

MUNICIPALITY OF BETHEL PARK

MINUTES OF REGULAR COUNCIL MEETING

Date: January 11, 2016
Time: 7:30 P.M.
Location: Municipal Building

1. Roll Call

Present: Council Members Dixon, Gibbons, Hannan, Harrison, McLean, Moury and O'Brien

Absent: Council Members Colella and Pape

Also Present: Mayor Jack Allen; William J. Spagnol, Manager
Judith L. Miller, Assistant Manager; Solicitor Robert L. McTiernan; Gerard Duke, Director of Community Services, Chief Timothy O'Connor; Jean Statler, Municipal/Environmental Engineer; Joseph Villella, Finance Director; Ashley Moore, Municipal Planner

2. Pledge of Allegiance

3. Chair Announcement

An Executive Session of Council was conducted on Monday, January 11, 2016 to discuss legal issues and personnel issues.

Reports of Officials

4. Library Director's Report

Library Director, Christine McIntosh, stated that the Bethel Park Public Library provides services to inform, inspire and enrich the community.

Ms. McIntosh announced current programs for January. On Mondays from 10:00 a.m. to noon, Messy Mondays will be held where children can focus on play experiences that support learning, creativity and social connections.

On Wednesdays beginning January 12th for five weeks at 10:00 a.m., Play Shop will be held for children ages birth to three years old. No registration is necessary. Young children can explore a variety of toys and musical instruments with parents or caregivers. Topics for the five week session are Early Literacy,

Speech and Language development, Health and Nutrition, Childhood Development and Music and Movement.

Rob will be teaching a Windows 10 Class on Friday, January 15 at 10:00 a.m. Seats are limited, registration is required. One on One sessions are also available if you cannot make this date. Bring in your laptop and he will cover the basics.

Coloring for Grownups, a monthly club, will be held on Thursday, January 21st at 7:00 p.m. Coloring promotes wellness and creativity. Coloring pages, pencils, markers and crayons will be supplied. You can bring a soft drink or snack.

The Town Hall Speaker's Series will be held at the Community Center on Wednesday, January 20th at 7:30 p.m. Two speakers from Allegheny Health Network will speak on Fueling Your Fit Active Lifestyle and Preventing Type 2 Diabetes. This is sponsored by the Library and the Recreation Department.

Tame Your Sugar Monster will be held on Thursday, January 21st at 7:00 p.m. Kathy Parry, Your Real Food Coach, will reveal the dangers and addictive nature of sugar and how your habit may be aging you. She will let you know how much sugar is okay and the top twelve ways to kick your sugar habit.

On Friday, January 22nd at 2:00 p.m., Improving Your Posture for Everyday Life will be presented by Shannon Cohen, PT, DPT. This is a free presentation on muscles and habits that can affect your posture. This class is interactive and will allow participants to perform simple stretches and exercises to help with posture.

Ms. McIntosh reminded everyone that Overdrive is available at the Library. Thousands of free downloadable audiobooks are available to borrow for twenty-one days to play on your devices.

She then announced the current fundraising event. Night of Comedy 2016 will take place at the Community Center on Saturday, January 30th, a joint partnership by the Library and Recreation Department. Doors open at 6:30 p.m. and dinner by Pasta Too is at 7:00 p.m. Show begins at 8:00 p.m., featuring five local comedians. This is BYOB for over 21 years of age and the show content is PG-13. Tickets are \$25 and are available at the Library, on the Library website or at Evey Hardware.

Ms. McIntosh said that the Library will be closed on Monday, February 15th for a staff development day.

For more information on these and the many other programs and services offered by the Library, visit the Library's web site at bethelparklibrary.org. You can also follow the Library on Facebook or Twitter.

5. Police Chief's Report

Chief O'Connor said that he and the Police Department wish everyone a healthy and safe New Year 2016. He said that everyone can follow the department on

Facebook with updates on crime, emergency conditions and department happenings. The Bethel Park Police Department is also on Twitter and Instagram.

Chief said that the next Crime Watch meeting will be held on Monday, February 1, 2016 at 6:30 p.m. at the Community Center. The topic will be Defensive Tactics.

6. Fire Chief's Report

Chief David Gerber gave the fire report for the month of December as well as a recap of all the fire calls for the year 2015. He was happy to announce that there were no fire fatalities this year, and no fire personnel sustained any serious injuries.

Chief Gerber reminded everyone of the safety issues when using space heaters which include a three foot safe zone around the unit. Extension cords must be properly rated. Be careful of kids and pets and shut the unit off when leaving home. He also advised that you should shut off valves to outdoor water and drain the lines through the winter months.

Chief gave an update on the new fire station building. He said that the building is on schedule and should be completed in early May of this year.

At this time, Chief Gerber introduced several Volunteer Fire Company members and both he and Bethel Park Volunteer Fire Company President David DeLallo awarded them with a plaque in honor of 50 years or more of service. Those present were Reno Virgili with 62 years of service (12/7/1953); Ken Renko with 61 years of service (5/3/1954); Bob Galambas with 57 years of service (5/30/1958); Bill Allsopp with 51 years of service (12/7/1964); and Jim Sell, Sr. with 50 years of service (5/3/1965). Two members who were unable to attend are Steve Urcini with 72 years of service (2/5/1943) and Ed Galambas with 52 years of service (12/9/1963). Chief Gerber thanked them for their service.

BPVFC President DeLallo thanked these men for their years of service as well as for paving the way for the fire department and for their foresight, hard work and dedication which is still evident today.

7. Mayor's Report

Mayor Allen thanked and congratulated all the firemen for their continued service.

Mayor Allen read a letter received from In Service of Seniors Pittsburgh regarding the Snow Angels Program which matches neighbors with neighbors to shovel walks of those unable to do so. Adults with disabilities, seniors, qualify to receive this volunteer service. They are looking for volunteers in the community to help at least one senior resident for the snow season. Learn more at www.AlleghenySnowAngels.org or access the link on the Bethel Park Website.

Mayor Allen announced the winners and honorable mentions of the annual Holiday Lighting and Decorating Contest and presented those in attendance with certificates. Mayor thanked the community for their participation, the winners and all the judges who made this program a success this year.

Mayor Allen presented the Make Bethel Park a Better Place to Live award for this month to Devin Shay. Devin has been a BPTV Volunteer for seventeen years. He won volunteer of the year for the last four years and produced over 100 programs for BPTV. He is a Sergeant in the Army Reserves for ten years and did two tours of duty in Iraq and one in El Salvador. He is our cameraman for the Council Meetings. Mayor thanked him for all his work for the past seventeen years.

8. Approval of Minutes

Regular Council Meeting Minutes of December 14, 2015.

Motion by Mr. Hannan and seconded by Mrs. Gibbons to approve the Regular Council Meeting Minutes of December 14, 2015. Motion Carried 7 – 0. Council Members Colella and Pape absent.

9. Public Hearing of December 2, 2015 – Bethel Park Senior Residential Development

Motion by Mr. Hannan and seconded by Mrs. Gibbons to approve Public Hearing Minutes of December 2, 2015 – Bethel Park Senior Residential Development. Motion Carried 7 – 0. Council Members Colella and Pape absent.

