

**BLAIR TOWNSHIP BOARD OF SUPERVISORS
375 CEDARCREST DRIVE
DUNCANSVILLE, PA 16635**

MINUTES OF THE MONTHLY MEETING OF JUNE 13, 2017

Chairman Edward Silveti called the meeting to order at 7:00 p.m. and led the assembly in the salute to the flag.

In attendance were Chairman Silveti and Supervisors Palmer Brown and Richard Lasek, Secretary/Treasurer Betty Robertson, Police Chief Roger White, Building Code and Ordinance Enforcement Officer Donald Ott, Road Foreman John Reed, Chris Dutrow of Stiffler, McGraw & Associates and Solicitor Michael Rouch.

Chairman Silveti announced that an Executive Session for the purpose of discussing personnel issues was held on Tuesday, May 30th, 2017 at 7:00 p.m.

Chairman Silveti announced that an Executive Session for the purpose of discussing the contract negotiations with the Township's Police Collective Bargaining Unit will be held following this evening's business meeting.

Chairman Silveti announced: "Public comment is both welcomed and invited. Any persons wishing to speak on an agenda item or during the public comment period will be limited to five minutes per person." Attendees were asked to silence their cell phones.

Supervisor Brown made a motion to approve the minutes of the Monthly Business Meeting of May 09, 2017. Supervisor Lasek seconded the motion. The motion passed with a unanimous vote.

Disbursements for the month of May: Payroll and payroll liabilities totaled \$54,573.98; General Fund disbursements for the month of May totaled \$21,767.02; Capital Reserve disbursements totaled \$115.92; and Local Services Tax disbursements totaled \$2,395.50. Supervisor Lasek made a motion to approve total disbursements in the amount of \$78,852.42. Supervisor Brown seconded the motion. The motion passed with a unanimous vote.

Supervisor Lasek made a motion to approve the Treasury Balance for May 2017 as \$1,102,988.07. Supervisor Brown seconded the motion. The motion passed with a unanimous vote.

Supervisor Lasek made a motion to approve the "Specific Service Investment Account Funds" Treasury Balance for May 2017 as \$160,508.75. Supervisor Brown seconded the motion. The motion passed with a unanimous vote.

Chairman Silveti announced that anyone wishing to address the Supervisors may do so now. The Chairman then recognized the parties relative to the proposed **Sidewalk Ordinance**

discussion; **Brian and Donna Meiser** accompanied by their legal counsel, Attorney Matt Gieg, Chairman Silvetti stated that with no objection, he would like to move Agenda Item # 09 to the # 01 position. There were no objections.

Chairman Silvetti stated his concern with the **PA DOT Newry Bridge Agreement** approved at the May Supervisor's Meeting, commenting that it is atypical for PA DOT to assign maintenance and repairs, including ADA associated upgrades, to a municipality.

Chairman Silvetti commented that once the proposed Ordinance is adopted, it would be the Meisers' responsibility to maintain the sidewalk, noting that the maintenance would include all maintenance issues; snow removal, repairs and some additional items, referencing the Second-Class Township Code; Article XXIV. He stated that the proposed Ordinance would pass the responsibility onto the abutting property owners, Brian and Donna Meiser (Leighty's Farm Market).

Chairman Silvetti called on Supervisor Brown to explain the proposed Sidewalk Ordinance to the assembly, but specifically referencing attendance this evening by Mrs. Meiser and legal counsel.

Supervisor Brown disagreed with Chairman Silvetti's previous statement, commenting that the maintenance responsibility remains with Blair Township, as per the PA DOT Agreement. He stated that the Ordinance would not only apply to a section of the Township, but it applies to all sections. Supervisor Brown stated that the Meiser's property is not adjacent to the bridge. Chairman Silvetti asked for a legal opinion. Solicitor Rouch reaffirmed Supervisor Browns comment, noting that waters of the Commonwealth are not property and that the maintenance responsibility remains the Townships with or without the Sidewalk Ordinance in place. Chairman Silvetti requested that Solicitor Rouch put his opinion in writing for the record.

Solicitor Rouch commented that there is no Township Ordinance imposing maintenance on residents, however, the Township could impose the sidewalk maintenance onto the adjoining or abutting property owner by ordinance.

