

December 7, 2020

The Regular Meeting of the Bedford Borough Council was held on the above date at 7:26 p.m. The following Council Members were in attendance, Tim Weaverling, Sharon Turkovich, Jeff Rinscheid, William Blackburn, Patrick Neff, John Cessna, and Kenny Fetterman. Mayor William Leibfreid, Borough Manager Barbara Diehl, Borough Secretary Beverly Geller, Assistant Borough Secretary Misty Hizer, Police Chief Craig Bowman and Solicitor Dean Crabtree were also in attendance.

Public Services Director Brad Foor, and Tim Cooper, PE, Stiffler McGraw & Associates, Inc. were absent.

Lloyd Roach, Cessna Communications, and Will Deshong, Bedford Gazette, were present. Dena Sigler and Chris Simons were in attendance.

Motion was made by Council Member Rinscheid, seconded by Council Member Turkovich, to approve the Minutes of the November 2, 2020 Regular Meeting. Motion was carried by unanimous vote (7-0).

Motion was made by Council Member Neff, seconded by Council Member Blackburn, to approve the list of bills from November 3, 2020 through December 7, 2020. Motion was carried by unanimous vote (7-0).

Motion was made by Council Member Neff, seconded by Council Member Cessna, to approve the December 7, 2020 Treasurers Report. Motion was carried by unanimous vote (7-0).

Dena Sigler and Chris Simons spoke to Council about the inspection performed during the sale of their home at 443 S. Bedford Street. The letter received from the Borough requested that a section of the curb be replaced noting a tripping hazard. Mr. Simons noted that there is not a sidewalk in the area and noted that he felt it was not the homeowner's responsibility to perform the repair.

Mr. Simons noted that a sewer line was placed under the curb by the Municipal Authority and he felt it was improperly backfilled. Mr. Simons and Ms. Sigler attended the MABB meeting on November 9, 2020, but the Authority did not act on the request for assistance after learning that the project that went under the curb took place in the 1990s. The Authority noted that the standard warranty on projects is one year from substantial completion.

Ms. Sigler and Mr. Simons noted that there are several sidewalks and curbs in the Borough that need attention. Ms. Sigler and Mr. Simons asked why some sidewalks and curbs are only patched and others need replaced. Assistant Borough Secretary Hizer noted that the decision to repair or replace a sidewalk/curb is based on whether the area in question is structurally sound.

Solicitor Crabtree shared that at one-point Council surveyed the Borough and did not want to burden individuals with the cost of improving sidewalks. Council asked Borough employees to perform property inspections at the time of property sales. Normally at the time of sale resources are available to perform the repair or replacement. Over time as properties sell sidewalks should improve.

After discussion Council noted that they could not go against the Ordinance. Mr. Simons and Ms. Sigler left the meeting at 8:02 p.m.

Mayor Leibfreid shared the Police Statistics.

Police Chief Bowman asked Council to approve amendments to Standard Operating Procedures "Pursuant to Executive Order 13929, signed by President Donald J. Trump on June 16, 2020, the Department of Justice has mandated all law enforcement agencies throughout the United States independently certify that they:

- ✓ Adhere to all applicable federal, state, and local laws regarding use of force policies and
- ✓ Maintain a use of force policy that prohibits the use of choke holds, except in situations where justified to use deadly force, as allowed by law.

Motion was made by Council Member Cessna, seconded by Council Member Neff, to approve the amendment to Standard Operating Procedures. Motion was carried by unanimous vote (7-0).

Council President Weaverling shared that an updated 2020 Committee List was distributed in Council Packets. President Weaverling requested an Executive Session at the end of the regular meeting regarding Litigation. President Weaverling reminded Council of the Annual Year-End Meeting to be held on Tuesday, December 22nd at 7 p.m.

Council Member Rinscheid shared that the Fort Bedford Museum Cookie Walk was held on December 5th with the help of volunteers.

Council Member Cessna noted that Egolf Park Associates submitted an annual report.

Motion was made by Council Member Rinscheid, seconded by Council Member Turkovich, to approve Ordinance 2020-03 amending the Code of Ordinances of the Borough of Bedford, Chapter XV, Motor Vehicles and Traffic, by amending Section 405 to remove a Special Purpose Parking Zone for Purple Heart Recipients or Disabled Veterans. Motion carried by a 7-0 roll call vote, Councilman Weaverling – aye, Councilman Neff – aye, Councilman Cessna – aye, Councilwoman Turkovich – aye, Councilman Rinscheid – aye, Councilman Fetterman – aye and Councilman Blackburn – aye.

