

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

MINUTES OF THE MONTHLY MEETING OF AUGUST 13, 2019

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

In attendance were: Chairman Silvetti, Supervisor Palmer Brown and Supervisor Paul Amigh, II; Secretary/Treasurer, Betty Robertson; BTPD Chief, Roger White; Building Code and Ordinance Enforcement Officer, Donald Ott; Highway Foreman, John Reed; Chris Dutrow, PE, of Stiffler, McGraw & Associates; and Solicitor Michael Rouch.

Chairman Silvetti announced: "An Executive Session will be held at the conclusion of tonight's business meeting to discuss a personnel issue."

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

Supervisor Brown made a motion to approve the minutes of the Monthly Business Meeting of July 09, 2019. Supervisor Amigh seconded the motion. The motion passed with a unanimous vote.

Disbursements for the month of July were reviewed. Secretary-Treasurer Robertson presented as follows: Payroll totaled \$29,764.97; General Fund disbursements and payroll liabilities for the month of July totaled \$82,462.22; Liquid Fuels disbursements were \$49,618.57; Capital Reserve disbursements were \$2,326.50; Local Services Tax disbursements, \$46,724.36; and Stormwater Management Fund disbursement of \$22,499.74. Supervisor Brown made a motion to approve total July disbursements in the amount of \$233,396.36. Supervisor Amigh seconded the motion. The motion to approve the total July disbursements in the amount of \$233,396.36 passed with a unanimous vote.

Supervisor Brown made a motion to approve the Treasury Balance for July 2019 as \$1,068,801.01. Supervisor Amigh seconded the motion. The motion passed with a unanimous vote.

Supervisor Brown made a motion to approve the "Specific Service Investment Account Funds" Treasury Balance for July 2019 as \$102,648.57. Supervisor Amigh seconded the motion. The motion passed with a unanimous vote.

Chairman Silvetti then announced that anyone wishing to address the Board of Supervisors could do so at this time.

Ted Ventre spoke, expressing his appreciation, specifically to the Highway Foreman, John Reed, for the excellent job which the Blair Township Highway Department did to repair the underground pipe and the inlet in Manor Park.

Revised plans, as prepared and presented by **Greg Hillard** of Bohler Engineering, were discussed and reviewed for the **O'Reilly Auto Parts Subdivision Plan**. Supervisor Brown made a motion to approve the O'Reilly Auto Parts Subdivision Plan, pending ownership certification. Supervisor Amigh seconded the motion. The motion to **approve the O'Reilly Auto Parts Subdivision Plan passed** with a unanimous vote.

Greg Hillard of **Bohler Engineering** presented a **draft** of the **proposed plan** for the **O'Reilly Preliminary Land Development**, highlighting certain key items, including the underground storage designed to meet stormwater control requirements. Chris Dutrow explained that this is the preliminary land development plan, and that there are review comments, such as easements, the O&M Stormwater Agreement and associated fee, payment of engineering review fees, posting of financial security, and the PA DOT HOP, remaining to be addressed by the developer. It was noted that without the approval of the preliminary plan, the final plan is contingent on addressing the preliminary comments, as noted. Supervisor Brown expressed concern with the proposed parking area, which exceeds the parking requirements for retail and warehouse space. Supervisor Amigh made a motion to conditionally approve the **O'Reilly Preliminary Land Development Plan**, Supervisor Brown seconded the motion. The motion to **conditionally approve the O'Reilly Preliminary Land Development Plan** passed with a unanimous vote. Mr. Hillard reaffirmed that the Blair Township Planning Commission would not require resubmission. He expects completion of the O'Reilly Final Land Development submission by the end of September.

Residual review comments have been addressed by the developer of the **Snare Office Building** on North Juniata Street. Supervisor Brown made a motion to approve the release of the financial security being held. Supervisor Amigh seconded the motion. The motion to **approve full release of the Snare financial security** passed with a unanimous vote.

Chris Dutrow briefly introduced the **Rothrauff Subdivision Plan** as prepared by Todd Beiswenger of Young and Associates, recommending that the Supervisors table the plan due to several review comments yet needing addressed. Supervisor Amigh made a motion to table the Rothrauff Subdivision Plan. Supervisor Brown seconded the motion. The motion to table the Rothrauff Subdivision Plan passed with a unanimous vote. The municipal review period will end on November 16, 2019.