10. Reorganization of Council Meeting of January 4, 2016

Motion by Mr. Hannan and seconded by Mrs. Gibbons to approve the Reorganization of Council Meeting Minutes of January 4, 2016. Motion Carried 7 – 0. Council Members Colella and Pape absent.

11. Bills and Payrolls

Motion by Mr. Hannan and seconded by Mrs. Gibbons to approve the Bills and Payrolls for the Municipality per Bill List #011116 in the amount of \$1,285,919.73. Motion Carried 7 – 0. Council Members Colella and Pape absent.

12. Residents' Comments (non-agenda items only)

Jay Wells, 2510 Applegate Road off Lytle Road. Mr. Wells said that off Lytle Road there has been a water leak for well over a month. He said that with the freezing and thawing, it will ruin the pavement which is already beginning to crack. He asked if someone in high places can contact Pennsylvania American Water Company to get them active and have this issue corrected.

Mr. Moury asked staff to follow up with the water company.

Glenn Lackey, 1425 Blossom Hill Road. He is the president of Whitetail Disabled Hunting. He takes on all the responsibility and the financial burden of harvesting the deer. So far this year, 87 deer have been harvested in Bethel Park at no charge to anyone and the cost is substantial. He's gotten phone calls from 410 residents who allow archery on their property. In addition, he receives numerous calls from residents reporting deer on their property. He said he trains and organizes wounded warriors, veterans and active military to help with the hunt, and he shares all the meat that gets processed and also donates to 50 senior residents in Bethel Park. He is present tonight to request Bethel Park's assistance with the tag fees as each deer harvesting costs \$40. Whitetail can be reached at 412-892-9136.

Mr. Moury asked that he give his information to Council.

Jack Horn, 1588 Holly Hill Drive. Mr. Horn said he is in attendance to talk about the new subdivision proposed in his neighborhood. He then relinquished the remainder of his time to his wife so she can state their concerns.

Sarah Scharding, 1588 Holly Hill Drive. She spoke on the major subdivision proposed on the Milliken property at the termination of Willow Terrace and Holly Hill Drives. She said that 146 Bethel Park families will be directly impacted by this subdivision. The residents were informed by a letter from Councilman O'Brien that a first review would be held by the Planning Commission on December 2nd. The developer asked for an extension and was not there to answer questions. The residents were told to leave their names and contact information that they would be informed as to when the developer would be in front of the Planning Commission. On January 6th the developer provided a revised set of plans to the Commission. She said she has a number of issues that need to be raised and addressed, specifically concerns with construction traffic, the number of construction personnel and vehicles, construction equipment, construction deliveries, building materials and the damage that will occur to the roads and to resident's vehicles. The Planning Commission is set to look at this major subdivision on Wednesday, January 13. She said her concern is what impact this will have on Holly Hill Drive and with property values and what safeguards the Municipality will have in place. She stated the developer could not give an idea of how long this work would take and when the subdivision would be completed and what are the conditions that the developer's agreement puts forth.

Mr. Moury said that Council does not have anything in front of them at this time. He said that the roads will be bonded in case of damage and the developer would be responsible. All of this would be outlined in the developer's agreement and reviewed by our solicitor.

Mr. O'Brien said that the next Council Committee Meeting will be held on Monday, January 25, 2016 at 7:30 p.m. This meeting will take place at the Bethel Park Community Center Class Room. He encouraged Ms. Scharding and all other interested residents to attend. He then requested that she provide all her concerns in writing to the Manager's office and Council will address them. He said that he

did not look forward to when this development would come because it is a beautiful piece of property and they have the right to develop it, and the residents have rights, too. He said that staff did a good job with this plan. He said that the two cul-de-sac approach would eliminate a lot of cut through traffic. He said let's see if we can talk about it and get some securities put in place so everyone would be comfortable.

Mr. Moury encourages everyone to attend the Planning Commission meeting to share their concerns. Again he reminded everyone that the January Council Committee meeting is being held on Monday, January 25th at 7:30 p.m. at the Community Center, not the Municipal Building and to forward all the concerns to the Manager's office.

13. Citizens' Comments – General Policy and Finance Items

None

GENERAL POLICY AND FINANCE

14. General Policy and Finance Items

Reappointment – Municipal Authority

Motion by Mr. McLean and seconded by Mrs. Gibbons to reappoint James Boyle to the Municipal Authority for a term to expire on December 31, 2020. Motion Carried 7 – 0. Council Members Colella and Pape absent.

15. Reappointment – Board of Parks, Recreation and Leisure Services

Motion by Mr. McLean and seconded by Mrs. Gibbons to reappoint Jim Gastgeb to the Board of Parks, Recreation and Leisure Services for a term to expire on December 31, 2018. Motion Carried 7 – 0. Council Members Colella and Pape absent.

16. Reappointment – Board of Parks, Recreation and Leisure Services

Motion by Mr. McLean and seconded by Mr. Hannan to reappoint Donna Marie Murphy to the Board of Parks, Recreation and Leisure Services for a term to expire on December 31, 2018. Motion Carried 7 – 0. Council Members Colella and Pape absent.

17. Reappointment – Planning and Zoning Commission

Motion by Mr. McLean and seconded by Mr. Hannan to reappoint Tony Fisher to the Planning and Zoning Commission for a term to expire on December 31, 2019. Motion Carried 7 – 0. Council Members Colella and Pape absent.

18. Reappointment – Planning and Zoning Commission

Motion by Mr. McLean and seconded by Mr. Hannan to reappoint Harry Fuehrer to the Planning and Zoning Commission for a term to expire on December 31, 2019. Motion Carried 7 – 0. Council Members Colella and Pape absent.

19. Reappointment – Planning and Zoning Commission

Motion by Mr. McLean and seconded by Mr. Hannan to reappoint Mark Viehman to the Planning and Zoning Commission for a term to expire on December 31, 2019. Motion Carried 7 – 0. Council Members Colella and Pape absent.

20. Reappointment – Zoning Hearing Board

Motion by Mr. McLean and seconded by Mr. Hannan to reappoint Jack Tortorice to the Zoning Hearing Board for a term to expire on December 31, 2020. Motion Carried 7 – 0. Council Members Colella and Pape absent.

21. Reappointment – Zoning Hearing Board, Alternate

Motion by Mr. McLean and seconded by Mr. O'Brien to reappoint Shane Hollerich to the Zoning Hearing Board, Alternate, for a term to expire on December 31, 2018. Motion Carried 7 – 0. Council Members Colella and Pape absent.

The following text is verbatim.

