

**BOROUGH COUNCIL MEETING MINUTES  
THURSDAY, SEPTEMBER 8, 2022, 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; Brady Leahey; Michele Baker; James Mielnik; Walter Kalista, III, Jeffrey Ketner and Sean Burke via telephone. Also participating: Borough Manager James Gehret; Solicitor Nathan Karn; Borough Secretary Patricia J. Duron; Building Code Official Gerald Harbison; Director of Community Relations and Events Melanie Ramsey; Sgt. Richard Oldham; and Fire Marshal Amy Hazlett. Mayor Dodson was absent.

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

**MINUTES:** The minutes from the meetings held on August 3 and on August 11, 2022 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, seven votes to zero votes.

**MANAGER'S REPORT & MONTHLY FINANCIAL REPORT:** Mr. Gehret added that 12 LED street lights had been installed in the Borough. Two complaints about the brightness had been received and Penelec will allow them to be changed to lower wattage one time only.

**PLANNING AND ZONING REPORT:** Mr. Harbison advised that the extension from Gannett Fleming per the Comprehensive Plan Update needed to be revised to November 30<sup>th</sup> or December 1<sup>st</sup> before Council voted on it.

**COMMUNITY RELATIONS AND EVENTS:** Ms. Ramsey presented an overview of what she is working on as the Farmers Market and the Downtown LIVE! Concerts continue.

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

**MAYOR'S REPORT:** Mayor Dodson was absent.

**DAN BRADLEY 2021 AUDIT REPORT:** Mr. Bradley of Young, Oakes and Brown Co., presented some highlights of the Borough's 2021 Audit Report.

**PUBLIC COMMENT:**

**Richard Latker; 703 Allegheny Street:** Mr. Latker gave a brief update on the Community Watchdog activities. He spoke negatively about the Borough's Comprehensive Plan update process.

Jim Fitch, 109 Bel Aire Road: Mr. Fitch discussed unfinished agenda items with respect to how long they remain on as an agenda item.

Joel Koss, 420 Wayne Street: Mr. Koss complained about the overgrowth at Chimney Rocks.

Mark Slonaker; President; Phoenix Volunteer Fire Department: Mr. Slonaker reported on the department's activity in the last month.

Elda Brown, 128 Bedford Street: Mrs. Brown discussed flooding in Gaysport.

Regis Nale, 204 BelAire Road: Mr. Nale discussed the comprehensive plan and stormwater runoff.

Adam Cruse, 1308 Walnut Street: Mr. Cruize discussed water runoff/flooding issues and his confidence in the Borough to manage these water problems.

**OPEN AGENDA:**

Mr. Leahey: a plan for stormwater runoff mediation and an update on the comprehensive plan from the engineering firm that is contracted to do the update.

Mr. Mielnik: continuing discussion regarding stormwater runoff.

Mr. Ketner: stormwater runoff.

Ms. Baker: stormwater runoff.

Mr. Kalista: stormwater runoff.

**RESOLUTION NO. 2022-29: CONSENT AGENDA:** Mr. Gehret asked for Council's consideration of Resolution No. 2022-29 for bill list number 9 totaling \$103,702.49, the approval of one certificate of appropriateness at 313, 315, 317, and 319 Wayne Street, and the 2022 MMO's for uniform and non-uniform pensions. A motion was made by Mr. Ketner and was seconded by Mr. Kalista to approve Resolution No. 2022-29. A vote was taken with the motion carrying, seven votes to zero votes.

**RESOLUTION NO. 2022-29  
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 8, 2022 authorizes payment of expenses totaling \$203,702.49 consisting of accounts payable and owing the Borough of Hollidaysburg from duly appropriated moneys is hereby approved.
- 2) **One Certificate of Appropriateness** are to be Approved and Council Authorizes the Zoning Administrator to issue Certificates of Appropriateness/Zoning Permits

as follows:

**a. 313, 315, 317, and 319 WAYNE STREET– INSTALL A METAL – TIM MADDEN**

- Install a metal roof over existing shingles on two apartment buildings
- The apartment buildings appear on the property records as 324 – 326 Allegheny Street and that Allegheny Street structure is classified as a Contributing Structure within the Historic District; however, the Historic Survey makes no mention of the apartment buildings on Wayne Street
- The project complies with C-2 Zoning District regulations
- A UCC Building/Zoning Permit is required

3) The Minimum Municipal Obligation (MMO) for the Uniformed Pension Plan for 2022 has been duly filed and is hereby accepted.

