

MUNICIPALITY OF BETHEL PARK

**MINUTES
OF
REGULAR COUNCIL MEETING
REVISED Item 13**

Date: February 10, 2014

Time: 7:30 P.M.

Location: Municipal Building

1. Roll Call

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

Absent: Council Members Moury and Pape

Also Present: Mayor Allen; William Spagnol, Manager; Judith L. Miller, Assistant Manager; Gerard Duke, Director of Community Services; Robert McTiernan, Solicitor; Police Chief John Mackey; Michael Smith, Municipal Planner/Assistant Director of Community Services; Joseph Villella, Finance Director; Jean Statler, Municipal/Environmental Engineer

Meeting Note: Vice President Hannan served in the capacity of Acting President in the absence of Mr. Moury.

2. Pledge of Allegiance

3. Chair Announcement

Executive Session of Council was conducted on Monday, January 27, 2014 to discuss a Police personnel issue and legal/personnel issues and on Monday, February 10, 2014 to discuss litigation.

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 highlighted current programs. AARP Tax Assistance is available every Tuesday from 10:00 a.m. to 2:00 p.m. for seniors and low income residents with simple returns. This program will continue through April 8, 2014.

Windows 8 Laptop Class will be held on Friday, February 14, 2014 at 9:30 a.m. You must bring your own laptop.

Pittsburgh Mansions author will be at the Library, as part of the Images of America series, on Tuesday, February 25, 2014 at 7:00 p.m. to explore the stately homes of the area's prominent residents from the 1830's through the 1920's. Books will be available to purchase and can be autographed by the author.

A new service at the Library, Freegal Music, is available to download on your device. You can download three free songs per week or one video with no software to download. You must present your library card.

Ms. McIntosh said that February is Love Your Library Month. You can purchase a heart for \$1 and state why you love your Library.

Ms. McIntosh announced that the Library will be closed on Sunday, February 16 and Monday, February 17 for computer systems software upgrades.

For more information on these and the many other programs and services offered by the library, visit the library's website at bethelparklibrary.org.

5. Police Chief's Report

Police Chief John Mackey announced that the annual Bethel Park Police Pal versus the Pittsburgh Steelers basketball game will be held on Friday, April 4, 2014 at 8:00 p.m. at the Bethel Park High School Gymnasium. Doors open and refreshments are available at 5:30 p.m. and a pre-game will begin at 6:00 p.m. Tickets can be purchased in advance at Evey Hardware, Eat 'n Park on Route 88 or at the Police Records Room for \$7.00, or at the door for \$9.00. Proceeds will benefit the Sgt. Charles Bonczek Scholarship Fund.

The next Crime Watch meeting will be held on Monday, February 24, 2014 at 6:30 p.m. at the Bethel Park Community Center.

Chief announced that the next Drug Enforcement Administration Drug Take Back program will be held on Saturday, April 26, 2014 from 10:00 a.m. to 2:00 p.m. at the Bethel Park Community Center as well as the Highmark Direct Building at Norman Center. Only unwanted or expired pills are accepted, no liquids or needles.

Chief Mackey said the Annual Bethel Police Meritorious Awards Foundation was established by Dr. David McNary in 1969. This program honors three police officers and provides scholarship money to children of Bethel Park police officers who are attending college. Chief thanked all the donors who contributed towards these awards over the years. A special thank you was given to Mr. Bob Smoker who owns the Buggy Bath on Route 88 for his donation of gift certificates for the car wash. The Police Officers are given ballots to vote for their fellow officers for the jobs they did in the preceding year with certificates and monetary awards. The awards are special because they come from their fellow officers. Chief

Mackey recognized the Board of the Bethel Park Foundation. They are President Daniel Flynn, Vice President Andy Amrhein, Treasurer Tom Bailey, Lt. Dave Rogan, Mayor Jack Allen and Council President Tim Moury. Mayor Allen, Mr. Amrhein and Lt. Rogan joined Chief Mackey to present the awards to this year's winners. There was a tie for third place and the awards went to Officers Joelle Dixon and Tom Rigatti. Second place award went to Officer Fred Paganico. First place winner is Officer Sean Gorman, who has been on the force since 2009.