Motion was made by Council Member Blackburn, seconded by Council Member Neff, to advertise prior to the formal adoption of Ordinance 2020-04 amending the definition of “Bed and Breakfast” in Chapter 27 (Zoning) in the Code of Ordinances; To permit Bed and Breakfasts in Zones R1, R2 and R2T, in addition to existing zones; And to add a new Part 5 to Chapter 13 Titled “Bed and Breakfasts” for the Licensing and Regulation of the same in the Borough of Bedford. The Ordinance will be presented for formal vote at the December 22, 2020 Year-End Council Meeting. Motion carried 6-1 with Council Member Rinscheid voting against the advertisement.

Motion was made by Council Member Neff, seconded by Council Member Cessna, to approve the HARB applications approved via electronic vote by HARB in November:

- Bill Blackburn/Kathryn Mason – 242 W. John Street – Addition of Shed
- Harmony Fetterman – Presbyterian Church Square – Addition of a Little Library
- A Little Off the Top – 133 W. Pitt Street – Signage

Motion carried by unanimous vote (7-0).

Council Member Blackburn noted that the Maltese Cross was added to the exterior of the Fire Department Building and basically the project is complete.

Manager Diehl shared that letters from the Bedford Police Department went to property owners on Richard, Pitt, and Juliana Streets along with Central Way.

Motion was made by Council Member Neff, seconded by Council Member Blackburn, to appoint Mary Jo Casalena to the Bedford Joint Municipal Authority (BJMA Township Appointee) Borough of Bedford for a 5-year term that will expire on 12-31-2025. Motion was carried by unanimous vote (7-0).

Motion was made by Council Member Rinscheid, seconded by Council Member Cessna, to authorize the advertisement of the 2021 Real Estate Tax Millage of 4.2 mills. Motion carried by a (4-3) vote. Council Members Turkovich, Neff and Fetterman voted against the increase from the 2020 rate of 3.9 mills to 4.2 in 2021. Council Member Neff opposed the tax increase due to residents moving out of the Borough and the additional burden to the residents. Council Member Turkovich noted that she agreed with Council Member Neff and that no one could have predicted a pandemic in 2020 and that businesses are struggling due to COVID-19. Council Member Fetterman noted he would support a minimum increase every year based on inflation.

Motion was made by Council Member Cessna, seconded by Council Member Blackburn, to tentatively adopt the 2021 Fiscal Year Budget.

GENERAL FUND	\$1,636,440.00
WATER FUND	\$ 877,600.00
SEWER FUND	\$ 896,750.00
CAPITAL RESERVE FUND	\$ 30,190.00
LIQUID FUELS FUND	\$ 215,450.00
<u>FORT MUSEUM FUND</u>	<u>\$ 25,875.00</u>
TOTAL BUDGET	\$3,682,305.00

Motion was carried by a (5-2) vote with Council Members Turkovich and Neff voting against the tentative budget. Council Members Turkovich and Neff asked for expense reductions within the 2021 budget.

Motion was made by Council Member Neff, seconded by Council Member Cessna, to approve amendment of the PMRS Cash Balance Plan for 2021 and advertisement of Ordinance 2020-06 setting the employer contribution at 3.5% for 2021. The PMRS rate of return remains 5.25% for 2021. Motion was carried by unanimous vote (7-0).

Motion was made by Council Member Blackburn, seconded by Council Member Rinscheid, to approve Requisition #6 in the amount of \$254,272.39 (previously approved via email) and Requisition #7 in the amount of \$30,103.96 for the Borough Building Renovation Project. Motion was carried by unanimous vote (7-0).

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Manager Diehl shared that the Borough Planning Commission met on July 16th, 2020 and discussed a request from Donald Luke Bowser to subdivide the lot shown on the attached Final Subdivision Plan. The applicant requested to divide E.09-D.03-072 into two lots, as there are currently two dwellings on one parcel. Subdivision request is for a separate parcel for each dwelling. Mr. Bowser applied for, and received, a variance from the Zoning Hearing Board on June 19, 2020 for the proposed subdivision for the rear yard of the N. Richard Street property. The Final Subdivision Plan was prepared by Clark Surveying & Engineering, LLC, dated October 28, 2020. Tim Cooper, P.E. of Stiffler McGraw, signed the final plan as the Borough Engineer on October 30, 2020.

Planning Commission ---Motion by Mr. George, seconded by Ms. Letzo, to approve the subdivision on the current lot mentioned above. The Planning Commission's approval was contingent upon Mr. Bowser separating the existing sewer service and installing two separate sewer taps and laterals to service each dwelling. The work was satisfactorily completed and verified by inspection on November 12, 2020. Motion approved by unanimous vote (4-0).

Motion was made by Council Member Cessna, seconded by Council Member Turkovich, to approve the Planning Commissions' recommendation to subdivide the lots. Motion was carried by unanimous vote (7-0).

Council entered Executive Session at 8:43 p.m. to discuss litigation.

Council exited Executive Session at 9:14 p.m.

There being no further business, a motion to adjourn was made by Council Member Cessna and carried at 9:14 p.m.

Borough Secretary