

November 14, 2013

The regular meeting of the Ligonier Borough Council was held Thursday, November 14, 2013 @ 7:00 PM in the Town Hall with Robert Helterbran presiding.

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

Others present: Secretary-Treasurer Paul Fry, Mayor Ormond "Butch" Bellas, Engineer Ben Faas, Solicitor George Welty. Absent were Police Chief John Berger and Fire Chief / Representative.

After the Pledge of Allegiance President Helterbran stated that at the end of the last meeting when Kim Shaffer submitted her resignation letter a motion was made by Robert Bell to adjourn the meeting. This motion carried 5-1. Helterbran noted that he wished to continue that meeting and either accept or deny the resignation of Kim Shaffer.

A motion was made by Tom Freeman and seconded by Sam St. Clair to accept Kim Shaffer's resignation. The motion resulted in a tie vote with Robert Bell, Judy Hoffer and James McDonnell opposing. Mayor Bellas broke the tie by voting to accept the resignation of Kim Shaffer. Motion carried.

A heated discussion ensued with Kim Shaffer stating that her resignation was not accepted. Robert Bell questioned how Council can accept something when the meeting was adjourned officially without the resignation voted on during the meeting.

President Helterbran responded that it was just voted on. Helterbran further stated that he has not received any letter of Ms. Shaffer's intentions to remain on Council.

Kim Shaffer replied that she told Helterbran right before the meeting that she was taking back her tender of resignation.

Helterbran stated that she did not tell him she was taking back her tender of resignation but that she had a statement she wanted to read.

Shaffer replied that the statement she intended to make after the pledge of allegiance was to take back her tender of resignation.

Both Councilman James McDonnell and Judy Hoffer each stated that they indeed did hear Kim Shaffer tell Helterbran her intentions.

Helterbran again stated that Shaffer did not tell him that she wanted to withdraw it but that she had something she wanted to say.

Councilman James McDonnell felt it was dirty politics and President Helterbran replied that it is not dirty politics when someone submits their resignation, it should be voted on right then not to adjourn the meeting.

Robert Helterbran reported that he had received a letter of interest from Matthew Smith to fill the vacated position on Borough Council. Matthew Smith is currently on the ballot as a Ligonier Borough Council candidate for the upcoming November 2013 election. Due to recent events Mr. Smith would be honored if considered to fill the current vacant position with Council.

A motion was made by Tom Freeman and seconded by Sam St. Clair to accept Matthew Smith to fill out the remaining term of Mrs. Kim Shaffer, who will be eligible to take her position back on Council in January as she was voted back into the position. The motion again resulted in a tie with Robert Bell, Judy Hoffer and James McDonnell opposing. Mayor Bellas voted in favor of accepting Matthew Smith to fill out the remaining term of Kim Shaffer.

Mathew Smith was sworn in by Mayor Bellas and invited to join Council at the front of the room.

Roll Call was taken.

APPROVAL OF MINUTES

Robert Helterbran reported that a correction is needed in the minutes of October 29, 2013. Under Motion to Adjourn it should be that the motion carried 5-1 not 6-1.

A motion was made by Sam St. Clair and seconded by Tom Freeman to the minutes as corrected. The motion carried unanimously.

BILLS PAYABLE

A motion was made by Robert Bell and seconded by Sam St. Clair to pay the bills. The motion carried unanimously with Matt Smith abstaining due to not being knowledgeable on this yet.

CONSENT CALENDAR

A motion was made by Tom Freeman and seconded by Sam St. Clair to approve the Consent Calendar as presented. The motion carried.

UNFINISHED BUSINESS:

Discussion of the YMCA proposed Zoning Changes:

Councilman James McDonnell called for a brief executive session for litigation @ 7:09 PM. Council returned from executive session @ 7:46 PM.

A motion was made by Tom Freeman and seconded by Sam St. Clair to reconsider and reopen the change of zoning ordinance amendments; one zoning map change and one ordinance amendment. The motion again resulted in a tie with Judy Hoffer, James McDonnell and Robert Bell opposing. Mayor Belles broke the tie with his favorable vote. Matthew Smith abstained.

Karen McCollough requested those on Council who contacted Kim Shaffer's employer or family recuse themselves from the vote because they did so in the interest of the YMCA. Karen McCollough also stated that she is against re-zoning because the parking lot and all traffic would be in her back yard.

