

**November 14, 2024**

The regular meeting of the Ligonier Borough Council was held Thursday, November 14, 2024 at 7pm in the Town Hall with President Matt Smith presiding.

Members Present: Matt Smith, Mariah Fisher, Judy Hoffer, Carol Barton, Karen Lynn, John Poznick. Jordan Frei present via ZOOM.

Others Present: Secretary-Treasurer Jan Shaw, Street Supervisor Ron Ross, Mayor Ormond "Butch" Bellas, Solicitor Mark Sorice, & Fire Chief Corey Blystone. Absent was Police Chief Mike Matrunic.

#### **APPROVAL OF MINUTES**

Councilwoman Mariah Fisher pointed out a few corrections needed to be made before approving the minutes. Judy Hoffer's name was misspelled, Jordan Frei's name was incorrectly typed and that she herself abstained from voting from LV Library's request for financial support due to being on the board.

*A motion was made by Mariah Fisher and seconded by John Poznick to approve the meeting minutes of October 7, 2024 and special meeting of October 23, 2024 with corrections made. All of Council was in favor.*

#### **BILLS PAYABLE**

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

#### **CONSENT CALENDAR**

*A motion was made by Mariah Fisher and seconded by Judy Hoffer to approve the Consent Calendar. The motion was unanimously approved.*

#### **Jr. Council member - Emma Betz**

*A motion was made by Mariah Fisher and seconded by Karen Lynn to appoint Emma Betz as a non-voting Jr. Council member. All of Council was in favor.*

Emma Betz was sworn in by Mayor Bellas.

#### **PUBLIC COMMENT**

Dawn Metz owner of Colonial House on Main Bed & Breakfast at 231 W Main Street was present voicing her concerns of noise control in regards to the new event pavilion erected at Adam Gardner property on W Main Street.

Lara Fornal of 230 W Main was present also with concerns on the new event pavilion. Fornal noted that 3 hours of music is advertised for an event that will take place in the pavilion November 29, 2024. It is also known that they want to host weddings on weekends with music. Fornal feels that she should be able to shut her windows and shield herself from the party music but it is impossible to do right now.

Sandy Podlucky of 227 W Main was also present with the same concerns. Podlucky stated that the highest decibel noise limit around that they have found is 70 vs. Ligonier Borough's 90-decibel noise limit. Podlucky feels the pavilion's events ignore the first sentence of the Borough's **Zoning Ordinance section 2009-603**: regarding *noise which is determined to be objectionable because of volume, frequency or beat shall be muffled or otherwise controlled*. Podlucky asked Council to enforce ordinance 2009-603 & 2009-604 *Vibration*. Podlucky's windows rattled when Sweet Rust operated at same address.

Solicitor Mark Sorice stated that he spoke with attorney Gary Falatovich representing Sandy Podlucky in an appeal against Laurel Municipal Inspection Agency's decision to issue a building permit for the pavilion that will come to the Ligonier Borough Zoning Hearing Board November 18<sup>th</sup>.

The Pennsylvania Municipalities Planning Code (MPC) requires municipalities to send a 30-day enforcement notice for zoning violations before taking legal action. The MPC also allows private landowners to initiate an enforcement action against a violating party if the municipality's governing body waives the 30-day limit.

Sorice further explained that while we are willing to enforce the ordinance, we do not currently have a decibel meter but do plan to acquire one. However, it may not have happened within 30 days as it would then need to be certified by the state. Waiving this period, we then permit a private landowner to undertake those violations. The noise and vibrations can be addressed with the Court of Common Pleas or the Zoning Hearing Board.

*A motion was made by Judy Hoffer and seconded by John Poznick to waive the 30-day notice requirement for enforcement as provided under the Municipalities Planning Code to allow Attorney Falatovich and Ms. Podlucky the opportunity as the complaining entity to proceed under the Municipalities Planning Code as a private complaint. The motion carried with all in favor.*

#### **UNFINISHED BUSINESS**

##### **A. Ordinance Establishing a Volunteer Service Credit Program for Ligonier Borough members of LVHC#1:**

The ordinance has been properly advertised.

*A motion was made by Jordan Frei and seconded by Mariah Fisher to proceed with the ordinance. The motion carried unanimously.*

##### **B. Ordinance Amending Ordinance #306 Regulating Peddling Within the Borough:**

The ordinance has also been properly advertised.

