

May 14, 2009

The regular meeting of the Ligonier Borough Council was held Thursday, May 14, 2009 @ 7:00 PM in the Town Hall with President Dale Show presiding.

Members present: Dale Show, James McDonnell, Robert Helterbran, Robert Bell, Sam Banales, Tom Freeman. Absent was Kim Shaffer.

Others present: Secretary-Treasurer Paul Fry, Mayor Ormond "Butch" Bellas, Solicitor George Welty, Police Chief John E. Berger, Ligonier Hose Co. #1 Representative Damian Hart.

MINUTES

A motion was made by James McDonnell and seconded by Tom Freeman to approve the minutes of April 12, 2009 as presented. All of Council was in favor.

BILLS PAYABLE

A motion was made by James McDonnell and seconded by Sam Banales to approve the bills payable. The motion carried 6-0-1 with Robert Bell abstaining due to his wife being co-owner of John Hall Inc.

CONSENT CALENDAR

A motion was made by Tom Freeman and seconded by Robert Helterbran to approve the consent calendar as presented. All of Council was in favor.

CITIZEN COMMENDATION

Two teenagers, Rachael Tantlinger and Brandy Kiser received commendations from Mayor Butch Bellas for giving helpful information and description in regards to a recent child abduction resulting in a safe outcome.

UNFINISHED BUSINESS

Act 537 – Ligonier Twp.

Solicitor George Welty briefly described the resolution submitted by Ligonier Township Municipal Authority who is attempting to install a sewer line east of Ligonier into the Laughlintown area. The township is requesting permission to be able to adopt the plan that provides for sewer services adequate to prevent contamination of waters and or environmental health hazards from sewage waste and revise the plan when necessary to meet the sewage disposal needs of the municipality. The Act 537 update of sewage facilities plan provides for sewage facilities in the areas along the US Rte 30 corridor between Ligonier Borough and the village of Laughlintown, known as the Ligonier East Planning area. This resolution states that we find the facilities plan conforms to the zoning subdivision of our municipal ordinances and to our comprehensive plan program of pollution control and water quality management. This resolution serves as a revision to the official plan of the municipality to permit such.

Solicitor Welty informed council that he spoke with the solicitor of Westmoreland County Municipal authority as well as Curt Fontaine and it was asked that the borough take action to pass the resolution.

At the recommendation of Solicitor Welty a motion was made by James McDonnell and seconded by Robert Bell to adopt the Act 537 Resolution #2 of 2009. All of Council was in favor.

CORRESPONDENCE

A letter was received from the LV Chamber requesting the meters on the northeast side of the one hundred block of East Main Street be bagged for the Laurel Highlands Antique Automobile Club to display their cars during the Sunday Evening Band Concerts.

A motion was made by Robert Helterbran and seconded by James McDonnell to approve the Chamber's request. The motion carried unanimously.

A letter was received from the LV Chamber requesting permission to use the Bandstand and sound system for a jazz concert with Lou Stein, May 27, June 24, July 22 and August 26 from 12-1 PM.

A motion was made by Sam Banales and seconded by James McDonnell to approve the jazz concerts on the bandstand May 27, June 24, July 22, and August 26 from 12-1 PM. The motion carried 6-0.

COMMITTEE REPORTS

PARKS & RECREATION

Nothing

TOWN HALL

Nothing

PUBLIC WORKS

Chairman of Public Works Committee, Tom Freeman reported that the street painting is nearly complete. Grass mowing has started. Public Works is waiting on the new one-ton dump truck.

FINANCE

Chairman Robert Bell reported within the last 6 weeks that the Town Hall Fund has increased in value slightly over \$400,000 but still below the December 31 figure. As of right now the Town Hall Fund is only off 2.2% from December 31, 2008.

PUBLIC SAFETY / SHADE TREE

Robert Helterbran reported that Gregory Sullenberger, a retired State Trooper, came before council requesting to be considered part of the Borough Police. Sullenberger is wishing to keep his trainings and certifications intact, and in order to do so he has to be a member of a police department and carry a badge. In return, with no salary requested, Sullenberger is willing to give the borough his expertise in numerous areas such as, but not limited to; sobriety testing, fire arms instructor, and American red cross. Sullenberger has also taught the following courses; on-scene collision investigation level I, on-scene collision investigation level II, as well as being involved with traffic crash, traffic homicide. Mr. Sullenberger's qualifications are numerous and it is felt that he would be a great asset to the borough police to help train and work along our officers at no cost to the borough.

A motion was made by Robert Helterbran and seconded by Tom Freeman to accept Mr. Sullenberger's offer and welcome him into the borough police force after receiving word from Harrisburg regarding the necessary paperwork. All of council was in favor.

Shade Tree: Rosalie Keslar was present representing the Shade Tree Commission and reported that the Commission has received a very generous donation from C.C. Macdonald in memory of his father in the amount of \$25,000 for tree maintenance.

PERSONNEL / PLANNING COMMISSION

Nothing for Personnel

Planning Commission: McDonnell reported that the Planning Commission project has been ongoing for over 17 months of going over the borough's zoning ordinances and restructuring. The Planning Commission hopes to hold a public meeting by the end of July to go over the changes in ordinances.

NEW BUSINESS

Outdoor Eating:

Lisa Contessa Hruska, co-owner of Ivy's Café was present and asked Council to rescind the order to replace chairs and benches to allow outdoor eating.

