

**WORK SESSION: TUESDAY, MARCH 8, 2022, 10:00 A.M.**

**Location:** Commissioners Meeting Room, Basement.

*\*Public meetings are being held both in-person and by conference call. To participate in the meeting please dial 1-408-419-1715 or 1-408-915-6290 and enter meeting number 2468097683#*

**Call to Order:**

Commissioner Erb called the meeting to order.

**Moment of Silent Reflection:**

Commissioner Erb called for a moment of silent reflection.

**Pledge of Allegiance to the Flag:**

Commissioner Erb requested that those participating in the meeting please stand and recite the Pledge of Allegiance to the Flag.

**Roll Call:**

**Members Present:**

Commissioner Erb, Commissioner Burke, Commissioner Webster, Chief Clerk Hemminger and Solicitor Karn.

**Others Present:**

Rebecca Robinson (Purchasing), Cris Fredrickson and Kellie Novak (EMA/911), Rev. Roy A. Steward (Public), Marlyn Griffius (Public), Jim Hudack, Melissa Gillin and Trina Illig (Social Services), Bonita Shreve (President of the Blair County 2<sup>nd</sup> Amendment Coalition), Rhonda Holland (Public), Harry Houck, Larry Fulmer, and Arlene Collins (TEAeffort), Ed Figart (Public), Rosalind Merritts (Public), Jessica Sorge (HALAS), Randy Burket (Public), Angela Wagner (Controller's Office), Scott Durbin (Housing Trust Fund Board), Kay Stephens (Altoona Mirror), Jim Pooler (Maintenance), Bryan King (Hollidaysburg Community Watchdog), Donald Corl (Public), James Ott (Sheriff), Patty Swires (Public), Melissa and Vince Bettwy (Public), Joseph Addink (Public), Melissa Harpster and Allison Senkevich (Commissioners Office).

**Upcoming Meetings**

Tuesday, March 8, 2022	7:00 p.m.	Blair County Airport Authority (Blair County Airport)
Wednesday, March 9, 2022		
Thursday, March 10, 2022	10:00 a.m.	*Commissioners Business Session (Commissioners Meeting Room)
Friday, March 11, 2022		
Monday, March 14, 2022		
Tuesday, March 15, 2022	10:00 a.m.	*Commissioners Work Session (Commissioners Meeting Room)

**Approval of Meeting Minutes – 02/24/22 and 03/01/22:**

Commissioner Erb called for corrections or changes to the meeting minutes of 02/24/22 and 03/01/22. **There were no corrections or changes noted.**

Motion by Commissioner Webster, seconded by Commissioner Burke and unanimously approved to accept the minutes as prepared.

**Public Comment:**

Commissioner Erb called for public comment.

Bonita Shreve, Altoona Resident, President of the Blair County 2<sup>nd</sup> Amendment Coalition stated the latest draft sent out by the President of the Tea Party Rhonda Holland, is the exact intergovernmental agreement the people want. She stated it is fair and balanced and it is quite presumptuous if the board does not accept the intergovernmental agreement because it is the will of the people.

Ms. Shreve stated it is her understanding, from speaking to other municipalities, that it would be an error for the governing body to arrogantly dismiss what the people are demanding. She stated we, the people, are not asking you to accept the draft, we, the people, are telling you to accept this draft.

Rosalind Merritts, Hollidaysburg Resident and member of the Second Amendment group organized to go door to door for the petition, stated she has a sound assessment from members of the Blair County Community in support of the amendment. She stated Mrs. Shreve has whole-heartedly spoken for so many in the community.

Ms. Merritts stated the people approved the referendum and it is her hope that the board proceeds with implementing the Tea Party's agreement. She stated she appreciates everything Solicitor Karn and the other solicitors put into an agreement, but thinks it needs more input from the community to make it an agreement for everybody.

Rhonda Holland, Tyrone Resident and President of the Blair County Tea Party, stated the last time she was present at a Commissioners Meeting for public comment, she begged for a citizen's commission for citizens to have a vote or a word in creating the agreement, however the request was ignored. She stated that is why the Tea Party took it upon themselves to draft their own agreement.

Ms. Holland stated she believes the drafted agreement covers all the issues presented and covers every loophole while retaining the right to bear arms.

