

**December 8, 2022**

The regular meeting of the Ligonier Borough Council was held Thursday, December 8, 2022 at 7pm in the Town Hall with President Matt Smith presiding.

**Members Present:** Matt Smith, Mariah Fisher, Robert Barron, and Jordan Frei. Judy Hoffer and Brad Chartier were present via ZOOM. Absent was Nate Sylvester.

**Others Present:** Secretary-Treasurer Jan Shaw, Street Supervisor Ron Ross, Mayor Ormond "Butch" Bellas, Solicitor George Welty, Police Chief John Berger, Zoning / Code Enforcement Officer Karl Horman. Absent was Fire Chief Corey Blystone.

#### **APPROVAL OF MINUTES**

**A motion** was made by Jordan Frei and seconded by Robert Barron to approve the minutes of November 10, 2022 meeting. All of Council was in favor.

#### **BILLS PAYABLE**

**A motion** was made by Judy Hoffer and seconded by Mariah Fisher to approve the Bills Payable as presented. The motion carried with all in favor.

#### **CONSENT CALENDAR**

**A motion** was made by Jordan Frei and seconded by Robert Barron to approve the Consent Calendar provided to Council. The motion was unanimously approved.

#### **PUBLIC COMMENT**

**Due to the amount of individuals present at the meeting, President Matt Smith advised that each individual will be permitted 3 minutes only to speak.**

**Karen Lynn of 301 W Loyalhanna Street** spoke regarding opposing vendor and food trucks. Allowing pop up venues and direct competition in front of businesses is not only unfair to those who pay taxes in this Borough for their businesses but unfair to taxpayers who will see a decline in their property values. Lynn asked who would police the vendors if permitted.

**Diane Gove Stewart of Abigail's** stated that we currently have 17 restaurants, cafes, coffee houses etc. that are in the Borough limits that sale food and beverages and questioned why Council would permit outside businesses. The local businesses employ people who live in the Borough thereby returning money back into the community. Gove does not want to see food trucks come in on days that the local businesses have spent their money advertising for specific events in conjunction with the Chamber of Commerce to have people come to town to support local businesses. Having food / beverages trucks in during these times would not benefit the overall support of the community.

**Ellie Davis of corner of Fairfield / Vincent Street and employee of Abigail's** echoed and affirmed previous comments. Davis also commented that there have been dozens of LV High School kids working at Abigail's and they have learned to know what it means to work and to love serving their community.

**Ben Gahr of Gray Goose** restaurant stated that bringing in food trucks & vendors from 30-60 miles away is harmful to the local businesses who actually pay taxes here.

**Pam Goodman owner of Fat Daddy's and resident of the Borough** questioned the benefit of Council bringing in food trucks.

Council President Matt Smith stated that he feels there is a misconception as an individual has requested to bring in a food truck and Council is trying to figure out whether it is permitted or not.

Goodman asked Council to consider that by letting this individual in; it is opening a can of worms for everyone and not fair to the businesses who pay taxes and are here 24/7.

**Carla Arnone of 112 E Vincent and employee of Fat Daddy's** questioned the Borough's job in this to decide who comes in and establishes a business. Arnone wants to keep Ligonier as it is and not with a lot of street vendors.

**Stefanie Verna of 500 W Chestnut Street** was present in support of the local businesses. Verna asked Council to remember these local businesses who stayed open during the reconstruction of the Diamond; covid; snowy days; & rainy days. These businesses are key employers for lot of people in this community. Bringing in food trucks is a huge impact on our businesses.

**Christian Simmons owner of Sweet Rust** in the Borough was present and reported that he leases the building from the Gardner family and plans to buy it but may be hesitant if outside street vendors are permitted and feels that bringing outside street vendors could possibly stop other new businesses from coming into the Borough as well.

**Kimberly Clark of 260 Angela Lane** was present in support of all the local businesses. Clark feels that citizens of the Borough should support the local businesses.