Mr. Harrison said:

“I’d like to take a couple minutes to address concerns of mine and maybe I can generate concerns of mine to our citizens. This is my first meeting of a 43rd year of serving Bethel Park as a Councilman and I think this year wishing people Happy New Year would be disingenuous on my part. Our nation is on a downward slope and the slope is rapidly increasing. This downward slope is caused by actions of the elected officials from the Federal level all the way down to the local level. The President of the United States, figuratively speaking, thumbs his nose at the constitution routinely. The National Senate and House fails its obligations, it fails to enact an annual budget, a balanced budget to make key appointments, judges and administrative people and many other positions. Large sums of money continued to be poured into the United Nations organization that is fiscally irresponsible and grossly ineffective. I would hope the citizens would request their federal legislators to start an annual reduction in the contributions to send a message that we’re unhappy with their actions, at least I am. The controlling legislative political party recently changed at the national level but the government still remains ineffective. The Supreme Court judges seem to routinely vote on political rather than constitutional basis. Chief Justice Roberts unilaterally modified the Obamacare law in a case before the courts and

then casts his vote on the law with his modifications. His authority to take this action is questionable. Our state governor seem to have no appetite for controlling spending. State Legislators do not meet obligations to prepare a timely balanced budget, legislation on such items as State (unintelligible) prevailing wage, reduction in the number of legislators, to name a few items. At the municipal level, the Council members were forewarned to place a fire company ordinance on the ballot a few years ago, was in violation of the Home Rule Charter. The Council ignored the Home Rule Charter and enacted the ordinance anyway. I alleged that this was an act of misfeasance. A member of this Council body is a lawyer. He likes to remind us his father was the chairman of the Home Rule Charter Commission. I was an elected member of the Home Rule Charter Commission. Having served as a Bethel Park Councilman before the establishment of the Home Rule Charter Commission, I had knowledge of what was needed to best serve the community. A significant item that needed attention was the inability of citizens to challenge currently passed ordinances. In many cases, the residents didn't have prior knowledge of the ordinance until Council enacted it. If the residents objected to the ordinance, getting the ordinance changed was highly unlikely. Based on my previous experience as a Councilman, I knew how to provide the residents the ability to challenge an ordinance. I personally wrote into the Home Rule Charter the following section, Section 1107 Effective Date. It say the effective date of an ordinance shall be no sooner than thirty days after its adoption. This section of the Home Rule Charter provided a period of time for residents to firmly challenge an ordinance if they chose to. The Home Rule Charter with this stipulation was unanimously approved by all Home Rule Charter members and this stipulation was in the Home Rule Charter. Super Lawyer McTiernan, our solicitor, was complicit in violation by delivering the ineffective ordinance to the election bureau three days after its passage by Council which was twenty-seven days before the ordinance's effective date. At my urging, Council directed McTiernan to provide a written opinion of his action relative to the illegal ordinance. In his opinion letter, McTiernan stated the concept of effective date is inapplicable to initiating an ordinance. The effective date, I'll just repeat that the Section 1107 says the effective date of an ordinance shall be no sooner than thirty days after its adoption. McTiernan in effect added the adjective initiating before the word ordinance in the Home Rule Charter. In my opinion, McTiernan has no authority to make changes to the Home Rule Charter. Seems that he has the same – as the Supreme Court Justice Robert who deciding to change the law passed by Congress voted on it. Because of this illegal fiasco created by Council, Council formed an unnecessary Home Rule Charter Review Committee. The Committee is a stacked deck because it has five of the sitting nine members of Council on the Committee. This committee is an unneeded tactic to cover their behinds because of their illegal action. The Home Rule Charter explicitly defines the procedure for making changes to the Home Rule Charter. The Home Rule Charter options changes to the Home Rule Charter and challenges to ordinance has been successfully utilized several times during the thirty nine year life of the Home Rule Charter. I say if it ain't broke, don't fix it. Now, note the audacity of the unnecessary Home Rule Charter Review Committee. The unnecessary Home Rule Charter Review Committee is recommending that the requirement of the thirty day delay of the ordinance effectiveness is decided by the Home Rule Charter be

deleted. So they're suggesting we no longer allow people to challenge an ordinance that they don't like that Council passes. My purpose for this presentation is to remind all of us that actions of elected officials are the cause of our nation's decline and I sincerely think its declining and I hope you folks do too. Finally, I would remind everyone to vote, if you don't vote you are in essence giving approval to business as usual which is causing the nation's decline. Our unique nation is doomed to failure like many historical societies if it continues on this downward slope. Please do your part to save our unique nation. Thank you very much."

Mr. O'Brien said:

"Don refers to Mr. McTiernan as a Super Lawyer or sometimes a Philadelphia Lawyer. This summer I had a wonderful opportunity to go to a wedding in Philadelphia, and I asked everyone that I could meet if they knew Bob McTiernan and nobody knows him. So, Robert, you are not a Philadelphia lawyer. That's all I have to say. Thank you very much."

Mr. McLean said:

"I just want to let folks know the Home Rule Study Commission has been looking at the Home Rule Charter for the last year and a half. We were requested to do so by this Council and just take a look at it and see if after thirty-five plus years of the provisions being in place, there was anything that was worthy of consideration for change. And I have had the privilege, and I mean that, and most of that privilege has come from the six members of that study commission who are not members of this Council who have served on that commission and have given a lot of time and effort over the last year and a half. They included Christine McIntosh the head of our Library and they include a number of other people who are interested and invested in our community. And in fact, what had happened as our study commission unfolded, only four of the Council members who are members of this Council were in fact able to participate on a regular basis. So we operated with ten members, four Council members and six lay folks, but the thing that struck me about the entire process we went through was how open people were when they came to these meetings to consider the pros and the cons of each of the provisions of Charter and whether or not any change was necessary. And in fact I was so struck by it, what I want to tell folks is we now produced our report after a year and a half and in fact on January 26th we are going to have a Public Hearing about the full report. It's available on the Bethel Park Website, also there are copies available at the Library, but I in particular took time, if you want to read it at the end of the report, to provide some commentary from myself because I was just really, really impressed with the process of the people who were involved in this study commission went through. But here's the way I say it at the end of my little comment about the Commission itself. I found it refreshing to witness that the people of a community can have robust discussions about important issues even to the point of disagreement without losing the friendship in their voices, and I meant that. Because each of us got together as members of the community with a common interest and a common aim and we were able to air a lot of important issues including disagreements because we did not agree on

everything that ended up in that report. But it makes for a very worthwhile discussion when people can do that, when people can freely bring their ideas even if they are not necessarily agreeing with everyone in the room. So with that said, what I want to encourage everyone in Bethel Park, is if you have the time to take a look at the report, and if you have a view, if you have a comment, if you have something that you want us to consider then please come to our meeting on January 26th and provide us, the members of the Study Commission, with your input and we will include it in the report that we will then provide to Council. And so people understand, we're functioning as an advisory board to Council. We don't have the authority to adopt any change. Nothing that the Study Commission decides becomes a change in the Charter. That has to go to Council. Council has to debate it and discuss it and then ultimately it has to be taken to the voters. No change can be made to the Charter without the approval of the majority of the voters in this town. So, again, it's been a very, very worthwhile exercise. I've been very privileged to work with the people who are on this commission and I want to thank each and every one of them but I also want to encourage the public that if you got anything we need to consider, please bring it to our attention. Thank you."

Mr. Harrison said:

"Just a couple of comments on what Mr. McLean had to say. Number one, he mentioned that my concern about a majority of Council members being on the Committee, I said, well they're not attending the Committee anyway and involved then, which sounds to me like they're not very sensitive in their responsibility. The other thing that I just wanted to reiterate is that they're talking about wanting the people's input and help and making sure that they process the changes that they think are important. But in my opinion, a key one is they're recommending that they do away with an option which has been used several times to protect the public from what I think was an irresponsible action for the Council. Thank you very much."