Marlyn Griffius, Greenfield Township Resident, stated that the draft has been written, and it is time for it to be passed. He asked why the attorneys are watering down the draft. He stated he is addressing each commissioner when he says, if you cannot do your job, there is someone out there who will come election time.

Donald Corl, Hollidaysburg Resident, stated that he finds himself in a position of representing the 17,800+ individuals who signed a petition for the referendum, and although he does not feel comfortable speaking for them, he feels that he needs to. He stated that the final draft took four-4 attorneys a couple of weeks to complete and he feels that this draft is worthy of consideration and simply should not be disregarded. Mr. Corl stated he feels it a disservice to the people who voted yes to the referendum.

Mr. Corl stated that while we hope you take a second look at the draft, we understand there may be parts that we need to look at, and we are very willing to sit down and come up with a draft that is workable for all.

Reverend Roy Steward, Altoona Resident, stated that he sat in with the leaders and appreciates the time they and the attorneys put into this draft. He stated that the people wrote it, when they signed the petition, and they want more than just a resolution; they want something that has backup in case an administration comes into power that suddenly decides it is going to do away with the Second Amendment and everything else that it is based upon.

Reverend Steward stated that he really hopes the Commissioners take into serious consideration what the originators and citizens firmly put together and want.

Joe Addink, Hollidaysburg Resident and Tea Party Treasurer, provided clarification on the specific differences in the two draft agreements and why they drafted their agreement the way they did. In the end, he stated if you compare the two agreements side by side, you would find good reason and logic as to why they put in what they did when amending their current draft.

**Commissioners Comments:**

Commissioner Erb called for commissioners comments. **There were no comments presented.**

**Consent Agenda:**

**Resolution #81-2022:**

- a. Payment of the following four-4 Warrant Lists:

EFFECTIVE DATE	WARRANT NUMBER	AMOUNT
03/08/2022	220308WW	\$424,476.60
03/08/2022	220308CY	\$ 4,274.29
03/08/2022	220308SS	\$281,966.83
03/08/2022	220308FP	\$241,287.20

Which include payment of the following invoices:

- Thomas and Chandra Jandora, in the total amount of \$1,400.00.

- b. Ratification of the following nine-9 Warrant Lists:

EFFECTIVE DATE	WARRANT NUMBER	AMOUNT
03/04/2022	220304RF	\$ 162.78
03/03/2022	220303PO	\$ 800.00
03/01/2022	220301FN	\$117,016.70
03/03/2022	220303HR	\$ 27,740.96
03/01/2022	220301HI	\$569,033.46
03/01/2022	220301SS	\$ 49,637.61
03/01/2022	220301WW	\$ 6,204.71
02/28/2022	220228FS	\$ 2,198.96
02/22/2022	220217RF	\$ 465.82

- c. **2022 Budget Transfer:** For repairs to equipment.

From	\$	To
01103BM-43070	\$1,497.95	01161PA-44810 \$ 390.06
		01161MD-44810 \$1,107.89

- d. **Park & Recreation Advisory Board:** Requesting approval of the resignation of Sue Kovensky from the Park & Recreation Advisory Board effective January 6, 2022. Term to expire April 30, 2022.
- e. **Employment:** Emilie M. Deffenbaugh, PT, Historic Site Assistant II, Ft. Roberdeau, \$11.03/hr., effective 03/07/22; Eden E. VanTries, FT, GIS Mapper/UPI Coordinator I, Assessment, \$16.30/hr., effective 03/07/22; Sandra M. Holencik, From, FT, Payroll Administrator, HR, \$13.40/hr., To, FT, Generalist, HR, \$18.86/hr., effective 03/05/22; Laurie C. Branas, From, FT, Clerk Typist II-Court Aide, CYF, \$11.68/hr., To, FT, GIS Mapper/UPI Coordinator I, Assessment, \$16.30/hr., effective 03/07/22.
- f. **Resignations:** Jaydyn E. Morrison, FT, Assistant District Attorney, District Attorney’s Office, \$46,125.04/yr., effective 03/11/22; Madolienne L. Watson, FT, Social Services Aide I, CYF, \$20,665.84/yr., effective 03/11/22.
- g. **Return from Military Leave:** Brandon L. Lasure, FT, Deputy, Sheriff’s Office, \$15.39/hr., effective 03/07/22.

Commissioner Burke noted her abstention on the payment of an invoice to Thomas and Chandra Jandora due to a conflict of interest.

