

The Year End Meeting of the Bedford Borough Council was held on the above date at via Zoom. 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, Assistant Borough Secretary Misty Hizer, Tim Cooper, PE, Stiffler McGraw & Associates, Inc., and Solicitor Dean Crabtree were also in attendance.

Borough Secretary Beverly Geller, Police Chief Craig Bowman, Public Services Director Brad Foor, and Jens Damgaard, Esquire, were absent.

Lloyd Roach, Bedford County Speaks and Will Deshong, Bedford Gazette, were on the call. Jeffrey Wright, Marcia Rogish, Jim Wehling, Holly Howsare and Valerie Schmidt were also on the call.

Jim Wehling inquired about the proposed ordinance to permit bed and breakfast establishments in the R-1, R-2, and R-2T zoning districts. Mr. Wehling specifically asked what is the problem Council is trying to solve and the associated data to support it. Council Member Neff noted that the ordinance change was a request and that there are not a lot of places for people to stay. Mr. Neff added that this was an opportunity to solve the lack of regulations for Air BnBs and while no studies were conducted, there was anecdotal evidence to support the proposed change. Council Member Blackburn added that he does not feel negligent action will take place and that it will be a help to the community and not a hinderance. Mr. Wehling also inquired about the rationale for moving away from owner-occupied properties, specifically in the R-1 zoning district. Council Member Neff responded that the existing ordinance is too restrictive. Mr. Wehling noted the proposed ordinance change would be a major change and that it could create a number of issues.

Jeffrey Wright expressed concern about the aforementioned proposed ordinance as well. Mr. Wright feels that non-owner-occupied properties exposes the Borough to problems and asked if Council had reviewed the case of Slice of Life, LLC v. Hamilton Township, 164 A/3d 633 (Pa. Comwlth. 2017), allocator granted Feb. 21, 2018, appeal docket 7 MAP 2018. Solicitor Crabtree clarified the case law and his opinion is that it is not relevant based on the proposed ordinance. Mr. Wright went on to ask if the ordinance should re-define the family component and Solicitor Crabtree stated the municipality can add restrictions within their granted powers if the ordinance permits. Mr. Wright added that he feels a non-owner-occupied property then becomes a commercial property. Solicitor Crabtree stated it is permissible to have different uses in zones if the municipality defines permitted uses. Mr. Wright feels the amendment is not written well enough to distinguish between a bed and breakfast and other definitions. Mr. Wright feels a layer of redundancy and ambiguity is added. Mr. Wright added there is a non-conforming and variance process in place and asked why the existing processes are not being used. Solicitor Crabtree stated that non-conforming properties are those that are grandfathered in, e.g. those in place prior to establishment of the existing ordinance, therefore would not apply to this scenario and a variance would not apply, as a hardship was not created and the property can still be used as residential.

Council Member Cessna suggested existing bed and breakfasts be grandfathered in and prohibit further expansion of bed and breakfasts. Council Member Neff stated that does not solve the problem of those who requested this change. Mr. Cessna stated he has concerns about quality of

life and can sympathize with property owners who are reticent about not knowing who their neighbors are and if they would be responsible individuals who would not violate nuisance laws.

Valerie Schmidt agreed with Mr. Wright that the proposed ordinance is concerning and ambiguous. Ms. Schmidt noted there is an overwhelming amount of bed and breakfasts that are not run responsibly. Mr. Schmidt does not feel the change is being taken seriously enough based on the lack of language in the proposed ordinance. Ms. Schmidt inquired if anyone on Council had reviewed the Lancaster County information she provided. Council Member Rinscheid noted that he had read it. Ms. Schmidt is also concerned about the lack of screening and lack of the requirement to be owner-occupied. Ms. Schmidt feels the proposed ordinance needs more work.

Jeffrey Wright added that he had previously worked on a project where electronic locks were added to a property that was accessible via the internet and no personal interaction is necessary. This scenario provides for a transient, hotel-like situation in a residential neighborhood.

Motion was made by Council Member Cessna, seconded by Council Member Rinscheid, to adopt Real Estate Tax Ordinance #2020-05, setting the Real Estate Tax Millage at 4.2 mills. Motion carried by a (4-3) roll call vote, Council Member Weaverling – aye, Council Member Neff – nay, Council Member Turkovich – nay, Council Member Cessna – aye, Council Member Rinscheid – aye, Council Member Blackburn – aye, Council Member Fetterman – nay.

Motion was made by Council Member Blackburn, seconded by Council Member Cessna, to adopt the Budget for the 2021 Fiscal Year. Motion was carried by a (4-3) roll call vote, Council Member Weaverling – aye, Council Member Neff – nay, Council Member Turkovich – nay, Council Member Cessna – aye, Council Member Rinscheid – aye, Council Member Blackburn – aye, Council Member Fetterman – nay.

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 made by Council Member Neff, seconded by Council Member Rinscheid, to approve the Engineering Services Agreement with Stiffler, McGraw & Associates, Inc. for 2021. Motion carried by a unanimous (7-0) roll call vote, Council Member Weaverling – aye, Council Member Neff – aye, Council Member Turkovich – aye, Council Member Cessna – aye, Council Member Rinscheid – aye, Council Member Blackburn – aye, Council Member Fetterman – aye.

Motion was made by Council Member Turkovich, seconded by Council Member Neff, to approve Requisition #2020 (Renovation Project Loan) in the amount of \$111,325.24. Motion carried by a unanimous (7-0) roll call vote, Council Member Weaverling – aye, Council Member Neff – aye, Council Member Turkovich – aye, Council Member Cessna – aye, Council Member Rinscheid – aye, Council Member Blackburn – aye, Council Member Fetterman – aye.

Motion was made by Council Member Neff, seconded by Council Member Blackburn, to approve Ordinance 2020-04, which amends the definition of “Bed and Breakfast” in Chapter 27 (Zoning) in the Code of Ordinances; to permit Bed and Breakfasts in Zones R-1, R-2, and R-2T, in addition to existing zones; and to add a new Part 5 to Chapter 13 (Licenses & Permits) titled “Bed and Breakfasts” for the licensing and regulation of the same in the Borough of Bedford. Motion was carried by a (6-0-1) roll call vote, with Council Member Rinscheid abstaining, Council Member Weaverling – aye, Council Member Neff – nay, Council Member Turkovich – nay, Council Member Cessna – aye, Council Member Rinscheid – abstain, Council Member Blackburn – aye, Council Member Fetterman – nay. Council Member Rinscheid abstained due to previously purchasing a property in Bedford Borough that he intended to convert to a bed and breakfast.

Motion was made by Council Member Blackburn, seconded by Council Member Neff, to adopt Ordinance 2020-06, which amends the Cash Balance Plan for 2021. The employer portion will be set at 3.5% of each member’s compensation. PMRS Rate or Return for 2021 remains at 5.25%. Motion was carried by a unanimous (7-0) roll call vote, Council Member Weaverling – aye, Council Member Neff – aye, Council Member Turkovich – aye, Council Member Cessna – aye, Council Member Rinscheid – aye, Council Member Blackburn – aye, Council Member Fetterman – aye.

Council President Weaverling reminded all those in attendance that the January Borough Council Meeting will be held at 7:00 p.m. on Monday, January 4, 2021 (Ambulance Building – Meeting room/entrance on side). Due to current restrictions, this meeting may need to be a Zoom Conference Call.

There being no further business, a motion to adjourn was made and carried at 7:37 p.m.

Borough Secretary