Chris Dutrow introduced preliminary land development plans recently received from Alberto Diaz of GPD Group for a communications tower, titled as the **J119-Frankstown Communications Tower**, recommending the Supervisors table the plan. The tower is to be located off Chimney Rocks Road in Blair Township. A variance request approved and signed by the Borough of Hollidaysburg is included with the land development application. Supervisor Amigh made a motion to table the **J119-Frankstown Communications Tower Preliminary Land Development Plan**. Supervisor Brown seconded the motion. A lengthy discussion followed. Solicitor Rutch commented that the variance is not in proper format and suggested

the developer resubmit the variance in proper format. Solicitor Rouch commented that he would be willing to provide guidance to the applicant. Chairman Silveti expressed concern due to the proposed location of the tower, questioning any negative influence the tower might have on the Chimney Rocks view shed. He recalled the public outcry during an earlier proposed Verizon/Hollidaysburg Communications Tower review. He suggested that the Hollidaysburg Historical Society may want to take a closer look at the project due to the proposed location. Chairman Silveti stated that in all fairness, Jane Sheffield, a lead critic of the earlier proposed Verizon tower, may want to comment, as there may be legitimate issues regarding impact on the historic nature of Chimney Rocks. Supervisor Brown stated that the tower would have both a good and bad effect on the area, noting that it would provide room for additional carriers, but the Airport Ordinance may be an issue as well. The motion to **table the J119-Frankstown Communications Tower** passed with a unanimous vote. The municipal review period will end on November 16, 2019.

Attorney Matthew Gieg, representing his client, **Chris Weidley**, addressed the Supervisors. His client owns a parcel of land that was purchased at a tax sale as one parcel with one tax identification number. Mr. Gieg asserted that the parcel was once four separate parcels and existed prior to the Township's passage of its SALDO. Sometime thereafter, the owner placed on record a deed consolidating the four parcels into one parcel without obtaining a lot line change pursuant to the SALDO. He has submitted a request for a building permit which has been denied by the Township, per the Solicitor's advice, for failing to conform to the SALDO. Mr. Gieg's client purchased the single parcel at a tax sale. Attorney Gieg contends that the single parcel can be "grandfathered" back to the four original parcels simply by placing on record a deed splitting the single parcel into the original four parcels. He asserts that the Township could contact the Blair County Assessment office and direct it to assign separate parcel numbers without a formal lot line change being submitted. He requested that the Supervisors so act. Solicitor Rouch responded that he is unaware that the Township can simply direct the Assessment office to change the parcel numbers. But even if that were possible, Solicitor Rouch asked Attorney Gieg for appropriate citations supporting his position. Until such legal justifications are provided, he cannot recommend to the Supervisors that they approve Attorney Gieg's request. The Supervisors took no action on this request.

Chris Dutrow reviewed the packet of information received from Keller Engineers on behalf of D. C. Ventre Brothers. A rejection letter was received from DEP for the sewage planning application previously submitted. Keller Engineers has since modified the request to include only the newly created lot. Supervisor Brown made a motion to **approve** signing **Section 8.b.** of the modified **Ventre Brothers Sewage Planning Module**. Supervisor Amigh seconded the motion. The motion passed with a unanimous vote.

Draft **Ordinance No. 2019-01**, approving an **Intergovernmental Cooperation Agreement** for **Street Addressing**, was discussed. Supervisor Silveti stated that he would clarify with General Code as to whether the Ordinance should be classified as Code or Non-Code material. Chapter 344, Article III of the Codification contains the Street Naming and Addressing Guidelines adopted in 2006. Consensus suggested repealing Chapter 344, Article III and placing Ordinance No. 2019-01 in the Non-Code section of the Codification. Solicitor Rouch noted that he will

advertise passing Ordinance No. 2019-01 and repealing Chapter 344, Article III in the same required newspaper advertisement.

Supervisor Amigh made a motion to approve advertising Ordinance No. 2019-01 in cooperation with the participating municipalities under the authority of the County of Blair. Supervisor Brown seconded the motion. The motion to **approve participating in the joint advertising of Ordinance No. 2019-01** passed with a unanimous vote.

Supervisor Amigh made a motion to approve repealing Chapter 344, Article III of the Codification. Supervisor Brown seconded the motion. The motion to **repeal Chapter 344 § 3** of the **Codification passed** with a unanimous vote.