Mr. Moury said:

"I'd just like to thank Mr. McLean. I had the opportunity as a resident to attend some of the meetings under his leadership, under the format that the committee took and not just looking internally, looking externally. They spent a lot of time looking at other communities similar sized, across the state, to see what works and what doesn't. Some of the recommendations are good and maybe I agree with and some of them may not be. But I think it's the process that's important. It's been open, the meetings have been advertised. They've had Public Hearings. And as I read the minutes of the meetings, Mr. Harrison has not attended one meeting. I think it's interesting in how this whole thing transcribed and came about was the fact that Mr. McLean sent information out to Council as far as copying us and putting it on the website and Mr. Harrison basically said he'd make these changes or I'm going to make a big deal of it out on the floor. This isn't about the community. This isn't about the residents having input. This is about Don Harrison, as everything he does. How could he get an opinion from just reading the information without participating, without showing up at any of

the meetings to really see what goes on. I think that, in my opinion, is a disservice to the community. There is a public hearing scheduled, just because it's recommended, doesn't mean we're going to adopt it. Once again, the community will vote. I don't know what he's so afraid of. He wants to make it out like there's a big mystery here which is very unfortunate because this has been a really good move for people and the time that Mr. McLean spent putting the report together just doing the notes and all the information and the staff and Mr. McTiernan, I think it's a tribute to the people of this community who want to see things move forward. So, there may be changes recommended, there may not be, we don't know. But I think it's a process we need to look at to make sure that we are adjusting to the times. Thank you."

Mr. O'Brien said:

"Mr. Chairman, I'd like to just go along with Mr. Moury here. You know, I did attend one of those meetings and I think it's just unfair to Mr. McLean and the group of people. When you ask someone, and anyone in the general public, do you want to be on the Home Rule Charter Study Commission? They'll say, what? I mean, is that like going to a ball game or something? I mean, and there's people that have been coming diligently for a year and a half talking about, and the discussion and the professionalism from this man who runs this meeting and I like this stuff, so, I sit down and talk and I like to listen, but the people that you ask to be on this committee, they're really engaged. They are taking this very seriously, they understand that this is like our constitution of Bethel Park and it's not something to tread on lightly but it is very healthy to look at, to talk about, to discuss, and I disagree with Mr. Harrison. Our country has a lot of troubles, but I do like it so much and I am so proud of the people that serve, our military and the people in this country. I think there's a lot more good in this country than there's not and I am willing to work and work hard to make it a better place to live for my children and my grandchildren, and I'm in it up to my neck. So. I'm sure there's a lot more people that like it, too. I want to thank Mr. McLean and the people who give up their nights, week nights to stay here for a very long time and talk about things that I am very sure a lot of people in this town are glad they're talking about it and they're not and I want to thank them. Thank you."

Mr. Hannan said:

"First, I wanted to compliment Jim McLean on doing a great job as chairman of this committee. I mean, being on it myself, seeing the input from the people that don't sit up on this Dias, is heartwarming. Yet we sit up here in our own little world and this is how we do this day in and day out. The average person out there doesn't know how government works, doesn't know how the system works, and, I view my role there as explaining, what words on paper, how does it really work in the real world and is there some better way to do it, how does some other town do the same thing? I mean, we've spent quite a few months going through various home rule charters, various degrees of the way of doing things. There's no purer recipe to do it right. Everybody has their own little things that go on with it. But again, as was said before, these people who give up their time to give their opinions on your behalf because, and this may not go anywhere, but it's a good

exercise to see where we are and not be stagnant on a document that is 40 years old that's been modified a handful of times. But, again, it's up to the voters, and this Council decides to put any issues that comes up to the public will be up or down on the vote on Election Day. But it's a good process to really see how government works and some places where it does work very well. Let's see if we could make some adjustments to try to make it a little better. I think that's, my hat's off again to the chairman, Mr. McLean, as well as every other person who serves on that committee because they give up their time and they're opinions are very valuable and they represent you all very well."

22. Citizens' Comments -- Planning and Zoning Items

The following text is verbatim.

Beth Merry, 471 Parkridge Drive said:

"Good evening. I'd like to thank all of you for your service. As a citizen of Bethel Park for the past 28 years, my family and I are very grateful for this township and all who serve. So, thank you. My property is directly adjacent to lot where the Rite Aid is going to be going. We did not find out about this, our neighbors and I, did not find out about this until Election Day when at the polls one of our other neighbors told me that this was a project that had already been through the Planning and Zoning Committee and so that's why we're here and haven't participated earlier. I just wanted to make that clear. I think there is not a person in this room who would not be concerned if they were told that a major land development was going on in their back yard that their new neighbor was going to be a Rite Aid. So, you can imagine how we feel. My first question is this. Why do we need another pharmacy mercantile store in Bethel Park? It seems to me, I mean, I just did a rough count and there are seem to me to be at least ten other pharmacies in this community and that seems like quite a few. Why do we need another one and why does it have to be at this location? The other, we have been helped by some of your municipal employees who are here to night and others in explaining this project to us and showing us the blue prints and the plans and we're appreciative of that but we still have some concerns and questions. Those would be including traffic patterns, and I know a study was done but I'm surprised at the school board has not said something, I mean, the property is adjacent to Washington School. There are children all over the place, lots of traffic coming in and out in the morning especially, morning and afternoon. At rush hour, we cannot make a left turn out of Parkridge Drive onto South Park Road because the traffic is backed up half a mile at least sometimes. It is just impossible. So I cannot imagine with a new business in the neighborhood what that's going to do although they say it's going to be fine. Noise is a problem. Where we live, we live kind of down a hill and everything goes up on that plateau where the building will be going in, the noise comes down directly into our homes despite soundproof windows, and we all have new windows and we can still hear things from up there. Trucks making deliveries and pickups in the middle of the night wake us up on a regular basis. Lights, there are going to be 12 foot lights that shine down so they don't supposedly shine out into our yards, but we live downhill so the lights will come down unless there

is some kind of blockage. We're also concerned about water, garbage and vermin which we have had multiple problems with in the past. We want to go on record requesting that you vote against this measure, but if the motion is approved, we would request that there be a high privacy fence erected along the length of our properties to separate us, a residential community, from the commercial property. I'm out of time, but that's mostly what I wanted to say. Again, we know that development is important, but we would ask that some of these things really be maybe be looked at again and if you do decide to vote, we would urge you to vote no."

