approve Resolution No. 2023-8. A vote was taken with the motion carrying, six votes to zero votes. PSAB Voting Delegate: Ms. Baker made a nomination for Jim Gehret to be the PSAB Voting Delegate. Mr. Mielnik seconded the motion and a vote was taken. The motion carried with six votes in favor.

**RESOLUTION NO. 2023-8**

**A RESOLUTION APPROVING THE CONSENT AGENDA**

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

- 1) **Bill List No. 3** dated March 9, 2023 authorizes payment of expenses totaling \$128,397.93 consisting of accounts payable and owing the Borough of Hollidaysburg from duly appropriated moneys is hereby approved.
- 2) **Two Certificates of Appropriateness** are to be Approved and Council Authorizes the Zoning Administrator to issue a Certificate of Appropriateness/Zoning Permit as follows:

**a. 306 ALLEGHENY STREET – CONSTRUCT AN OUTDOOR DINING DECK – PAOLO D’OTTAVIO**

- Construct a raised deck measuring 36' wide by 27' deep at the rear of the property

- The intent is to provide outdoor seating for approximately 40 patrons
- A conditional use approval is required (Borough Council)
- A Zoning/Building UCC permit is required
- A land development plan reviewed by the Hollidaysburg Planning Commission is required
- This is a contributing structure within the Historic District

**b. 400 ALLEGHENY STREET – WINDOWS – JJ KELLER FAMILY LIMITED PARTNERSHIP**

- Replace boarded up windows on all three floors
- New Sierra Pacific Aluminum Clad Windows will be used
- Windows will fit all existing openings
- A Zoning Permit is required
- This is a contributing structure within the Historic District

**3) Appoint a Voting Delegate to the Annual PSAB Conference:**

James Gehret is hereby designated as the Voting Delegate representing the Borough of Hollidaysburg at the Annual Conference of the Pennsylvania State Association of Boroughs

**DULY** adopted by the Council of the Borough of Hollidaysburg this 9<sup>th</sup> day of March, 2023.

\_\_\_\_\_  
Joseph A. Pompa, President

ATTEST:

\_\_\_\_\_  
Patricia J. Duron, Secretary

**UPDATE ON THE COMPREHENSIVE PLAN:** Mr. Harbison advised that the consultant, Gannett Fleming, needs to have an extension to complete the work. There will be a draft plan presented next month.

**WATER DISCHARGE INTO THE STREETS:** President Pompa requested that this discussion item remain on the agenda.

**STORMWATER/BEDFORD STREET UPDATE:** Nothing new to add.

**BOROUGH SIDEWALKS:** The Borough received three grant applications so far this year.

**STREET SWEEPER:** Mr. Gehret advised that the street sweeper will be back in operation towards the end of the month of March.

**RESOLUTION NO. 2023-9 APPROVING A CONDITIONAL USE FOR 306 ALLEGHENY STREET:** A motion was made by Mr. Ketner and was seconded by Mr. Mienik to approve Resolution No. 2023-9. A vote was taken and the motion carried with six votes in favor.

**RESOLUTION NO. 2023-9**

**APPROVING A CONDITIONAL USE FOR  
306 ALLEGHENY STREET, HOLLIDAYSBURG, PENNSYLVANIA  
ON-PREMISE, OUTDOOR DINING**

WHEREAS, Paolo D'Ottavio, has submitted an Application for the Conditional Use Approval for property he owns and that is located at 306 Allegheny Street as more particularly described in Blair County Book 1208, page 465 and having Tax Parcel Number 11.03-01..-009.00-000 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 construct and use an exterior deck for restaurant seating for the existing restaurant that applicant operates upon the subject premises; 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, proof of which was accepted into the record.
2. The Conditional Use Application submitted to the Council on November 21, 2022, was properly completed, and the same was accepted into the record. The Applicant granted the Borough an extension of time to hold a hearing and render a decision until March 31,

2023.

3. The Hollidaysburg Zoning Ordinance permits the conditional use of outdoor dining upon an exterior deck in a C-2 Community Business District (§214.3.D) so long as it complies with the special standard criteria for such conditional use found in Section 404.11 and as determined by the Council.

4. The Hollidaysburg Planning Commission reviewed the Conditional Use Application and recommended that the Conditional Use Application be approved.