Draft **Ordinance No. 2019-02**, amending **PMRS Defined Benefit Plan, 07-015-5-N (Non-Uniformed) and PMRS Defined Benefit Plan, 07-015-5-P (Police)**, was discussed. The Ordinance is necessary to adopt both Plans Agreements' Restatements, listed with the effective dates of October 01, 2019. Chairman Silveti commented that several of the provisions outlined in the Pension Plans are presently listed under Chapter 88, Articles I and II, of the Code, stating further that it is not necessary to list these specific provisions that are included in the Pension Plans, as these are contained in their entirety in the Restatements and would be included as attachments.

Supervisor Amigh made a motion to approve advertising Ordinance No. 2019-02 for adoption at the September 10th meeting. Supervisor Brown seconded the motion. Solicitor Rouch will advertise. The motion to **approve advertising Ordinance No. 2019-02** passed with a unanimous vote.

Supervisor Amigh made a motion to repeal Chapter 88 Articles I and II of the Code. Supervisor Brown seconded the motion. The motion to **repeal Chapter 88, Articles I and II** of the Code passed with a unanimous vote.

Gary Watters, AMED Executive Director, provided a revised Blair Township AMED Emergency Services Agreement, properly reflecting the appendix, defining the specific designated service areas within the Township. The Agreement indemnifies the Township. AMED will provide annual reports. Supervisor Brown made a motion to approve the Township's acceptance of the AMED Emergency Services Agreement. Supervisor Amigh seconded the motion. The motion to **accept the Blair Township/AMED Emergency Services Agreement** passed with a unanimous vote.

Chairman Silveti reviewed the MS 4 Pollution Reduction Plan, Projects Agreement, prepared by Nathan Karns for ISC consideration. The Agreement is made between the ISC member municipalities, the County and associates of the Lakemont Park Partnership. The Agreement, as proposed, identifies certain BMPs as adjunct projects to the major Pollution Reduction Plan Project of dredging and cleaning out of Lakemont Park Lake. The Lakemont Park Partnership participants have agreed to contribute to the added BMP projects funding, matching other public grant funds as listed in the Agreement. Chairman Silveti stated that there are several opportunities for pollution reduction at the site. This does not increase the Township's financial

exposure. Supervisor Brown made a motion to accept the Agreement. Supervisor Amigh seconded the motion. The motion to **approve the MS 4 Pollution Reduction Plan, Projects Agreement** passed with a unanimous vote. Chairman Silvetti noted that the NPDES Permit Report is due in September, stating that it may be beneficial to have Brian Shura present this at a Supervisors' meeting.

Chief White presented a DCED Letter of Intent regarding **Regional Police Consolidation**. The letter is simply a request for DCED to evaluate possible consolidation of the Blair Township Police Department with the Freedom Township Police Department. The Freedom Township Supervisors have already agreed to explore this consolidation. Chief White commented on how Blair Township could benefit from a consolidation, including with manpower recruitment and retention, emphasizing there are also fewer qualified applicants, possibly due to a general lack of respect that law enforcement. A consolidation may allow for overall better police services. By signing the Letter of Intent, this indicates to the Commonwealth a willingness to talk about the possibility of consolidating the municipal police services. DCED will then provide evaluators, a feasibility study and offer ideas and options. Supervisor Amigh made a motion to sign the DCED Letter of Intent. Supervisor Brown seconded the motion. The motion to **approve** signing the **DCED Letter of Intent** passed with a unanimous vote.

Chairman Silvetti announced that the **DCNR Mini Grant Program (2019-DCNR-01) request submitted to Southern Alleghenies Commission** for the Fort Fetter Park Master Planning, was approved. The amount of the awarded Grant is \$3,000.00, requiring a match of Township funds. Supervisor Brown made a motion to approve the DCNR Grant. Supervisor Amigh seconded the motion. The residents in the vicinity of the park will be solicited for review input. One proposal has been submitted by Stiffler McGraw, and a second by Stephen Parks, for the Master Plan preparation. The motion to **accept** the DCNR **Mini Grant** passed with a unanimous vote.

The Keller Engineer review of the **S & A Homes** development, **Harvest Glen Streets Dedicaton**, was received. Representatives from S & A Homes are scheduled to meet with the Township on Wednesday, August 14th at 1:00 p.m. to review the comments as outlined on the report. Chairman Silvetti commented on 2007 Developer's Agreement, noting his specific concerns with the responsibilities placed on a Home Owner's Association. For the Township to accept dedication of the **Harvest Glen** streets, the engineer's review comments will need to be satisfied by the developer.

