

# ***MUNICIPALITY OF BETHEL PARK***

## **MINUTES OF REGULAR COUNCIL MEETING**

**Date:** March 14, 2016

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

**Location:** Municipal Building

1. Roll Call

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

Mr. Colella arrived at 7:40 P.M.

**Absent:** Council Members Hannan, Moury 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

Mr. McLean announced that due to the absence of Mr. Moury, he will serve as President Pro Tem; and due to the absence of Mr. Hannan, Mr. McLean appointed Mr. Dixon to serve as Vice President Pro Tem.

An Executive Session of Council was conducted on Monday, February 22, 2016, for the purpose of Police Personnel and legal 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 gave the State of the Library Report for 2015. She then spoke about new services in the Library. Select Reads is a monthly e-newsletter for Children by age, adults by genre. MySelectReads is your personal librarian which alerts you to new titles on subjects that you select. You can choose a topic, enter your email address and you'll receive a weekly bulletin with book recommendations. With Author Check, you can choose your favorite author and receive an alert when a new book by that author is ordered by the library.

She said that Memory Lab @ the Library will take place on Thursday, March 31<sup>st</sup>. You can use the library equipment to capture oral interviews with family and friends, record family histories using video and lighting equipment, get help with scanning pictures and digitizing documents, and create written transcriptions. You can use the library's online database to safely store and share your digitized history. Please call to sign up for an appointment.

Ms. McIntosh said that the Night of Comedy, held at the Community Center on January 30<sup>th</sup>, was a success and she thanked the comedians. This was a joint effort between the Library and Recreation Department. \$6,000 was raised.

She then announced that the next Town Hall Speaker Series, featuring Chris Rodel, author of Use All The Crayons, will take place on Wednesday, March 16 at 7:30 p.m. at the Community Center.

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](http://bethelparklibrary.org). You can also follow the Library on Facebook or Twitter.

#### 5. Police Chief's Report

Chief O'Connor announced that the Bethel Park Police vs. Pittsburgh Steelers Basketball game will be held on Friday, March 18 at the Bethel Park High School gymnasium. The pre-game between the officers and teachers will take place at 6:00 p.m. The concession stand will be open and the Historical Society will sponsor a silent auction. Admission is free.

Chief said that the next Crime Watch Meeting will be held at the Community Center on Monday, April 4<sup>th</sup> at 6:00 p.m.

You can follow the Police Department news on Facebook, Twitter and Instagram.

#### 6. Fire Chief's Report

Chief David Gerber gave the fire report for the month of February. He then reminded everyone that when we change our clocks, we should also change batteries in both the smoke detectors and C/O detectors.

He said that the Fire Company will sponsor an event, Hops for Heroes, at Spoonwood Brewery on Baptist Road on Tuesday, April 19<sup>th</sup> from 6:30 – 10:00

p.m. Ten percent of food sales and \$1.00 from each drink purchase will be donated to the fire company. He asked for everyone to support this event.

Chief Gerber said that construction on the new Fire House on Brightwood Road is on schedule and they plan to be completed by May 2<sup>nd</sup>. A Grand Opening event will take place on Saturday, June 18.

7. Mayor's Report

Mayor Allen announced that for the third consecutive year, Bethel Park has been designated the distinction of Banner Community, an award from the Allegheny League of Municipalities as a result of outstanding commitment to professional development, prudent fiscal management, transparency, accountability and proactive communications.

He said that April through September is yard waste collection season. Collection will take place on the third Saturday of each month.

Spring Clean Up this year is Saturday, April 16<sup>th</sup>. Anyone group or scout troop. interested should contact Michelle Baynham at the Municipal Building.

Mayor mentioned that the deadline for anyone interested in purchasing a Veteran's Banner to be placed on the poles from Memorial Day thorough Veterans' Day can do so no later than April 15. The deadline for engraving on the wall at the Veterans' Memorial is April 1<sup>st</sup>. Please contact Janet Davin at the Municipal Building for more information.