Motion by Commissioner Webster, seconded by Commissioner Burke and unanimously approved to adopt Resolution #81-2022 with abstention as noted.

**Staff Reports & Special Business:**

**Presentation:**

TEAMeffort

Scott Durbin of TEAMeffort stated that TEAMeffort is a 501(c) 3 non-profit youth mission organization that has brought over 150,000 students and leaders from thousands of churches of different denominations together to work side-by-side on life changing mission experiences.

Mr. Durbin stated that TEAMeffort provides opportunities for youth to put their faith into action through mission projects such as repairing and renovating homes for families in need, building mission and ministry facilities, leading children’s programs, working at homeless shelters, responding to natural disasters, and reaching out to individuals and communities through Christian service.

Mr. Durbin stated that TEAMeffort supplies the projects, tools, materials, site-leadership, meals, music, programs and housing and have been servicing the Altoona/Blair County community for approximately ten-10 years.

Mr. Durbin stated the TEAMeffort groups operate for eight-8 weeks during the months of June and July with groups participating for one-1 week at a time. Groups are housed and provided breakfast and dinner at the Pennview Suites Apartment Complex. In addition to work, groups will engage with other groups and gather each night for worship, games and a time for response at The Lighthouse Ministry. Work will be completed on Thursday and the groups are given time to explore the Altoona area and enjoy its local activities and restaurants.

Mr. Durbin stated that the funds received from Blair County allow TEAMeffort to engage more deeply in providing services to the county. He expressed on behalf of TEAMeffort their sincere thanks and appreciation for the fund disbursement.

**Social Services:**

- a. Melissa Gillin requested approval of an Affordable Housing Trust Fund Program Disbursement to Team EFFORT, in an amount not to exceed \$15,000.00, for renovation to low and moderate income homes within Blair County for the summer of 2022.

Ms. Gillin stated that the Affordable Housing Trust Fund Advisory Board approved the fund disbursement on February 9, 2022.

Discussion followed.

- b. Melissa Gillin requested approval to amend the relinquishment effective date of the Family Center Grant Agreement No. 4100066998 between the Pennsylvania Department of Human Services (DHS) and the County of Blair to United Way of Blair County from April 1, 2022 (approved via Resolution #29-2022 dated January 20, 2022) to July 1, 2022 at the request of DHS.

Ms. Gillin stated that the current Family Center Grant Agreement No. #4100066998 for the provision of Family Center services to at-risk families is held by the Commissioners of Blair County through June 30, 2022. She stated the commissioners approved to relinquish the Family Center Grant to the United Way of Blair County effective April 1, 2022, however, the PA Department of Human Services (DHS) requested to change the effective date to July 1, 2022 due to other funding attached to the grant that cannot be split out with the relinquishment.

Discussion followed.

- c. Trina Illig requested approval for the submission of a FY 2017 Budget Modification to the Commonwealth of Pennsylvania, Department of Community & Economic Development (DCED) under the county's CDBG Contract #C000069656 as follows:
  1. Reduce existing activity for the removal of architectural barriers at the Claysburg Area Community Center (Greenfield Township) in the amount of \$9,413.60 for a new project total of \$59,054.40.
  2. Create new activity for housing rehabilitation (Greenfield Township) in the amount of \$9,413.60.

Discussion followed

**Department of Emergency Services:**

- a. Kellie Novak requested approval of Amendment #1 to the Technical Services Agreement (TSA) by and between the County of Blair and Zito Media Communications, LLC, d/b/a Zito Business, executed on March 12, 2019, authorizing Zito Business to convert the existing commercial grade service to a new secure VPN service, in the total monthly amount of \$1,400.00 (a total monthly increase of \$900.00), effective upon activation, but not prior to May 1, 2022, and extending the term of TSA-2 by thirty-six (36) months resulting in a new expiration date of November 23, 2027. (Installation cost is \$31,256.50)

Ms. Novak stated that Pennsylvania Emergency Management Agency (PEMA) Grant Funds would pay costs associated with the TSA.

Discussion followed.

