

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

**MINUTES OF THE MONTHLY MEETING OF APRIL 12, 2022**

Chairman Paul Amigh, II, called the meeting to order at 6:00 p.m. and led the assembly in the salute to the flag.

Township elected officials and personnel present included Chairman Paul Amigh, II; Supervisor Brad Germaux; Supervisor Lou Lusk; Secretary/Treasurer, Betty Robertson; Chief of Police, Roger White; Building Code and Ordinance Officer, Donald Ott; Road Foreman, John Reed; representing Stiffler McGraw; Eric Banks; and Township Solicitor, Patrick Fanelli.

Chairman Amigh announced that at the close of this evening's meeting an Executive Session will be held for the purpose of discussing a personnel issue.

Visitors: Jason Fajerski and Mike Stoppe, representing Comcast; and Donald Corle and Joe Addink on behalf of Second Amendment Sanctuary Referendum.

Public comment is welcome and invited in accordance with the Township policy and the Commonwealth of Pennsylvania's Right-To-Know provisions and the Sunshine Act.

Supervisor Germaux made a motion to approve the minutes of the Monthly Business Meeting of March 08, 2022. Supervisor Lusk seconded the motion. The motion to approve passed with a unanimous vote.

Disbursements for the month of March: Payroll \$33,971.59; General Fund disbursements and payroll liabilities \$51,881.06; Liquid Fuels \$1,631.63; and Local Services Tax, \$6,798.16.

Supervisor Germaux made a motion to approve the total March disbursements in the amount of \$94,282.44. Supervisor Lusk seconded the motion. The motion passed with a unanimous vote.

Supervisor Germaux made a motion to approve the Treasury Balance for March 2022 of \$1,491,267.53. Supervisor Lusk seconded the motion. The motion passed with a unanimous vote.

Supervisor Lusk made a motion to approve the "Specific Services Investment Account Funds" Treasury Balance for March 2022 of \$125,515.21. Supervisor Germaux seconded the motion. The motion passed with a unanimous vote.

Comcast representatives, Jason Fajerski, Director of Government Affairs and Mike Stoppe, Construction Lead, addressed the Supervisors. The desire is to have the Township consider a franchise agreement allowing Comcast to become a video provider in the municipality. Township residents would be able to purchase video, internet, mobile and Xfinity home and digital voice, adding competition to the services now provided by Breezeline. Comcast is asking

that the Supervisors consider the franchise, negotiate, and hopefully execute in the near future. The first phase of the project is to speak with surrounding municipalities (Hollidaysburg and Duncansville Boroughs and Allegheny Township). Breezeline does not have exclusive franchise rights within the Township. The franchise agreements are to be equivalent, neither party would have a greater benefit than the other. Construction will start in Williamsburg with a thirteen-and-a-half-mile tie-in to Hollidaysburg. Comcast heavily invests in the community. Qualifying families can purchase Internet Essentials for \$9.95 per month. Comcast participates in the Affordable Connectivity Program (ACP), this is a federal program and not all internet providers participate. PA Broadband Development Authority is providing a new program to be released in 2022, at least \$100,000,000 will be in the program to subsidize connectivity. Mr. Fajerski recommended that the Supervisors and the Solicitor review the proposed Franchise Agreement as presented and get back to his associate, Jenn Frees with any questions or concerns. Chairman Amigh stated that the Township welcomes the competition. Comcast representatives are scheduled to meet with ABI (Alleghenies Broadband) established through SAP&DC and with Altoona's Mayor Pacifico to discuss areas to expand, particularly the unserved areas. The Supervisors and Comcast representatives expressed their gratitude, looking forward to negotiations and entering into a franchise agreement.

No new information was received on the **Longshadow & 26 Stone Stand Subdivision Plan** as prepared by Jeff Gunnett on behalf of Thomas Mongold. Eric Banks recommended that the Supervisors table the plan.

Supervisor Germaux made a motion to table the plan. Supervisor Lusk seconded the motion. The motion to **table the Longshadow & 26 Stone Stand Subdivision Plan** passed with a unanimous vote. The municipal review period will end on 06/22/2022.

No new information was received on the **Mattern Woods Subdivision Plan** as prepared by John Sepp, P.E., President of Penn Terra Engineering on behalf of Jeff Long. The municipal review period will end May 13, 2022. An extension will need to be submitted for consideration by the Supervisors at the May meeting.

Supervisor Germaux made a motion to table the plan. Supervisor Lusk seconded the motion. The motion to **table the Mattern Woods Subdivision Plan** passed with a unanimous vote.

