

July 9, 2009

The regular meeting of the Ligonier Borough Council was held Thursday, July 9, 2009 in the Town Hall with President Dale Show presiding.

Members Present: Dale Show, James McDonnell, Kim Shaffer, Robert Helterbran, Sam Banales, Tom Freeman. Absent was Robert Bell due to illness.

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

### **MINUTES**

A motion was made by Tom Freeman and seconded by James McDonnell to approve the minutes of June 11, 2009 as presented. All of Council was in favor.

### **BILLS PAYABLE**

A motion was made by James McDonnell and seconded by Robert Helterbran to approve the Bills Payable. The motion carried 6-0.

### **CONSENT CALENDAR**

A motion was made by Tom Freeman and seconded by Kim Shaffer to approve the Consent Calendar as presented. All of Council was in favor.

### **UNFINISHED BUSINESS**

**Outdoor Dining:** Solicitor Welty explained the revised / proposed ordinance #544 for Outdoor Dining. This ordinance declares that council encourages attractive, functional and economically vital community and shopping areas that are safe and pleasant environments to live near and do business within. The current borough ordinance code does not permit sidewalk café's but council does believe that sidewalk café's can contribute to pedestrian friendly community if conformed to specific public health and safety requirements as defined by ordinance #544.

An application for a business to hold outdoor dining will be available at the Borough Office and referred to by the Public Works Director, Mayor and President of Council for approval. The applicant must provide a copy of their current business license, site plan, and location on sidewalk of proposed tables and chairs, any exterior lighting and the proposed pedestrian walkway. Applicant must provide proof of insurance, photo of area, seating capacity. This application must be renewed annually and reviewed. Design standards must have a minimum of 60" unobstructed.

See ordinance #544 for further detail.

Solicitor Welty explained if Council wished to enact the ordinance, it must be advertised in its entirety or shorten version for next month's meeting.

A motion was made by Robert Helterbran and seconded by Kim Shaffer to advertise Solicitor Welty to advertise the ordinance in summary form with a copy available for review in its entirety in the Borough office. All of Council was in favor.

### **Zoning Ordinance:**

The Borough of Ligonier's proposed zoning ordinance has been reviewed by the Westmoreland County Dept. of Planning & Development. As submitted, the proposed zoning ordinance conforms to the goals, objectives and action steps of the Westmoreland County Comprehensive Plan.

The proposed Zoning Ordinance was discussed and forwarded to the Planning Commission.

### **Curfew Ordinance #543:**

Mayor Bellas explained the Curfew Ordinance. This ordinance will serve as a tool for the police to use to address youth under 18. A few teens are running around town late at night and unless an ordinance is in effect, the police cannot stop them to find out what they are up to unless it appears suspicious. With a curfew ordinance the police may stop them, give them a warning, call their parents to come and get them. Vandalism has been

done in the past and an ordinance will ensure that the kids are home in their beds instead of running the streets looking for something to get into.

A lengthy discussion ensued regarding the proposed ordinance with Diane Cipa of West Main Street, & Marianne McAuliffe of N. Fairfield St. stating they are against the idea of a curfew ordinance.

A motion was made by Tom Freeman and seconded by Kim Shaffer to adopt Ordinance #543 as properly advertised. The motion carried 5-2 with Sam Banales and Dale Show opposing.

### **CORRESPONDENCE**

Rachel Roehrig of the LV Chamber thanked Council for continued support of Chamber events as well as a check in the amount of \$350.00 for parking during Antique Shows.

### **COMMITTEE REPORTS**

#### **PARKS & RECREATION**

Sam Banales, Chairman of the Parks & Recreation Committee thanked the LV Chamber for monies to paint the Bandstand. Two checks were received, one from LV Chamber of Commerce in the amount of \$500 and one from the Fort Ligonier Days Inc. also in the amount of \$500.

#### **TOWN HALL**

Nothing to report

#### **PUBLIC WORKS**

Chairman Tom Freeman reported that street sealing will begin at the end of the month. Notification of streets to be sealed will be published in the paper. This project will be completed with the help of Ligonier Twp. Public Works.

#### **PUBLIC SAFETY / SHADE TREE**

Kim Shaffer reported that the committee is still looking for monies for software for the Fire Department computers. This will be discussed at next month's meeting.

#### **FINANCE**

It was reported that June was a flat month with no increase in Town Hall Fund.

#### **PERSONNEL / PLANNING COMMISSION**

Employee Mark Urch is in the hospital.

Planning Commission: Will be working on the Zoning Ordinance.

#### **NEW BUSINESS**

##### **West Church Street Development:**

Richard Flickinger explained the need for revision #11 West Church Street Development to show unit numbers to help him give a declaration to owners.

A motion was made by Tom Freeman and seconded by James McDonnell to approve Richard Flickinger's request. All council was in favor.

#### **PUBLIC COMMENT**

Richard Flickinger thanked Council for a successful stuffed cabbage dinner recently held in the Town Hall for the Antique Auto Club which he is affiliated with.

Councilman Tom Freeman thanked all for the community support on the recent PA Hero Walk.

**COMMENDATIONS and COMMENTS from OFFICERS and DEPARTMENTS**

Paul Fry, Secretary-Treasurer / Public Works Director reported that a mission group organized by Rev. Fogg from the Baptist Church of Ligonier will be putting down 80 cubic yards of mulch at the playground next week. The playground will be closed until the work is done.

Fry noted July 29<sup>th</sup>, the street department will be seal coating the streets. Notification will be sent out to the media. Fry reminded property owners to maintain their shrubbery, trees growing out into the right of ways. Rain date for the seal coating will be July 30<sup>th</sup>.

Solicitor Welty reported Secretary Paul Fry has received notification the Westmoreland Bar Association will put on a free public education program informing municipalities about Act-32 on Thursday, July 23<sup>rd</sup> @ 7 PM at the University of Pittsburgh @ Greensburg. Paul Fry and Doug Welty are to go to the seminar July 23<sup>rd</sup>.

**FIRE CHIEF / REP.**

Nothing

**ENGINEER**

Nothing

**POLICE**

Chief John Berger thanked council for adopting the Curfew Ordinance.

**MAYOR**

Mayor Bellas reminded everyone to keep their side walks free of shrubbery and debris. Mayor Bellas also thanked Council for adopting the Curfew Ordinance.

**PRESIDENT**

Nothing

**MOTION TO ADJOURN**

A motion was made by Kim Shaffer and seconded by Sam Banales to adjourn the meeting. The motion carried unanimously. The meeting was adjourned @ 9:10 PM.

Respectfully submitted,

Paul A. Fry  
Secretary-Treasurer  
Office Manager