

Borough Council

The Regular Meeting of the Bedford Borough Council was held on the above date with the following Council Members present, Dean Lemley, Tim Weaverling, Jim Wehling, John Cessna, Jeff Rinscheid, William Blackburn and Patrick Neff. Mayor William Leibfreid, Borough Manager Barbara Diehl, Borough Secretary Beverly Geller and Solicitor Dean Crabtree were also present. Junior Council Person Michaela Musselman and Police Chief Jim Sigler were absent.

Motion was made by Councilman Weaverling, seconded by Councilman Neff, to approve the Minutes of the Special Hearing (on the subject of vacating a portion of Lafayette Avenue between John Street and Butler Avenue) and the April 3, 2017 Regular Meeting. Motion was carried by unanimous vote (7-0).

Motion was made by Councilman Cessna, seconded by Councilman Weaverling, to approve the list of bills from April 4, 2017 to May 1, 2017. Motion was carried by unanimous vote (7-0).

Motion was made by Councilman Cessna, seconded by Councilman Neff, to approve the Treasurer's Report for May 1, 2017 and the transfer of \$51,355.00 from Fund 1 to Fund 31 (the remaining amount budgeted for 2017). Motion was carried by unanimous vote (7-0).

H. Ray Jennings, 122 Smithfield Street, asked Council to review the Burn Ordinance. Mr. Jennings, his wife Brenda, and neighbor Sue Durr reported that a neighbor burns brush continually. Mr. Jennings noted that his wife has asthma and Mrs. Durr likes to hang laundry outside to dry. With the burning of brush, they are unable to enjoy their decks or open their windows to get the winter smell out of the house. Mrs. Jennings noted the smoke follows the creek bed, Shobers Run, and rises to the houses in Meadowbrook Terrace. Mrs. Jennings noted that the gentleman cuts wood to use in an indoor stove and then burns the brush leftover from the trees. Mrs. Jennings noted that she has talked to the Borough Manager and Police Officers but there is no continuity in information.

Councilman Wehling noted that he has noticed burning along Huntingdon Avenue. Councilman Wehling asked Solicitor Crabtree if most municipalities require a permit to burn. Solicitor Crabtree noted that Council looked at the Burn Ordinance in 2016 but no action was taken. A permit could be required. To alter the Ordinance there is a need to distinguish between grills and burn pits compared to other burning.

Manager Diehl and Jay Speicher, Fire Prevention Officer, both noted that the person burning is not in violation of the Ordinance. Mr. Speicher noted that he spoke with other neighbors in the area and they have no problems or issues with the burning.

Mayor Leibfreid noted that in prior years, complaints were heard from residents who stated smoke from fireplaces was coming through their windows. Councilman Wehling noted that he is in favor of not burning yard waste and suggested Council look at changing the Ordinance. Solicitor Crabtree shared that Mr. and Mrs. Jennings and Ms. Durr could bring action against the individual burning brush as a private nuisance. Councilman Weaverling suggested setting up a

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time, once a month, to allow burning. Lloyd Roach asked if smoke from the property's fireplace affected the Jennings or Ms. Durr. Mrs. Jennings stated, "no". Mrs. Jennings noted that he cuts the wood and takes it inside.

Mayor Leibfreid shared the Monthly Police Statistics with Council. Mayor Leibfreid also shared that Police Officers would be spending extra time in neighborhoods going door to door introducing themselves. On Saturday, May 13, 2017 from 8am to 10am Police Officers will be at Hebrews participating in the Coffee with a Cop program. The program was created to offer the opportunity for residents to ask questions, voice concerns, and get to know the Police Officers of Bedford.

Solicitor Crabtree noted that after further discussion following the Public Hearing held on Monday, April 3, 2017 in regards to vacating a portion of Lafayette Avenue, between E, John Street and Butler Avenue, Council has decided not to vacate the Avenue. Motion was made by Councilman Neff, seconded by Councilman Wehling, to move forward with repairing the area of Lafayette Avenue (section bounded on north by W. John Street) of greatest concern to Charlotte Wallace. Motion carried by unanimous vote (7-0).

Councilman Cessna shared the following event requests:

Motion was made by Councilman Wehling, seconded by Councilman Weaverling, to approve a request from the Bedford American Legion to hold a Memorial Service on Memorial Day, Monday, May 29, 2017. Motion was carried by unanimous vote (7-0).

Motion was made by Councilman Wehling, seconded by Councilman Rinscheid, to approve the request from DBI to close Juliana Street from Central Way to Penn Street during the Wednesday, June 7, 2017 Farmers Market from 9 am to 1 pm to celebrate National Child Safety Week. Motion was carried by majority vote (6-1) with Councilman Weaverling voting against approval without speaking to the businesses in the area of the street closure.

Councilman Wehling noted that the National Main Street Convention is being held in Pittsburgh, PA and that prior to the start of the Convention, a group of Main Street Managers from Wyoming visited Bedford. Bedford was selected because of the success of the program.

Councilman Neff noted that the 2nd Annual Rebels & Rye Event was held at Omni Bedford Springs on Saturday, April 8, 2017. The final profit figures are not available, but the event was profitable. A full year's budget was presented at the April meeting.

