

**Ligonier Township Supervisors
Regular Meeting Minutes**

March 28, 2023

The Supervisors of Ligonier Township met in regular session at 4:30 p.m. Present were Chair, Dan Resenic; Vice Chair, Erik Ross; Secretary/Treasurer, Stephanie Verna; Supervisor, D. Scott Matson; and Supervisor, John Beaufort.

Also present were Manager, Michael Strelac; Solicitor, Dan Hudock; Engineer, Ben Faas; Chief of Police, John Berger, Zoning / Code Enforcement Officer, Rick Krouse; and Finance Officer, Bethany Caldwell.

Comments from the Public –

1. Annie Cassler Stewart, Township resident commented on the DCNR's Master Site Development Plan & Pool Feasibility Study grant, the "Possible disposition of Ligonier Beach property" agenda item, township staff vacancies, and the police department.
2. James Hillard, FOLB grant match contributor, commented on the DCNR Master Site Development Plan & Pool Feasibility Study grant.

Comments from the Supervisors

There were no comments from the Supervisors.

- A motion was made by Stephanie Verna and seconded by Erik Ross to approve the minutes from the March 14, 2023 meeting. Motion carried.

Correspondence List (Note these items were not read aloud.)

1. PennPrime workers compensation audit – refund due to 2022 overpayment
2. Law Offices of Peter J. Russo request to waive delinquent real estate taxes – the Board requested more information before they make a determination
3. Westmoreland County, decreased assessment Joy Haven property
4. Mason Reed, request to pave Swank Road

Manager Report

Mr. Strelac reported there was another wind storm and was grateful the Township has three volunteer fire departments. The township would have to raise its millage rate quite significantly if it had paid fire department(s). Demolition work at the Ligonier Beach has begun. The Planning Commission met last Thursday.

Supervisor Resenic said he stopped at the Ligonier Beach and noted they're making some progress.

Planning Commission Report

Mrs. Nalle (Planning Commission Chair) reported that people are coming to the Commission with zoning issues (e.g.s signs, definition of a retreat center). The Planning Commission updated the Zoning Ordinance in 2015. It's time to update it again due to

several new issues: tiny houses, marijuana distributions, solar/wind farms, food trucks, flood plain ordinance. Mr. Strelac provided a good template, but how do we do this while keeping expenses minimal? Proposed having a workshop next month to go over the zoning code line by line, and is gauging the level of Board interest in such an undertaking.

Supervisor Verna asked the Planning Commission to consider putting together a list of areas they want to update and run it past board before sending them to legal for review. Ms. Nalle explained that some topics are illegal and it's hard to know their current status when they're still working through the court system.

Supervisor Verna suggested onsite training similar to what was done in 2018 when the Planning Commission, Zoning Hearing Board, and Township staff attended a 3 day training course.

- A motion was made by John Beaufort and seconded by Stephanie Verna directing the manager and solicitor to find an appropriate training course for the Planning Commission and Zoning Hearing Board. Motion carried.

Engineer Report

Mr. Faas reported that cross pipes were installed at Myers School Road, but there is still a lot of work to be done (grading, ditches, etc.). The Dollar General is proceeding as planned.

Solicitor Report

Mr. Hudock did not have anything to report.

Staff Reports

Mr. Krouse provided a monthly report to the Board and noted it is spring and activity has picked up.

Mrs. Caldwell reported a single bid had been made on the Township's Asphalt Zipper, but the \$50k bid did not meet the \$70k reserve price. Supervisor Verna asked how much was left on the zipper's loan - \$21k.

- A motion was made by Erik Ross and seconded by Scott Matson to list the Asphalt Zipper on the Equipment Trader site for \$75,000 or best offer. Motion carried.

Treasurer's Report

- A motion was made by Stephanie Verna and seconded by Erik Ross to approve the bills as presented. Motion carried.

Old Business

There was a lengthy discussion about the Memorandum of Understanding (MOU) between the Friends of Ligonier Beach and the Township with respect to the DCNR's

grant to complete a Master Site Development Plan and Pool Feasibility Study for the Ligonier Beach property. The solicitor advised against signing the MOU as the Township would give up its rights and this agreement is legal and binding. The DCNR already has regulations that control the process.