4) The Minimum Municipal Obligation (MMO) for the Non-Uniformed Pension Plan for 2022 has been duly filed and is hereby accepted.

**DULY** adopted by the Council of the Borough of Hollidaysburg this 8<sup>th</sup> day of September, 2022.

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

ATTEST:

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

**WATER DISCHARGE INTO THE STREETS:** Mr. Harbison gave an update on this item.

**DISCUSSION: STORMWATER RUNOFF:** Council participated in discussion regarding stormwater issues in the Borough.

**DISCUSSION: SIDEWALKS IN THE BOROUGH:** There was a continued discussion about sidewalks repair and the grant applications.

**DISCUSSION: THE BOROUGH STREET SWEEPER:** Mr. Gehret and Mr. Leahey presented an update on the Borough Street Sweeper.

**REQUEST FROM GANNETT FLEMING FOR CONTRACT EXTENSION:** Mr. Harbison discussed this request with Borough Council. Following discussion, Mr. Leahey made a motion to grant a four-month extension to November 30, 2022 for Gannett Fleming to complete the comprehensive plan update. Mr. Burke seconded the motion and a vote was taken. The motion carried with seven votes in favor.

**REQUEST FOR SHOW CAUSE HEARING FOR DANGEROUS STRUCTURE AT 308 BLAIR STREET:** A motion was made by Ms. Baker and was seconded by Mr. Mielnik to conduct a show cause hearing for 308 Blair Street. A vote was taken and the motion passed with seven votes in favor to zero votes against. Mr. Harbison advised that this will be scheduled for October.

**DISCUSSION: CDBG 2022 APPLICATION:** Mrs. Illig was in attendance to discuss the CDBG program and choosing a project for the 2022 application. Surveys to determine eligibility for low to moderate income neighborhoods will continue. Ms. Baker made a motion continue to fund housing rehab, to rehab sidewalks from Front to Mulberry Streets, and to have an engineer's opinion about stormwater management in Gaysport near the two streams. Mr. Kalista seconded the motion and the motion was passed, seven votes in favor to zero against.

**AWARD THE SLUDGE HAULING AND DISPOSAL CONTRACT:** Bids were received for the Sludge Hauling and Disposal Contract. A motion was made by Mr. Ketner and was seconded by Mr. Leahey. A vote was taken and the motion carried with seven in favor and zero against.

**RESOLUTION NO. 2022-30 APPROVING A LOT LINE ADJUSTMENT PLAN: 509 AND 511 ALLEGHENY STREET:** Mr. Leahey made a motion to approve Resolution No. 2022-30 to approve a lot line adjustment plan for 509 and 511 Allegheny Street. Mr. Kalista seconded the motion and a vote was taken. The motion carried with seven votes in favor and zero votes against.

**RESOLUTION NO. 2022-30  
APPROVING A RESUBDIVISION / LOT LINE RELOCATION PLAN  
FOR RICHARD E. LATKER AND MARK A. & LISA A. BROADRICK  
AT 509 & 511 ALLEGHENY STREET, HOLLIDAYSBURG**

**WHEREAS**, an application for a RESUBDIVISION/LOT LINE RELOCATION PLAN has been filed with the Borough of Hollidaysburg by Richard E. Latker, property owner of 511 Allegheny Street, Hollidaysburg and identified as tax parcel 11.02-09.-017.00-000 and Mark A. and Lisa A. Broadrick property owners of 509 Allegheny Street, Hollidaysburg and identified as tax parcel 11.02-09.-017.01-000 (hereinafter referred to as the APPLICANTS); and

**WHEREAS**, the APPLICANTS desire to adjust property lines to transfer 540 square feet of property from 511 Allegheny Street to 509 Allegheny Street for the reconfiguration of both lots to have a consistent width for the entire length between Allegheny Street and Cherry Alley along with delineated cross access easements for parking and pedestrians (hereinafter referred to as the PROJECT); and

