

**BOROUGH COUNCIL MEETING MINUTES
THURSDAY, SEPTEMBER 14, 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: Michele Baker; James Mielnik; Jeffrey Ketner; Sean Burke; Brady Leahey; and Walter Kalista, III via telephone. Also participating: Borough Manager James Gehret; Borough Secretary Patricia J. Duron; Solicitor Nathan Karn; Mayor Joseph Dodson; Police Chief Chris Storm; Director of Community Relations and Events Melanie Ramsey; Planning /Zoning Administrator Andrew Holodnik; and Fire Marshal Amy Hazlett.

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

MINUTES: The minutes from the meeting held on August 10, 2023 were presented for Council's review and approval. A motion to approve the minutes was made by Mr. Leahey and was seconded by Ms. Baker. A vote was taken and the minutes were approved with seven votes to zero votes.

MANAGER'S/FINANCIAL REPORT: Mr. Gehret advised that he had nothing more to report. Nothing outstanding on the Finance Report.

PLANNING/ZONING: Mr. Holodnik advised that his report was in their packet.

DIRECTOR OF COMMUNITY RELATIONS & EVENTS REPORT: Ms. Ramsey reported on upcoming events in the Borough: Downtown LIVE! Concerts, the Tuesday Farmers Market continuing through October, and the Pumpkinfest.

FIRE MARSHAL REPORT: Fire Marshal Amy Hazlett presented her monthly report and reminded residents to have their house number displayed.

CHIEF OF POLICE REPORT: The Chief presented the department's August report.

MAYOR'S REPORT: Mayor Dodson thanked the police department for a good job.

PUBLIC COMMENT:

Jim Fitch; 109 Bel Aire Road: Spoke about a speeding on Bel Aire Road, and the distress status of municipalities.

Richard Latker, 703 Allegheny Street, Community Watchdog: Spoke about the trees on Penn Street and the Shade Tree Commission, the police department and the mayor, and the Phoenix Fire department's grant application.

Jean Cassidy, 208 Beaver Street: Spoke about the minnie ditch and distributed photos.

John Sepp and Jeff Long: Spoke about developing the Stowell Farm property and rezoning.

Shaun Leydig, 407 Newry Street: Spoke about weeds on Allegheny Street and the police department.

Rusty Klinger, 806 Penn Street: Spoke about the trees on Penn Street.

Dennis Murray, the Presbyterian Home: Spoke about entering and exiting the parking garage at the Presbyterian Home and the dangers of it.

Regis Nale, 202 Spruce Street: Spoke about the comprehensive plan update and criticized the process.

Brian Smith, 408 Front Street: Spoke about stormwater runoff at his house on Front Street.

Elda Jean Boose, 141 Bedford Street: Thanked Borough Council and Councilwoman Baker for their continuing support towards stormwater mitigation in Gaysport and voiced her opposition to rezoning of the Stowell Farm.

Eric Schmidt; PVFD: Discussed the Borough's support for their grant application and explained the costs of fire equipment.

Steve Albright, 421 Bedford Street: Spoke about the police department.

OPEN AGENDA:

Ms. Baker: Flooding in Gaysport.

Mr. Ketner: Speeding on Bel Aire Road.

Mr. Burke: Update on Penn Street and the Shade Trees.

Mr. Leahey: the Minnie Ditch and Penn Street/trees.

Mayor Dodson: Flooding in Gaysport, Penn Street, and Minnie Ditch.

RESOLUTION NO. 2023-22: CONSENT AGENDA: Mr. Gehret requested Council's

consideration of Resolution No. 2023-22 for bill list number 9 totaling \$167,918.06, the approval of four Certificates of Appropriateness and the MMOs for uniformed and non-uniformed employees. A motion was made by Mr. Leahey and was seconded by Mr. Ketner to approve Resolution No. 2023-22. A vote was taken with the motion carrying, seven votes to zero votes.