Supervisor Lasek stated that the bridge project has simply brought the need to adopt a Sidewalk Ordinance to a head. Supervisor Brown stated that it was intended as a draft Ordinance for review and discussion. Supervisor Brown said it was his intent to present it and go through it with the possibility to formally address it at a future meeting. Chairman Silvetti suggested that the maintenance responsibility needs to be clarified. Supervisor Brown said it clearly would include any sidewalk leading up to the bridge as the adjacent property owner's responsibility, also commenting that there is no sidewalk planned for the Leighty Market side of the bridge.

Attorney Matt Gieg addressed the Supervisors on behalf of his clients, the Meisers. He questioned the finalization of the bridge plan. Penn DOT stated that the stormwater portion would have needed to be re-designed without the Township's approval of the Sidewalk Maintenance Agreement, this due to the curbing being incorporated into the design. The curbing remains PA DOT Right of Way.

Attorney Matt Gieg reaffirmed that the sidewalk does not extend beyond the bridge. Also, commenting on routine delivery trucks and the proposed curbing. Supervisor Lasek stated that the curbing and the sidewalk are different issues. Chairman Silvetti suggested that the Meisers meet with PA DOT officials to review the plan. Chris Dutrow noted that the plan is sealed by a Lee Smith.

Mr. Meiser stated that he is concerned with liability, noting that there is nothing in place to date, extending to the bridge. He reaffirmed with legal counsel that the sidewalk maintenance is not theirs. The Greenleaf property would adjoin a sidewalk leading to the bridge. Attorney Gieg stated that the PA DOT Agreement has an indemnity provision and penalty clause.

Supervisor Lasek stated that he is taken back by the comments made due to the PA DOT Agreement. He expressed his anger in having the PA DOT Agreement being depicted as one-sided, or as the two government entities being unfriendly toward each other. In his opinion, the PA DOT Newry Bridge Agreement is no different than the MS-4 park project in which the Township has agreed to maintain the stormwater project indefinitely. He commented that the funds to build the stormwater project were provided through a government grant and the funds to build the sidewalk on the bridge will also be provided by State government funds. Noting neither project cost the Township anything to build, but, both come with an indefinite maintenance commitment, commenting that's "just what we do every day here".

Chairman Silvetti proceeded with the agenda.

Bids were opened for the **2017 Liquid Fuels Road Paving Project**. Glenn O. Hawbaker bid \$113,901.80, Grannas Bros. Stone & Asphalt bid \$120,678.05 and New Enterprise Stone & Lime Co. bid \$101,269.00. Supervisor Brown made a motion to tentatively accept the low bid in the amount of **\$101,269.00** as submitted by **New Enterprise Stone & Lime Company**, pending the Solicitor's review of the bid documents. Supervisor Lasek seconded the motion. The 2017 paving project includes Patchway Road and Drexel Lane. The motion passed with a unanimous vote.

The **Ronald and Maureen Leighty Subdivision** plan was briefly discussed. The plan was conditionally approved at the June 3rd Blair Township Planning Commission Meeting. Outstanding issues remain as outlined in the review letter as prepared by Stiffler, McGraw Associates, dated June 06, 2017. Supervisor Brown made a motion to **table the Ronald and Maureen Leighty Subdivision** plan. Supervisor Lasek seconded the motion. The motion to table passed with a unanimous vote. The Municipal Review period will end 09/03/2017.

Supervisor Brown made a motion to **approve signing**, and submitting to DEP, the **Ronald and Maureen Leighty Sewage Facility Planning Module; Component 1**. Supervisor Lasek seconded the motion. The motion to sign and submit the module to DEP passed with a unanimous vote.

Solicitor Rouch has prepared a revised **Variance Agreement** on behalf of **Daniel and Beth Norris**. The variance incorporates changes to the previous agreement concerning the inground pool patio and walkway. Supervisor Brown made a motion to **approve the revised Norris**

Variance Agreement. Supervisor Lasek seconded the motion. The motion passed with a unanimous vote.

Chairman Silvetti stated that the Township has gone through an extensive process to hire a full time **Administrative Officer**. He noted that a Job Offer has been made to Lacey Vandevander. She has accepted the offer. Supervisor Lasek made a motion to **approve hiring Lacey Vandevander at \$15.00 per hour** with employment beginning on **July 5th, 2017**. Supervisor Brown seconded the motion. Chairman Silvetti abstained from voting, but commented that Lacey is the top candidate for the position. The motion passed with two yes votes. Chairman Silvetti provided no reason for his abstention.