Supervisor Resenic stated he did not want to release control when the Township is responsible for the property and execution of the grant. He suggested the only way forward was to sell the Beach for \$305k. There are 6,500 residents in the Township and he objects to others (especially those residing outside of the Township) imposing their will on the people that have to foot the bill. The FOLB wants control, but control without the risk.

Supervisor Beaufort was against selling the property because private entities cannot apply for many grants, like the DCNR funding. He reminded the board that the study is not just about the pool. The study will look at the best possible recreational use for the property to benefit the residents – whatever that may be. There are grants out there that are for municipalities only. Recommended that the board doesn't turn down something that only the township can do.

Supervisor Verna said this is very unfortunate. We have expended time & resources of our own and of the private citizens. There is an opportunity here, the work's been done, and the grant was received. It is unfortunate that we're fighting over control. She is disappointed there is an appearance the Board voted for things it was not fully in support of, then looks for loopholes and barriers. She personally does not think a pool is economically viable, but that the property still has some value for the community.

Supervisor Resenic said the MOU is too restrictive and it places a burden of responsibility on the Township. He called for a motion to accept the MOU and let the process move forward. Motion died due to lack of second.

Supervisor Verna said the motion is too narrow, she doesn't want to sign off on the MOU but wants to find a way forward. It seems we are overly "lawyering up," she has never seen a citizen's group come forward with money and resources and yet it's so contentious.

Supervisor Beaufort asked why we can't meet and negotiate an alternative.

Supervisor Ross said we are straying away from the conditions set in the original motion approving the grant, the intent was to not spend taxpayers' money on the project.

Supervisor Resenic admitted if we tried to sell the property no one is going to buy it – it can't be developed, it's in a regulated floodway, FEMA and the DEP will prohibit it.

Supervisor Verna added we are moving forward and still reserve right to not follow the recommendation of the study and FOLB understood this. We're making progress, cleaning up the property. We have \$100k here to develop a plan.

Supervisor Resenic said the Township has 84 miles of road, hundreds of cross-pipes, labor, materials, health care costs, we're going to have to raise taxes as it is, the local funders won't touch it due to the political polarization.

New Business

Possible disposition of Ligonier Beach property

- A motion was made by Dan Resenic and seconded by Scott Matson directing the Township Solicitor to work with the Township Manager to do the following:

Prepare a solicitation for bids from interested third parties to purchase the Township's property known as the former Ligonier Beach property with certain conditions such as the continuation of the restrictive covenants placed on the property by the DCNR and a minimum purchase price sufficient to allow transfer of the property and/or to pay any entity that provided grant funding for the acquisition of the property and also to pay associated closing costs;

Investigate the possibility of a public auction for the sale of the former Ligonier Beach property and the costs to the Township for auction services;

Obtain payoff amounts from any funding organizations such as the Commonwealth of Pennsylvania's Department of Conservation & Natural Resources and the Katherine Mabis McKenna Foundation to allow reimbursement of the funding agencies and the sale of the former Ligonier Beach property;

Investigate and/or obtain any permission required by the Commonwealth of Pennsylvania's Department of Conservation & Natural Resources or by others to allow the conveyance of the property from the Township to a third party; and

Investigate any other legal and factual issues to permit the Township to convey the property to a third party.

Motion to become effective in one week (April 4, 2023), allowing time for the FOLB to turn over grant match money, allowing the Township to proceed with the DCNR grant. Roll call vote: Supervisors Verna and Beaufort voted nay, Supervisors Matson, Ross, and Resenic voted aye. Motion carried, 3:2.

Ken Bacha, from Mutual Aid based out Greensburg - Thanked the LVPD for their presence, shadowing their calls. While his staff have undergone the appropriate training, ensuring their badges are visible and openly carry firearms, they have still been threatened and occasionally have been in danger when on-calls. He appreciates what the LVPD do for them, their presence helps. In other areas of the county they don't get that support as there are just not enough state troopers.

The 2023 Seal Coat Program Bids were opened and read aloud:

Russell Standard	\$366,844.40 – low bid
Quaker Sales Corp.	\$400,915.40
Midland Asphalt	\$429,145.80

Ligonier Construction \$695,631.50

Supervisor Resenic said there was a discrepancy in the measurements last year, have we ensured this won't be repeated? Yes, it was due to the road aprons and the measurements were updated to reflect the aprons, although those roads won't be seal-chipped again for another 5 years.

