

# ***MUNICIPALITY OF BETHEL PARK***

## **MINUTES OF REGULAR COUNCIL MEETING**

**Date:** March 12, 2012

**Time:** 7:30 P.M.

**Location:** Municipal Building

1. Roll Call

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

Absent: Council Member Moury

Also Present: Mayor Morton; William Spagnol, Manager; Robert McTiernan, Solicitor; Judith Miller, Assistant Manager; Police Chief John Mackey; Gerard Duke, Municipal Planner; Mark Romito, Finance Director; Mike Smith, Environmental Engineer; Jean Statler, Municipal Engineer

2. Pledge of Allegiance

Flag Ceremony performed by Boy Scouts Troop 215.

3. Chair Announcement

None

**Reports of Officials**

4. Librarian'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 that the Library hosts free AARP Tax Aide on Tuesdays from 10:00 a.m. to 2:00 p.m. from now until April 10<sup>th</sup>. Free computer classes are held each week including a class for the new Kindle, I-Pad and smart phone devices with E-reading apps. Lunch and Learn – A century of Buttons and Fashions from 1850 to 1950 will take place on Wednesday, March 21, 2012 at noon. Bring a bag lunch and the library will provide beverages and desserts.

Ms. McIntosh said that there will be a Charity Card Event at TGI Fridays on Oxford Drive all day on Tuesday, March 27, 2012. Charity Cards will be emailed to library patrons with an email address or one can be picked up at the Library. Use your card and twenty percent of the sales that day go to the Library.

She then reminded everyone that the Sip, Savor and Support Annual Gala will be held on Friday, May 25, 2012 from 6:30 to 9:30 p.m. at the Community Center. Tickets are \$25 each and include appetizers, alcoholic and non-alcoholic beverages and some gambling money.

Proceeds from all fundraising activities support the programs and services of the library.

For more information on any of the programs and services offered by the library, visit the new, updated website at [www.bethelparklibrary.org](http://www.bethelparklibrary.org)

Mr. Harrison asked for an update on the fish. Ms. McIntosh that they got new fish purchased from the generous donations made by Council Members and the public.

#### 5. Police Chief's Report

Chief John Mackey announced that the annual Police Pals versus Steelers Basketball game will be held this Friday, March 16, 2012 at the new Bethel Park High School Gymnasium at 8:00 p.m. Prior to this game, a game between the Police Department and Fire Department will be held at 6:00 p.m. Tickets are \$7 in advance and \$9 at the door. Tickets can be purchased at Evey Hardware, Eat 'n Park on Route 88 or at the Police Records Room. This will be the first non-scholastic event sponsored at the new high school gymnasium. Prize donations were made by several Bethel Park businesses. Miller Hardware donated a Steelers gas grill, Dr. Snyder donated a foursome for South Hills Country Club as well as many gift certificates from DeLallos, Best Buy, Giant Eagle, TGI Fridays, Freddie's II, Bladerunners, Cool Springs and Bethel Bakery.

Chief than said that the next Crime Watch meeting will be held on Monday, April 2, 2012 at 6:30 p.m. at the Community Center.

The next drug take-back day will be on Saturday, April 28, 2012 from 10:00 a.m. to 2:00 p.m. at two locations, the Bethel Park Community Center and the Highmark Direct Building at 1175 North Highland Road. Please drop off any unused or expired pills, out of their bottles, to one of those locations. No liquids will be accepted.

Chief mentioned that the Police Department has seen an increase in identity theft type attempts. He reminds everyone not to give out any personal information over the phone, on email or to anyone you do not know. Please report any suspicious emails or phone calls to the Police Department so they can follow up on them.