The **Pleasant View Phase 4 Development** request for release of the **Maintenance Bond** was discussed. Chris Dutrow commented that two areas of repair or replacement were needed: The detectible warning surface (for the visually impaired) on the sidewalk adjacent to Lot 95 is damaged and needs repaired. Also, the sidewalk adjacent to Lot 209 is damaged and needs a section replaced. Once these items are completed, the Supervisors would then be able to vote on release of the bond. Also, park-type benches within the Township right of way are in disrepair and due to liability concerns need to be addressed by the developer. Supervisor Brown made a motion to allow the **developer 30-days to repair the benches with composite material** or to **remove the benches all together**. Supervisor Lasek seconded the motion. Chris Dutrow will revise his original letter of June 13th to reflect the Supervisors decision. The motion passed with a unanimous vote.

Doreen Luther, representing the **Foot of Ten Parent Teacher Organization**, addresses the Supervisors. Ms. Luther explained the need for funding to aid in the organizations **playground renovation project**. The playground was constructed approximately 24 years ago and the equipment is the original equipment. She noted that, even though the playground is not located in Blair Township, it is still worthy of funding as it serves all of the surrounding community, not only Foot of Ten. It is open to the public during non-school hours. The PTO has applied for grants, conducted multiple fund raisers, and also solicited local businesses for donations. Currently they are approximately \$10,000 short of achieving their \$50,000 goal. Supervisor Brown questioned the annual upkeep costs, Ms. Luther does not know, but stated that Allegheny Township has agreed to provide an annual donation to aid the playground. Ms. Luther stated the Hollidaysburg Area School District will not support the project.

Chairman Silvetti clarified this Phase I and Phase II of the PTO project are expected to be completed this year with an estimated cost of \$37,900, which does not include swings. The PTO currently has \$30,100 committed. Chairman Silvetti stated the Township's Capital Reserve expenditures are budgeted in advance. Chris Dutrow commented that Dave Pertile, Solicitor for Allegheny Township has drawn up a Resolution for their commitment, referencing a sidewalk and brick fundraiser. Chairman Silvetti assured Ms. Luther that the Supervisors will take the request for financial aid into consideration.

Four vendors were solicited for the **2017 Line Painting Project**. Alpha Space was the low and only bid at \$9,518.30. Supervisor Brown made a motion to approve the Alpha Space proposal in the amount of **\$9,518.30**. Supervisor Lasek seconded the motion. The Patchway Road Line

Painting is to be included in the 2017 Paving Project and is not included in this proposal. The motion to **award Alpha Space the 2017 Line Painting contract** passed with unanimous vote.

Supervisor Brown made a motion to approve the **Speed Reduction Sign** as proposed by PA DOT for **SR 3013**; approaching the Newry Bridge. Supervisor Lasek seconded the motion. Chief White noted that there are approximately 30 citations issued in that specific zone monthly. It is a dangerous area, as the traffic bottlenecks. Currently, there is a lot of signage in that area. The sign will become the responsibility of Blair Township, which will include, insuring it, replacement of light bulbs, and monthly electric bills. The motion to approve the **PA DOT Agreement** accepting responsibility of the **Speed Reduction Sign** passed with a unanimous vote.

Chris Dutrow reported on the final site visit to **Chris Weidley's Development; Manor Park Lot #10**. Mr. Dutrow recommended full release of the funds held. The developer has stabilized the site, noting it is not aesthetically pleasing, but it is stabilized. Supervisor Brown made a motion to **approve the release of the financial security held** regarding the **Weidley Manor Park, Lot 10 Development**, release is to follow receipt of payment of all engineer's review fees. Supervisor Lasek seconded the motion. The motion to approve the full release, contingent on payment of review fees, passed with a unanimous vote.

Chairman Silvetti called for **Other Business**.

Solicitor Rouch commented that the request for aid for the **Foot of Ten Playground Renovation Project** can be authorized as a "**Recreational Program**" under §2203(d) of the Second Class Township Code.

Supervisor Lasek offered **condolenses** due to the passing of the former **BCATO Secretary, Glen Clapper**. Mr. Clapper will be remembered for his many years of service to the local municipalities.

Chairman Silvetti called for anyone not on the agenda that wished to speak.

There being no further business, Chairman Silvetti announced that immediately following adjournment an Executive Session is being held for the purpose of discussing personnel and legal issues.

Supervisor Brown made a motion to **adjourn**. Supervisor Lasek seconded the motion. The motion to adjourn passed with a unanimous vote.

The meeting adjourned at 8:13 p.m.

Respectfully Submitted by:

Betty Robertson
Secretary/Treasurer