**Roselyn Keslar owner of Jioio's** asked Council to just say no to outside vendors coming into the Borough.

### **UNFINISHED BUSINESS**

#### **2023 Budget:**

Secretary-Treasurer Jan Shaw stated that the proposed budget has been properly advertised and out for view in the Borough office.

**A motion** was made by Brad Chartier and seconded by Jordan Frei to approve the balanced budget for 2023. All of Council was in favor.

#### **Coffee Truck Request:**

**A motion** was made by Jordan Frei and seconded by Robert Barron to decline the coffee truck request. The motion carried with all in favor.

### **CORRESPONDENCE**

Letter received from Fort Ligonier requesting to hang two 12 sq. ft. signs promoting Fort Ligonier's winter hours on their post and rail fence at the Fort's parking lot beginning December 9, 2022 thru March 31, 2023.

**A motion** was made by Judy Hoffer and seconded by Mariah Fisher to approve. The motion carried unanimously.

Letter received from the LV Chamber of Commerce requesting Council to consider the impact that a food truck would have on our local merchants, coffee shops, and restaurants.

### **COMMITTEE REPORTS**

#### **PARKS & RECREATION**

Chair Mariah Fisher reported that the committee has been working on Friendship Park Phase II. Fisher reported that she and Street Supervisor Ron Ross have recently met with Mr. Rauso a few times as well as with a community group in which he took feedback from the community at large in helping to plan.

Mariah Fisher also reported meeting with the designer of the skate /bike park. A first round of sketches is hoped to be received possibly by January 2023. Fisher stated that it has been

suggested to include a park **topographic map (Topo)** with drone data. This will be an additional cost of \$2,400 in addition to the already approved proposal of \$25,295 from Richard Rauso. The topo will show the boundaries of the space with a more detail view of what we will be able to include and use for our park.

**A motion** was made by Mariah Fisher and seconded by Brad Chartier to approve \$2,400 to the proposal to include a **topographic map (Topo)** of Friendship Park for Phase II. The motion carried with all in favor.

Mariah finished her report by adding that the committee is planning to do community fund raising for the project as well as looking into grant funds.

### **TOWN HALL**

Chair Judy Hoffer reported Festival of Lights recently held at Town Hall went smoothly. Judy also reported that the Town Hall elevator has been fixed after recent issues.

### **PUBLIC WORKS**

Chairman Robert Barron thanked the public works crew for their efforts with leaf pick up & for keeping the Borough beautiful. Street Supervisor Ron Ross stated that they had 87 loads.

### **PUBLIC SAFETY**

Chairman Jordan Frei reported that the new fire truck is officially in service.

### **FINANCE**

N/A

### **PLANNING / PERSONNEL**

N/A

### **NEW BUSINESS**

#### **Amend Ordinance #544 Sidewalk Café:**

Solicitor Welty read over the proposed ordinance amending Section 8. A.2. of Ordinance 544 to read as follows:

2) On the sidewalk in front of the principal place of business of each entity; and, on the sidewalk in front of an adjoining property only with the joinder of the adjoining property owner and adjoining business owner in the Application for Sidewalk Café Permit.

**A motion** was made by Jordan Frei and seconded by Mariah Fisher to authorize Solicitor Welty to advertise the proposed ordinance and authorize Secretary-Treasurer Jan Shaw to proceed & issue the (alcohol approved) permit. The motion carried unanimously.

#### **Jeremy Springer (Comity Land LLC) Parking Enforcement Agreement between Comity Land LLC lot A, B, C, & D and the Borough:**

Jeremy Springer was present via ZOOM and explained;

1. If Lot D and Pine Alley are fully maintained & repaired by Comity Land LLC, the following agreement is being proposed:
  - a. All snow removal and salt, debris clean up, lighting, & property maintenance will be the sole responsibility of Comity Land LLC for lots A, B, C, D, and Pine Alley.
  - b. The Borough shall collect and provide accounting of parking meter, parking permits, mobile application (meter feeder or any other applications that may change from time to time), and ticket revenues from lots A, B,C, and D.
  - c. The Borough shall pay Owner seventy-five (75%) of the collected parking meters, parking permits, mobile application (meter feeder or any other applications that change from time to time), and ticket revenues from lots A, B, C, and D.