Mr. Moury said:

"I'll briefly answer some of the questions. Number one the traffic. Many, many years ago, and I want to say maybe 25-30, some of that property was rezoned. I'm not justifying, by the way, I'm just stating the facts. Unfortunately, anything that is within that zoning district they're allowed to build and that's kind of how it came about. But some of the items you talked about, traffic, there was not a traffic study required. They did some traffic analyzations of it. I think that on PennDOT as part of this is planning for some intersection upgrades. When that is I don't know. But they're not required by the PennDOT standards to do anything. They did some traffic reports on what was up there. It was brought to our attention tonight that about the privacy fence. The developer, if this is passed tonight, we will work with them. I know there is a question of the fence on the property line. The fence or more trees with the developer at the time seemed to be interested in potentially putting some additional trees or if the fence can't work. So, if this is passed tonight, we will continue to work to make sure that we try to do everything we can to protect the masses. Our lighting ordinance is, you're right, you're going to be right below it. We probably have one of the most strict ordinances and the lighting is measured at the property line to your point. The lower poles have the light shining in a downward direction, not to say there isn't going to be some spills but hopefully if there is and this is passed tonight, I hope we get the additional trees, potentially a fence, something like that might have to protect some of the property. To date, they have been pretty good and reasonable working with us. I know that maybe some other people speak and they are taking precautions on storm water. I believe we were told our ordinance states that storm water normal off the property, it cannot exceed 90% of pre-development flow. I believe the engineering study show they're about 65%. I know there were some issues up in that area, so, we have done, if this passes tonight it doesn't just go away, that we'll make sure our staff and Council will obviously do their due diligence to make sure that they live up to their to protect the neighborhood. If it passes, we'll let you know, we'll make sure."

Mrs. Merry said:

"Thank you."

Mr. O'Brien said:

"I have some of the same questions that you had. You know, sometimes why, why this, why this development? In my almost 25 years here, I sat in vacant lots and watched the engineer tell an individual, please don't build your home here because there is a potential of flooding and they said, well we going to build it here and guess what, they have the right to do that and it did flood. So, they have the right to do whatever they want. I don't understand why, but I understand that they have the right. I do have the questions about the intersection. It's difficult. It's sometimes frustrating. Sometimes if you're not from around here, you have no idea what you're doing and it can really mess up the flow. You can see, you can tell if it's somebody it's not from Pittsburgh or Bethel Park, they're in the middle of the intersection. Now I do have all those same concerns. But I think the thing that I have to ask, and I have to ask Robert McTiernan, our solicitor, after we talked about this and talked about this, is there any legal reason why we cannot vote for this tonight? I have to ask that because we're moving all over the place here and under the law and under the rights that they have, and under the rights that we have, do we have any rights?"

Mr. McTiernan said:

"Well, Mr. O'Brien, if the development meets the ordinances of the municipality, it must be approved. Council does not have discretion to make a judgement about whether this is good use of the land or this is the kind of commercial enterprise you'd want there. All you can do is require them to meet the ordinances, and to echo something Mr. Moury said earlier on, this is a permitted use, so the Municipality has an even more restricted ability to control this. There was an original review of the original plan by the staff and they approved it and even that original plan met the Municipality's ordinance, some issues were raised about storm water and some other things and under an existing court order and the resulting redesign that was done by the developer reduced storm water further and so at this point I don't see that the Municipality has any option to reject this. If they don't act at all, it will be deemed approved in a matter of days. So my recommendation is you're compelled to approve based on analysis of the plan for approval."

Mr. Harrison said:

"I just want to address one comment the lady made and that is her perception is that we have enough drug stores in Bethel Park. And I just wanted to make the point that this governing body has no power to determine how many pharmacies or drug stores or whatever. We have to rely upon by the little free enterprise system to take care of that. So if the plan is put before us that meets the ordinance, and it's another drug store, we have to approve it. Thank you."

Wayne Grant, 475 Parkridge Drive said:

"My concern is the planting of the trees. Not at the property lines, because the property lines are about 20 feet below the parking lot. So it will take at least 30

years for those trees to do any kind of good for blocking lights, whether they be from the lighting for protection of the parking lot or from my understanding is there's going to be a drive thru, so all those lights are going to be shining at our houses. So what we're saying for the privacy fence is not necessarily at the property border, but at the plateau of the parking lot up by Al's Café. And I welcome anybody to come look at the actual hillside because planting trees at the bottom of the hill is useless. Ok, that's what I wanted to say."

Mr. Moury said:

"Ok, we will share, I mean, this is a matter of record and we have all the information and if it is deemed pass to night, we will share your concerns and try to get to accommodate the neighbors the fence at the top of the hill if they're willing, I mean so far they have showed that they're willing to work with us so we'll continue to pursue it if this is adopted tonight."

Mr. Grant said:

"Yea, I'm already convinced that it's going in because it's free enterprise. I'm just looking out for all of us people who have to live with it once it's there and in place. Thank you."

Mr. Moury said:

"We appreciate your comments and like I said, I think somebody shared them today with our Planner this week so we'll do that."

Mr. Harrison said:

"Let me address one other comment. Bethel Park has one of the most restrictive ordinances relative to lighting and the lighting that you folks worry about is called spill light, light that gets beyond the boundary of the development and so that's an item that supposedly will be taken care of and it has been taken care of when Best Buy was lighting the neighborhood over there and we caused them to fix the lighting so that doesn't happen. I'm not saying light is not an annoyance, I'm saying they're not going to put up lights that are going to shine right in your yard or your neighborhood. They have to meet the ordinance and control the amount of light it gives off from their development. Thank you."

Jason Zollett, Goldberg, Kamin & Garvin, LLP, 1806 Frick Building, 437 Grant Street, Pittsburgh, PA 15219, said:

"I'm here on behalf of Murphy, O'Neill and Murphy. My client, they own the property across Library Road from the development. We were here in front of the Planning Commission, we were here for the Planning and Zoning Committee so I won't belabor the point. We had the issues with storm water management plan. We've had an opportunity to work with the developer and lot of our issues have come pursuant to the order of court that Mr. McTiernan had referenced. And that order of court doesn't say you have to comply with the storm water management

plan or ordinance, it doesn't say that you have to reduce the flow to 80 percent or 90 percent or 65 percent, it says that water cannot be moved from its natural course and then accumulate it and direct it onto my client's property. That's what's happening currently, that's what will continue to happen under this plan. And I want to say, we're not here to obstruct, we actually, I mean I want to make sure it's clear for the record that the developer has been admirable and willing to work with my client, they've been open and honest and willing to work with us. The revised plan, pursuant to our engineer's opinion, does not bring Bethel Park into compliance with the order of court. Water is still being directed off of the natural course and diverted to and being discharged onto my client's land. Now, you talk a lot about if it complies with our ordinance, we have to approve it. I respectfully disagree with that, if you have a court order that says you can't do something and your ordinance is allowing you to do it on another means, I think you're in a difficult position. I was an assistant city solicitor for the City of Pittsburgh for eight years. I understand where you're at in terms of we're saying give it some more time, let us work on this. You have a developer who obviously has the right, and wants to move forward with the development. What we're here today is to say is we would like one month and I know people are going to look and say hey, you're just trying to delay this. We made some great progress, we think there is additional progress to be made, we think this can come into compliance with the order and it will save everybody time and hassle with attorneys and legal fees and more costs and more time being held up in court. Ultimately, it is your decision to make, we respect your decision and your ability to make that decision. At the same time, we'll do what we need to do based on how we view the law. Your Planning Department's worked with us. We want to have them involved in the process as well. Again, if we're done at the end of the month and things aren't resolved or we can't come to a conclusion, we're not going to ask for any more postponement. That's all we're really asking for. Thank you."

Mr. Zollett introduced for the record the Order of Court.