Mayor Allen said it was his privilege and honor to recognize the Bethel Park Varsity Competitive Cheerleader Squad. He said the Bethel Park Varsity Competitive Cheerleaders won first place at the ESPN Wide World of Sports National Cheerleading Competition in Orlando on February 6 and 7, 2016. They won the Large Varsity Non-Tumbling National Championship Title and the World Championship Title. He introduced one of their Coaches, Andreana Radomski, who in turn introduced each of the girls. This is an unprecedented accomplishment as they have only had a competitive squad for three years. Mayor Allen presented the entire squad with commendation certificates.

8. Approval of Minutes

Regular Council Meeting Minutes of February 8, 2016.

Motion by Mr. Dixon and seconded by Mrs. Gibbons to approve the Regular Council Meeting Minutes of February 8, 2016. Motion Carried 6 – 0. Council Members Hannan, Moury and Pape absent.

## 9. Public Hearing of February 22, 2016 – Transfer of Liquor License

Motion by Mr. Dixon and seconded by Mrs. Gibbons to approve the Public Hearing Minutes of February 22, 2016 – Transfer of Liquor License, Bethel Mex LLC, 1001 Cool Springs Drive. Motion Carried 6 – 0. Council Members Hannan, Moury and Pape absent.

10. Bills and Payrolls

Motion by Mr. Dixon and seconded by Mrs. Gibbons to approve the Bills and Payrolls for the Municipality per Bill List #031416 in the amount of \$1,107,505.51. Motion Carried 6 – 0. Council Members Hannan, Moury and Pape absent.

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

Robert Witt, 3250 Industrial Boulevard, spoke regarding a problem he has with an illegal building permit that was issued to a business next door to him. He said that the company falsified documents when applying for the permit. He said they moved his property line. He asked if anyone can provide him with information on what is being done about this situation.

Mr. McLean asked Mr. Duke to address the issue. Mr. Duke said that he is aware of current litigation between the parties involved, but he is ill-prepared to speak on the subject tonight. Mr. McLean asked that Mr. Duke contact Mr. Witt to discuss this matter.

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

None

**GENERAL POLICY AND FINANCE**

## 13. General Policy and Finance Items

Mr. McLean said that it was a consensus to remove the two item on tonight's agenda under General Policy and Finance - Boards and Commissions Appointments. These items will be deferred until April.

The following text is verbatim.

Mr. Harrison said:

"I, at the January and February meeting, I discussed my concerns about the nation's governments, federal to local on a downhill slope. I want to add some additional information. There is a national monthly publication called Governing. They cover everything from the federal government to local communities and they spend a lot of ink on the federal government on large cities and large counties, but to give you an idea of how detailed they are, what they do, last year,

