

Borough Council

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

Council was called to order by Vice President Weaverling at 7:00 pm.

Motion was made by Councilman Cessna, seconded by Councilman Neff, to approve the Minutes of the September 6, 2016 Regular Meeting. Motion was carried by unanimous vote (5-0).

Councilman Rinscheid arrived at 7:01 pm.

Motion was made by Councilman Wehling, seconded by Councilman Neff, to approve the list of bills from September 7 through October 3, 2016. Motion was carried by unanimous vote (6-0).

Motion was made by Councilman Wehling, seconded by Councilman Cessna, to approve the Treasurer's Report for October 3, 2016. Motion was carried by unanimous vote (6-0).

Manager Diehl opened the bids for Ferrous Sulfate, Heating Oil and Bio-Solids Removal for the Wastewater Treatment Plant:

- **Ferrous Sulfate** - One bid was received from Evoqua at 0.825 per gallon (approximately \$28,875.00).
- **Heating Oil** – Two bids were received – SAC, Inc. \$1.405 plus 0.35 markup for a cost of \$1.755 per gallon (approximately \$10,530.00) and Bedford Valley Petroleum \$1.652 plus 0.20 markup for a cost of \$1.852 per gallon (approximately \$11,112.00).
- **Bio-Solids Removal** – One bid was received from Little Enterprises Waste Hauling – Surface Spreading at 0.08 per gallon (approximately \$24,000.00) and Subsurface Injection at 0.085 (approximately \$25,500.00).

Motion was made by Mr. Wehling, seconded by Mr. Cessna, to accept the bids of Evoqua, Sac, Inc., and Little Enterprises Waste Hauling. Motion was carried by unanimous vote (6-0).

Dr. Bracken, 539 E Pitt Street, spoke about garbage collectors (Burgmeier's Hauling and Weaver's Sanitation Service) picking up at Pitt Pack & Ship and R & J's Tavern at 3:45 to 6:00 am in the morning at the September 6, 2016 Council meeting. Dr. Bracken noted that the noise has continued since that meeting.

Rob Weaver, Weaver's Sanitation Services, Inc., spoke about concerns of picking up commercial customers in the Borough. He noted that to provide service to some customers the trucks have to go through parking spaces, enter through exits and back out of alleys when there is no room to turn around. Trucks do have backup cameras, but Mr. Weaver noted that it is easier for the trucks to back out of alleys at night where headlights help show where cars are located.

He stated that School buses, additional truck traffic, individuals reporting to work and parked cars are safety concerns. Mr. Weaver noted that his employees would like to start work later, but safety concerns are a large reason for picking up very early in the morning.

Mr. Weaver shared concerns about the effects of waste if not picked up regularly. He noted waste sitting outside containers can cause surface water contamination, soil contamination, pollution and attract animals. He also noted that waste can also affect the economy if allowed to accumulate by not providing the look of a clean, healthy town.

Mr. Weaver noted that he has changed the container at R & J's Tavern to a rear load dumpster which can be emptied on a residential route. He noted that he or his drivers have had contact with Dr. Bracken several times including in person and via telephone.

Mr. Weaver noted that he considers waste collection a public utility and that the Noise Ordinance does address Public Utilities – Ordinance 10- Health and Welfare, Part 3 Maximum Sound Levels, Section 306, #4 – **Equipment Noise**. *It shall be unlawful for any person to use any pile driver, shovel, hammer, derrick, hoist, tractor, roller or other mechanical equipment operated by fuel or electric power, from 9 P.M. to 6 A.M. of the following day, except for emergency work on public improvements, work of public utilities and municipal services.*

Mr. Weaver also noted that the Ordinance also addresses the handling of refuse cans- Ordinance 10, Health and Welfare, Part 3 Maximum Sound Levels, Section 306, #5 – **Noise in Handling Refuse Cans**. *No person shall make any unnecessary noise in the handling of ash, trash and garbage cans, either in loading or unloading, whether full or empty.*

Dr. Bracken noted that last night, October 2nd, was the first time the dumpster was emptied after 6 am. It was emptied at 6:02 am. He noted that with windows open it is possible to hear dumpsters being emptied at Giant Eagle and other businesses a block away. Some dumpsters are emptied as early as 3:50 am. Dr. Bracken noted that the Noise Ordinance was put in place for a reason to reduce noise pollution and preserve health. Dr. Bracken suggested that Waste Services pick up after schools and businesses close.