Chief Mackey said that this is a special night for the Bethel Park Police Department. The Annual Bethel Police Award Foundation was started by Dr. David McNary in 1969. Every year, this program honors three police officers and provides scholarship money to children of Bethel Park police officers who are attending college. Each year, the police officers are given ballots to vote for their fellow officers for the jobs they did in the preceding year. The awards are special because they come from their fellow officers, who are very deserving. The award includes a plaque and a monetary award. The officer that receives the Officer of the Year Award also receives a Police Merit Award Foundation pin that he can wear on his uniform. Chief Mackey wanted to recognize the Board of the Bethel Park Foundation. The members are Daniel Flynn, President, Andy Amrhein, Vice President, Tom Bailey, Treasurer, Josie Staffen, Secretary, Mayor Cliff Morton, Council President Tim Moury, Lt. Dave Rogan and Chief Mackey. Lt. Rogan and Mayor Morton joined Chief Mackey to announce this year's winners. Tied for Second Place are Officer Michael Mincin and Detective Lance Mattes. First Place winner is Officer Jim Modrak, Officer of the Year for the second year in a row.

Officer Modrak thanked Chief Mackey, his fellow officers, Municipal Council and Mayor Morton. He then announced that he will retire from the Bethel Park Police Department effective April 3, 2012 to take a position as an officer for the Bethel Park School District. He also thanked his daughter, who is celebrating her 18<sup>th</sup> birthday, for coming to share this evening with him.

6. Fire Chief's Report

Third Lieutenant Tom Kelton of the Bethel Park Volunteer Fire Company gave a fire report for the month of February. He then reminded residents to remember that when it's time to change our clocks, it's also time to change batteries in your smoke detectors and carbon monoxide detectors.

He then said that the new fire truck has arrived. It is stationed at the Clifton Road Station and that they have been driving it through town for training. It should be in service in the next few weeks.

He reminded residents that there is an ordinance against using a grill on apartment building balconies.

Lt. Kelton said that the next donation mailing will be in three weeks and hopes that the residents will be generous.

7. Mayor's Report

The Mayor announced the 90+ Club birthdays for March. Mayor Morton then introduced Tri Community South EMS Director Nora Helfrich and John Bower.

Ms. Helfrich began by asked the community support for subscribing to EMS service because they receive no municipal tax dollars to run the system. She said that Tri Community South again attained their C.A.A.S. accreditation which is the

highest level of licensure you can get in the United States, Canada and the West Indies. The people that come in for two days said that the 911 dispatch passed with flying colors and that their work is excellent with the three communities they serve.

Mr. Bower said that the accreditation is a year-long process where they go through an overall review of the systems and operations, how patients are handled, how they relate to other agencies in the medical community and finances. This is the third time they received this accreditation. He thanked the staff for their hard work.

He announced that EMS week is in May and this year they will focus on sudden cardiac arrest and its prevention. Without the quick use of a defibrillator or CPR, 90% of sudden cardiac arrest patients will die. The goal is to prevent sudden cardiac arrest and have the communities trained and aware of AED's. More information can be found on the website at [www.tcsems.org](http://www.tcsems.org)

Mayor Morton thanked Nora and John for their presentation and said he is proud of our EMS service.

At this time, Mr. Allen presented a copy of Pittsburgh's Top Rated Lawyers. He said we are fortunate to have two of them here this evening, Solicitor Bob McTiernan and Councilman Jim McLean.

8. Approval of Minutes

Regular Council Meeting Minutes of February 13, 2012.

Motion by Mr. Hannan and seconded by Mrs. Gibbons to approve the Regular Council Meeting Minutes of February 13, 2012. Motion Carried 8 – 0. Council Member Moury absent.

9. Airport Hazard Overlay District Plan Public Hearing Minutes of February 27, 2012.

Motion by Mr. Hannan and seconded by Mrs. Gibbons to approve the Modification to the Airport Hazard Overlay District Plan Public Hearing Minutes of February 26, 2012. Motion Carried 8 - 0. Council Member Moury absent.

10. Bills and Payrolls

Motion by Mr. Hannan and seconded by Mrs. Gibbons to approve the Bills and Payrolls for the Municipality per Bill List #031212 in the amount of \$786,756.52 Motion Carried 8 - 0. Council Member Moury absent.