RESOLUTION NO. 2023-22
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. 9** dated September 14, 2023 authorizes payment of expenses totaling \$167,918.06 consisting of accounts payable and owing the Borough of Hollidaysburg from duly appropriated moneys is hereby approved.
- 2) **Certificates of Appropriateness** are to be Approved and Council Authorizes the Zoning Administrator to issue Certificates of Appropriateness/Zoning Permits as follows:
 - A. **214 ALLEGHENY STREET– WINDOW SIGNAGE - SOPHIA RODEZNO**
 - To place a business logo in the front window measuring 12 in by 18 in
 - Logo consists of a pink crystal in a pink clam
 - Hang a shingle sign from a bracket measuring 12 in by 18 in
 - The structure is classified as a Contributing Structure within the Historic District
 - B. **224 MULBERRY STREET –REPLACEMENT WINDOWS – JENNIFER CHERRY**
 - Replace ten (10) windows
 - The windows will be double hung white vinyl windows
 - The structure is a contributing structure within the Historic District
 - C. **423 ALLEGHENY STREET –REPLACE ROOF – BLAIR COUNTY**
 - Replace the slate roof on the original section of the building
 - Replace the newer 1999 towers section
 - The replacement roofs will Tremco
 - The project may need a UCC Building Permit
 - The structure is a significant structure within the Historic District
 - D. **312 ALLEGHENY STREET –OUTDOOR PATIO – BRIAN BUFFONE**
 - Construct an outdoor patio measuring 45ft. x 21 ft.
 - The patio will be made of concrete, brick, and cast stone caps
 - A wrought iron fence with a gate will provide access to the patio
 - The purpose is to provide outdoor dining on premises
 - The project may need a UCC Building Permit
 - The structure is a contributing structure within the Historic District

- 3) The Minimum Municipal Obligation (MMO) for the Uniformed Pension Plan for 2024 has been duly filed and is hereby accepted.
- 4) The Minimum Municipal Obligation (MMO) for the Non-Uniformed Pension Plan for 2024 has been duly filed and is hereby accepted.

DULY adopted by the Council of the Borough of Hollidaysburg this 14th day of September, 2023.

Joseph A. Pompa, President

ATTEST:

Patricia J. Duron, Secretary

UPDATE ON THE COMPREHENSIVE PLAN: Mr. Holodnik updated Borough Council on the status of comprehensive plan update process.

STORMWATER/BEDFORD STREET UPDATE: Mr. Banks, Stiffler McGraw, discussed the status of stormwater mitigation projects and the ARPA Grant applications. He requested feedback from Borough Council.

STREET SWEEPER: Two quotes for the purchase of a street sweeper were presented to Borough Council. One was for the purchase of a demonstration sweeper and one for a new sweeper. Following discussion, a motion was made by Mr. Leahey to approve the purchase of the new sweeper and Mr. Burke seconded this motion. A vote was taken and the motion passed, seven votes in favor to zero votes against.

BOROUGH SIDEWALKS: The Borough is continuing to approve sidewalk grant applications.

RESOLUTION NO. 2023-23 APPROVING A CONDITIONAL USE FOR ON – PREMISES OUT DOOR DINING FOR 312 ALLEGHENY STREET: Borough Council conducted a conditional use hearing on August 29, 2023 in Council Chambers. Following the hearing, Council had a consensus to approve the conditional use for the on-premises outdoor dining in a C-2 Zoning District for 312 Allegheny Street. Resolution No. 2023-23 will approve that conditional use. Mr. Burke made a motion to approve the resolution and Mr. Mielnik seconded the motion. Mr. Kalista was ineligible to vote as he was not in attendance during the hearing. A vote was taken and the motion passed with six votes in favor to zero votes against.