Councilman Rinscheid asked Dr. Bracken if the noise of the backup beeper or the noise of the bottles in the dumpster is what awakens him. Dr. Bracken noted the backup alarm is what initially wakens him, but the bottles are the loudest. Dr. Bracken noted that Mr. Stanken has started breaking the bottles prior to putting them in the dumpster.

Manager Diehl noted that Council needed to look at the bigger picture which includes other large trucks and public utility services. Council is going to review the Ordinance and look at multiple situations including trucks delivering to other businesses including the Post Office and even the Borough's use of the Street Sweeper which operates overnight.

Mayor Leibfreid reviewed the Police Statistics with Borough Council. Mayor Leibfreid proclaimed Saturday October 29th from 6:00 pm to 8:00 pm as Trick or Treat night in the Borough. Other dates to note - Bedford Elks Halloween Parade is Monday, Oct. 24<sup>th</sup> from 7:30pm-9:15pm (Rain Date is Wednesday, Oct. 26<sup>th</sup> from 7:30-9:15pm) and DBI's Pumpkin Fest/Halloween Promenade is Saturday, October 29<sup>th</sup> from 9am – Noon.

Councilman Cessna presented the following Event Requests:

Motion was made by Councilman Wehling, seconded by Councilman Neff, to approve the request from Sarah Garcia, President of the Penn Mary Walkers, for the use of sidewalks and the Heritage Trail on Saturday May 6, 2017 for an American Volks Association sponsored walk. Walkers will head west from the Bedford High School parking lot on John Street and turn South on Richard Street going to the Omni Bedford Springs. Walkers will return utilizing the trail and Richard Street, turning West on the trail paralleling the River towards Fort Bedford Park. Walkers will head South on Juliana Street, East on Pitt Street, South on Richard Street then east on John Street returning to the High School. Motion was approved by unanimous vote (6-0).

After discussion about holding Hot Summer Nights at the Fort Bedford Park, a motion was made by Councilman Cessna, seconded by Councilman Neff, to approve the dates of July 3rd and August 3rd (with a rain date of August 10th) for Hot Summer Nights as presented by DBI which includes the closure of Juliana Street between Pitt and Penn Streets. Motion was carried by majority vote (5-1), with Mr. Rinscheid voting against the approval.

Originally approved during the September 6<sup>th</sup> Council Meeting, this Farm to Table Dinner event in 2017 was with the understanding that DBI would hold a 2016 event but with no lifting of the 'no open container alcohol ordinance'. The 2016 event was cancelled. Motion was made by Mr. Neff, seconded by Mr. Cessna, to approve the 2017 event without lifting the "no open container alcohol ordinance" to gain a better understanding of the attendance, feedback, etc. Motion was carried by unanimous vote (6-0).

Councilman Neff noted that the Bedford Heritage Trust held a Beer Tasting on Wednesday, September 28th at the Fort Museum. Seventy-five tickets were available for purchase. Sixty-nine tickets were sold and sixty-five individuals attended the event. The Museum showed a profit for the event.

Mayor Leibfreid noted that part of his class reunion included Dennis Tice's (Bedford County Visitors Bureau) walking tour and a visit to the Fort Museum. Mayor Leibfreid noted that both the Walking Tour and Museum visit were well enjoyed by his classmates. Dennis Tice presented a phenomenal tour and Jennifer Ford, Steven George and Susanne Tremmel expertly handled the large group of 50 to 60 individuals who visited the Museum.

Motion was made by Councilman Neff, seconded by Councilman Cessna, to grant approval for a structural assessment to be performed at the Anderson House. Motion carried by unanimous vote (6-0).

The Borough Properties Committee met with Dennis Tice on Friday September 30<sup>th</sup> to review a request to improve the grass and foliage surrounding the monuments in the Post Office side of the Square. A request for permission to add an irrigation system from Dennis Tice (League of Pretty Good Guys) is sought. The water line could come from a ¾ inch T from the line at the Kay Fisher property at 104 E Penn Street instead of boring under Juliana Street to add a water line to the Square.