they had a multi-page write up on Blairsville, Pennsylvania, which is about an hour and a half east of here, and they have a population of about one third of Bethel Park. So I just say that to let you know they cover a wide range of information that would be interesting to people. The information I want to give you from the February issue, this is the March issue I have in my hand, they reported that the voter turnout in 2012 was 55%, that is 55% of the eligible voters, registered voters, 55% voted. That was down from 2008. Voter turnout in 2014 was 36%. It's the worst in more than 70 years. So that just begs the question, are we going to let the majority of eligible voters again to decide the fate of our government? This election year, there's election from the President down to local, county, courts and city petition, so a wide range, in my opinion the public ought to get some attention for all these offices and vote. Hillsdale College, like Grove City College, fought to the Supreme Court level and won the right to reject students who accept government money, educational program money from the government. They do that so that they don't have to live with the ridiculous government mandates that interfere with their intention to educate their students. Hillsdale reported from a recent study that showed that in 1900 approximately 10% of the (unintelligible) was controlled by governmental bodies, that's local up the national. In 2014, nearly 50% of the national spending was controlled by governmental bodies and the largest increase was the federal government. This increase in spending resulted in an increase, a large increase in the number of federal employees which increased significantly. We all know that money is power. The governmental employees are motivated to vote to protect their interest. This provides the governmental employees ability to set the national agenda which you probably know by now I am not pleased with. At the local government level, I'm talking about Bethel Park, illegal actions and paid politics are in full play. At the Council Committee meeting two weeks ago tonight, Council President Moury announced that a dedication plaque be awarded to the Bethel Park Volunteer Fire Company, the new facility on Brightwood Road. Moury suggested that my name, Don Harrison, not be included on the plaque. His reason for the suggestion is that I voted against the ordinance to place the vote on the primary ballot a couple of years ago to authorize the real estate dedicated tax for the fire company. And that's true, I did do that. The minutes of the meeting stated that it was decided by consensus that all Council members and appropriate staff members names could be on the plaque. What's bothersome is another indication on how we run our government in trying to cover their behinds, they said in the minutes that a consensus had decided to include all Council members. But I can tell you that having been at the meeting there was not a consensus requested nor was there a consensus taken. So why would the report result in a consensus that didn't exist? I alleged at the time that Council voted to put the question on the primary ballot was an act of misfeasance because it violated the Home Rule Charter. The record showed that before the vote I informed Council of the section of the Home Rule Charter that the ordinance violated. Unfortunately, Solicitor McTiernan concurred in Council action. As a member of the Home Rule Charter Commission, I now relate two things, the Home Rule Charter Commission to write the Home Rule Charter in plain English and not legal gibberish so it could easily be understood by everyone competent in English. I personally wrote the section of the Home Rule Charter that was violated so I clearly know what the intention was. In an act again to protect their

hind ends, at the behest of Councilman McLean, who reminds us that his father was the Chairman of the Home Rule Charter Commission, true statement, Council formed an unneeded committee to update the Home Rule Charter. The committee was a stacked deck and five out of the nine Council members were appointed as members. Among other things the recommendations of this unneeded committee would set the, part of the Home Rule Charter that was violated on the fire company vote he neutered, I claimed that the committee didn't have the guts to recommend the deletion of that section so they gutted it, unfortunately. Thank you very much."

Mr. O'Brien said:

"Today is my anniversary, twenty five years today that I've been on this Council. And maybe twenty five years from now we'll still be talking about the fire department. I think it's been about three years. It's amazing how many of us were at that meeting, and how things are remembered differently. I remember it very clearly that Mr. Moury asked if Don wanted his name on it strictly because of his stance, because he claims it was an illegal action. And that's the reason he asked if he wanted his name on the plaque. Very simple, very front-forward. It wasn't any, I don't know what you would call it, it was just a very simple question. And Don acted like somebody took his cupcake. He wouldn't answer, he got a face, and it was a very simple question asking him in due respect because of your position, do you want your name on the plaque? Because of your position. No one really knows what he would do or what to say in furthering this debacle or this craziness or this extended conversation of three years. And that's all it was meant. And now we have a conspiracy as we always have a conspiracy. Not just with Council, but now with the staff. When is it going to stop and where is it going to stop? Thank you Mr. Chairman."

Mr. Dixon said:

"I would agree with Councilman O'Brien and just add this. Mr. Harrison has made a number of misleading statements here tonight but I'll only address two of them. In addition to the votes that Councilman O'Brien referred to, there was another vote that we took on the floor during that time when the fire department was seeking to put a question on the ballot and the vote that we took was on a Resolution of Support for the fire department. It had nothing to do with the tax increase. It had nothing to do with the question on the ballot. It had nothing to do with any of the contentions that Councilman Harrison refers to. It was simply a Resolution of Support for the fire department. Every member of Council voted in favor of that resolution except Councilman Harrison. He voted against supporting the fire department. And I remember that distinctly because it was not a controversial resolution. It was just simply a resolution of support. And so when Council President Moury informed Council that there was going to be a plaque placed on the new fire station, it would include all of the members of Council on the plaque, and he looked at Councilman Harrison and said, is that okay with you, Don? That was the question. It was very simple. And so, I just wanted to clarify that because it was thoroughly misleading what Mr. Harrison just said. And I'm

sure his recollection is just not as clear as mine. But I thought it was important to clarify that. Thank you.”