**WHEREAS**, the APPLICANTS have filed an application for a RESUBDIVISION/LOT LINE RELOCATION PLAN approval of the PROJECT; and

**WHEREAS**, Borough Staff has reviewed the proposed RESUBDIVISION/LOT LINE RELOCATION PLAN and has found it to be in full compliance, as a RESUBDIVISION PLAN with all applicable provisions of the Borough's Zoning and Subdivision and Land Development Ordinances; and

**WHEREAS**, the Hollidaysburg Planning Commission reviewed the proposed RESUBDIVISION/LOT LINE RELOCATION PLAN at its September 6, 2022 meeting, and has forwarded a recommendation for APPROVAL to Borough Council; and

**WHEREAS**, BOROUGH COUNCIL has determined that the RESUBDIVISION/LOT LINE RELOCATION PLAN constitutes a RESUBDIVISION PLAN in full compliance with the Hollidaysburg Zoning and Subdivision and Land Development Ordinances; and

**WHEREAS**, the BOROUGH has the power to APPROVE a RESUBDIVISION/LOT LINE RELOCATION PLAN deemed to be in conformance with the Hollidaysburg Zoning and Subdivision and Land Development Ordinance.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Hollidaysburg, Blair County, Pennsylvania, that the application and submission, as filed by the Developer, is hereby approved.

**DULY** approved by the Council of the Borough of Hollidaysburg this 8th day of September, 2022.

---

Joseph A. Pompa, Council President

ATTEST:

---

Patricia J. Duron, Borough Secretary

**RESOLUTION NO. 2022-31 COMPLYING WITH THE REQUIREMENTS OF ACT 57 OF 2022:** Mr. Kalista made a motion to approve Resolution No. 2022-31 to comply with the requirements of Act 57 of 2022. A vote was taken and the motion carried with seven votes in favor to zero votes against.

**BOROUGH OF HOLLIDAYSBURG  
RESOLUTION NO. 2022-31**

---

**A RESOLUTION  
OF THE BOROUGH COUNCIL OF THE BOROUGH OF  
HOLLIDAYSBURG COMPLYING WITH THE  
REQUIREMENTS OF ACT 57 OF 2022 (HB 430) WHICH  
AMENDS THE LOCAL TAX COLLECTION LAW TO  
ALLOW TAXPAYERS WHO FAIL TO RECEIVE A TAX  
NOTICE DURING THEIR FIRST YEAR OF OCCUPANCY  
TO RECEIVE A WAIVER OF PENALTIES AND  
ADDITIONAL COSTS FROM THE TAX COLLECTOR,  
AFTER BEING SHOWN PROOF OF THE PROPERTY  
TRANSFER, AND DIRECTING OTHER NECESSARY  
AND PROPER ACTION.**

---

**WHEREAS**, on July 11, 2022, the Governor signed a new law amending the act of May 25, 1945 (P.L.1050, No.394), entitled "An act relating to the collection of taxes levied by counties, county institution districts, cities of the third class, boroughs, towns, townships, certain school districts and vocational school districts; conferring powers and imposing duties on tax collectors, courts and various officers of said political subdivisions; and prescribing penalties," further providing for effect of failure to receive tax notice.

**WHEREAS**, the new law amended Section 7 of the act of May 25, 1945 (P.L.1050, No.394), known as the Local Tax Collection Law.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Hollidaysburg (the "Municipality"), as follows:

**SECTION I - DEFINITIONS.** As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

- (A.) The term "additional charge" shall mean any interest, fee, penalty or charge accruing to and in excess of the face amount of the real estate tax as provided in the real estate tax notice.

- (B.) The term "municipality" shall mean the Borough of Hollidaysburg, Blair County, Pennsylvania.
- (C.) The term "qualifying event" shall mean:
  - (i) for purposes of real property, the date of transfer of ownership.
  - (ii) for purposes of manufactured or mobile homes, the date of transfer of ownership or the date a lease agreement commences for the original location or relocation of a mobile or manufactured home on a parcel of land not owned by the owner of the mobile or manufactured home. The term does not include the renewal of a lease for the same location.
- (D.) The term "tax collector" shall mean a tax collector as defined in section 2, a delinquent tax collector as provided in section 26.1, the tax claim bureau or an alternative collector of taxes as provided in the act of July 7, 1947 (P.L.1368, No.542), known as the "Real Estate Tax Sale Law," an employee, agent or assignee authorized to collect the tax, a purchaser of claim for the tax or any other person authorized by law or contract to secure collection of, or take any action at law or in equity against, the person or property of the taxpayer for the real estate tax or amounts, liens or claims derived from the real estate tax.