5. The Hollidaysburg Architectural Review Board reviewed the Conditional Use Application and recommended that the Conditional Use Application be approved.

6. A raised deck approximately 27 feet deep and 35 feet wide will be constructed on the back of the existing building providing seating for approximately 40 patrons.

7. The construction of the deck will result in the loss of no existing off-street parking spaces.

8. The proposed use, provided all conditions as provided for herein are met, will comply with all applicable provisions and requirements for that type of use contained in the Zoning Ordinance and with other applicable Borough, County and Commonwealth ordinances, laws and regulations.

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 as the deck is being constructed at the rear of the existing building abutting off-street parking, which abuts Strawberry Alley.

10. The site will remain as currently exists and is suitable in terms of size, topography

and similar physical features.

11. The proposed use and site will provide for safe and adequate vehicular access, which remains unchanged off of Strawberry Alley. Adequate pedestrian access is available from within the building with an entrance/exit on Allegheny Street as well as a set of stairs off the proposed deck into the off-street parking area. The use provides for safe, efficient internal circulation and sufficient loading.

12. The proposed use complies with all applicable standards and requirements for providing sanitary sewage disposal and water supply based upon existing public water and sewer. Solid and toxic waste storage and its disposal will not take place at the site.

13. Due to the nature of the location of the building closely abutting neighboring buildings and fronting Allegheny Street with off-street parking at the rear accessed by Strawberry Alley, there currently exists little screening or buffering beyond the buildings themselves fronting Allegheny Street.

14. The proposed use conforms to the scale, character and exterior appearance of existing structures and uses in the neighborhood in which it is located.

15. With respect to the Special Standard Criteria found in Section 404.11:

a. The proposed raised deck to be constructed and used for dining facilities is located upon the subject property;

b. The outdoor dining facilities will have no impact on traffic circulation. The proposed raised deck will be accessible from the rear of deck by way of steps as well as from the front of the deck by way of the interior of the restaurant to allow for safe pedestrian circulation;

- c. The applicant proposed “whenever the kitchen is open” as the hours of operation for outdoor dining but when requested to provide timeframes indicated the following hours of operation for the outdoor dining facilities: Monday through Thursday 10 am to 10 pm, Friday 10 am to midnight and Saturday and Sunday 11 am to midnight;
- d. The Applicant has indicated the restaurant will ensure the tables will be regularly bussed to preclude accumulation of food and waste and the table setting of utensils, glasses, condiments, and other amenities will not occur until patrons are seated.
- e. The applicant intends to sell the same food and beverages as are sold to the patrons being served inside.
- f. As the seating will be on a raised deck away roadways, there will be no interference with site distance.
- g. The applicant indicated that furniture will be of sufficient structural integrity.

16. Regis Nale, 202 Spruce Street, spoke in favor of the requested use, but reminded Council to include any conditions it wanted with respect to parking or the provision of entertainment by way of an outside band.

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, and any restrictions imposed by the Historical Architectural Review Board.

2. The applicant will comply with the signage regulations of the Zoning Ordinance including obtaining approval from the Historical Architectural Review Board in the event applicant wishes to add any business sign related to the outdoor dining use.

3. Outdoor dining shall be restricted between the hours of 10 am and 10 pm Sunday through Thursday and 10 am and 11 pm Friday and Saturday.

4. 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 approval shall be rescinded automatically.

### DECISION

The conditional use for outdoor dining at 306 Allegheny Street, Hollidaysburg, Pennsylvania, 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 outdoor dining at 306 Allegheny Street 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 9<sup>th</sup> day of  
March, 2023.

BOROUGH OF HOLLIDAYSBURG

By: \_\_\_\_\_  
Joseph A. Pompa, President

ATTEST:

\_\_\_\_\_  
Patricia J. Duron, Secretary

**ORDINANCE NO. 905 COMCAST CABLE FRANCHISE AGREEMENT:** A motion was made by Ms. Baker to adopt Ordinance No. 905. Mr. Ketner seconded the motion and a roll call vote was taken as follows:

Ms. Baker Yes

Mr. Ketner Yes

Mr. Burke Yes

Mr. Kalista Yes

Mr. Pompa Yes

Mr. Mielnik Yes

Ordinance No. 905 was adopted with six votes in favor to zero votes against.