6. Fire Chief's Report

Fire Chief Dave Gerber gave the fire report for January. He advised residents that the fire station is in the process of moving equipment at the end of this month. The equipment will be moved to the Kiefer Coal location. Service will not be interrupted and mail can still be sent to their address.

Chief Gerber asked residents to help the department by cleaning snow from the fire hydrants near their homes in case of emergency. This would help assist fire fighters should they be called upon for a fire. Also, the use of space heaters was discussed. Chief Gerber warned that the use of extension cords on space heaters is not recommended. In addition, there should be a 3 foot barrier around space heaters when in use. Space heaters and like devices should be the only plug in a receptacle.

7. Mayor's Report

Mayor Allen announced that the Police Department received a certificate from Neighborhoods Scout ranking Bethel Park as the 50th safest city in America.

This month's recipient of Mayor Allen "Better Place to Live" Award is being given to the Bethel Park TV volunteers. Mayor Allen said that BPTV currently has 12 participating volunteers in the department. The average tenure is 8 years and a few members have over ten. For the past five years, BPTV has produced on an average of 250 programs per year. Last year, they produced 374 different programs. Six volunteers received outstanding service award for their contributions at the awards dinner in December.

At this time, Mayor Allen asked Solicitor Robert McTiernan to join him. He announced that Mr. McTiernan is celebrating twenty years as the Solicitor of Bethel Park. In recognition of his excellent service to the Municipality, Mayor Allen presented Mr. McTiernan with a Proclamation congratulating him, on behalf of Municipal Council, for his excellence in employment and labor law and his continuous and loyal support to the people of Bethel Park.

Mr. McTiernan said he is surprised and honored to receive this proclamation. He said it is a great honor to serve at the solicitor to Bethel Park. He said Bethel Park is a wonderful community. The level of community spirit is extraordinary and the quality of municipal services and the people that he works with are also extraordinary. He thanked Council for their kindness over the years.

8. Approval of Minutes

Regular Council Meeting Minutes of January 13, 2014.

Motion by Mr. McLean and seconded by Mrs. Gibbons to approve the Regular Council Meeting Minutes of January 13, 2014. Motion Carried 6 – 0. Council Members Moury and Pape absent.

9. Bills and Payrolls

Motion by Mr. McLean and seconded by Mrs. Gibbons to approve the Bills and Payrolls for the Municipality per Bill List #021014 in the amount of \$542,840.05. Motion Carried 6 – 0. Council Members Moury and Pape absent.

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

Peter Kohnke, 340 Fruitwood Drive, commented about the salt usage on the roads and in the curbs. He wanted to know how Public Works can minimize the usage of salt in these areas. He asked if there was a way to reroute the seeps into the storm sewer system to eliminate the problem and not waste salt. He asked if there is a possibility that there could be a discussion on this matter.

GENERAL POLICY AND FINANCE

11. Citizens' Comments – General Policy and Finance Items

None

Mr. Hannan announced that Item 10 B, General Policy and Finance, Appointment to Planning and Zoning Commission, has been removed from the Agenda.

12. Appointment – Civil Service Commission

Motion by Mr. McLean and seconded by Mrs. Gibbons to appoint Thomas A. Will to the Civil Service Commission for a term to expire December 31, 2016. Motion Carried 6 – 0. Council Members Moury and Pape absent.

13. Appointment – Second Ward Council Seat Vacancy

Motion by Mr. McLean and seconded by Mr. O'Brien to appoint Brandon T. Colella to the vacant Second Ward Council Seat, who shall serve as Councilman of the Second Ward until the November 2014 general election and until certification of the results by Allegheny County. Motion Carried 6 - 0. Council Members Moury and Pape absent.

Mr. O'Brien said that the candidates for the Second Ward Council seat were simply outstanding. It was a very difficult decision. We had youth, wisdom and experience. He finds no reason to vote against this young and talented man. He will be a fine asset to Council.

Mr. Harrison said he agrees that there are three excellent candidates. Mr. Harrison wants to encourage them to continue their interest in serving the community because there are opportunities quite often. He asked that they keep alert to the opportunities because they can possibly serve in some other capacity. Anybody that wants to run for this Council seat that is being filled by this appointment still has the opportunity to run in the primary this year.