RESOLUTION NO. 2023-23
APPROVING A CONDITIONAL USE FOR
312 ALLEGHENY STREET, HOLLIDAYSBURG, PENNSYLVANIA
ON-PREMISE, OUTDOOR DINING

WHEREAS, Brian Buffone, has submitted an Application for the Conditional Use Approval for property owned by O'Donnell Robison Holdings LLC and that is located at 312 Allegheny Street as more particularly described in Blair County Instrument Number 202300219 and having Tax Parcel Number 11.03-01.-007.00-000 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 brick patio for restaurant seating for the restaurant that applicant is intended to open 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 July 29, 2023, was amended at the hearing to change the current owner of the property identified on the application as Brian Buffone to the actual owner O'Donnell Robison Holdings LLC of which Brian Buffone is a member but which was otherwise appropriately filed, and the same was accepted into the record.

3. The Hollidaysburg Zoning Ordinance permits the conditional use of outdoor dining upon an exterior brick patio 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 36 patrons.

7. The construction of the brick patio 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 brick patio is being constructed in what is currently unused drive-up bank teller lanes from when the building was previously utilized as a bank.

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 Allegheny Street and Strawberry Alley. Adequate pedestrian access is available from within the building with an entrance/exit on Allegheny Street as well as an outside exit from the proposed brick patio onto the sidewalk of Allegheny Street. 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 brick patio 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 brick patio will be accessible from the front both from the interior of the building and the sidewalk on Allegheny Street to allow for safe pedestrian circulation;
- c. The applicant proposed operation of the outdoor dining area Monday through

Wednesday 11 am to 8 pm, Thursday through Saturday 11 am to 10 pm and
Sunday 10 am to 3 pm;

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 location will be beside the building in the former bank teller drive-up lanes, 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.

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 312 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 312 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 14th day of September, 2023.

BOROUGH OF HOLLIDAYSBURG

By: _____
Joseph A. Pompa, President

ATTEST:

Patricia J. Duron, Secretary

GRANT APPLICATION FOR THE PHOENIX VOLUNTEER FIRE DEPARTMENT:

Following discussion, a motion was made by Mr. Leahey to support the application for a grant to purchase fire department apparatus by the Phoenix Volunteer Fire Department. Mr. Burke seconded the motion and a vote was taken. The motion passed with seven votes in favor.

CDBG APPLICATION PROJECT SELECTION:

Trina Illig, Blair County CDBG Coordinator, discussed the status of the 2023 CDBG application with Borough Council. Following discussion, a motion was made that the Gaysport Stormwater mitigation be submitted as the project for the funding by Ms. Baker. Mr. Kalista seconded the motion and a vote was taken. The motion passed with seven votes in favor.

DISCUSSION: MAYOR DODSON'S LETTER FROM THE MAYOR'S ASSOCIATION:

After discussion about this letter, the Borough Solicitor advised that the Borough's labor attorney should be consulted.

APPROVE OFFICER REPAYMENT AGREEMENT:

Borough Council was presented with an agreement that would be entered into between the Borough and a Cadet to address the terms and conditions applicable to the Borough's hire and payment of certain training expenses on the behalf of the Cadet. Mr. Ketner made a motion to approve the agreement and Mr. Leahey seconded

the agreement. A vote was taken and the motion passed with seven votes in favor.

APPROVAL TO HIRE A PART-TIME PUBLIC SAFETY CLERK: A motion was made by Mr. Leahey to table this discussion until next month's meeting and to continue with status quo in that department at this time. Mr. Ketner seconded the motion and a vote was taken. The motion passed with seven votes in favor.

APPOINTMENT TO THE HOLLIDAYSBURG PLANNING COMMISSION: A motion to appoint Chad Repko to the Hollidaysburg Planning Commission was made by Mr. Burke and Mr. Kalista seconded the motion. A vote was taken and the motion passed with seven votes.

ACCEPT THE MOA WITH THE HOLLIDAYSBURG POLICE ASSOCIATION: Council was presented with a MOA regarding a change to the Civil Service Rules and Regulations pertaining to a residency requirement for new officers and existing officers covered by the agreement. Mr. Leahey made a motion to accept the MOA to change the residency requirement from 15 miles to 30 air miles. Ms. Baker seconded the motion and a vote was taken. The motion passed with seven votes in favor.

ADJOURN: At 8:45 PM, President Pompa adjourned the meeting.

Patricia J. Duron, Borough Secretary