**Dennis Estep**, second year Chief of the **Geeseytown Volunteer Fire Company**, stated that Frankstown has upgraded their box alarms and he is looking to upgrade Blair Township's box alarms. He noted that the GVFC's coverage area in Blair Township includes River Road, East View Street, and the portion of Reservoir Road to the intersection of Monastery Road. Mr. Estep presented a detailed chart, titled as an "Enhanced Coverage Request" attempting to explain the proposed change. He explained that the chart added tankers and apparatus from other VFC's. Chairman Amigh indicated that he needed more information before deciding to approve the request. Chairman Amigh thanked him on behalf of the Township for all that the Geeseytown Volunteer Fire Company does for the community and for his willingness to serve the community as a volunteer firefighter.

Chairman Amigh made a motion to **table** the **Enhanced Coverage Request** as submitted by the Geeseytown Volunteer Fire Company. Supervisor Germaux seconded the motion. The motion to table passed with a unanimous vote.

Solicitor Fanelli stated that Ordinance No. 2022-01 Amending the Township's Solid Waste Ordinance, as discussed and approved for advertising at the March Supervisor's meeting is ready for adoption. The amended ordinance removes the time constraints on haulers. Supervisor Germaux made a motion to **adopt Ordinance No. 2022-01 Amending the Township's Solid Waste Ordinance**. Supervisor Lusk seconded the motion. The motion to approve adopting Ordinance No. 2022-01 passed with a unanimous vote.

Attorney Joe Addink and Donald Corl, both members of the Tea Party and representing the **Second Amendment Sanctuary Referendum Intergovernmental Cooperation Agreement**, addressed the Supervisors. Item number four on the revised agreement as drafted by Attorney Addink was explained. He commented that item number four not only has to do with confiscation of guns, but any law that infringes on the Second Amendment rights. He stated that the Sanctuary Referendum was designed to give the citizens of Blair County a way to be protected from municipalities implementing those laws. The idea was that every executive branch (Police) can choose to, or not to enforce laws. He noted that there are two issues; one, a citizen can be forced to go to another township and complain and get that township to act on what their township is doing. The second issue is that ultimately the decision is made by the individual township's whether they are going to choose to enforce the law. Typically, the only people that can sue in a contract are the people in the contract. The standing allows the citizens to be a third-party player giving them the right to have an interest in the contract, and the right to sue. Reasonable attorney's fees are also included in the revised standing, to keep people that cannot afford the attorney fees from disregarding their rights having been violated, due to personal financial restraints. The standing would open the door for any representation to be paid, not just the Solicitor for the County or Municipality.

Chairman Amigh stated that essentially if those rights were violated that someone from the Township could sue for monetary gain. Attorney Addick stated that the only relief was declaratory or injunctive relief and attorney fees. Blair County Solicitor Nathan Karns met with municipal attorneys to draft the original agreement. Mr. Corle expressed his anger that the Tea Party was not invited to have a committee to review the agreement. He feels the agreement was done underhandedly. Chairman Amigh stated for the Tea Party to add the amendment does not fall within the Pennsylvania constitution. Solicitor Fanelli stated that he does not know if he would go as far as saying that you would be legally prohibited. His objection to the provision of the standing is that it is unwise for the municipality to extend standing to any of the residents. He stated that he would never recommend that one of his municipal clients enter into an agreement that extends standing to individuals who are not parties to the contract. Chairman Amigh reaffirmed the opinion that we are opening the Township to too much liability. This standing being added to the agreement adds the ability to bring suit. Attorney Addick feels that the liability issue is overstated because there is also a rule added stating declaratory or injunctive relief. The decision would be binding and the only liability, he feels, would be the attorney's

fees which he guesstimates at \$2,500-\$5,000 per suit. Chairman Amigh asked Solicitor Fanelli to comment on the Fourteenth Amendment noting that the Supervisors are charged with representing everybody in the Township, not just the pro-Second Amendment citizens. Solicitor Fanelli noted that there was opportunity to gauge input from all the residents, as represented by an overwhelming majority of voters. The obligation of the municipalities, and the legal counsel representing them, was to draft and then adopt an agreement that reflected what the ballot said. Development of that Agreement falls by law on the solicitors of the various municipalities. He noted that he is speaking only for himself and not for any of the other solicitors, but that it was always his intention that once the Agreement was drafted for the Municipal clients, it was shared. It was recommended that the draft would be presented in a public meeting for discussion with the constituents. This was simply a case of the Solicitors doing their jobs on behalf of the municipalities that they represent. Attorney Addink stated that they are not arguing the process, but instead the method by which it was handled. As counsel for Blair Township, Solicitor Fanelli feels the Agreement passed in February best represents the wording on the ballot, what the voters petitioned the County to do. The Supervisors adopted the original version of the Second Amendment Sanctuary Referendum Intergovernmental Cooperation Agreement at their February meeting.