Mr. Harrison said:

“There are two items I want to speak to tonight. At the last Council Meeting, the January Council meeting, I spoke to the fact that I’m going to continue my campaign to get the State to act on the Prevailing Wage legislation, the 1960 vintage legislation that sorely needs to be changed. I noted that John Maher, our Representative to about two-thirds of Bethel Park, the State Representative, introduced the bills twice to increase the value of the amount that is required, an amount a contract judged to be worth more than \$25,000 has to get a prevailing wage determination by the State. That basically says that we have to pay Union wages for jobs that some of these smaller mom and pop type organizations could do less expensively. I noted that Representative Maher had introduced bills to change that legislation, he did that twice, and at that time the State House was under the control of the Democrats and the bill never made it to the floor. The change would be very favorable to local governing bodies, all the local governing bodies, the school districts, this type thing, and I am hopeful that if I keep reeling about it, that will get something done. Having suggested that Representative Maher could introduce bills twice on my behalf, Councilman Dixon seemed to suggest that I was dissing Representative Maher and that was not my intent at all. I was really congratulating him for providing the opportunity to try to get this bill changed. However, the January Council meeting was on the 13th. On the 14th, I sent an email to Representative Maher reminding him about continuing effort and requested a reply indicating what action he intends to take and when, whatever, and I received no reply up to this time. So I suggested that people maybe put a little umph on Representative Maher so I will tell you that his local phone number is 412-831-8080. And if people want more information on the Prevailing Wage legislation before they call Representative Maher, feel free to call me on 412-833-0449.

The second item I would like to speak to is about the Bethel Park Volunteer Fire Company. Council Members sat up here bragging about the time they spent with the fire company arranging for a dedicated tax for the fire company and I sincerely believe that there was an extensive effort to do that. The Council members were desirous and I guess the fire company was desirous, of placing a question on the ballot, on the May 2013 primary ballot to obtain approval. Council members claimed that the question had to be placed on the primary ballot to accommodate the schedule for initiating the Brightwood Road replacement activity at the beginning of January 2014. Well, it must be apparent and what was said on the floor tonight, that didn’t come to pass. To accomplish the new legislation, the enactment of the legislation to be consistent with the Bethel Park Home Rule Charter, which I call the constitution of Bethel Park, the action had to

be taken in December of 2012. I claim, due to Council's ineptness, the legislation was not presented and acted on until January 2013. Therefore, in accordance with the Home Rule Charter, the question would have been placed on the November ballot. Well, the claim was that's late because they want to start the first of January 2014. Council, in enacting the ordinance in January of 2013, in my terminology, trashed the Home Rule Charter, got the solicitor, Mr. McTiernan, to give what I call a Philadelphia type ruling that said well, it's okay, the State can override our Home Rule Charter. The whole concept of Home Rule, and I was on the Home Rule Commission, was that the local government can set their rules and we have been living by those rules for all these years. So, as you know now, the fire company project is missing their schedule and is over budget. The result of a few more months if we live with the Home Rule Charter without passing the legislation in January, the question would have gone on the ballot in November, that would have given everybody more time to find out is the number that was put in there for the tax adequate? Were there any other things that ought to be considered? And the problem is that we're now being told and it was spoken to on the floor tonight, that the work on the replacement for the Brightwood Fire Company will not start here for a month or so, whatever the time is and when the project is complete it will lack some of the amenities that the public was promised when they were asked to approve the question on the ballot. I think the Bethel Park community deserves a better governing legislative body. It seems to me that we are trying to emulate the actions of our federal government which I find unsatisfactory in terms of not getting their planning done and informing the people what's going on. So, thank you very much."

