

**August 10, 2017**

The regular meeting of the Ligonier Borough Council was held Thursday, August 10, 2017 at 7:00PM in the Town Hall with James McDonnell presiding.

**Members Present:** James McDonnell, Gus Breegle, Chick Cicconi, Matt Smith, Pat Scanlon & Terry Murphy. Absent was Judy Hoffer.

**Others Present:** Secretary-Treasurer Paul Fry, Mayor Ormond "Butch" Bellas, Engineer Greg Elliott, Police Chief John Berger, Fire Chief Steve Barron, Zoning Officer Rick Schwab.

**APPROVAL OF MINUTES**

**A motion** was made by Pat Scanlon and seconded by Gus Breegle to approve the minutes of July 2017 as presented. All of Council was in favor.

**BILLS PAYABLE**

**A motion** was made by Gus Breegle and seconded by Terry Murphy to also approve the Bills Payable as presented. The motion carried with all in favor.

**CONSENT CALENDAR**

**A motion** was made by Chick Cicconi and seconded by Matt Smith to approve the Consent Calendar at hand. The motion carried 6-0.

**UNFINISHED BUSINESS**

N/A

**CORRESPONDENCE**

Vic Smith was present to ask Council's endorsement and commitment of the Borough to provide the general lawn mowing and weed control needs to the Millcreek Trail Head Park Project. The park will be located at the head of the LV Walking Trail on the banks of Millcreek. The park will have a small gathering place with memorial benches, tables and receptacles provided by local citizens. The park will feature the only Disabled & Family Fishing Platform in the area.

**A motion** was made by Pat Scanlon and seconded by Terry Murphy to approve the request for mowing and weed control for the Millcreek Trail Head Park. All of Council was in favor.

Letter was received from LV Chamber of Commerce asking permission to schedule the Seton Hill University Pipe Band to play on the Bandstand or Auditorium in case of inclement weather Sunday, September 24, 2017 from 1-2 PM.

**A motion** was made by Matt Smith and seconded by Pat Scanlon to approve the LV Chamber's request. The motion carried unanimously.

Letter was received from Fort Ligonier Days, Inc. requesting permission for signage to be posted in the Borough for Fort Ligonier Days October 13-15, 2017 as well as event banners to be hung one month prior to the festival.

**A motion** was made by Chick Cicconi and seconded by Pat Scanlon to approve the above request by Fort Ligonier Days Inc. The motion carried with all in favor.

An email was received by Paul Fry addressed to Borough Council from Justin Martinez aka The Shadow requesting permission to host a concert/performance in the center of the Diamond November 7, 2017 from 7AM-7PM to roast the Fire Department.

Justin Martinez was present to clarify the purpose of requested concert/performance to which he was given 10 minutes for a brief presentation.

Martinez stated that he is a retired Professional Protester from California and moved here last August with his family. Sometime between August and November 2016 he put in an application to join the fire department. Martinez stated that he went through the background checks and submitted all documentations necessary. Martinez was contacted after a certain amount of time and told that he was accepted to the fire department and that he had completed all his background checks. He stated that he received some fire gear and some training. November 7<sup>th</sup> Martinez stated that he was called into a meeting and was told that a mistake had been made, background checks had not been completed and that he could not come back until it was done. Martinez added that the fire department is suing him, after they have admitted that they have made a mistake. They are suing over articles that he states he does not possess. Per Martinez, June 19<sup>th</sup> Chief Steve Barron was cross examined by his attorney. Martinez feels that Fire Chief Steve Barron committed perjury in court by stating that Martinez did not complete the required background checks and that Martinez withdrew his application prior to completion of the background checks. Martinez feels that the Fire Department wrongly gave him equipment and gear without completion of background checks. Martinez submitted terms to the Fire Department that he wishes to be followed through to the point of negotiation of such terms in accordance with the law:

1. Martinez feels the Fire Department should be regulated to make sure they are doing what they are supposed to be doing.
2. Martinez wants Chief Barron to resign or get rid of him or, negotiable; re-educate him.
3. Martinez wants financial compensation for emotional distress. Martinez pointed out that his home has been assaulted, his property has been stolen, and his house was shot at, his kids were scared & his house was vandalized.

**A motion** was made by Chick Cicconi and seconded by Pat Scanlon to approve Justin Martinez's non-exclusive use of the Bandstand November 7, 2017 between the hours of 11AM-2PM with provisions that no signs or balloons may be placed on the Bandstand or Diamond ground. He may carry a sign and balloons but not place on Bandstand or Diamond ground. He may play music at a reasonable level of volume but may not have specific permission to play music by Eminem and DMX. The motion carried unanimously.

Message received from Sara Swaney of Westmoreland Food Bank asked Council to light the Bandstand orange again this September in observance of Hunger Action Month. Light bulbs were supplied by the Food Bank.

**A motion** was made by Pat Scanlon and seconded by Terry Murphy to approve using the orange lights on the Bandstand for the month of September 2017 as requested. The motion carried with all in favor.

A request was received from Amber Noel of Helping Hearts and Healing Tails requesting permission to close North Fairfield Street to West Main Street temporarily Sunday, October 1, 2017 from 11-5PM to hold a benefit fundraiser at the Ligonier Volunteer Hose Co. #1 to help raise funds that defray costs with veterinary care, spaying and neutering, rehabilitation, and adoptions of homeless animals.