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

Ray Beatty, 5572 Florida Avenue, said he is a 54 year resident. He attended the Town Meeting at the high school on Thursday evening. He spoke of the

reassessment. He asked Mr. Fitzgerald why he did not have the common pleas court judge put in jail for what he is doing. He spoke about all the judges, their salaries and benefits and how the judge ordered the reassessment to Allegheny County only. He said we are paying for the Taj Mahal and Port Authority. He then spoke about Ed Rendall and how he asked us to vote for gambling because it would help taxes. He asked why we were not allowed to vote for the school, what we are going to do to pay for it and how we are going to change the law so they cannot do this to us. He asked if we can change the law. He said no one could answer.

## GENERAL POLICY AND FINANCE

### 12. Citizens' Comments – General Policy and Finance

Dick Kraft, 102 Highland Road, said he attended the meeting two weeks ago and it was apparent to him that the tax petition failed by not acquiring enough signatures. When Mr. Carr asked that Council relinquish their modest monthly salary, he was echoing what Mr. Harrison proposed. He said he doubts that Mr. Carr and those who applauded him would serve under those conditions. He then said that Mr. Bello ran for Council and was soundly defeated by Mr. McLean. He asked that Council not be bullied into doing something that would be detrimental to our community. He asked that Council do what is right for the community, a place that he proudly calls his hometown.

Susan Miller, 53 Highland Road, said she moved here in August of last year. She relocated from New Mexico. She spoke of her career and knows how it is to balance a budget and to figure out how to come up with more money for staff. She then compared her taxes from New Mexico to her \$95,000 town house in Bethel Park where she pays just nearly \$3,000 in taxes. She is retired and lives on a fixed income and social security did not go up the last couple of years. If the tax rate is increased, it will have a negative impact and she asks Council to struggle to come up with other ways to pay for the government and services provided without making it difficult to live here.

Elaine Burr, 55 Highland Road, said she will say the same thing she said at the last meeting. Based on the 34% tax increase proposed and the unused money from the previous year, isn't this supposed to cover the 34% increase? She understands that staff recommended that the increase not be rescinded. With everything else going on, and with no need for any increase to cover the 2012 budget, she hopes that when Council makes the vote tonight they will keep this in mind. She said that county taxes are going up 21%. Social Security will go up 3.6% this year, but did not go up for the previous two years. She asked to have mercy on us all as we don't need a tax increase as far as she can see and she is anxious to see what the number will be for the millage rate that is on the agenda.

Steve Bronco, 5962 Irishtown Road, said when the tax increase came about, he felt strong about it. He said some of the people here live on fixed incomes and some people in the community live below the poverty level. He said county taxes, school taxes and the Taj Mahal concern him, because we are paying for it

and will pay for it again next year with tax increases. He said he was in Caucus Room and although Mr. Romito makes valid points, it is time for belt tightening. He asked why we would spend \$36,000 a year on grounds maintenance when we have a public works department. We have to look at other means of doing things and we are not. He reviewed public works jobs and it can be done. He gave Council his number and an opportunity to call him, but they did not. He will not give up the fight, they can get signatures again. They hoped in good faith that Council would not raise taxes, but they are and it is difficult to swallow.

Eric Young, 2922 Bethel Church Road, said he agrees with the last several people that the tax increase is not warranted now that we found the money. There are many areas where we can make savings and he would like to have the ordinance amended so there is no increase.

13. Resolution – Opposition to the Ongoing Court Ordered Property Reassessments

Motion by Mr. Hannan and seconded by Mrs. Gibbons to adopt the resolution in agreement with the Office of the County Executive, expressing opposition to the ongoing court-ordered Allegheny County property reassessment. Motion Carried 8 - 0. Council Member Moury absent.

14. Ordinance -- Amending Ordinance 11-14-11B

Motion by Mr. Hannan and seconded by Mr. O'Brien to adopt an ordinance amending Ordinance 11-14-11B to set the Real Estate Tax rate at 2.43 mills on each dollar of assessed valuation for Fiscal Year 2012. Motion Carried 7 - 1. Council Member Moury absent. Council Member Harrison Dissenting.