*A motion was made by Judy Hoffer and seconded by Karen Lynn to approve the ordinance. The motion carried 7-0.*

##### **C. Richard Flickinger – Zoning Issues:**

Richard Flickinger was not present at the meeting. Nothing was discussed.

##### **D. LVPD Code of Conduct:**

In order to amend the Charter Agreement, the Borough and Township both have to approve.

*A motion was made by Mariah Fisher and seconded by John Poznick to approve the LVPD Code of Conduct for the LVPD Commission. The motion carried with all of Council in favor.*

#### **CORRESPONDENCE**

**Request was received from Kenneth Bacha for the Borough to make a contribution to Mutual Aid.**

It was determined that this contribution is not budgeted for this year.

*A motion was made by Judy Hoffer and seconded by Mariah Fisher to deny. All of Council was in favor.*

**Email received from Lara Fornal with interest to serve on the Shade Tree Commission.**

*A motion was made by Mariah Fisher and seconded by John Poznick to appoint Lara Fornal to serve on the Shade Tree Commission. The motion carried with all in favor.*

President Matt Smith noted that there will be a meeting within a few months for the shade tree.

**Email received from LYBSA asking permission to tarp the infields of the A and B fields for winter.**

*A motion was made by John Poznick and seconded by Jordan Frei to permit the fields to be tarped for the winter excluding any grass. The motion carried with all of Council in favor.*

*Email received from Diane Dagg of DAR asking for permission to install a DAR Bronze Plaque Marker most likely on a stake on Mathias Fisher grave in the old Ligonier Cemetery.*

*A motion was made by Mariah Fisher and seconded by John Poznick to send a letter noting no objection to the marker. The motion carried 7-0.*

Street Supervisor Ron Ross advised they place something more permanent rather than a stake because it would most likely disappear.

**Letter received from Ligonier Borough Tax Collector Robin Roberts stating her term ends December 2025 and she will not be seeking another term.**

Notice will be placed on both Savvy and the Borough Website for interested Borough residents who may wish to apply.

**Letter received from the LV Chamber asking permission to bag two meters on E Main Street for a photo booth during Wholidays Town-Wide Open House.**

*A motion was made by John Poznick and seconded by Mariah Fisher to approve the request from the LV Chamber. All of Council was in favor.*

**Letter received from LV Chamber asking permission to host a free Christmas concert performed by the Scottdale Area Concert Band on Friday, December 13, 2024 from 7-9pm in the Town Hall Auditorium.**

*A motion was made by Jordan Frei and seconded by Karen Lynn to approve LV Chamber hosting a free concert performed by the Scottdale Area Concert Band Friday, December 13, 2024 from 7-9pm. The motion carried with all of Council in favor.*

Secretary-Treasurer Jan Shaw received word that **Stephanie Hernandez of El Vaquero expressed interest in handling the luminaries this year** on the Diamond and East and West Main Streets. She would like to do this Friday, Saturday and Sunday evenings from Thanksgiving to Christmas. Real candles will be used this year. (It was asked that she not do this during light up night)

*A motion was made by Mariah Fisher and seconded by John Poznick to approve the request from Stephanie Hernandez to be in charge of the luminaries this year. All of Council was in favor.*

## **COMMITTEE REPORTS**

### **PARKS & RECREATION**

Chairwoman Mariah Fisher reported that the committee is still moving forward with the Friendship Park Sports Complex project. Fisher reported that \$300 was made on the auction for parade seats during Fort Ligonier Days. The restrooms at Friendship Park are closed for the winter season

### **TOWN HALL**

Judy Hoffer, Chairwoman for the Town Hall Committee reported that for the next year the Town Hall will be under a bit of re-construction with repair to the elevator, repair to the heating and air conditioning, as well as flooring to be laid in the community room. There will be times

that the Town Hall facilities will not be available for different activities. It is hoped to arrange to have a temporary meeting room on the first floor while the elevator is out eliminating use of the 2 meeting rooms upstairs.

### **PUBLIC WORKS**

Carol Barton, Chairwoman of Public Works reported that Fort Ligonier Days went well. Carol thanked the crew at Public Works for all their hard work.

Carol noted that leaf pick up is in process. Public Works has also been busy decorating the Diamond.