John Murphy, Managing Partner of Murphy, O'Neill and Murphy, 360 Southridge Drive, said:

"We own 45 acres on McMurray Road. The best way to describe is I think most people know where it is, is South Park and McMurray Road intersection. We're down the road slightly from the Clifton intersection where the Rite Aid is proposed to be built. We have been incurring water because of no storm water enforcement and management being placed on that parcel and that was brought to light by the developer in a study for the storm water management report. And after that, we surveyed our land and we find erosion, surcharging, flooding, all types of problems. Now the developer and his engineer have done a good job of trying to reduce the CFS that's coming at us, but at the same time, we do have this court order and there was a 1955 study that we found has not been a part of the consideration. And this study, I believe, was performed for Bethel Park, there's one two years later performed for Upper St. Clair and it clearly delineates the watersheds. There are three watersheds on this parcel and I am concerned about water as this other lady mentioned. I am very concerned about water. I have

property that can be developed and bring a tax base to Bethel Park, as many of you know, part of that property is in Bethel Park and I would like to do that. I've been trying to do it for a couple of years and have been denied that opportunity because of the roads and because of the water conditions. So I am in front of you today to ask for that thirty days. We haven't had an opportunity really to meet with staff, we just came in and we requested a copy of the storm water report and the plans, the construction plans. We have yet, to date, to receive the construction plans. We were denied them because we were told that an engineer's stamp is a copy right and were denied those, and now the counsel representing the developer has been kind enough to share with us the first storm water report and the second storm water report which we met with the developer and his engineer last week. It was on Friday of last week, maybe Thursday, and reviewed that. We think we're well on our way to making improvements. That whole corridor, as somebody already mentioned, PennDOT would like to widen that road and get a better turning lane and somebody mentioned how far the traffic backs up to date. It backs up all the way down to Kings Restaurant at rush hour and I don't know how far it goes down South Park Road. But with the widening of the road that PennDOT is proposing to do within the current limitations of property ownership, I think, or easement, that can be accomplished, but at the same time, that's going to create more problems in terms of storm water coming to me. There's a proposal in this plan to pipe the storm water from a new, there'll be two new detention ponds, underground detention ponds. One of them will be in the Rite Aid facility and basically to handle that and the developer and his engineer have done a good job of revising their plan and directing that water to Clifton Road. But the other problem is there's a residential parcel to the north of this site, it's about half an acre and it is proposed to have a separate detention pond which will come down to McMurray Road, have a new pipe installed and take it down to a culvert that comes across our property and surcharges our property. Now, we think we can work, we think there's a solution, and we want to live in a solution rather than the problem, but we need some time. We got thirty day previously as you're well aware, but that was in the midst of the holidays and between our schedules and their schedules, we weren't able to meet. So, I am going to also put into record it seems that this report didn't come to light. I received this a while ago from your previous engineer, but it is very clear and this is only a cover page of it and a couple of pages I'd be glad to furnish the whole thing, but I'm sure it's in your file somewhere, and that's called the Report on Existing Storm Sewers Storm Drainage Problems and Storm Water Extensions, December 5, 1955. Thank you very much for your time."

Mr. McTiernan said:

"I want to mention one thing. The extension has to be granted by the developer. Council has no discretion to give it unilaterally. My understanding was that Mr. Murphy's request was made through the developer's attorney whether the developer would be willing to extend the time period for discussion. So if Council doesn't act it is deemed approved before your next meeting. Just so, I know you understand or don't understand is make Council aware."

Mr. O'Brien said:

"Well, when will we have a date, Mr. Manager, when this will take effect if we don't vote on this tonight?"

Mr. Moury said:

"Prior to the next meeting. There's a calendar out there. So if we don't vote on it tonight, our next public meeting is next month and it would be past the deadline."

Mr. Dixon said:

"It will be two days before our next meeting."

Motion was by Mr. O'Brien to table this item on the agenda. There was no Second on the Motion. Motion failed.

Carla Ferreyra, 480 Parkridge Drive said:

"My concern is that we didn't know about this Rite Aid until the end of November and I was told by my neighbors what was going on. I was very, very surprised what was going on behind my back yard because my house is right behind where the parking lot is going to be. So one of my concerns, we moved here one year ago, I have two little kids to go to elementary schools and a lot of people will walk through my yard to get to the Rite Aid, to the parking lot. So one of my concerns when they were telling me about the fence, I was like, that would be a solution. You mentioned, too, about the trees, that will not be a solution for me because that could fall on my roof of my house. The other thing is the noise of the construction as well, and just the security of my kids. The reason why we moved to Bethel Park was because of that. We wanted to have a secure safety and quiet neighborhood. So I did not move to a commercial area. And I don't feel safe right now because we have a Brentwood Bank right behind where we have already people trash they leave there right behind our yard. We already talked to them. We don't have video cameras or anything in our home but we actually are potentially doing that just to protect ourselves from, you know, from the back yard. So I just want to have with my neighbors about the concerns that we have about the volume, the noise, the safety of my kids and our kids in the neighborhood. So I think the solution for just trees is not enough for my protection of my family. I think it would be more like a fence, a concrete fence behind so there will be no interruption, or no people walking through my yard to get to the pharmacy. Thank you."

Mr. Dixon said:

"I saved my comments until after everybody had finished speaking and most of what I had to say has already been covered here this evening. But I think you can tell, and I'd like to address the residents in particular on Parkridge. I think you can tell the level of detail that we go through when we look at these plans. They are scrutinized very carefully. As Mr. Harrison said, we have a very strict

lighting ordinance. I would like to tell you that we have a very strict ordinance in general. And I hear from developers all the time complaining that Bethel Park is so difficult to get a set of plans approved, and that's the way I prefer it. I would much rather be the bulldog and make sure that we get what we want than to just roll over and let somebody do whatever they want here. So, there's a tremendous level of detail that goes into the scrutiny of these plans. They go through the Planning Commission, and then they're look at by staff and then Council looks at them and takes advice from staff and recommendations from the Planning Commission. Once they get through the Planning process and the developer presents a set of plans to us that are in conformance with the ordinance and you heard this this evening, too, we are obligated to approve those plans. They are conforming to the ordinance and we don't have a legal ground to disapprove those plans. Now, naturally, we could vote this down tonight, but without doubt, we would wind up in the Court of Common Pleas in front of Judge James spending taxpayer's money in a losing cause and Judge James would approve the plan. With regard to the water issues that you heard addressed tonight, those are serious issues that need to be addressed. We will argue those out, I'm sure the Murphy people will argue those out with the developer. Certainly, if it comes to litigation, then that's going to happen between Mr. Murphy and his team and our team and you know we'll take our chances there, if that becomes the case. Hopefully, that will not become the case. If we, as our solicitor said, if we wait a month, it's going to be too late. Once a developer submits plans, that starts the clock ticking, and we have a very limited amount of time to approve those plans or reject the plans and as you heard, we don't have any time left. Two days before our next meeting would be the deadline. If we don't take action before then, the plan is deemed automatically approved. So we really have to take action on this tonight. With regard to us not providing plans to Mr. Murphy's team, that's true, we did not give those plans up, but we did allow them to come in and review the plans in the office. And so they did review the plans, it's not like we withheld anything from anyone. So that's what we've come down to here tonight, we are going to vote on this and that, just to be honest with you, and on the record, I think that's a terrible location for that drug store. I think we have more than enough drug stores in Bethel Park and I couldn't agree with you more, but my opinion doesn't matter. We have to make our vote tonight based on the ordinance and the law and so that's what we going to do tonight. And so I wanted to explain that to you and just kind of recap what everyone else has said here this evening and hopefully that will make sense. We have worked with the developer, he's very reasonable. They've done a great deal of changes to their plans to accommodate us and I think that they have been reasonable enough to agree to a buffer in the back of that parking lot. To what extent, we'll continue to have discussions with them. Hopefully, that will work out for the best."