Mr. McLean said:

"I just want to address just two things of what Mr. Harrison said. I'm on the subcommittee for the Fire Company and we've been working on this for a long, long time. Some of what Mr. Harrison went into tonight has been sort of old history and he's been through it before. But, the thing I want to make sure everyone understands is this project isn't over budget in the sense that it's begun construction and it's spending more money than we have devoted to the project. In fact, what the Fire Company is doing is the very frugal and correct and prudent step of taking a hard look at the project now before they break ground and making sure that that budget that we put out to the public in connection with the vote on the referendum is the one that will be available to build the building. So, the steps they're taking are to ask the hard questions now, not later when they're too deep into the project. And, yes, that can take a month or two to do, but it's the prudent step to take and it's the one they're taking right now. So, I want people to understand that that's the process that's going on and it's not that it is over budget, or they're spending more money than they have. We were able, with the approval that was given for the referendum, to go ahead and get the bond issue at a time that was favorable for us to do that, so we have the funds available and the process that's taking place now is making sure that we have a project that fits within that budget and in fact meets what we told the public at the time of the referendum. That's all I have to say."

Mr. O'Brien said:

“I just think that after the Proclamation today, and twenty years of service, I think Mr. McTiernan should be referred to as a Bethel Park Lawyer not a Philadelphia Lawyer.”

Mr. Harrison said:

“I just want to comment that Mr. McLean has ignored the fact that, and what I read in the paper, and they are quoting fire company personnel, that there are amenities that were going to be in the facility that will not be accomplished with the budget that they are working under. And that’s what I was referring to. Thank you very much.”

PLANNING AND ZONING ITEMS

14. Citizens’ Comments – Planning and Zoning Items

None

15. Planning and Zoning Items

Application No. 2012-0903 – Millennium Woods Consolidation and Subdivision

Motion by Mr. Dixon and seconded by Mr. O’Brien to reapprove Application No. 2012-0903 – Millennium Woods Consolidation and Subdivision Plan, Major Subdivision, Baptist Road, Horning Road and Hilltop Lane, request for re-approval for recording purposes. Motion Carried 6 – 0. Council Members Moury and Pape absent.

16. Application 2013-0746 – Bethel Park Volunteer Fire Company, Brightwood, Major Land Development.

Motion by Mr. Dixon and seconded by Mrs. Gibbons to approve Application No, 2013-0746 – Bethel Park Volunteer Fire Company, Brightwood, Major Land Development, 5215 Brightwood Road, Bethel Park Volunteer Fire Company, Applicant, in accordance with the Municipal Planner’s correspondence dated February 6, 2014. Motion Carried 6 – 0. Council Member Moury and Pape absent.

HEALTH, SAFETY AND WELFARE ITEMS

17. Citizens’ Comments – Health, Safety and Welfare Items

No Items

18. Ordinance – Amending Municipal Code, Section 63, Trapping

Motion by Mr. O’Brien seconded by Mrs. Gibbons to approve an ordinance amending the Municipal Code, Section 63, Trapping, to include provisions

prohibiting the feeding of deer. Motion Carried 6 – 0. Council Member Moury and Pape absent.

19. Ordinance – Amending Municipal Code, Section 63, Trapping

Motion by Mr. O'Brien seconded by Mrs. Gibbons to approve an ordinance amending the Municipal Code, Section 63, Trapping, to include provisions prohibiting the feeding of wild animals and feral cats. Motion Carried 6 – 0. Council Member Moury and Pape absent.

PUBLIC WORKS AND MAINTENANCE ITEMS

20. Public Works and Maintenance Items

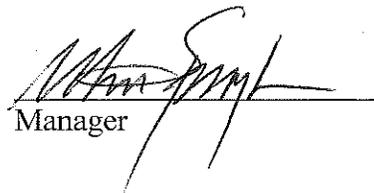
No Items

Mr. Dixon said that thirty years ago tomorrow something happened to him that changed and improved his life forever. He married his lovely and gracious wife Gayle. He said Happy Anniversary to his wife, she is the love of his life.

Mr. O'Brien said that unfortunately, suddenly and unexpectedly, one of our dearest friends has passed away Robert "Bullet" Daly. He sang every year at the Memorial Day Ceremonies. He is a World War II veteran, whose stories are simply amazing. He did a great service to his country. He had a lifetime of sorrow but had wonderful accomplishments and a great sense of humor. Mr. O'Brien bid him farewell and peace be with him.

21. Adjournment

Motion and second to adjourn at 8:25 P.M.


Manager