

August 13, 2009

The regular meeting of the Ligonier Borough Council was held Thursday, August 13, 2009 in the Town Hall with President Dale Show presiding.

Members Present: Dale Show, James McDonnell, Kim Shaffer, Robert Bell, and Sam Banales. Absent were Tom Freeman and Robert Helterbran.

Others Present: Secretary-Treasurer Paul Fry, Mayor Ormond "Butch" Bellas, Engineer Ben Faas, Solicitor George Welty, Police Chief John Berger, and Ligonier Hose Co. #1 Lance Alexander.

APPROVAL OF MINUTES

A motion was made by James McDonnell and seconded by Kim Shaffer to approve the minutes as July 9, 2009 as presented. The motion carried unanimously.

BILLS PAYABLE

A motion was made by Robert Bell and seconded by Sam Banales to approve the Bills Payable. The motion carried 5-0.

CONSENT CALENDAR

A motion was made by Robert Bell and seconded by Kim Shaffer to approve the Consent Calendar as presented. All were in favor.

UNFINISHED BUSINESS

Ordinance #544: Sidewalk Café

Solicitor Welty reviewed the proposed ordinance, which has been properly advertised and ready for action by Council.

A lengthy discussion ensued the proposed outdoor dining ordinance with comments, questions and concerns from residents Maryann McCauliffe, Diane Cipa, Diane Stewart as well as attorney Richard Flickinger and Mayor Bellas.

Mayor Bellas stated that if Council passes the ordinance tonight on the Outdoor Café that he will veto it based on the fact that he feels the ordinance is "too much government".

President Show suggested the wording should be changed in the proposed ordinance under #2 Definitions to add "an authorized agent of the owner may act for the owner under this ordinance" to clarify.

Councilman McDonnell stated that it is council's obligation to protect the municipality, the tax payers, the renters, the lessors etc. He further stated that he leans towards the direction of the Borough Solicitor to keep the Borough out of issues and troubles. Councilmen Robert Bell would like to see a few changes in the proposed ordinance to simplify. Sam Banales agreed with Robert Bell in that the ordinance should be simplified.

A motion was made by James McDonnell and seconded by Kim Shaffer to enact the ordinance as presented with the adjustment made from President Show. The motion carried 4-1 with Sam Banales opposing.

Act 32 Earned Income Tax

President Show stated that the State is attempting to change the Earned Income Tax Collection process. Solicitor Welty explained that under Act 32 employers are required to withhold earned income tax from all residents and non-residents and remit those withholdings to the tax collection district, which would be Westmoreland County (PAMS). A tax officer will remit the withholdings to the taxing jurisdictions. Each municipality and school district needs to appoint a voting delegate to take part in the committee

A motion was made by Kim Shaffer and seconded by James McDonnell to appoint Paul Fry as delegate and Robert Bell alternate. The motion carried unanimously.

CORRESPONDENCE

LV Chamber of Commerce submitted their requests for 2010 for Use of Diamond and Bandstand for Ligonier Ice Fest (Jan. 23-24), Antiques on the Diamond Jun 12 & Aug 28), Summer Band Concerts, Summer In Ligonier Arts and Craft Show (Jul 23-24), The Stroll (Aug 13), Ligonier Highland Games Concert (Sept 12), Fort Ligonier Days (Oct 8-10), Scarecrows on the Diamond Contest (Oct 20-Nov 1), Light up Night & Santa's Arrival (Nov 26), Christmas Town Wide Open House (Dec 5), Christmas Concert (Dec 5). Applications for Temporary Sign Requests for each listed event was submitted as well.

A motion was made by Robert Bell and seconded by Kim Shaffer to approve the eleven requests submitted by the Chamber. All were in favor.

Letter received from William Shank requesting street sign and stop signs for Hickory Alley and Elm Street.

This was referred to the Public Works committee and Chief of Police.

Request for Use of Mellon Park was received for Blessing of the Animals October 4, 2009 @ 1-4 PM as has been done in previous years. This request has been approved in the Borough office.

A motion was made by Kim Shaffer and seconded by Sam Banales to approve the request for Use of Mellon Park.