Gay Wasserman spoke against re-zoning and voting again on an issue that was already voted on.

Jeff Donato spoke on behalf of the YMCA expansion. Donato feels the expansion would be the best thing for the Borough.

Jackie Horvath of 114 N Market Street spoke in favor of the YMCA and the growth into Ligonier.

Don Belt - Past President of the YMCA spoke in favor of the YMCA and feels that if Council changes its decision in regards to the YMCA it will be best for the long term welfare of the community.

Karen McCollough questioned Council as to where it is written in Council bylaws that you can reconsider a vote?

Attorney Dan Hewitt answered that under provisions of the PA Municipalities Planning Code anyone can ask at any time for a zoning change matter. Council has advertised in compliance

with the municipalities planning code for a consideration again tonight. It was advertised on two occasions as required by law. Council has the authority under PA law to revisit. We have advertised and complied with all provision of the MPC if Council chooses to act.

Karen McCollough asked again that those individuals who contacted Kim Shaffer's employer, relatives to please recuse yourselves as it is a conflict of interest. McCollough stated if those individuals do vote; she is certain people will investigate.

Kevin McVicker spoke in favor of the YMCA.

Councilman **James McDonnell** stated that he supports the Y as well as Excelsior but support is not the issue. McDonnell feels there is a great deal of confusion between the Y Expansion and what Council has been relegated to do in the way of ordinance adjustments. McDonnell stated that he is not against the YMCA, not against Excelsior; McDonnell is for stabilizing a residential neighborhood in which people have invested thousands of dollars in their homes.

Rick Hallof Wellington Alley stated that he is in favor of re-zoning.

Skip Glenn of 300 W. Church Street also stated he is in favor of the YMCA expansion and asked Council to reconsider and make it so.

Pat Scanlon stated that he is not in favor of re-zoning and feels it is spot zoning.

A motion was made by Tom Freeman and seconded by Sam St. Clair to accept the proposal to re-zone. The motion once again resulted in a tie vote with Robert Bell, James McDonnell and Judy Hoffer opposing. Matthew Smith abstained. The tie vote was broken by a favorable vote from the Mayor. The motion then carried.

Ordinance to amend the Borough of Ligonier zoning ordinance to allow surface parking lots as a conditional use in the C2 General Commercial Zoning District:

A motion was made by Sam St. Clair and seconded by Tom Freeman to approve. A tie vote was result of the motion with Robert Bell, James McDonnell and Judy Hoffer opposing. Matthew Smith abstained. Mayor Bellas again broke the tie with a favorable vote.

Last Day to Extend:

Attorney Hewitt explained that tonight is the last day that has been granted as an extension under the MPC deadline on the Y's plans themselves. Council needs to take action to deny plans as submitted with a recommendation that the Y re-submits. Council may or may not waive application fee.

A motion was made by James McDonnell and seconded by Judy Hoffer to deny the Land Use Development Plan and have them re-submit to Planning Commission for a period of not more than 90 days with fee waived. All were in favor.

CORRESPONDENCE

A letter was received from bookkeeper Jan Shaw stating that the Borough received two payments from the Commonwealth of PA in September 2013. The Borough's 2013 allocation of General Municipal Pension System State Aid was \$46,612.30. This is an increase of \$122.88 over last year's disbursement. This distribution is used to defray the municipality's police and non-uniformed pension costs.

Also, Ligonier Borough received \$11,529.35 for the 2013 Commonwealth Allocation supporting the Volunteer Relief Association. This payment is made in accordance with Act 205 of 1984 which stipulates that 50 percent of the Borough's allocation is based on the population of our municipality, and 50 percent is determined by the market values of real estate in Ligonier Borough compared to the state average.

As required by Act 205, the \$11,529.35 was paid to Ligonier Volunteer Fire Company #1.

A letter was received from the Chamber of Commerce thanking Council for approving requests throughout the year to bag meters for various Chamber events. In appreciation, the Chamber is donating \$400 to Ligonier Borough.

A letter was received from the Chamber of Commerce requesting that the Ligonier Borough Police stop traffic for Santa's parade Friday, November 29 @ 6:30 PM and also bag meters on the NE quadrant of the Diamond by Town Hall as well as the first 3 meters on Fairfield Street beside YMCA for Misty Haven Carriage to bring Santa to town & sleigh rides. Also requested is use of sound system, the Community Room and auditorium.