Officer Ott requested input with reference to the **Blair Township Floodplain Ordinance**, noting recent variance requests for s placement of accessory structures, etc. A lengthy discussion took place. The Floodplain Ordinance follows FEMA regulations, mandating no encroachments (including fill), new construction or substantial improvements. Officer Ott stated that issues arise when people place structures in a designated flood area without first contacting the Township. It was determined that due to the FEMA regulations, the Supervisors are not willing to entertain variance requests. If the property owner has information that contradicts the Ordinance requirement, they will be responsible to bring it before the Board of Supervisors for consideration. Officer Ott stated that the remedy is "ugly"; enforcement could mean citations and the required removal of structures.

Chairman Silvetti commented on shoddy construction of storm water infrastructure throughout the Township, as identified by the Township's highway department staff while performing routine maintenance, with inlets. It appears much of this shoddy work could have avoided had Township-mandated inspections been exercised. Chris Dutrow commented that many municipalities are now requiring rigid **onsite inspections** during the placement of municipal infrastructure.

Trina Illig, Community Development Block Grant Administrator, announced that the Township has received funding allocation in the amount of \$95,240., which is an increase of \$2,011 from 2018. The Administrative Costs setaside to the County are 18% of the Grant (\$17,143). She commented that the obvious place to fund the money is in the Housing Rehab category, noting that COBRAH has three Blair Township residents on the waiting list and four are under construction now. The Township still anticipates the BTWSA project, Reservoir Road, with lateral lines and connections covered by CDBG for qualifying residents. Chairman Silvetti made a motion to approve the FY2019 CDBG Grant allocation being placed in Housing Rehab. Supervisor Amigh seconded the motion. The motion to **approve the FY 2019 CDBG Housing Rehab Project Selection** passed with a unanimous vote.

Supervisor Amigh made a motion to conditionally approve the **Baronner/Letcher Variance** as provided by Solicitor Rouch. Supervisor Brown seconded the motion. Solicitor Rouch commented that the variance request is not complete, noting the need for the President of R & M Family Limited Partnership to sign the variance. Mr. Baronner was present and understood that following the signature of Mr. Pennington, the variance could be signed by a Township Official and then recorded by Solicitor. The motion to **conditionally approve the Baronner/Letcher Variance** passed with a unanimous vote.

Supervisor Amigh made a motion to conditionally approve the **McKillop Variance** as provided by Solicitor Rouch. Supervisor Brown seconded the motion. Solicitor Rouch commented that the map, Exhibit B, does not indicate who the owners of the side and back lots are. Following completion of the variance and the proper neighboring approvals, the variance could be signed by a Township Official and then recorded by the Solicitor. The motion to **conditionally approve the McKillop Variance** passed with a unanimous vote.

Solicitor Rouch addressed the Supervisors, requesting they **enact a policy** that variance requestors have their respective attorneys prepare the variance for Blair Township's review and consideration. Chairman Silvetti made a motion to approve enacting a policy, that from this date forward, any and all Variance Requests must be prepared by the Attorneys representing the requestors. Supervisor Amigh seconded the motion. The motion to **approve the Policy for Requesting Variances** passed with a unanimous vote. Solicitor Rouch will prepare and forward a draft outline offering guidance to the variance applicant.

Supervisor Brown made a motion to approve the **PA 1-Call Agreement**, bringing the Township into compliance with the PA 1-Call System requirement. Supervisor Amigh seconded the motion. The motion to **approve the PA 1-Call Agreement** passed with a unanimous vote.

Other Business and Informational Items:

Chairman Silvetti commented that he had spoken with Gary Wisor of Stiffler McGraw. The **Upper Penn Farms Stormwater Report** is nearly complete. He suggested scheduling a Work Session to review the report. All agreed. Dates and times will be forwarded for consideration. The Work Session will be advertised as per Second Class Township Code.

Chairman Silvetti called for any other business. There being none, he called for an Executive Session to discuss a personnel issue. (8:25 p.m.)

Following the Executive Session, the August Supervisors Meeting reconvened.

There being no further business, Supervisor Amigh made a motion to adjourn the Board meeting. Supervisor Brown seconded the motion. The motion to adjourn passed with a unanimous vote. The meeting adjourned at 8:37 p.m.

Respectfully Submitted by:

Betty Robertson
Secretary