COMMITTEE REPORTS

PARKS & RECREATION

Sam Banales thanked Rev. Fogg of Ligonier Baptist Church and the mission group for their help with the mulch at Friendship Park.

TOWN HALL

Nothing to report

PUBLIC WORKS

Paul Fry stated that the seal coating of the streets went well. A letter was sent out thanking Ligonier Township for the co-operation working together.

Cross walks were re-painted.

Brush is still being picked up on Friday mornings.

PUBLIC SAFETY / SHADE TREE

Nothing on Public Safety.

A letter was read from Larry Menoher resigning from serving on the Shade Tree Commission.

A motion was made by Kim Shaffer and seconded by James McDonnell to accept Larry Menoher's resignation with regret from the Shade Tree Commission. All were in favor. Kim Shaffer announced that the Shade Tree Commission will be taking names for anyone interested in serving on the Shade Tree Commission.

FINANCE

Robert Bell reported that the Town Hall Fund increased \$200,000 in July. The fund is up about \$600,000, which is about an 8% increase this year.

Bell finished his report by stating that the Committee will be starting the budget in September for 2010.

PERSONNEL / PLANNING COMMISSION

James McDonnell reported that employee Mark Urch is out of the hospital and back to work as Town Hall custodian.

Planning Commission is still working on new ordinances. Conclusion of the project is estimated to be within a few more meetings.

NEW BUSINESS

Assistant Land Use Administrator:

A motion was made by Robert Bell and seconded by Kim Shaffer to appoint Paul Fry to Assistant Land Use Administrator. The motion carried unanimously.

Walk for Ando:

Vicki Beaufort, marketing director for Bethlen Communities was present and requested Council's approval to host a "Walk for Ando" fundraiser Saturday, September 26th @ 10:00 AM. Ando is Ligonier Township's police dog. The event is to start in the Holy Trinity parking lot with registered participants to walk their dogs up Main Street sidewalks from Holy Trinity to St. Clair Grove & return down the other side of West Main Street ending at Holy Trinity parking lot. All dogs will be on a leash, & all dog owners responsible for any clean-up left by the dogs.

A motion was made by James McDonnell and seconded by Kim Shaffer to approve the request. All were in favor.

Blue Star Project

Angela McDonnell was present and spoke on behalf of the Blue Star Marker Project in the Municipal Parking Lot garden. McDonnell thanked Paul Fry and crew for their help. To date, the accomplishments include shrubbery removed, garden club members removed all vegetation, extra soil was also removed, water source located and repaired. The memorial marker has been ordered and will be delivered in approximately seven weeks. The dedication will be scheduled as soon as the exact date of delivery is known. An unexpected cost of \$6,500 was incurred with the electricity for the lights. The Weeders and Seeders are currently working on ways to fund the monies.

PUBLIC COMMENT

Jim Berger of West Church Street expressed his concerns with his adjoining property owner located at 225 W Church St. The house has a big brush pile in the yard and now Mr. Berger is now having trouble with raccoons in the attic of the vacant house. Skunks and groundhogs are also on the vacant property and surrounding area. Mayor Bellas is to write a letter to the property owners. The Public Safety Committee will look into the concern to see what help can be given under the Property Maintenance Ordinance.

COMMENDATIONS & COMMENTS

SECRETARY-TREASURER / PUBLIC WORKS

Nothing

SOLICITOR

N/A

FIRE CHIEF / REP.

N/A

ENGINEER

H2O Funding Request:

Engineer Ben Faas reported that the H2O Funding is complete for the year. Next review is scheduled for November 2010.

POLICE CHIEF

N/A

MAYOR

Mayor Bellas vetoed the Outdoor Dining Café ordinance. Bellas stated that a letter defining his list of objections would be in Council's mailbox concerning the Outdoor Dining Café ordinance.

PRESIDENT

Council President Dale Show thanked everyone present for conducting themselves properly.

MOTION TO ADJOURN

A motion was made by Robert Bell and seconded by Kim Shaffer to adjourn the meeting. All were in favor. The meeting was adjourned at 8:38 PM.

Respectfully submitted,

Paul A. Fry
Secretary-Treasurer
Office Manager