- b. Cris Fredrickson requested approval of a Professional Services Agreement between the County of Blair on behalf of the Department of Emergency Services and MCM Consulting Group, Inc., to conduct a Commodity Flow Study, involving a manner in which the transportation of hazardous materials flow through the County of Blair by highway, rail and pipeline, in an amount not to exceed \$14,022.65 with \$8,000.00 paid by the FFY 2021-2022 Hazardous Materials Emergency Preparedness (HMEP) Grant, \$2,000.00 paid by the Local Emergency Preparedness Committee (LEPC), \$2,429.74 paid by the 2019-2020 Hazardous Materials Response Fund (HMRF), and \$1,592.91 paid by the 2020-2021 Hazardous Materials Response Fund (HMRF).

Mrs. Fredrickson stated that the study is part of the Hazardous Materials Emergency Preparedness (HMEP) grant and is required every three-3 years and was last completed in 2019. She stated Hazardous Materials Response Fund (HMRF) grant funds cover the costs that are over the HMEP funds and 20% matching funds.

Discussion followed.

- c. Cris Fredrickson requested approval for the submission of the 2021 Annual Report on Hazardous Materials Emergency Response Preparedness (HMERP) within ESA as required by the Pennsylvania Emergency Management Agency (PEMA) by Cris Fredrickson, Operations & Training Coordinator, Blair County Emergency Management Agency, as part of the Hazardous Materials Response Fund Grant Program (HMRF). Said report details the activities and status of the county concerning the threat and preparedness levels currently experienced within the County of Blair, and serves as the 2022-2023 HMRF grant application.

Mrs. Fredrickson stated that the prior year's award was in the amount of \$17,928.00. She stated that the grant award amount is based on application information provided to Pennsylvania Emergency Management Agency (PEMA) and state formula for awards.

Discussion followed.

**Blair County Prison:**

Nicole Hemminger requested approval to advertise for bids for a contract to prepare inmate meals from food primarily provided by the Blair County Prison on an as-needed and short notice basis.

Chief Clerk Hemminger stated that from time to time the prison might experience equipment outages, have employees who test positive for COVID-19 or have other illnesses, or events that may make the preparation of meals for the inmates difficult to undertake. She stated to address these type of emergencies; the county is seeking a vendor that has the ability, capacity and necessary experience/qualifications to provide on limited notice for the preparation of food for inmate meals.

Chief Clerk Hemminger stated that Solicitor Karn prepared the bid specs and contract terms that the successful bidder and county would operate under.

Discussion followed.

**Maintenance:**

Jim Pooler requested approval of a proposal received from McCarl's Preferred Services (MPS) for the installation of a new grinder pump at the courthouse, in the total amount of \$2,050.00.

Discussion followed.

**Commissioner's Office:**

Allison Senkevich requested approval for the submission of a Statewide Local Share Account Program Grant Application to the Commonwealth Financing Authority, in the amount of \$185,400.00, to be used for professional consulting services for a Blair County Prison Feasibility Study, and authorization for Commissioner Bruce R. Erb and Chief Clerk Nicole M. Hemminger to execute all documents and agreements between the County of Blair and the Commonwealth Financing Authority and to facilitate and assist in obtaining the requested grant.

Mrs. Senkevich stated that this is the first time the state has opened this grant opportunity to the entire state of Pennsylvania. She stated the funds are competitive and there is a \$100.00 non-refundable application fee.

Discussion followed.

**Blair County Bridge #82/Frankstown Branch of the Juniata River:**

Chief Clerk Hemminger requested approval of a revision to the Letter of Amendment to the Reimbursement Agreement #R18090005 for Bridge #82 to include a Notice Provision and Exhibit T-01-Title VI Assurances, and authorization for Nicole M. Hemminger to sign said revised Letter of Amendment in the RAS System.

Chief Clerk Hemminger stated that a revision to the Letter of Amendment to the Reimbursement Agreement for the Bridge #82 project is required.

Discussion followed.

**Old Business:**

**Human Resources:**

Requesting approval of a quote received from Tyler Technologies for Blair County ERP PACE 06 Flex for implementation of timekeeping through Employee Self-Service module of MUNIS and additional training options, in the total amount of \$8,325.00.

Item held for a future meeting.

**Second Amendment Sanctuary Referendum Intergovernmental Cooperation Agreement:**

Continued discussion.

Commissioner Webster stated that procedures and rules for intergovernmental agreements (IGA's) are set forth in 53 Pa.C.S.A. Chapter 23. Although these provisions require the municipalities to enter into the IGA, there are requirements and limitations.

