

January 12, 2012

The regular meeting of the Ligonier Borough Council was held Thursday, January 12, 2012 @ 7:00 PM in the Town Hall with Robert Helterbran presiding.

Members present: Robert Helterbran, Kim Shaffer, James McDonnell, Sam St. Clair, Robert Bell, Judy Hoffer, and Tom Freeman.

Others Present: Secretary-Treasurer Paul Fry, Mayor Ormond "Butch" Bellas, Engineer Ben Faas, Solicitor George Welty, Fire Chief Paul Church. Absent was Police Chief John Berger.

APPROVAL OF MINUTES

A motion was made by Tom Freeman and seconded by Kim Shaffer to approve both minutes of December 2011 and Re-organization meeting of January 2012. The motion carried unanimously.

BILLS PAYABLE

A motion was made by James McDonnell and seconded by Robert Bell to approve the bills payable as presented. All of Council was in favor.

CONSENT CALENDAR

A motion was made by Tom Freeman and seconded by Sam St. Clair to approve the Consent Calendar as presented. All were in favor.

UNFINISHED BUSINESS

N/A

CORRESPONDENCE

Letter received from the LV Education Trust asking permission to sell slices of pie and ice cream in the Town Hall Courtyard for their Pie Baking Contest and Pie Sale August 3, 2011.

At motion was made by James McDonnell and seconded by Judy Hoffer to approve the request. All of Council was in favor.

A request for Temporary Sign Permit Application was received from the Holy Trinity Church for a 2 x 6 ft. banner to be placed on West Main Street on parish property Monday, February 6 thru Sunday Feb. 19, 2012 to announce that school is accepting enrollment applications.

A motion was made by James McDonnell and seconded by Tom Freeman to approve the request by Holy Trinity. All were in favor.

Another request for Temporary Sign Permit Application was received from the Holy Trinity Church for a 2 x 6 ft. banner to be placed on West Main Street on parish property Monday, Jan. 23 thru Sunday, Feb. 5, 2012 to advertise Catholic Schools Week.

A motion was made by James McDonnell and seconded by Kim Shaffer to approve the request. The motion carried unanimously.

COMMITTEE REPORTS

PARKS & RECREATION

Chairman Judy Hoffer reminded all that a dog ordinance is in effect in the Borough and that fines will be inflicted if people are caught abusing this ordinance.

TOWN HALL

N/A

PUBLIC WORKS

Chairman Tom Freeman reported an easy winter thus far. The crew has been busy with crack sealing of the streets and brush pick up.

PUBLIC SAFETY / SHADE TREE

N/A

FINANCE

N/A

PERSONNEL / PLANNING COMMISSION

Nothing on Personnel.

Chairman James McDonnell reported that the Planning Commission will meet again on January 23, 2012 to discuss oversized RVs being parked in the borough.

NEW BUSINESS

Councilman Tom Freeman reported receiving numerous calls with complaints of losing the 8 hour shift in the police department. Freeman asked Council's thoughts on re-opening budget and review.

Councilwoman Judy Hoffer agreed with Freeman.

James McDonnell stated that he relies on Police Chief input and supports him. McDonnell ended that if Chief Berger is comfortable with it as is then he is as well.

Kim Shaffer reported that Chief Berger stated that he felt he would be okay with more than 8 hours but was told that 8 were enough. Shaffer also stated that it will be re-visited again by the Police Committee in March. She added that if Chief Berger comes to her at any time and states that he needs 24-7 this week or that week, he will have 24-7.

Tom Freeman voiced that he feels Chief Berger is going along with this because Council is the leaders of the town and came to him stating that hours are needed to be cut. Freeman feels Council has made a mistake.

Mayor Bellas stated that Council is not denying the police but denying borough residents of police coverage. Bellas stated that Chief John Berger "is not happy with it, he is not comfortable with it and he would not tell you because he is afraid of his job; that if he tells you we need 24-7 protection that you will figure out a way to replace him with someone who will cut the coverage. We need that coverage. You are playing Russian roulette with these people's lives and I think it's wrong. For \$7 to \$8 per tax payer per year, its coffee money and you are cutting the public's throat protection wise by not having 24-7. That's just my opinion and John asked me not to speak up too much because he is afraid for his job. He's afraid you guys are going to replace him if he protests too much. He doesn't like it at all and we are not happy about it. To tell you the truth, we absolutely are not."

Tom Freeman stated that Chief Berger does not need to think that way. He stated that it is ridiculous thinking.

Mayor Bellas replied: "I'm telling you, it's not a good plan, its public safety at risk."

Judy Hoffer stated that she does a lot of walking in the borough and feels it is a big comfort that as you are walking along and just intermittently you see a police car and they are patrolling the streets. She questioned that while there is nothing going on, would there be if they were not there.

Newly elected council member Sam St. Clair voiced that he would have thought if there was an issue about this when it was being discussed and worked on and approved by the committee that it should have arose then. St. Clair commented that from what he understood everyone on the committee was in agreement that this was a viable plan.

Tom Freeman said that St. Clair was correct but when people in the community have questions, then maybe more research is needed.

Mayor Bellas requested Council to “open up the budget, raise it another ½ mill so that we do not have to do this to the police force. Not only are you bothering the people in the borough, but one part-timer is losing over 12 hours in January and 12 hours is a lot for a part-time cop to give up. He’s counting on 2 and 3 part-time jobs to make ends meet. One of the other policemen is losing more time than that. It’s not fair to them either because they are putting their lives on the line for us; and we are saying oh well we don’t need you for a while. It hurts them and they are going to be looking for other work. I don’t want to see that happen to us.”

Kim Shaffer asked if these same officers are the part-timers that have turned down time offered to them at certain times.