Mr. Harrison said that based on the presentation made by the Finance Officer, Mr. Romito, the chatter at this table this past January, and the fact that the public was told that the millage passed in November was sufficient to provide the necessary services at the same level that had been provided and that the amount of money that was announced was made available now can covered what that tax increase would be based on the November comments, and the motion on the table now to change but to increase the taxes, he made a motion to amend the 2.43 that was announced to 2.18 mills, the millage that we had in 2011, and suggested we continue it.

Mr. Allen said there was no second, the Motion was denied.

Mr. Harrison asked if Mr. Allen called for a Second on his Motion.

Mr. Allen said yes.

15. Promotion – Police Sergeant

Motion by Mr. Hannan and seconded by Mr. Harrison to promote Robert Stiglich to the position of Sergeant for the Bethel Park Police Department, with a start date

agreeable to Police Chief Mackey. Motion Carried 8 – 0. Council Member Moury absent.

### PLANNING AND ZONING ITEMS

16. Citizens' Comments – Planning and Zoning Items

None

17. Ordinance – Proposed Amendment to Zoning Ordinance – Modification to the Airport Hazard Overlay District.

Motion by Mr. Dixon and seconded by Mrs. Gibbons to adopt an ordinance amending Chapter 69 of the Code of the Municipality of Bethel Park, the Zoning Code, by amending the Airport Hazard Zoning Ordinance provisions with revised provisions and the adoption of an official supplementary Airport Overlay Zoning Map. Motion Carried 8 – 0. Council Member Moury absent.

Mr. Harrison said he thought we should remind the public that upon questioning Mr. Duke, he confirmed that in the real world, this has essentially zero impact on Bethel Park. It was something we had to do.

18. Application No. 2001-0204 – Fair Acres Plan of Lots, Major Subdivision, East McMurray Road, Request for Re-Approval of Plan for Recording Purposes.

Motion by Mr. Dixon and seconded by Mrs. Gibbons to re-approve Application 2001-0204 – Fair Acres Plan of Lots, Major Subdivision for recording purposes. Motion Carried 8 – 0. Council Member Moury absent.

19. Authorization to file for PennDOT Highway Occupancy Permit

Motion by Mr. Dixon and seconded by Mrs. Gibbons that the appropriate Municipal officials file an application for a Highway Occupancy Permit with the Pennsylvania Department of Transportation in connection with the Sheetz/88 Investors Development on Library Road/Hillside Drive filed as Application No. 2011-0155, upon receipt from the Developer of a signed Developer's Agreement in a form approved by the Municipal Solicitor and upon the posting of adequate security for all items set forth in the Developer's Agreement in an amount approved by the Municipal Engineer. Motion Carried 8 – 0. Council Member Moury absent.

Mr. Harrison asked Mr. Duke to confirm that all of the expenses for this will be paid by Sheetz and there is no direct cost to the Municipality of Bethel Park for this facility.

Mr. Duke said that the item, as indicated, is the Developer's Agreement. That is the legal, defining document in which the applicant will put up the security, the insurance and all the indemnifications to the Municipality to make sure that they

are doing it according to what the permit is. That's the reason for the lengthy motion, it is in order to secure for legal purposes that they will be doing that.

20. Application No. 2011-0360 – 88 Investors, L.P.

Motion by Mr. Dixon and seconded by Mrs. Gibbons to re-approve Application No. 2011-0360, 88 Investors, L.P., Plan #1, Major Subdivision, for recording purposes. Motion Carried 8 – 0. Council Member Moury absent.

### **HEALTH, SAFETY AND WELFARE ITEMS**

21. Health, Safety and Welfare Items

None

Mr. McLean said that he's mentioned a couple of times that we are dealing with some issues with the high school's opening and its impact on the neighborhoods. He commended the people that live in that neighborhood, as we had issues with parking on the streets. They have been very good about being patient while we deal with it. Hopefully, we got that under control. He also thanked staff for coordinating some of the issues with the high school. We've got a small issue now with late-night garbage delivery and pickup, but are getting it addressed and taken care of. He again thanked both the residents and the staff.