**ORDINANCE NO. 905**

**ORDINANCE OF THE BOROUGH OF HOLLIDAYSBURG AUTHORIZING EXECUTION  
OF A CABLE FRANCHISE AGREEMENT BETWEEN THE BOROUGH AND**

**COMCAST OF COLORADO/PENNSYLVANIA/WEST VIRGINIA, LLC**

**WHEREAS**, pursuant to the Cable Communications Policy Act of 1984, the Cable Television Consumer Protection and Competition Act of 1992, and the Telecommunications Act of 1996, the regulations of the Federal Communications Commission and Pennsylvania law, the Borough of Hollidaysburg (hereinafter the “Borough”) is authorized to grant franchises to construct, operate and maintain a cable system utilizing public rights-of-way and properties within the Borough’s jurisdiction; and

**WHEREAS**, pursuant to Title VI of the Communications Act, the regulations of the Federal Communications Commission (hereinafter the “FCC”) and Pennsylvania law, the Borough is authorized to grant and renew franchises to construct, operate and maintain a Cable System utilizing Public Rights-of-Way and properties within the Borough’s jurisdiction; and

**WHEREAS**, Comcast of Colorado/Pennsylvania/West Virginia, LLC (hereinafter the “Grantee”) has requested that the Borough grant the Grantee a franchise to maintain, construct, operate, and maintain its Cable System over, under and along the aforesaid rights-of-ways for use by the Borough’s residents; and

**WHEREAS**, the aforesaid Public Rights-of-Way used by the Grantee are public properties acquired and maintained by the Borough on behalf of the citizens of the Borough, and the right to use said rights-of-way is a valuable property right; and

**WHEREAS**, the Borough desires to protect and manage the aforesaid rights-of-way, establish standards of Subscriber service, maintain a technologically advanced Cable System, receive Franchise Fees for the Grantee’s use of the Borough’s public rights-of-ways as provided by federal law, obtain the use of an educational and governmental channel, establish certain reporting requirements, obtain certain complimentary services, provide legal protections for the Borough, and meet the current and future cable-related needs of its residents; and

**WHEREAS**, the Borough has determined that this Agreement and the process for consideration of this Agreement complies with all applicable federal, state and local laws and regulations; and

**WHEREAS**, the Borough has determined that the public interest would be served by granting the Grantee a franchise according to the terms and conditions contained herein;

**NOW THEREFORE, BE IT ORDAINED** that the Borough Council does hereby approve the cable franchise agreement negotiated with the Grantee, including all of the terms and conditions contained therein, and does hereby authorize the execution of such agreement.

**ENACTED AND ORDAINED** this 9<sup>th</sup> day of March, 2023.

ATTEST:

BOROUGH OF HOLLIDAYSBURG

---

Patricia J. Duron  
Secretary

---

Joseph A. Pompa  
President, Borough Council

---

Joseph R. Dodson  
Mayor

**SEASONAL HIRES:** A motion to approve seasonal hires for the WWTP and the Borough Garage was made by Mr. Kalsita and was seconded by Mr. Burke. A vote was taken and the motion carried with six votes in favor.

**SPEEDING ON BEL AIRE ROAD:** Mayor Dodson advised that the electronic speeding sign should be returned to Bel Aire Road and more of these type signs should be purchased.

**YIELD SIGN AT THE HOLLIDAYSBURG SENIOR HIGH SCHOOL:** Mr. Gehret advised that a letter from his office had been issued to Dr. Gildea and copied to Mr. Nihart at the maintenance department regarding the safety issues at the location of the yield sign. There had not been a response to this letter at the time of this meeting.

**DANGEROUS STRUCTURES AT 1100 FERN AVENUE AND AT 117 FRANKLIN STREET:** Mr. Harbison requested that dangerous structure investigations be initiated for these two properties. A motion to proceed was made by Mr. Ketner and was seconded by Ms. Baker. A vote was taken and the motion carried with six votes in favor to zero votes against.

**AGREEMENT FOR PURCHASE OF REAL ESTATE:** Ms. Baker made a motion to enter an agreement to purchase property in the Borough. Mr. Ketner seconded the motion and a vote was taken. Mr. Kalista left the meeting prior to this discussion and vote. Mr. Burke abstained from voting. The motion passed with four votes in favor.

**ADJOURN:** At 7:35 PM President Pompa adjourned the meeting.

---

Patricia J. Duron, Borough Secretary