

March 2, 2020

The Regular Meeting of the Bedford Borough Council was held on the above date with the following Council Members present, Tim Weaverling, Sharon Turkovich, Jeff Rinscheid, John Cessna, William Blackburn, Patrick Neff and Kenny Fetterman. Mayor William Leibfreid, Borough Manager Barbara Diehl, Assistant Borough Secretary Misty Hizer, Police Chief Craig Bowman, and Solicitor Dean Crabtree were in attendance. Absent were Borough Secretary Beverly Geller, Public Services Director Brad Foor and Borough Engineer Timothy Cooper.

Members of the press in attendance included Randy Delozier, Lloyd Roach and Will Deshong.

Motion was made by Council Member Neff, seconded by Council Member Cessna, to approve the Minutes of the February 3, 2020 Regular Meeting Minutes and the February 18, 2020 Council Workshop Minutes. Motion was carried by unanimous vote (7-0).

Motion was made by Council Member Rinscheid, seconded by Council Member Neff, to approve the list of bills from February 4, 2020 through March 2, 2020. Motion was carried by unanimous vote (7-0).

Motion was made by Council Member Turkovich, seconded by Council Member Blackburn, to approve the Treasurer's Report for March 2, 2020. Motion was carried by unanimous vote (7-0).

Motion was made by Councilman Cessna, seconded by Councilman Blackburn, to approve payment of Requisition # 9 – Building Renovation Project in the amount of \$2,500.00 to Aerial Communications for Fire Alarm Design Fees. The money is requisitioned form a Line of Credit. Motion was carried by unanimous vote (7-0).

Police statistics were unavailable and would be shared at a later date.

Chief Bowman shared the new interim location of the police department at 130 W. Vondersmith Avenue until the building renovation project is complete. Bedford Police Department took delivery of their new 2020 Ford Explorer. Officer Diane Nelson resigned as a full-time officer in January 2020, but was retained as a part-time officer. As of March 2020, Ms. Nelson is no longer a part-time officer. Efforts to recruit new officers is ongoing. During the month of February 2020, there were two individuals saved by Bedford Police Officers via Narcan and the Heimlich maneuver.

Chief Bowman briefed Council on the deteriorating conditions of 607 S. Thomas Street. The property is vacant and the property owner is negligent in caring for the property. The property owner has been cited numerous times; however, Bedford Police and the Code Office are limited by the ordinance on the action that can be taken. Council Member Rinscheid inquired if the Borough can clean up the property and pass along the cost to the property owner. Solicitor Crabtree noted that the Borough can clean up the property and accrued costs can be attached to the property by way of municipal lien. Solicitor Crabtree suggested sending the property owner a final notice with a time limit to comply before action by Borough employees is taken.

Solicitor Crabtree informed Council of a zoning hearing application that was received for the Neel and Barbara Row at 102 King Street. Variance request is for relief from Chapter 27, Part 7, Section 701(E)(1)(a) and Section 701(E)(2)(b), which required thirty-five (35') foot setbacks for front and rear yards in the R-1 zoning district. The Rows demolished the previous structure due to a vehicle accident that rendered it a total loss and would like to build a new house with a twenty-four (24') foot front setback and fifteen (15') foot rear setback. It should be noted that the recently demolished structure had the same aforementioned setbacks and that the application is to enlarge the non-conforming structure. Council declined representation.

Solicitor Crabtree also briefed Council on the receipt of a judicial tax sale notice at the former Ressler's Mini-Mart at 161 N. Richard Street. When someone fails to pay the real estate taxes for 2 years, the property is put up for tax sale. The first tax sale is in the fall. At the first tax sale properties are sold under and subject to all existing liens. There is a minimum bid amount that covers all real estate taxes and costs of sale. If a property does not sell at the first tax sale the Tax Claim Bureau files a petition with the Court and the Court enters an Order directing it to be sold at a judicial sale. The judicial sale is usually in the Spring of the following year. At a judicial sale the property must still bring the upset price, but it is sold free and clear of all other liens except federal tax liens. If a property sells at a judicial sale the bid is applied to the upset price and if there is excess to the liens in order of priority. Any unpaid liens, however, are waived. If a property is not sold at the judicial tax sale, it goes into the County repository for unsold properties. The County acts as a type of trustee. It can sell the property for any amount it feels is appropriate with the money divided pro-rata among the 3 taxing entities. Sales of repository properties usually are not enough to cover the taxes.