Mr. McLean then said that tonight marks the 21<sup>st</sup> year anniversary of Mr. O'Brien's appointment to Municipal Council and he did not want it to pass without some recognition. Thank you, Mr. O'Brien.

### **PUBLIC WORKS AND MAINTENANCE ITEMS**

22. Citizens' Comments – Public Works and Maintenance Items

None

23. Public Works and Maintenance Items

2012 – 2014 Grounds Maintenance Contract

Motion by Mr. O'Brien and seconded by Mrs. Gibbons to award the 2012 – 2014 Grounds Maintenance Contract to American Works Corporation for the bid price of \$36,325 annually through 2014 in accordance with the Director of Community Service's correspondence dated February 3, 2012. Motion Failed 1 – 7. Council Member Moury absent. Council Members Allen, Dixon, Gibbons, Hannan, McLean, O'Brien and Pape Dissenting.

24. Resolution – Adoption of County Hazard Mitigation Plan

Motion by Mr. O'Brien and seconded by Mrs. Gibbons to adopt the Allegheny County 2011 Hazard Mitigation Plan as the official Hazard Mitigation Plan for

the Municipality of Bethel Park, in accordance with the Director of Community Service's correspondence dated February 9, 2012. Motion Carried 8 – 0. Council Member Moury absent.

Mr. O'Brien announced that this Saturday, March 17, 2012, from 9:00 a.m. to noon, Health Connection has a free conference at the South Hills Assembly of God, 2725 Bethel Church Road, on areas of senior living, parenting, personal best and marriage. The conference is free.

Mr. Harrison asked Mr. Cygrymus to give us his take on why the Grounds Maintenance Contract is beneficial to Bethel Park. He thinks it has to do with having enough full-time employees.

Mr. Cygrymus said he sent a very detailed memo to Council. Essentially, this is a long-standing contract that we've had and it is a very cost-effective way of doing the business. In addition, we have also cut public works positions. He said they will regroup and take a look at it with the people that we have and make sure everything is maintained to the level that the community currently enjoys.

Mr. Harrison said he wanted people to understand that there are some work items that could be done, particularly seasonal items, at a less cost to the Municipality than having employees on the roll all year and get benefits and that type thing.

Mr. O'Brien said he does not disagree with Mr. Cygrymus. There were major discussion on this and we have an opportunity to eliminate \$36,000 in the budget. It is going to be difficult, but Bob is going to do it. This Council took an active roll and it goes back to the fact that we were trying to eliminate items, including the parking lot and trucks but Don voted for all of that. Tonight Don did it again, he voted for \$36,000. This Council lowered the millage, and trying to do their best, but you can't keep spending when you are trying to lower. When you say you are going to lower, you don't.

Mr. Harrison said he would like to take his last shot at this. He said we were told consistently that we can provide services at the same level in 2012 as we did in 2011 with the millage being at the rate it was in 2011. This is a service that we provided in 2011, so it is consistent with that statement that we can provide services at the same level.

Mr. Harrison then said that election for Council Members is split up so that one year, five seats are up and last year, four seats were up. This coming year, Ward 1 – Pape, Ward 3 – Hannan, Ward 5 – Harrison, Ward 7 – McLean and Ward 9 – Gibbons are up for election. He said that if you agree with the Council Members up here that voted for this tax increase, then you ought to support them and get rid of him, if you don't agree with them, then support him and see if we can find some new personalities to put up at the dais and see if they will be more polite, cooperative and helpful to the Community.

Mr. Dixon said that this Council cut well over \$1 Million out of the budget in the last couple of years and continue to work at cutting the budget. He said he finds it

tremendously ironic that Mr. Harrison is the only one that votes to increase spending while we are trying to cut the budget. He's done it again, he's proven over and over and over that this is all politics for him. He said that Mr. Harrison is running again next year and everybody knows it and he's using this as a political issue. Mr. Dixon said this makes him sick.

25. Adjournment

Motion and second to adjourn at 8:30 p.m.

A handwritten signature in black ink, appearing to be 'WJS', written over a horizontal line.

Manager