Mr. McLean said:

"I'd just like to make one comment and request of the developer which is that if we do approve this plan of moving forward, I'd like to ask the developer to give very serious consideration to their request for the privacy fence. I acknowledge it may be something that in your normal planning you might not prefer to do, but it sounds like from the circumstances here, it's a pretty reasonable request by these

neighbors and it goes a long way to addressing their concerns. And as we all know as elected public officials, once a development is done and the operation moves forward, we're still here and these folks come to us when they still have continuing issues. So, I'd like to make a request on behalf of us that you give serious consideration to putting in a privacy fence that achieves the purposes they're looking for and accomplishes that. Thank you."

Mr. Moury said:

"One last comment. I think you talked about if we vote it down we go to court what do we have to gain or lose? The concern I would have would be obviously the judge is going to side with probably the law and the down side for us is all this good will things they have done, the storm water management, things they've done over and above, we could potentially lose that if we go and the judge says, you know what, that's deemed approved, they could say, you know what, your ordinance says 90 percent of predevelopment flow, that's what we're going to do. You know they tell you want three trees and we're giving you ten, you know, we're putting three in. I'm not saying they would do that, but that's for us to kind of risk that we would face if in fact we were to turn this down, so we have a little bit of skin to make sure that all the good will, not to say they would ever do that, but the good will be built and hopefully the fence if it is approved, we'll be able to accommodate, would all go away."

Mr. Hannan:

"Hopefully I will close this out. It is very difficult. I live up there, I go through that intersection two, three, four times a day. I know it's bad. It's, the circumstances, I know Mr. Murphy's been trying to develop his property. I've been on Council for 20 years. He's been up here at least three times in front of us. So he's trying his best to develop his property in the best way. The issue here started on this site more than 25 years ago. That property has the same zoning as South Hills Village and that was done by previous Councils, but that's the kind of thing that we're working against. I mean, was the owner of the property, have great foresight to get the best commercial use he could? Damn right he was. And that's what we're suffering by now. Going back, we couldn't change it back, we could but it's not that easy to do. But this thing was set in motion then. Again, we have put restrictions on things that we deal with. The lighting specifically, I mean nobody likes to do lighting in Bethel Park, I mean, I guarantee you they don't because, the way our things, you end up with more, when you have shorter poles, you need more of them to provide the same kind of light. So it costs more money and they don't like to do that. They like to have thirty foot poles where that they can put four in instead of putting fifteen in. So this has been very difficult because of the, and the typical buffer zone in Bethel Park is not a fence, it's a planted buffer. And when you have a commercial zone against a residential zone, you're required to have a buffer and the buffer are trees and sometimes you plant trees, sometime the they live, and sometimes they don't. So there's enforcement aspects of those things that go along down the road that you're supposed to have a buffer. Actually, the Gaetano's Drug Store across the street is actually supposed to have a 2-1/2 foot planting strip in front of their building, but

that went away somewhere down the road. That was a compromise of a five foot planting buffer at a Zoning Hearing Board 25 years ago. So things do change over time and what we need you to do is communicate with us to see what can or cannot, especially if you see things that go on that, why is this thing happening, I mean it's, we sort of, we, I can notice it when I go by, but it's the people directly impacted and that's why you're sitting here because you are directly impacted. And I happen to represent you, but that's another point. But, it's tough, it's, the zoning's fixed, we can't change the zoning. The building is permitted. There's some issues with traffic. I don't like the idea that who builds a building where the traffic study does not going to be any increase in traffic? That makes absolutely no sense to me at all. There is no diminishing of service by adding this structure. We all know that's not with the same realm of reality. But that's the way the calculations are done, that's the way they are presented. You're depending on PennDOT to make a more efficient McMurray Road. They could add six lanes there and it still wouldn't be more efficient than what's right there now. Again, it's the pure zoning aspects of things. Do they meet our ordinance? I mean, the zoning ordinance tells you what you're allowed to do. The Zoning Hearing Board tells you what you can get away with if you don't meet the ordinance. Obviously everything's in place for that. The issues with 65 year old decision or studies. Well, state law has change in that interim of timeframe too. So, that could be challengeable under State law because the storm water management act passed in the 70's. So, there's things that are out there that may or may not come to play here, and this is not the first development for that property that's been proposed. There was a gym proposed to be constructed there about 15 year ago. So it's happened. Things do change and things that get approved don't always get built. So, those things happen too. But again, this is a very difficult decision for all of us up here. Thank you."

PLANNING AND ZONING ITEMS

23. Application No. 2015-0430 – Rite Aid, New Structure, Major Land Development

Motion by Mr. Dixon and seconded by Mr. McLean to approve Application No. 2015-0430 – Rite Aid, New Structure, Major Land Development, 435 McMurray Road, Lot & Block No. 667-E-110, J S Capitol, Applicant, in accordance with the Municipal Planner's correspondence dated December 29, 2015. Motion Carried 7 – 0. Council Members Colella and Pape absent.

Bill Sittig of Sittig, Cortese, LLC, 437 Grant Street, Suite 1500, Pittsburgh PA 15219, who represents the applicant, J S Capitol said:

"Paul Dunn with J S Capitol is here tonight as well as our civil engineer, Matt Weber. I wanted to give an opportunity to give some comfort level to everybody. First of all, the worst thing about what I do very much this is all I do is development work. The very worst part of my job, as much as I believe in development, capitalism and property rights in particular, is upsetting neighbors. I mean, we all have homes and we're all sensitive, all these folks here understand that. With respect to your ordinances, they are very strict and nonetheless, not all one size fits everything. We have a very significant grade change between this