The Chamber states that Christmas Town Wide Open House will be Sunday, December 8th & the Chamber requests two meters bagged in front of the Library for the Kettlecorn Man from 9 AM until 5PM & the first three meters on Fairfield Street beside the YMCA from 10 AM to 5PM for Misty Haven Carriage who will again be offering sleigh rides.

A motion was made by Robert Bell and seconded by Tom Freeman to approve the requests from the LV Chamber and activate the fire police. All were in favor.

A letter was received from the LV Chamber of Commerce to requesting free 2 hour parking at all meters on the Saturdays between Thanksgiving and Christmas (Nov. 30, Dec. 7, Dec. 14, Dec. 21) as in the past.

A motion was made by Judy Hoffer and seconded by Robert Bell to approve the request from the Chamber. All were in favor.

A sign application was received from the YMCA for a plastic banner to hang on the YMCA advertising annual wreath sale from November 11 to December 7, 2013.

A motion was made by Sam St. Clair and seconded by Tom Freeman to approve the request. The motion carried unanimously.

COMMITTEE REPORTS

PARKS & RECREATION

Judy Hoffer reported that tulips were planted on the Diamond.

FINANCE

Proposed Budget for 2014:

Chairman Robert Bell reported that the proposed budget will be on display in the Borough office until the December 2013 meeting and acted upon. Bell finished by saying the proposed budget does not call for any increase in taxes.

A motion was made by Robert Bell and seconded by Judy Hoffer to place the 2014 budget for view in Borough office until the December meeting. All were in favor.

PUBLIC WORKS

Chairman Tom Freeman reported a new dump truck is on order and it should be in within 10 weeks.

A motion was made by Tom Freeman and seconded by Robert Bell to give the public works director Paul Fry the authorization to purchase the new F550 four wheel drive dump truck for the Public Works. The motion carried with all in favor.

It was announced that leaf collection will end November 26th but Public Works will continue to pick up bagged leaves and small limbs.

PUBLIC SAFETY / SHADE TREE

N/A

TOWN HALL

Sam St. Clair reported that work is being done on the Town Hall roof.

PERSONNEL / PLANNING COMMISSION

Nothing on Personnel.

Planning Commission will meet Monday, November 18th and will consider ordinance adjustments.

NEW BUSINESS

Resolution 2013-2 Police Pension Plan

A motion was made by Tom Freeman and seconded by Sam St. Clair to approve the Resolution.

The motion carried unanimously.

PUBLIC COMMENT

None

COMMENDATIONS & COMMENTS

Secretary-Treasurer / Public Works

Paul Fry reported receiving a letter from Westmoreland County Chris Tantlinger of the Dept. of Public Safety to participate in 2014 Hazard Mitigation Plan.

A motion was made by Robert Bell and seconded by Tom Freeman to authorize Paul Fry to pursue Hazard Mitigation Plan with the County. All were in favor.

Paul Fry welcomed Matt Smith onto Council.

Solicitor George Welty also welcomed Matt Smith to Council.

Solicitor Welty received two notices of tax appeal; John Wallace @ Hemlock Square and Carl and Vivian Perian revocable trust. Welty stated that he will not attend the hearing.

FIRE CHIEF / REPRESENTATIVE

N/A

ENGINEER

N/A

POLICE CHIEF

ABSENT

Mayor Bellas asked Council to advertise for two part-time police officers.
The Holy Trinity prior request will not happen because it has to be a full time officer to qualify.

A motion was made by Robert Bell and seconded by Sam St. Clair to advertise for two part-time officers. The motion carried unanimously.

President Helterbran expressed his feelings on the YMCA's expansion. Helterbran feels that Council is better off approving the amendments so that they are able to have some control over what goes on the property. Helterbran commented that he personally looks forward to whatever plan is proposed and whatever layout of parking area is proposed. Helterbran hopes the project will turn out better than what anyone expected.

MOTION TO ADJOURN

A motion was made by Judy Hoffer and seconded by Sam St. Clair to adjourn the meeting. All were in favor. The meeting was adjourned @ 8:40 PM.

Respectfully submitted,

Paul A Fry
Secretary-Treasurer
Office Manager