- d. Owner agrees Borough may retain the agreed percentage of twenty-five (25%) percent of issued parking meters, parking permits, mobile application (meter feeder or any other applications that may change from time to time), and ticket revenues from lots A, B, C, and D.

2. Comity Land LLC will seek approval on all maintenance and repairs through Ron Ross or any other proceeding person(s) to take Ron's position regarding Pine Alley and lot D.

**A motion** was made by Robert Barron and seconded by Brad Chartier to approve agreement pending receipt of certificate of insurance. The motion carried with all in favor.

#### **Tax Resolution 2023:**

**A resolution of the Borough of Ligonier fixing the tax rate for the year 2023.**

**A motion** was made by Mariah Fisher and seconded by Judy Hoffer to adopt resolution 2022-05 with taxes remaining the same. The motion carried with all in favor.

#### **LVPD Police Commission Appointment:**

It was noted that Mayor "Butch" Bellas' term will be ending.

Mayor Bellas expressed interest in serving another term ending 12/31/26.

**A motion** was made by Mariah Fisher and seconded by Brad Chartier to re-appoint Ormond "Butch" Bellas to serve another term on the LVPD Police Commission ending 12/31/26. The motion carried unanimously.

#### **ADDITIONAL PUBLIC COMMENT**

Dave Cassler of Carol & Dave's Restaurant 122 N Market Street commented that businesses in town do a lot for fundraisers held in the Borough and that any food trucks brought in for special events in the future would be a slap in the face to business owners.

Diane Gove of Abigail's thanked Council for declining the request for a food truck.

#### **COMMENDATIONS and COMMENTS from OFFICERS & DEPARTMENTS**

Secretary-Treasurer Jan Shaw reported that the Borough has a **vacancy** on the **Zoning Hearing Board** as Robert Bell no longer wishes to serve. Any interested individual is asked to send a letter of interest to the office. The Borough has another vacancy previously held by Robert Bell serving as a **Vacancy Board Chairman**. In the event that a council member vacates his position before his term is up and Council is unable to fill the position within 30 days the Vacancy Chairperson will serve along with Council. Council and Vacancy Board Chairman will then have an additional 15 days to fill the position.

Jan Shaw finished by wishing everyone a Merry Christmas.

**Solicitor Welty requested an executive session for litigation @ 7:45pm.**

**Council returned from executive session at 7:52pm.**

**A motion** was made by Robert Barron and seconded by Jordan Frei to approve settlement of pending litigation with Loyalhanna LLC pursuant of recommendation of the Borough's insurance company AXA-L. All of Council was in favor.

Solicitor Welty wished everyone Merry Christmas and Happy New Year.

Street Supervisor Ron Ross thanked Council for their permission to put up the salt building last year. Ross reported that it is the first year the Borough has gotten the whole salt order at one time preventing waiting for any salt delivery through the winter months.

Engineer Ben Faas reported having everything needed for the DCED application which will be submitted prior to the 21<sup>st</sup>. Faas wished all a Merry Christmas.

Zoning / Code Enforcement Officer also wished everyone a Merry Christmas.

Mayor Bellas reported that Chief John Berger will be off for a month due to foot surgery. Bellas thanked Council for the re-appointment to serve on the LVPD Police Commission, and for listening to all the people concerning the food truck and echoed the Merry Christmas wishes.

President Matt Smith asked for a motion to adjourn.

**A motion** was made by Mariah Fisher and seconded by Jordan Frei to adjourn the meeting. All of Council was in favor. The meeting was adjourned at 7:54pm.

Respectfully submitted,

Janette Shaw  
Secretary-Treasurer