

The Township meeting held on Sept 6, 2016 at 7:00 PM was called to order and opened with the Pledge of Allegiance.

A moment of silence was held in memory of Mr. Frederick Gieg.

Roll Call of Officers

All members were present; Sec-Treasurer Beverly Henderson, Solicitor Matthew Gieg, Twp. Engineer Richard Bulger were present.

Minutes

A motion was made by James Grove and 2nd by Kenneth Wertz to accept the meeting minutes of August 2, 2016 & August 16, 2016 as presented. The motion passed unanimously.

A motion was made by James Grove and 2nd by Kenneth Wertz to accept the Treasurer report as presented for August. The motion passed unanimously.

Announcements: An executive session was held on September 1, 2016 at 10:00 AM for Real Estate. An executive session was held on September 6, 2016 at 6:30 PM for Real Estate.

General Comments: Sergeant Jendrzejewski was present stating that he is the contact person at the Hollidaysburg Barracks. Officer Jendrzejewski introduce himself as the patrol supervisors and received questions from the audience. Officer Jendrzejewski stated that if anyone had any concerns, they could call the barracks or the Township since a business card was handed to the Secretary. Mr. Dennis Walls as the Chief of the Fire Dept. stated that fire dept. and the state police have a good working relationship. Mr. Lynn Granville questioned about the lawn care companies parking anywhere on the roadway. Mr. Harry Acker questioned about the bicycles on the roadway.

Mr. William Straesser was present to inform the Board of Court proceeding concerning the Waters of the U.S. with the following report:

Several peat mining companies applied for a permit from the Army Corp of Engineers to discharge material onto wetlands on property owned by them in anticipation of mining their land. The Army Corp of Engineers issued a jurisdictional designation stating the property at issue contained "Waters of the US and had a significant nexus to the Red River of the North, located approx... 120 miles away." The District Court dismissed the mining companies appeal due to lack of jurisdiction, but holding the jurisdictional designation was not "A final agency cation for which there is not other adequate remedy"

Parties may challenge a final agency action in the courts rather than awaiting enforcement proceeding if they may be subjected to serious criminal and civil penalties through those proceedings.

The Court citing Bennett V. Spear stated that two conditions must be satisfied for an agency action to be final under the APA. “First the action must mark the consummation of the agency’s decision making process” and “second the action must be one by which rights or obligations have been determined or from which legal consequences will flow.

The Court found that an approved jurisdictional designation satisfied the first condition enunciated in Bennett. Perhaps most importantly, “The definitive nature of approved jurisdictional designations also gives rise to “direct and appreciable legal consequences” thereby satisfying Bennett’s second condition

Additional, a final agency action is reviewable under the APA only if there are no adequate alternatives to APA review in court.

This was an 8-0 discussion in the Court system, this is only the first step in a positive direction.

Stormwater Issue: There was no stormwater issues reported

Old Business:

ALSM Sewer Lateral A motion was made by James Grove and 2nd by George Henry to accept the Quitclaim Deed to extinguish the sewer line located within the Cottage of Blairmont as part of the development. The motion passed unanimously.

A motion was made by James Grove and 2nd by Kenneth Wertz to accept the Right of Way and Easement for the new sewer line located within the Cottage of Blairmont, Supervisor Grove questioned the width of the easement, Engineer Bulger stated it was 20Ft. The motion passed unanimously.

New Business

Wilson Subdivision: A motion was made by Kenneth Wertz and 2nd by James Grove to table the Wilson Subdivision until next month for further discussion. The motion passed unanimously.

Resolution for Grant Application by Blair County Conservation District: A motion was made by James Grove and 2nd by George Henry to adopt the Resolution as part of the MS4 working group to apply for a \$30,000.00 Grant. The resolution is to show that the Conservation District has the Municipal Support. The motion passed unanimously.

A motion was made by James Grove and 2nd by Kenneth Wertz authorizing Clyde Yon and Associates to conduct a certified appraisal on the property next to the Township Office. The motion passed unanimously.

A motion was made by Kenneth Wertz and 2nd by George Henry to formally approve the 2 applications for the Ag Security Area. The motion passed unanimously.

William Calvert has requested that the minutes from last month be corrected to read as follows: Would like to thank the Board of Supervisors as well as Doc. Aswathappa on working towards the lighting issues. Mr. Calvert had also requested a lighting and noise ordinance, he believes that this problem will only get worse. Mr. Calvert stated that he believes that there was a party over at The Barn a couple weeks ago, one question that was raised was when the music stopped and Mr. Calvert stated around 9:00 PM. Engineer Bulger recommend that Engineer Levine drive out and take a look at the lights and make his recommendation to the Board.

Supervisor Grove stated that the Penelec Substation located in Turkey Valley needs to have some cosmetic work done on the grounds. Engineer Bulger stated that there should be the draft plans for the extension in the files. A letter to Penelec is to be drafted requesting that the grass be mowed and the something to be done with the trees that are half dead.

Meeting adjourned with a motion made by James Grove and 2nd by Kenneth Wertz at 7:40 PM.

Secretary Beverly J. Henderson