President Show stated that he felt the Outdoor Eating issue should be addressed by the Planning Commission, under the Borough's current Comprehensive Planning Project. However, due to the timing of the issue and that the Planning Commission is not quite

ready to present what they have, Show stated that Council should take a temporary action until the Comprehensive Planning Project is completed.

Councilman Robert Helterbran added that he would like to see 42-48" for dining as per Planning Commission - Scott Lieb's preliminary proposal.

Tom Freeman reported being in favor of outdoor dining and promoting tourism for our businesses.

Sam Banales also voiced that he is in favor of Temporary outside dining.

Diane Cipa asked the question why does a business owner needs to ask permission for Outdoor Dining when there is no ordinance preventing such?

James McDonnell commented on Ordinance 414 regarding Temporary Display of Merchandise and what precipitated such ordinance because of abuse by merchants using major portions of the sidewalk.

Solicitor Welty stated that on January 10, 2008 a recommendation was made (not an ordinance or resolution) for the upcoming comprehensive plan by then Zoning Officer Dick Hills. Solicitor Welty explained that the Borough Code does give the Borough the power to regulate the sidewalks as well as common grounds, and streets. The Borough can prohibit basically any obstruction that's a convenient use of the sidewalks. In 1986, Ordinance 414 was adopted addressing Fort Ligonier Days. Under Ordinance 414 there is a section that gives a merchant the right to display merchandise in the 30" area in front of the building.

Solicitor Welty explained that the Borough has a duty to keep the streets and sidewalks open. If café type tables are permitted out front, an agreed number of feet of sidewalk must be maintained and open otherwise people are forced to walk out around the parking meters or on the street to get around.

Charles Piscatelli of the Main Street Deli expressed his thoughts in favor of outdoor dining as well as to bring the tables and chairs in at night.

Patti Campbell of the Campbell House spoke in favor of the benches and chairs.

Upon Council's wishes to make a motion to permit outdoor dining with regulations and guidelines and pending any changes recommended from the Planning Commission in the near future, Solicitor Welty recommended a work session to be held prior to next month's meeting to cover all safety, protection and comfort and convenience of the public. Solicitor Welty added that the amendment of section 135-33 must be properly advertised.

All applicants wishing for outdoor dining must apply for a temporary permit at the borough office at no charge. The application will be reviewed to see that all guidelines are met.

A work session will be held June 8th, 2009.

A motion was made by Robert Helterbran and seconded by Tom Freeman to amend section 135-33 to allow tables and chairs up to 42" from building, and provide 54" of clear walkway with the stipulation that the operator of the establishment will police the area as well as all of council. All of Council was in favor.

PUBLIC COMMENT

Rachael Roehrig of the LV Chamber thanked the Ligonier Hose Co. #1 for hosting the recent Chamber meeting.

Mr. Yeager was present and asked Council who is responsible for mowing Boyd Alley (Paper Alley).

Solicitor Welty explained that this was an issue for him to discuss with his neighbor and his own attorney. It is not a Borough concern.

Dawn Metz of 231 West Main Street reported that Denny McMaster's building at 239 W. Main St. is falling down in the rear of the property.

A discussion ensued regarding the issue. Council decided to contact MDIA to inspect the building and that Police Chief John Berger would be there as well in case there is a safety issue.

COMMENDATIONS & COMMENTS

President Show commended Council and large crowd present for the matter in which the meeting was conducted resulting in a productive meeting with a fair outcome.

SECRETARY-TREASURER / PUBLIC WORKS

West Church Street Development:

A motion was made by James McDonnell and seconded by Robert Helterbran to ratify the action to correct the plan in area of verbiage used for the West Church Street Development. All were in favor. New site plans were signed and sealed, and returned to the county.

Public Works Director Paul Fry reported painting the inside lines of the crosswalks on the Diamond during the day is dangerous; decided to paint in the evening around 9PM, with minimal interference of traffic flow.

SOLICITOR

Nothing

FIRE CHIEF REPRESENTATIVE

Ligonier Hose Co. Representative Damian Hart was present and asked permission to close down Fairfield Street to Bank Alley for the annual Firemen's Auction June 13, 2009.

A motion was made by James McDonnell and seconded by Tom Freeman to close Fairfield St to Bank Alley Saturday, June 13, 2009 for the annual Firemen's Action June 13, 2009. The motion carried unanimously.

Hart reported an emergency siren will be tested June 1, 2009 at 2 PM. This whistle will blow continuously for three minutes after a 5 minute silence an "all clear" blast will be signified by three long blasts of the siren.

ENGINEER'S REPORT

H2O Grant: Secretary-Treasurer Paul Fry has been contacted for additional information. Eads continues to work with the LV School District and their engineer on the Wellar Field improvements.

POLICE CHIEF

A motion was made by Robert Helterbran and seconded by Robert Bell to activate the Fire Police for the Memorial Day Parade. All of council was in favor.

A copy of Derry's ordinance for curfew has been placed in all of council's mailboxes. Chief Berger asked that the police committee review / make any changes and consider for the Borough with school coming to a close for the summer.

MAYOR

Mayor Bellas thanked Council for appointing Mr. Sullenberger to the police force as well as their decision on the outdoor dining.

MOTION TO ADJOURN

A motion to adjourn was made by Robert Helterbran and seconded by Robert Bell. The motion carried unanimously. The meeting adjourned at 8:45 PM.

Respectfully submitted,

Paul A. Fry
Secretary-Treasurer
Office Manager