Discussion followed in regards to a comprehensive plan for the Monument Quadrant of the Square. Discussed were future expansions including the addition of greenery and landscaping; a possible statue added to the Vietnam War Memorial (Robert Hartsock, Medal of Honor recipient who was killed in action in 1969); a possible Monument for the War on Terror; and a Veterans Walk which would follow a timeline beginning in the year 1755.

Motion was made by Mr. Rinscheid, seconded by Mr. Neff, to grant approval for the “League of Pretty Good Guys” to move forward with the irrigation system and turf for the Monument quadrant of the Square. Motion was carried by unanimous vote (6-0).

Manager Diehl presented the HARB Permit Applications:

- Bedford Medical Properties – 403 S. Juliana Street – would like to paint entry door to dental practice and repaint two (2) existing business signs to say “Bedford Dental Health Center” - *Review Board Approved*
- Mary Dorner, tenant of 234 S Thomas Street, (Stephanie Gosnell –owner) would like to install natural wood fence - *Review Board Approved*
- H. John Beamer – 125 W. Pitt Street – would like to replace sidewalks in front of Dollar General due to deterioration and chipping – *Review Board Approved*

Motion was made by Councilman Weaverling, seconded by Councilman Wehling, to approve the above HARB applications. Motion was approved by unanimous vote (6-0).

Manager Diehl shared that letter(s) were sent from Pennsylvania Municipal Code Alliance, Inc. (PMCA) – from August 26 through September 28, 2016 went to property owners on E. John Street, W. John Street, Grove Lane, E. Penn Street, S Richard Street, Mann Street, S. Bedford Street, Spring Street, W. Pitt Street, Lafayette Avenue, Union Street and S. Juliana Street.

Manager Diehl shared that On September 30<sup>th</sup>, the Borough Office received the 2015 General Municipal Pension System State Aid check in the amount of \$78,743.<sup>63</sup>.

- In 2015, the Borough received State Aid in the amount of \$78,416.69 – with \$40,196.47 put towards the Non-Uniform Plan (Boro/Sewer) and \$38,220.22 towards the Police Pension Plan. The Borough paid the deficit of \$50,486.47. *Totaling - \$128,903.16*
- The 2016 Police Pension Plan MMO is \$89,607.00 and the Non-Uniform Pension Plan MMO is \$39,469.89 (\$16,037.68 Borough General Fund + \$23,432.21 Sewer Fund). *Totaling - \$129,076.89*. That leaves a deficit of \$50,333.26 for the Borough after the 2016 State Aid check has been applied towards these MMO’s.
- FYI - The 2017 Police Pension Plan MMO is \$89,506 (estimated with employee contribution factored in/actual total is \$102,767.00 and the Non-Uniform Pension Plan MMO is \$51,400.88 (\$22,868.25 Borough General Fund + \$28,532.63 Sewer Fund). *Totaling - \$140,906.88*

October 3, 2016

Motion was made by Mr. Wehling, seconded by Mr. Weaverling, to apply \$39,273.74 to the Police Pension Plan and the remaining \$39,469.89 to the Non-Uniform Pension Plan. Motion was carried by unanimous vote (6-0).

Manager Diehl provided a 2016 Paving Program update. NES&L will begin paving during the week of October 10<sup>th</sup>. Portions of Fulton, Crestview, Juliana and McKean Streets are to be paved.

Motion was made by Mr. Cessna, seconded by Mr. Neff, to accept the Financial Statements as of December 31, 2015 prepared by Wessel & Company. Motion was carried by unanimous vote (6-0).

Manager Diehl reminded Council that the South Central Counties Boroughs' Association Dinner Meeting will be held in the Borough of Martinsburg (Martinsburg Volunteer Fire Company) on Thursday, October 20, 2016.

Manager Diehl noted that on September 23<sup>rd</sup>, the Borough Office received notification that ESTIMATED Liquid Fuels (Act 655) allocation for 2017 is \$99,043.<sup>02</sup>. When working on budgets – I will prepare accordingly. *2016 was \$94,191.84 and 2015 was \$80,160.*

There being no further business, a motion to adjourn was made and carried at 8:34 p.m.

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Borough Secretary