Commissioner Webster stated that the Commissioners have received public comments and input from citizens for several weeks, so it seems like a good time to move ahead. She stated at this time there is an Intergovernmental Agreement (IGA) that has been proposed by the solicitors of all the municipalities, which we will call the "Solicitors' IGA", and an IGA that has been proposed by the Tea Party citizens and their attorneys, which we will call the "Tea IGA".

Commissioner Webster stated the need to compare the provisions to see where there is agreement and where there is disagreement, so we can review the differences and see what is required, authorized, and prohibited by Pennsylvania and federal laws.

Commissioner Webster stated that the County Commissioners, the Borough and City Councilors as well as the Township Supervisors all fall under the control of the laws set forth by the PA and federal governments, and to keep in mind that none of us can impose requirements that are not specifically authorized in those laws.

Commissioner Webster stated that the introductory paragraphs are identical, so we will look at comparisons of the paragraphs that are numbered sections after the "Now, Therefore" clause.

Section 1 of the "Tea IGA" begins with the same first sentence as Section 2 of the "Solicitors' IGA". The "Solicitors' IGA" includes an additional sentence which discusses the "conflict of laws" concept. This concept is one that the citizens who expressed their views during public comment had agreed was important to the agreement, so it seems that it is merely an oversight that the "conflict of laws" provision is missing from the "Tea IGA", and it should be included.

Section 2 of the "Tea IGA" seems to create a presumption that any new law pertaining to guns infringes upon citizen rights. This presumption does not appear to be a part of the referendum. Even if it is determined to have been a part of the referendum, she stated that she does not believe that we as county and municipal officials have the statutory authority to create a presumption.

Section 1 of the "Solicitors' IGA" and Section #3 of the "Tea IGA" are identical.

Section 4 of the "Solicitors' IGA" and Section #5 of the "Tea IGA" are identical.

Section 5 of the “Solicitors’ IGA” and Section #6 of the “Tea IGA” are identical.

Section 4 of the “Tea IGA” is an entirely new concept introduced by the citizens. Commissioner Webster stated the issues we will encounter as we analyze this Section would be whether or not we as elected officials have any authority to impose these concepts. If so, can we agree upon them or not? If we do not have authority, is there an alternative we can incorporate into the IGA’s to satisfy the citizens’ concerns and requests?

Section 4 begins with a sentence that grants standing to challenge the new legislation. Commissioner Webster stated standing is the capacity of a party to bring a lawsuit, and established by requirements set forth in statutes or case law. One of the requirements of standing is that the plaintiff/petitioner must have actually suffered an injury. The beginning of that first sentence grants standing “upon passage of any legislation...” Commissioner Webster stated it could not be assumed that the mere passage of legislation creates suffering or injury to the plaintiff/petitioner. She stated that standing is established by action of the state legislature, not by local boards, commissions, or councils.

Section 4 directs that one of the remedies afforded to the plaintiff/petitioner if he or she is successful is an award of attorney fees. Not only was this not addressed in the referendum, it seems to be contrary to the referendum, in that a citizen filing a petition seeking enforcement would likely be naming law enforcement officials as defendants, and if these were local law enforcement, then payment of these fees would be from local taxpayer resources.

Section 4 directs that the Judge assigned to the case will hold a hearing within 7 days. Commissioner Webster stated that Judges are elected officials who fall under the authority of the Commonwealth, and are not subject to rules or impositions pertaining to their judicial duties by the county commissioners or any other local municipal authorities.

Commissioner Webster stated the last two sentences of Section 4 deal with the issue of standards of review. She stated this is a concept not mentioned in the referendum. Standard of review is an item used when appellate courts are reviewing issues in cases on appeal. Since our local county courts are the first level of courts, referred to by the appellate courts as the “lower courts”, the lower courts lack the ability to consider matters on appeal.

Commissioner Burke raised the question of why notice is to be given to the specific officers named in Section 4. She questioned why they would need notified, as well as why they would need standing.

Commissioner Webster stated the Commissioners invite the writers of the “Tea IGA” to provide before the next meeting, statutory or case law authority that would allow the Board to proceed with those issues that are included in the “Tea IGA” but do not appear in the “Solicitors’ IGA”, or other authority or explanations of how these items could be alternatively implemented.

Discussion followed.

**Adjournment:**

Meeting Adjourned,

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Nicole M. Hemminger, Chief Clerk