**A motion** was made by Terry Murphy and seconded by Matt Smith to approve the request. All of Council was in favor.

## **COMMITTEE REPORTS**

### **PARKS & RECREATION / SHADE TREE**

Matt Smith, Chairman of Parks & Recreation thanked Council for their support with the Millcreek Trail Head Park Project. Smith added that the Western Pa Conservancy had some

leftover funds from the tree project in Ligonier Borough and therefore 12 additional trees will be planted November 1<sup>st</sup> of 2017. Sites for the trees have been chosen.

### **TOWN HALL**

Nothing to report at this time.

### **PUBLIC WORKS**

Chairman Gus Breegle reported that seal coating and paving have been completed along with painting of the cross walks. Breegle added that public works continues with maintenance in the parks and playground.

### **PUBLIC SAFETY**

N/A

### **FINANCE**

Chairman Terry Murphy reported that Town Hall Fund is doing well. Finance & Town Hall committees are looking into updating the Furnace /Air Conditioning at Town Hall as they are as old as the Town Hall itself. Bids will be received.

Murphy added that the finance committee recommends to raise LST (Local Service Tax) tax from currently \$10 to \$52 to be placed on employees of businesses in Ligonier Borough. Employees who are part-time or who make less than \$12,000 will not pay anything.

**A motion** was made by Pat Scanlon and seconded by Chick Cicconi to authorize Solicitor George Welty to proceed with an ordinance to enact the increase in the LST Tax for 2018. All of Council was in favor.

#### **Parking Meters:**

Pat Scanlon added that the Borough will be receiving new digital parking meters installed and operational January 1, 2018.

**A motion** was made by Pat Scanlon and seconded by Chick Cicconi to authorize solicitor Welty to amend or create a new ordinance listing a new parking rate as .25 for 30 minutes or .50 for an hour effective January 1, 2018. The motion carried with all of Council in favor.

### **PLANNING / PERSONNEL**

Chairman Chick Cicconi reported that the next meeting of the Comprehensive Plan will be held September 19, 2017 in the Township with the Borough Planning Commission attending along with anyone who is inclined to do so.

Personnel Committee met yesterday with Police to start 2018 contract.

### **NEW BUSINESS**

#### **Resolution 2017 – 2:**

A Resolution of the Borough of Ligonier establishing the 2017 dates for the festival and establishing the fee schedule for Fort Ligonier Days sales permits based on the provisions of ordinance #556 adopted April 11, 2013.

**A motion** was made by Chick Cicconi and seconded by Pat Scanlon to adopt Resolution 2017-2. The motion carried unanimously.

#### **Code Enforcement Officer:**

Councilman Terry Murphy commented on a few deplorable properties in the Borough and the need for the new incoming Code Enforcement Officer to look into.

President McDonnell stated that he would approach the new Code Enforcement Officer and invite him to the next Council meeting.

### **PUBLIC COMMENT**

Jennie Baughman and Dana Kissell of Laurel Auto Group of Johnstown were present at the meeting and asked Council to Turn the Town Teal during the month of September to promote Ovarian Cancer Awareness. They are asking to place teal ribbons on trees, lampposts and other poles.

**A motion** was made by Chick Cicconi and seconded by Matt Smith to approve the placing of teal ribbons on the lampposts on the outer Diamond for the month of September 2017. The motion carried with all in favor.

**Matt Wolff** along with his wife Pamela Wolff informed Council of their intention to purchase and operate an apartment building in the Borough at 121 S. Fairfield Street in C2 District. Zoning Officer Rick Schwab commented on three options for the Wolff's. They could apply for Continuation of Non-Conforming Use or apply for any of the uses that allows for a Conditional Use and have a Hearing or even have a Bed and Breakfasts which is permitted without a Hearing.

Mayor Bellas gave some history of the building and stated that there were about 5 apartments inside.

Wolff was referred to work with the Zoning Officer for direction as to his plans for use.

**Justin Martinez** informed Council of the requisition to investigate Ligonier Hose Co. #1, requesting the Borough to investigate the fire department for allegations of failing to submit to and complete background checks on a state level.

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

EADS Engineer Greg Elliott reported that a draft of the cell tower ordinance will be presented at this month's Planning Commission meeting. The Diamond project is on schedule to advertise for bids in November and award contract in December. The gas company wishes to replace gas lines within the Diamond and have asked EADS to prepare a permit application to Penn Dot on their behalf. Paul Fry and Jake Bolby met with Penn Dot last week. Elliott stated that new gas line replacement is to be completed in late September. Demolition work will be in late January after Ice Fest.

Chief Berger got the verbal okay for military police for Fort Ligonier Days.

President James McDonnell thanked Paul Fry and Jake Bolby for contacting Penn Dot regarding the permits for oversized loads going through town. There was an error in electronic system at Penn Dot that did not record the length of trucks recently that went through which exceeded the 95 ft. long rule for trucks entering the Diamond area. A correction has been made to their system.

McDonnell thanked all committees for their hard work.

The next meeting of the Ligonier Borough Council will be held September 14, 2017 at 7PM.

### **MOTION TO ADJOURN**

**A motion** was made by Pat Scanlon and seconded by Matt Smith to adjourn the meeting. All of Council was in favor. The meeting adjourned @ 8:02 PM.

Respectfully submitted,

Paul A Fry  
Secretary-Treasurer  
Office Manager