Supervisor Ross asked what was budgeted for the roads contract? \$300k so some roads will be cut.

Supervisor Verna asked what prep work was included in the bid? Prep work was limited to crack sealing, the rest of the prep work is done in-house.

Supervisor Resenic asked staff to communicate with both the LTMA and MAWC to ensure they don't have plans to rip up freshly sealed roads. Supervisor Verna clarified these conversations need to be documented, get something in writing and review it against the road list.

Grading to begin in May, weather permitting.

The Ligonier Valley Fire Companies Fundraising agenda item was postponed to the next meeting.

Also on the agenda were the following related items:

- 2023-O-04 Stormwater Ordinance -
- 2023-R-06 Fee Schedule to Update Stormwater
- 2023-R-07 Stormwater Ordinance Administration & Enforcement

The Stormwater Ordinance was on the agenda to correct an oversight when the wrong version of the ordinance was adopted. However, these items are not yet ready to be voted on – staff are making a few more revisions.

- A motion was made by Stephanie Verna and seconded by Erik Ross to approve Russell Standard's unit price bid as the apparent low bidder, subject to the Engineer's review. Motion carried.
- A motion was made by Erik Ross and seconded by Scott Matson to approve Mr. Strelic joining the Association for Pennsylvania Municipal Management (APMM). Motion carried.

Executive Session

There was no executive session.

Comments from the Public

There were no comments from the public.

Comments from the Supervisor

Supervisor Matson – Said in response to Mrs. Stewart's comments regarding the Police Department Building Study, he doesn't think there is a need. He has talked to the Chief

and there is room at the Complex. People don't want their taxes raised and they don't want another property taken off the tax rolls.

Supervisor Ross – No comment

Supervisor Beaufort – No comment

Supervisor Verna – Recognized the fire companies, local police department, and mutual aid service stating their proactive relationships allow collaboration and support.

Supervisor Resenic – No comment

- A motion was made by Stephanie Verna and seconded by Erik Ross to adjourn the meeting at 5:48 p.m. Motion carried.

Respectfully submitted,

Bethany Caldwell
Assistant Secretary/Treasurer

Ligonier Township, Westmoreland County, PA

Bill Payments for All Vendors

March 28, 2023

Vendor	Type	Num	Amount
Mar 28, 23			
AA Septic Tank Service	Bill Pmt -Check	25455	250.00
AFLAC	Bill Pmt -Check	25456	102.92
Andrews Sales & Service	Bill Pmt -Check	25457	59.85
Cord Kelly	Bill Pmt -Check	25458	15.00
D Scott Matson	Bill Pmt -Check	25459	538.74
Diamond Communications Solutions	Bill Pmt -Check	25460	1,531.70
Fayette Parts Service, Inc.	Bill Pmt -Check	25461	182.51
Glassmere Fuel Service	Bill Pmt -Check	25462	3,677.62
Guardian Protection Services	Bill Pmt -Check	25463	1,625.00
Laurel Valley Hardware Inc.	Bill Pmt -Check	25464	16.30
Ligonier Agway	Bill Pmt -Check	25465	49.99
LVTech	Bill Pmt -Check	25466	24.00
MacDonald Automotive	Bill Pmt -Check	25467	275.00
ODB Company	Bill Pmt -Check	25468	1,846.23
Russ Berkey	Bill Pmt -Check	25469	15.00
Smith Propane & Oil	Bill Pmt -Check	25470	1,623.57
SWIF	Bill Pmt -Check	25471	957.00
Town & Country Motors	Bill Pmt -Check	25472	55.55
UAW LOCAL 204	Bill Pmt -Check	25473	323.34
ULine	Bill Pmt -Check	25474	186.35
UniFirst Corporation	Bill Pmt -Check	25475	170.48
West Penn Power	Bill Pmt -Check	25476	585.64
West Penn Power	Bill Pmt -Check	25477	0.11
Mar 28, 23			14,111.90

SR
 822
 3-28-23

11:32 AM

03/27/23

Ligonier Township-Liquid Fuels
Bill Payments for All Vendors
March 28, 2023

<u>Vendor</u>	<u>Type</u>	<u>Num</u>	<u>Amount</u>
Mar 28, 23 West Penn Power	Bill Pmt -Check	1312	56.06
Mar 28, 23			<u>56.06</u>

OK
SP
3-28-23