Mayor Bellas stated that these “part-timers losing time isn’t from not wanting to work; it’s that they have other commitments from other jobs. That is why they turn us down.”

Mayor Bellas added he feels council is making a big mistake by doing this. He stated that “we have a good bunch of officers and I wouldn’t want to lose them due to some budget crisis like this when it can be adverted for a ½ mill. I’ll pay the \$10 a year, no problem and I’m retired too like most of us in the borough.”

Freeman asked Solicitor Welty if the budget was re-opened how long is given to review and act. Freeman was told approximately a month would be given.

Robert Bell stated that it would have to be advertised. He feels it could be re-opened. If any changes are made especially with the millage, then it will need to be advertised and voted on etc.

McDonnell reminded everyone that we currently have a 1 year union contract in place with all employees, none of whom have elected to take a nickel pay increase. No one has talked about what happens after this year. The reason the Committee went to a one year contract was to wait and see what kind of an impact many of the unknowns from our federal government would have on us, i.e.; interest rates etc.

Solicitor Welty explained the procedure to re-open the budget under Borough Code section 1311-1312. Council may modify the budget after its final adoption. Welty explained that you can transfer from one account to the other if you decide to change something around. The other way is if amending the budget; with notice in the procedure, would require one meeting to discuss and then advertised and then another meeting to adopt. During the month of January next following any municipal election, Council of any borough may amend the budget and levy and tax rate to conform to its amended budget. The period of 10 days public

inspection at the office of the borough secretary of the proposed amended budget after notice by the borough secretary to that effect is published once in the newspaper as provided in section 109; shall intervene between the proposed amended budget and the adoption thereof. Any amended budget must be adopted by council on or before the 15th day of February.

A motion was made by Tom Freeman and seconded by Judy Hoffer to re-open the budget. Roll call vote was taken by secretary-treasurer with Kim Shaffer, James McDonnell, Sam St. Clair and Robert Helterbran opposing. The motion did not carry.

President Robert Helterbran commented on being on the police committee when all this was discussed if there was anything that could be done to save some money to avoid raising taxes in more than one mill. Different scenarios were looked at and Chief Berger was asked what he could live with it or not. Helterbran stated that John told him that he'd been thinking if he could save money in other areas, and asked if this would have an effect on whether or not we would have to go with the 8 hours and he was told – absolutely. It would have the effect that we could reduce the amount from 8 hours down to whatever he felt comfortable with. A few days ago Helterbran stated that Chief Berger called him and said he has everything under control. Not just with the cutting of the hours but with savings in other areas that would allow him to have additional hours.

Helterbran further commented on the borough receiving an estimate from the health insurance company that would save the borough \$60,000. However after further review of records here, they decided they cannot give us the savings. (We were increased by 8 ½ % which is approximately 10-12,000 dollar increase.) This is what put us in this crisis.

Helterbran stated; "I personally was looking at the residents of the borough who live on a fixed income and some of them are not as well off as our mayor or other retired individuals. They desperately cannot afford to have their taxes increased and I would hate to see more people thrown out on the street, losing their homes because of us not working hard enough to keep the millage as low as possible. Our millage I believe is 23.5 currently and that is quite a bit for a town this small. The highest cost in our budget is the police department. I do not want to eliminate the police department, I think they do a good job, I think we have a good chief, I think we have good officers and I know all of them personally and I would hate to see any of them put in harm's way or put the residents in harm's way. I know that John being the chief that he is, would not allow that to happen and he would be the first to come to council and say hey it's not going to work and we would make sure that he got what he needed."

Kim Shaffer also felt that he would be the first to speak up at the committee meeting to let the committee know that they were going in the wrong direction. Everyone on the committee would have listened to what he said.

A discussion ensued regarding the number of non-profit businesses in the borough that are tax-exempt and those same businesses the borough provides services to. It was stated that it would be nice if some of them could help the borough out.

Secretary-Treasurer Paul Fry stated that of 16 million of assessed property in our borough approximately 5 ½ million is tax-exempt.

Appointment of New EMC Coordinator

President Robert Helterbran reported receiving a letter of interest from Chris Stouffer. Stouffer expresses that he would be willing to go to mandatory training required by PEMA and FEMA to

benefit him for the position. However, Stouffer asks that the borough reimburse him for mileage, training fees and office supplies used only for this position.

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

PUBLIC COMMENT

Borough resident Pat Scanlon voiced his displeasure that the Borough is not re-opening the budget. Scanlon feels the Borough should find other ways to cut costs.

COMMENDATIONS and COMMENTS from OFFICERS and DEPARTMENTS

Fire Chief Paul Church presented his yearend report. This year it was a power point presentation.

Engineer Ben Faas discussed the Armory Project. Earthmoving has begun. Bonding requirements to EGC. EADS is coordinating with the contractor for spot inspection. MS-4 (Phase II) program was explained. The Borough was exempt from the Phase I program; however, exempt communities are also required to submit an application for renewal prior to September 14, 2012.

Mayor Bellas repeated his thoughts that Council is putting Borough residents at risk and making a big mistake. Mayor Bellas stated that if there comes a time that Chief Berger is not available to take a call, it goes to state police which takes a while for them to respond. Bellas finished by stating that if anything happens to someone while this is going on it will be on Council's heads not his or Chief Berger.

Councilman Robert Bell reported speaking with Neal Van Horn of Guyasuta and the Town Hall Fund had a 6.5 % increase from last year.

MOTION WAS ADJOURNED

A motion was made by Kim Shaffer and seconded by James McDonnell to adjourn. The motion carried unanimously. The meeting was adjourned @ 8:02 PM.

Respectfully submitted,

Paul A Fry
Secretary-Treasurer
Office Manager