**SECTION II - PROCEDURE.**

- (1.) Effect of Failure to Receive Tax Notice.--
  - (a) Failure to receive notice shall not relieve any taxpayer from the payment of any taxes imposed by any taxing district, and such taxpayer shall be charged with his taxes as though he had received notice.
  - (b) (1) Notwithstanding any other provision of law, the tax collector is required to waive additional charges for real estate taxes beginning in the first tax year after the effective date of this subsection, if the taxpayer does all of the following:
    - (i) provides a waiver request of additional charges to the tax collector in possession of the claim within twelve months of a qualifying event;
    - (ii) attests that a notice was not received;
    - (iii) provides the tax collector in possession of the claim with one of the following:
      - (A) a copy of the deed showing the date of real property transfer; or
      - (B) a copy of the title following the acquisition of a mobile or manufactured home subject to taxation as real estate showing the date of issuance or a copy of an executed lease agreement between the owner of a mobile or manufactured home and the owner of a parcel of land on which the mobile or manufactured home will be situated showing the date the lease commences; and

(iv) pays the face value amount of the tax notice for the real estate tax with the waiver request.

(2) A taxpayer seeking a waiver of additional charges shall utilize the form prepared by the Department of Community and Economic Development, which form Act 57 directs it to develop and provide to each taxing district.

(3) A taxpayer granted a waiver and paying real estate tax as provided in this subsection shall not be subject to an action at law or in equity for an additional charge, and any claim existing or lien filed for an additional charge shall be deemed satisfied.

(4) A tax collector that accepts a waiver and payment in good faith in accordance with this subsection shall not be personally liable for any amount due or arising from the real estate tax that is the subject in the waiver.

**SECTION III.** Proper officers of this municipality are authorized and directed to execute all documents and to do all other acts that may be necessary and proper to carry out this Resolution and the undertakings of this municipality.

**SECTION IV.** All other resolutions or parts of resolutions inconsistent herewith expressly are repealed to the extent of such conflict.

**SECTION V.** In the event any provision, section, sentence, clause or part of this Resolution shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of this Resolution, it being the intent of this municipality that such remainder of this Resolution shall be and shall remain in full force and effect.

**SECTION VI.** This Resolution shall become effective January 1, 2023.

**DULY ADOPTED**, by the Borough Council of the Borough of Hollidaysburg, in lawful session duly assembled, this 8<sup>th</sup> day of September, 2022.

BOROUGH OF HOLLIDAYSBURG

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

ATTEST:

\_\_\_\_\_  
Patricia J. Duron, Secretary  
(SEAL)



**APPROVE A FIREWORKS PERMIT:** Borough Council reviewed an application to for a permit for a firework display by Epic Pyrotechnics LLC. A motion was made by Mr. Kalista to approve the permit. Mr. Mielnik seconded the motion and a vote was taken. The motion was approved with six votes in favor to one vote against.

**DISCUSSION: SOLAR POWERED SPEED MONITORING DEVICE:** Council discussed the estimates and request from Mayor Dodson to approve the purchase of a solar powered speed monitoring device. A motion was made by Mr. Kalista to approve the purchase of the TC 400 Device. Mr. Ketner seconded the motion and a vote was taken. The motion was passed with seven votes in favor.

**REQUEST FROM THE HASD TO DESIGNATE BOROUGH COUNCIL:** The HASD is requesting to use Borough Council Chambers as a media site in the event that there is an event that requires an evacuation of one of their schools. A motion was made by Mr. Leahey and was seconded by Ms. Baker to approve the request. A vote was taken and the motion passed with seven votes in favor to zero votes against.

**ADJOURN:** At 8:35 PM President Pompa adjourned the meeting.

---

Patricia J. Duron, Borough Secretary