plateau and our neighbors. We recognize that and where a privacy fence or buffering might not be appropriate on one site so it's not required as a one size fits all, it's appropriate in others. We recognize that. We want to work with staff. We want to work with the neighbors. We feel that there's some combination of plantings and fence that's most appropriate, obviously at the top of the hill. So, it's not required, we're committed to doing that. Your staff has been very cooperative in doing exactly that. We don't want to unilaterally pick out the fence because it goes without saying that then people think it's an ugly fence. So we would like to actually work under the auspices of your staff and if nothing else, you know, blame it on them for the esthetics. So, there was mention made on a number of occasions on the traffic. These are both State roads, Clifton and McMurray are State roads. There is a traffic impact study required for the HOP, there is also a storm water management study required for an HOP for the storm water to get into the State water system. It's a full blown, you talk about regulations and controls as much as you may not agree with the levels of traffic. It's a very rigorous process and it's one that we have to go through. There is, it's not that no traffic is allowed to be put on the roadways, obviously if anything, you couldn't even build a single-family house on this property if you weren't allowed to add any traffic. They have amounts of traffic where it may increase and this is within those limits. So there is an increase, it's within acceptable limits and if don't meet that, we won't get the HOPs. And I might say just overall that while it's commercial property, this is in relative terms a very low traffic generator. There are uses that are permitted on this site that would be a much higher traffic generator. So, it's not all terrible news. And, hopefully and I say this all the time especially if you have responsible developers, and I've gotten, I've known these people before, and they're in that category that if you work with a responsible developer and you handle things like light and noise and picking up trash and basically you're a good neighbor, all these fears don't really come to pass. And everybody likes the status quo where they live and it is upsetting, we don't like to upset them, but all we can do is say we're going to be a good neighbor. You guys are the custodians of that and you know we expect that you always will be and there's no going away. We're going to be there and we expect you to be there for good. And personally with respect to that, I am always there to do whatever I can to enforce whatever my client has agreed to and beyond whenever we can do that. So, we don't plan on going away. So, we understand all the noise, lights, fence and we met the minimum standards and we're looking to go beyond that. With respect to Mr. Murphy, Council, we were here and granted a 60-day extension already and as Mr. Murphy has indicated and one thing I will give him credit for is he has hired very, very competent counsel and engineer and I always say if I'm going to work with somebody, I want them to be as competent as they can and you have the best chance of getting there. I think what you heard, you heard Mr. Zollett talk about how far we've come. Who you're not seeing here tonight is Mr. Dettrick, he's an engineer I've worked with for close to three decades who we trust implicitly who has signed off on this. What you've heard is we made a lot of progress, we think we could get there and we'd like thirty days. Just as we were talking about the neighbors, we come to the same conclusion. We're not going away. We'll continue to work with Mr. Murphy and what we'd ask, no matter what we do, we're going to exceed, if we're going beyond what we've done now and we're way in excess of the municipal ordinances, no matter where we end up,

it's going to be beyond what the requirements are. What we'd ask, though, and while we were, as we were here two months ago, willing to give that time, we're really not now for a couple of just very common sense reasons. One, we need municipal approval to get through DPW and to get to PennDOT. They don't willy-nilly consider applications anymore. It used to be they'd consider it. You'd get in the middle of it, it would get denied, the plan would change, they'd review it again. They stopped doing that in the early 2000. Governor Ridge stopped that process and those agencies now require an approved site plan. So that time is valuable to us to get through those third party approvals. But from a more pragmatic standpoint, we're going to continue to work with Mr. Murphy within those thirty days and we don't want him to file an appeal. It's going to behoove us to get this resolved to his satisfaction within the next thirty days. We first and foremost understood the township's position, municipality's position when we were here two months ago because unbeknownst to me when I first got involved, there was something beyond the township's storm water regulations in the form of that court order and out of respect for the municipality not wanting to buy a law suit when there was something that was above and beyond municipal requirements. That made sense and we've done that. Mr. Murphy's engineer got us on November 16th a report that they did, we got it on November 25th. Mr. Weber turned around to redesign which we submitted to the Municipality and Ms. Moore has approved it and we, within a few days got it to Mr. Murphy and in all accounts agrees with it. Now we hear that there's more to be done and that's fine and we're here and we stand ready to do that. But, we believe we've addressed everything we can address within the ordinance that we meet, we actually met their engineers, Mr. Dietrick, in his November 16 letter. That's what we use as our basis and we met, we believe we met, and Mr. Dietrick apparently believes we met everything in that letter. And that's fine. We understand that now that maybe there's something else to move toward. We're willing to do that. Just as the neighbor's may say, hey, I didn't know this was going to bother me or that's going to bother me, we'll continue to do that. But we ask that you vote on it tonight to allow us to take this time before any appeal or any legal action has to be taken and I submit there's not the same kind of timeframe on the court order action as there would be on the appeal and development plan, but in any event, it wouldn't be within thirty days or more than thirty days. So, we think we can work with Mr. Murphy. We agree with everything he said. We're going to continue to work with staff on the neighbor's issues. We ask that you approve it. Give us the latitude to do that before any appeals have to be filed and to make the plan as close as we can to everybody's satisfaction."

Mr. Moury said:

"What I would ask if you could have maybe one contact with the neighborhood. Give maybe your name, phone number and email address to Ashley Moore who is our planner that way we could communicate with one person representing the areas so everybody kind of understands. I think, I'll digress for a minute, and I'm sure you're tire of hearing us talk up here but normally we bicker amongst each other all the time and I think this was a good, healthy process for us, maybe it didn't quite go as smooth. It seems like the developments or redevelopments we get today are properties that maybe twenty years ago wouldn't be developed and

so we spend a little more time. Council, we have a Planning Commission that reviews it. We do a lot of our own whether it going up and visiting, you know, meeting with staff and we've spent as a group a lot of time, we understand and appreciate your concerns. We don't have all the answers, it would be easier for us to vote no and end up in court but I think we try to do what we think is best and hopefully you'll appreciate the process and I apologize for all the long-winded stories. But we appreciate the developer for coming and everybody coming tonight. We have all of this on record so you can't deny it for the record. Thank you very much."

HEALTH, SAFETY AND WELFARE ITEMS

24. Health, Safety and Welfare Items

No Items

Mr. Moury recapped some of what Chief O'Connor mentioned. The Crime Watch meeting is the first Monday of the month, held at the Community Center at 6:30 p.m. He encourages people to attend. The membership has been growing and there are a lot of interesting topics. You can also sign up for the Crime Watch newsletter on our website. He said we need everyone's eyes and ears out in the community. He said not to be afraid to dial 911 or call to report information you may have. He also made mention of the anonymous tip line at 412-851-2773 that is monitored and he encourages residents to use it. You can also email your concerns to Crime Watch.

25. Citizens' Comments – Public Works and Maintenance Items

None

PUBLIC WORKS AND MAINTENANCE ITEMS

26. Resolution – Revised Interim Consent Order Agreement for the ALCOSAN Service Area

Motion by Mrs. Gibbons and seconded by Mr. Hannan to adopt the revised resolution authorizing the appropriate Municipal Officials execute the Interim Consent Order Agreement for the ALCOSAN Service Area. Motion Carried 7 – 0. Council Members Colella and Pape absent.

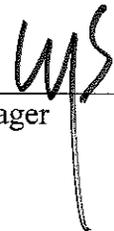
Mr. O'Brien thanked the newspaper for following up on his comments from last month's meeting regarding Officer Joseph Chmelynski. Mr. O'Brien said response has been great as he received calls from the Chmelynski family and friends who remember him. He said what we are trying to do is honor him on Memorial Day. He asked if residents would be kind enough to send in donations to the Bethel Park Veterans Memorial/Joseph Chmelynski, so a paver can be purchased at the memorial for Officer Chmelynski. Should any monies remain, he is asking Mayor Allen to have a banner made with Officer Chmelynski to place on the streets of Bethel Park.

Mr. Dixon asked Mayor Allen what the deadline is for submitting orders for military banners.

Mayor Allen said it will be April 1st.

27. Adjournment

Motion and second to adjourn at 9:30 P.M.



Manager