Solicitor Crabtree requested an Executive Session to discuss a real estate/potential litigation matter.

Councilman Rinscheid shared that with the new winter hours at the Fort Bedford Museum, the Heritage Trust is losing approximately \$400 per month. They anticipate business to pick back up with spring fast approaching.

Council Member Turkovich presented the following event requests:

- Bedford County Veterans Association for a National Vietnam Veterans Welcome Home Day – Saturday, March 28, beginning at 11 a.m. Set up will begin at 10 a.m., with tear down at 12:30 p.m. – Street closure request includes Juliana Street, between Penn and Vondersmith Avenue.
- After Prom Parent Committee for the Bedford High School Class of 2020 Prom Walk-In– Friday, May 1, 2020 from 5-7 p.m. – Street closure request is for John Street, between Bedford and East Streets
- PixCom Filming Request – Wednesday, June 3<sup>rd</sup> and Thursday, June 4<sup>th</sup>, 2020 – No street closures requested.
- Howard Hanna Bardell Realty for the Bedford Sunrise Rotary Race – Saturday, June 6, 2020, from 8:30 a.m. to noon – Street closure request includes Anderson Street, between Pitt and Penn Streets. Police assistance at street crossings is also requested.

Motion was made by Council Member Neff, seconded by Council Member Rinscheid, to approve the events as presented. Motion was carried by unanimous vote (7-0).

President Weaverling shared a request from Bedford County Sheriff Wayne Emerick for assigned parking for Sheriff's Department vehicles in the parking garage. The Sheriff's Department currently utilizes any available parking spot for their vehicles; however, in times of need, response time is diminished when trying to find vehicles. In the best interest of public safety, Manager Diehl is authorized to proceed with written permission to designate the first eight (8) stalls in the parking garage for Sheriff's Department-issued vehicles, with proper signage provided by the Sheriff's Department.

Council Member Neff informed Council of an upcoming meeting of the Ordinance Review Committee, scheduled for Thursday, March 5, 2020 at 3:30 p.m.

Manager Diehl requested action on the following HARB Permit Applications:

- Specktaclar Food, LLC – 240 W. John Street – Remodel Exterior of House – Bristol Bay Harbor Stone Siding, Charcoal Gray Fabral Metal Roofing, Blue Ribbon color Trim and Doors, White Double Hung Energy Efficient Vinyl Replacement Windows
- Mark Clark, “Donut Rebellion” – 108 W. Pitt Street – Projecting Sign

Motion was made by Council Member Cessna, seconded by Council Member Blackburn, to approve the HARB Permit Applications as presented. Motion was carried by unanimous vote (7-0).

Manager Diehl shared that letters were sent from Pennsylvania Municipal Code Alliance, Inc. (PMCA) and/or the Police Department to property owners on W. Pitt and W. John Streets.

Motion was made by Council Member Cessna, seconded by Council Member Blackburn, to re-appoint Jeff Blackburn to a four-year term on the Borough Planning Commission and R. Clem Malot to a five-year term on HARB. Mr. Blackburn's current term expires March 2020 and Mr. Malot's current term expires June 2020. The appointment would be for the remainder of the five-year term ending 06-2024. Motion was carried by unanimous vote (7-0).

Manager Diehl reminded Council to complete and return 2020 Statement of Financial Interest forms.

Motion was made by Council Member Rinscheid, and seconded by Council Member Neff, to allocate a payment in the amount of \$10,240.00 received from the Commonwealth of Pennsylvania for 2019 Additional Municipal Pension Payment to the FNB Police Pension. Motion was carried by unanimous vote (7-0).

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Manager Diehl updated Council on the COSTARS Salt Contract. The Borough is obligated to purchase 240 ton per contract stipulations and only 86.82 ton has been purchased to date for the 2019-2020 contract year, indicating it's been a mild winter.

Council entered Executive Session at 7:27 p.m.

Council exited Executive Session at 7:58 p.m.

Motion was made by Council Member Cessna, seconded by Council Member Blackburn, to approve Resolution 2020-02, authorizing condemnation proceedings for a temporary and permanent easement due to the Borough Building Renovation on the Christine Hollington property at 238 W. Penn Street. The resolution estimates just compensation not to exceed \$1,000.00. Motion was carried by unanimous vote (7-0).

There being no further business, a motion to adjourn was made by Council Member Cessna and carried at 8:06 p.m.

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Borough Secretary