Councilman Wehling shared that the master plan for the BJMA Heritage Trail is in draft form and will be presented on May 12, 2017. Data included contains the next steps for continuing the trail to Old Bedford Village and Friendship Village.

Councilman Rinscheid noted that from the DBI, Rockland, REI cleanup at the Fort Bedford Park in April, a list was compiled that can be given to the Bedford Rotary Club which has a clean-up event scheduled for May 22, 2017.

Councilman Wehling shared that the Tree Commission needs to look at the dead ash trees in the Borough. It was decided that the Tree Commission would divide the Borough into thirds and look at identifying trees that need attention or removal. Councilman Wehling also noted that donations have been received by the Borough to plant trees and he feels the funds should be used or returned. Motion was made by Councilman Cessna, seconded by Councilman Wehling, to plant a Pin Oak and a Sugar Maple in the Post Office section of the square. Motion was carried by unanimous vote (7-0).

Manager Diehl presented the following HARB applications:

- Donald and Katherine Penatzer – 238 E. Penn Street – Paint (existing colors)– *Review Board Approved*
- Southwind Settlement Company – 121 E. Penn Street – Permanent Sign – *Review Board Approved*
- Pastor Short – 106 W Penn Street – Trinity Lutheran Church – Replace Plexiglass & Tempered Glass -*Review Board Approved*
- Barbara Loshaw – 301 W Pitt Street – Paint (new colors) – *Review Board Approved*
- William and Amy Higgins – 228 S. Bedford Street – In Ground Pool and Fence – *Review Board Approved*

Motion was made by Councilman Rinscheid, seconded by Councilman Wehling, approving the HARB applications, contingent upon the Zoning Hearing Board approving the setback variance requested for the Higgins property at 228 S. Bedford Street. Motion was carried by unanimous vote (7-0).

Councilman Neff stepped out of the meeting at 7:54 pm.

Motion was made by Councilman Cessna, seconded by Councilman Weaverling, to prepare advertisements for bids on the Borough Building roof. Motion was carried by unanimous vote (6-0).

Manager Diehl reported that letters were sent from Pennsylvania Municipal Code Alliance, Inc. (PMCA) from April 1, 2017 to April 26, 2017 to property owners / tenants on Sunnyside Road and East Penn, West Pitt and Spring Streets.

Manager Diehl is still gathering information on updating the Codified Ordinance Book – last print was 11/01/2001.

Councilman Neff returned to the meeting at 7:56 pm.

Motion was made by Councilman Cessna, seconded by Councilman Blackburn, to accept and sign the 2017 dated lease with Southern Alleghenies Museum of Art (SAMA). A Special Meeting will be held on Monday, May 15th at 10am (at the Anderson House) for formal signing of the Lease. A Groundbreaking Ceremony will be held at 10:15 am in front of the Anderson House. Motion carried (6-0-1) with Councilman Lemley, SAMA Board Member, abstaining.

Councilman Wehling noted appreciation for Solicitor Crabtree in crafting the lease and Steve George for bringing the Anderson House to the attention of SAMA.

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Manager Diehl expressed appreciation to Bedford Township for handling the Joint Residential Bulky Waste Day. The Borough employees normally help at the event scheduled at the Bedford Township Municipal Building on Saturday, April 29th; however, the Water Authority experienced a large water break on W. Pitt Street that required assistance from all of our departments and were unavailable to assist.

Manager Diehl noted appreciation to the League of Pretty Good Guys for sprucing up the flag poles at Veteran's Grove. Poles were painted and new flags were placed.

Manager Diehl reminded Council that the Public Works Department will be mulching/trimming and cleaning the Squares this year. This work was scheduled for the last week in April and will be finished prior to DBI's 'Bedford Car Show' on Saturday, May 13th. Public Works Department will also be performing the Borough's Spring Clean-Up (street sweeping, sign replacement, line painting and mowing) over the next several weeks.

Manager Diehl noted her appreciation to DBI (Tonya Grimes and Gwen Querry) in cooperation with Rockland and REI for holding a "Town Work Day" – Saturday, April 22nd.

After discussion, a motion was made by Councilman Weaverling, seconded by Councilman Rinscheid, to reappoint Melissa Jacobs to the Planning Commission (4-year term). Melissa's term expired at the end of March 2017 and she is interested on remaining with the Planning Commission. Councilman Wehling asked to be appointed to the Planning Commission. He is interested at utilizing trend data and applying for grants. Motion carried (6-1) with Councilman Wehling voting against the appointment of Mrs. Jacobs.

Manager Diehl shared that Richard Lowe's (5-year) term on the Historic Architectural Review Board will expire at the end of June 2017. He would like to take a break from HARB, but if Council is not able to fill this vacancy, he would consider remaining on the board.

Motion was made by Councilman Weaverling, seconded by Councilman Cessna, to approve a request from Egolf Park Associates to place a mini storage barn behind the pavilion at the park. Motion was carried by unanimous vote (7-0).

Manager Diehl reminded Council Members that tours of the Water & Wastewater Treatment Plants would occur on Thursday, May 4, 2017.

There being no further business, a motion to adjourn was made and carried at 8:08 pm.

Borough Secretary