

Ligonier Township Supervisors
Public Meeting
May 29, 2014

The Ligonier Township Supervisors met in public session at 3:30 pm. Chairman Paul Knupp took roll call. Present were Chairman Paul Knupp, Vice Chairman D. Scott Matson and Timothy R. Komar.

Solicitor Scott Avolio stated that the two specific items to be discussed are accepting the resignation of special council related to Foxley Farm and a motion to appoint new council to serve as special council in all matters related to Foxley Farms.

Public Comment:

George Grier questioned who is to enforce the zoning laws when a violation is occurring. He questioned what roll the new special council will have. Solicitor Scott Avolio stated that the purpose of special council is to deal with all matters involving Foxley Farms or applications that come forth related to the ownership of PJ and Maggie Nied. Because of Mr. Avolio's prior representation of the Neids, this creates a conflict for him. As for enforcement, that is not a question that can be answered by the Supervisors. He stated that special council does not do the enforcement. Special council's role is to report to the Supervisors related to those matters involving the Nields or Foxley Farm and takes any court action that he is directed to do so by the Supervisors after that consultation. Avolio stated that enforcement is through the courts and that has begun and has not as yet been completed.

Dave Barnhart asked what the procedure is to stop an event that is at that time going on. Solicitor Scott Avolio answered that if there are violations of civil ordinances passed by a township, then the courts are in the position where the township seeks to enforce them. Specifically and generally the court system is the only process. The Supervisors have begun this process and there is a contempt proceeding filed. The time that this will take is in the wheels of justice.

PJ Nied stated that he believes they meet the conditional use of the zoning laws as they stand. He said they never would have purchased this farm without the support of the township and the WPC. Those two things somehow did a 180 after the purchase of the farm. He said the weddings that have been held, post injunction, are contractual obligations that they will honor. He said that they have not booked a single wedding since that injunction has occurred. He stated, as an example, that Josh Whetzel has had wedding after wedding after wedding at his farm and no one said anything about that. He stated that he felt that there only mistake was asking for permission and not begging for forgiveness. He said this has the implication to affect every business in the township, including the clubs and the non-profit. He said he felt Mark Hamilton was trying to put the township on the right track. He asked the Supervisors to set up something to at least debate bringing agritourism to the township.

- A motion was made by Timothy Komar and seconded by Scott Matson to accept the resignation of Special Council Mark Hamilton. Motion carried.
- A motion was made by Timothy Komar and seconded by Scott Matson to appoint Gary Falatovich as Special Council for matters involving a conflict with Foxley Farm at a rate of \$110.00 per hour. Motion carried.

A motion was made by Timothy Komar and seconded by Scott Matson to adjourn the public meeting. Motion carried.

Respectfully submitted,

Barbara L. Hollick
Assistant Secretary

CIPRIANI & WERNER

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

MARK R. HAMILTON
mhamilton@c-wlaw.com
Direct Dial: (412) 254-9294

Suite 700
650 Washington Road
Pittsburgh, Pennsylvania 15228
Telephone (412) 563-2500
Fax: (412) 563-2080
www.C-WLAW.com

Harrisburg Office:
Telephone (717) 975-9600

Philadelphia Office:
Telephone (610) 567-0700

Scranton Office:
Telephone (570) 347-0600

Marlton Office:
Telephone (856) 761-0725

May 14, 2014

D. Scott Matson, Supervisor
Ligonier Township
One Municipal Park Drive
Ligonier, PA 15658

Paul Knupp, Supervisor
Ligonier Township
One Municipal Park Drive
Ligonier, PA 15658

Re: Resignation as Ligonier Township Special Counsel

Dear Messrs. Matson and Knupp:

When I agreed to serve Ligonier Township as its Interim Solicitor beginning in November 2013, I did so out of my respect for the community and in response to a leadership void created by the sudden resignation of the Township Solicitor and the departures of a supervisor and zoning officer amidst allegations of improprieties. Since my appointment, I have made every effort to provide the Township with objective, well-reasoned, and credible legal counsel in a manner which is thoughtful and candid.

Despite the disturbing events of 2013, Supervisor Tim Komar and Interim Supervisors, Mike Shadron and Grover Binkley remained fully engaged in their service to the Township and carried out their duties in a transparent manner which sought to promote engagement and a restoration of public trust.

Even before you took office in January, it was evident to me that you brought with you an agenda and an intolerance for perspectives not consistent with yours. I agreed to continue in the role of special counsel despite my concerns.

I was heartened by the sense of community demonstrated at last night's supervisors meeting. There was a large turnout of residents; many of whom participated in thoughtful, public debate on an issue of vital importance to the Township: zoning. Unfortunately, both of you refused to engage your electorate and by so doing, failed to fulfill your duty of leadership. Neither of you asked a single question or made any comment on the proposal at hand. By voting in the negative on the motion to refer the proposed Agritourism Amendment to the Planning

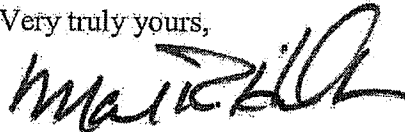
D. Scott Maison, Supervisor
Paul Knupp, Supervisor
May 14, 2014
Page 2

Commission, you foreclosed the opportunity for the commission to consider this initiative, to provide its input; and, to continue the public debate. In other words, you failed to engage the process which you were elected to administer. The residents of Ligonier Township deserve better.

I hope that the two of you will make a concerted effort to lead rather than to be led. Further, that when given the opportunity to participate in thoughtful debate on issues facing our community, you will become fully engaged in that process and by so doing, restore public confidence in local government.

Until you demonstrate a commitment to interactive leadership, I am unwilling to serve as your special counsel. Please accept my resignation from that office effective immediately. Please also accept my genuine support for your efforts to provide Ligonier Township with responsible governance and my offer of assistance to my successor as part of the transition process.

Very truly yours,



Mark R. Hamilton

MRH/bjb

cc: Timothy Komar, Supervisor
Scott E. Avolio, Esquire

P.S.: You may expect to receive under separate cover letter a list of court schedulings and my final invoice for services rendered to date.