### **PUBLIC SAFETY**

Nothing to report.

### **FINANCE**

Finance Chair, John Poznick reported that the committee went through the annual budget process. Poznick thanked Secretary-Treasurer Jan Shaw for her work on it. Ligonier Borough has a balanced preliminary budget with no tax increase and a surplus estimated to be less than a thousand dollars.

### **PLANNING / PERSONNEL**

Chairwoman Karen Lynn reported that the committee is still working on the short-term rental and air bnb ordinance. Will have a further report at the December meeting.

### **NEW BUSINESS**

#### **LVPD BUDGET:**

*A motion was made by John Poznick and seconded by Mariah Fisher to approve the 2025 LVPD Budget. All of Council was in favor.*

#### **2025 Ligonier Borough Budget**

*A motion was made by John Poznick and seconded by Judy Hoffer to move forward and advertise the Ligonier Borough 2025 budget. The motion carried with all in favor.*

#### **Request for Resident parking Permit on N Fairfield. Resident lives @ corner of N Fairfield and Main St.:**

*A motion was made by Judy Hoffer and seconded by Carol Barton to approve a nonexclusive parking permit on N Fairfield St. The motion carried with all of Council in favor.*

#### **Request from Westmoreland County Transit for annual contribution of \$924.00:**

*A motion was made by Judy Hoffer and seconded by Carol Barton to approve the \$924 contribution for Westmoreland County Transit. The motion carried with all of Council in favor.*

#### **Noise Concerns:**

After recent discussions with questions pertaining to Ligonier Borough noise ordinance, President Matt Smith provided information on a noise ordinance from Leesburg VA. This information was passed onto the Planning Committee to review.

#### **UCC Appeals Board Solicitor needed:**

Solicitor Mark Sorice stated that this was originally his position but since he is now the Solicitor for Ligonier Borough it could be conflicting.

*A motion was made by Judy Hoffer and seconded by John Poznick to advertise for a UCC Appeals Board Solicitor. The motion carried with all in favor.*

**Elevator Contract:**

Ligonier Borough did have a contract with Otis Elevator to do Town Hall’s annual maintenance which began in November of 2004. This is a five year contract which re-news automatically. In July they were contacted to cancel the contract so that we could shop around. A proposal for maintenance was given by Otis Elevator for \$5,173.80. Another proposal was received from Right Elevator which came in at \$3,000 for a five year contract. Right Elevators is a Co-Stars company as well.

*A motion was made by Judy Hoffer and seconded by Mariah Fisher to sign a five year contract with Right Elevator for \$3,000. The motion carried unanimously.*

**ADDITIONAL PUBLIC COMMENT**

N/A

**COMMENDATIONS and COMMENTS from OFFICERS & DEPARTMENTS**

Secretary-Treasurer Jan Shaw stated that when the gas line for Town Hall is being installed we will need to close Town Hall for a day. It is not known at this time when this will be.

Solicitor Mark Sorice presented Council with an article of the formal acceptance of the Borough of Ligonier as a charter recorded in the Recorder’s Office of Westmoreland County. It is believed that the year was 1831. Sorice explained that this is proof of our incorporation as a Borough in 1831. This was previously needed for a Grant Application.

Street Supervisor Ron Ross invited anyone willing to come to the Diamond Wednesday, November 20<sup>th</sup> at 6:30pm to help finish decorating the Diamond with Christmas lights.

Fire Chief Corey Blystone thanked Council for passing the Volunteer Service Credit Program for Ligonier Borough members of LVHC#1.

Engineer Jason Mash wished everyone a Happy Thanksgiving.

Mayor Ormond Bellas made everyone aware of the passing of former Police Chief Randy Cox. Any memorial donations may be made to St. Michaels Church.

President Matt Smith welcomed JR Council Member Emma Betz. Smith wished everyone a Happy Thanksgiving.

The next meeting of the Ligonier Borough Council will be held Thursday, December 12, 2024 at 7pm in the Town Hall.

**MOTION TO ADJOURN**

*A motion was made by Mariah Fisher and seconded by John Poznick to adjourn the meeting. All of Council was in favor. The meeting was adjourned at 8:54pm.*

Respectfully submitted,

Janette Shaw  
Secretary-Treasurer