Attorney Addink understood that the Municipal Solicitors were responsible for putting together an Agreement. Chairman Amigh stated that he feels that the Agreement that was approved by Blair Township in February represents what the referendum reflected. Attorney Addink stated that it is his opinion that the Supervisors could pass the second, stronger agreement, in conjunction with the original agreement. Any two municipalities could enter into a different version of the agreement. Chairman Amigh stated that the conversation was a discussion, and no vote is required. The Tea Party representatives thanked the Supervisors for the discussion time allotted.

Supervisor Germaux made a motion to approve the private street name, “Workmans Way” as submitted by Blair County 911 addressing on behalf of Steve and Diane Martin. Chairman Amigh seconded the motion. The private street is located off Charger Highway (SR 0036) at the Tussey Mountain site. The motion to **approve** the street name of **Workmans Way** passed with a unanimous vote.

Supervisor Germaux made a motion to appoint Chairman Amigh to contact Joshua Fowler, the Verizon Wireless NASPO Government Account Representative to discuss **Verizon Cell Phone upgrades** for the Township. Supervisor Lusk seconded the motion. The motion passed with a unanimous vote.

Supervisor Germaux made a motion to approve Resolution No. 2022-05 Supporting the PA Commission for the **US Semiquincentennial; America250PA**, as drafted by PSATS. Supervisor Lusk seconded the motion. The Resolution simply outlines Pennsylvania’s history; triumphs and trials, celebrating the contributions of Pennsylvania to both the Commonwealth’s history and to our Nation’s history. The motion to approve **Resolution No. 2022-05** passed with a unanimous vote.

Supervisor Germaux made a motion to approve **soliciting bids** for the **2022 Line Painting Project**. Supervisor Lusk seconded the motion. Advertising is not necessary because the project cost fall within the PA DOT bidding threshold. The motion to solicit bids passed with a unanimous vote.

Supervisor Lusk made a motion to **approve advertising to solicit bids** for the **2022-23 Stone Bid**. Supervisor Germaux seconded the motion. The motion to advertise for Type 2 Anti-Skid (400T), 2A Subbase (600T), and Aashto #1 (100T) passed with a unanimous vote.

Chairman Amigh stated that the **Blair Township Water and Sewer Authority** are constructing a new parking lot. The Authority requested that the Supervisors entertain the idea of **changing the traffic flow** of the Municipal Office parking lot to better accommodate the flow of traffic between the two offices. Chairman Amigh explained the revised ingress and egress as proposed by the Authority. This would entail new signage as well as removal of existing parking space delineation. New directional parking lines would be needed. The Supervisors agreed that they are willing to cooperate if the Authority is willing to bear the expense of the improvements. Chairman Amigh will update the Supervisors at the May meeting.

Following an in-depth discussion, Supervisor Germaux made a motion to approve the use of **ARP** (American Rescue Plan) **funding** to upgrade the **HVAC system** in both the Police Department and the General Office. Supervisor Lusk seconded the motion. The motion passed with a unanimous vote.

Supervisor Germaux made a motion to approve Stiffler & McGraw producing bid forms for the HVAC system. Supervisor Lusk seconded the motion. The projects will be bid individually, the Police Department out of necessity will be bid first. Eric Banks explained that due to the complexity of the General Office project, plans and drawings would need to be prepared and submitted to the third-party inspection agency. The motion to **approve Stiffler & McGraw** to proceed with the individual **bidding process** for the **HVAC system(s)** in the Police Department and then the General Office passed with a unanimous vote.

#### INFORMATIONAL ITEMS:

##### **Harvest Glen Developer's Agreement**

Solicitor Fanelli provided a draft Developer's Agreement, reminding the Supervisors that the Harvest Glen Subdivision, as well as the original Developer's Agreement predates himself as Solicitor and the current Board. The Harvest Glen Subdivision, Phase I, required the Developer (S & A Homes) to come back to the Supervisors with each additional phase. The Subdivision plan as a whole was approved, but the phases require Township approval. The NPDES Permit has expired, a new one will need to be permitted prior to the second phase. Due to changes in standards, some of the stormwater plans will need to be revised. Conversations need to occur prior to the draft Developer's Agreement becoming final. Ben Piper is reviewing the project on behalf of the Township. Solicitor Fanelli requested that the Supervisor's review the draft agreement and let him know of any concerns that they may have. There will be subsequent phases after Phase II.

Minutes of Monthly Meeting of April 12, 2022  
Blair Township Supervisors

Chairman Amigh called for other business. There was nothing additional to report.

Supervisor Germaux made a motion to adjourn the meeting. Supervisor Lusk seconded the motion. The motion to adjourn passed with a unanimous vote. The meeting adjourned at 7:27 p.m.

Respectfully Submitted by

Betty Robertson

Secretary