Mr. Harrison said:

“I just wanted to let the public know that a couple of years ago I sat in the fire hall and promised the fire company that I would remind the public, that they are a volunteer fire company and they are an excellent fire company in my opinion and remind people that they rely on voluntary contributions from the public and I carried that through from this seat right here every month that I spoke to the public about making contributions to the fire company. So you can make any judgement or any conclusion that you want to but I think the fire company knows that I’ve been very supportive of them and I’ve been very complimentary of them and I will say sitting right here that we have an excellent, excellent volunteer fire company. Thank you very much.”

Mr. McLean said:

“I just want to address one aspect of Mr. Harrison’s comments. The Home Rule Study Commission met for a year and a half. It consisted of six members of the community who are not members of this Council and as a result of the work that was done for a year and a half, the commission produced a report of recommendations. They are recommendations at this point. They are coming before Council for Council to consider them and to decide ultimately whether they’ll be adopted or not. Everyone on this Council was entitled to their opinion about any one of those recommendations including Mr. Harrison and he’s entitled to not agree with one or more of the recommendations. But, I just want to say I stand by the effort and the work that the commission did and I can tell you that having been the Chair of that, it was not a question of whether they had the guts to make some change that some member of Council might have wanted. It was a very productive discussion about pros and cons of each of the issues that we looked at and we took great pains in the report that we prepared, to summarize those, and now they’re now before this board to think about and consider and to form our own opinions about. And we might have differences of opinions about whether we should change something or not. But I think the right way to do that is to address that when we are discussing the report and recommendations and to do so without trying to label somebody’s action as having lacked guts or something like that. And I will continue throughout this process to stand by the work that the commission did. The last thing I want to say, Mr. O’Brien, congratulations on your 25 years. Some nights I feel your pain, but I want to thank you for your service and your dedicated service and I think that’s an outstanding achievement and I think it should be noted.”

Mr. Dixon said I second that.

Mr. O’Brien said thank you.

## 14. Citizens' Comments – Planning and Zoning Items

None

**PLANNING AND ZONING ITEMS**

## 15. Planning and Zoning Items

Application No. 2016-0016 – Cool Springs Retail, New Structure, Major Land Development

Motion by Mr. Dixon and seconded by Mrs. Gibbons to approve Application No. 2016-0016 – Cool Springs Retail, New Structure, Major Land Development, in accordance with the Municipal Planner's correspondence dated March 9, 2016. Motion Carried 6 – 0. Council Members Hannan, Moury and Pape absent.

## 16. Resolution - Application No. 2016-0046 – Lippert Easement Vacation, 5010 Lindermer Avenue

Motion by Mr. Dixon and seconded by Mrs. Gibbons to adopt a resolution approving Application No. 2016-0046 – Lippert Easement Vacation, 5010 Lindermer Avenue, in accordance with the Municipal Planner's correspondence dated March 9, 2016. Motion Carried 6 – 0. Council Members Hannan, Moury and Pape absent.

**HEALTH, SAFETY AND WELFARE ITEMS**

## 17. Health, Safety and Welfare Items

No Items

Mr. O'Brien said that he would like to put the motorist on notice that they should be aware of their speed. Speed enforcement will be out in great numbers and to treat your street and everybody else's street like it's your own street. If you don't, you may get caught with the coming attractions.

He then said that the guest speaker for this year's Memorial Day Morning Ceremony and for the cemetery ceremony will be Lt. Peter Edwards, WWII Pilot veteran. This year's Memorial Day Ceremony will take place on Monday, May 30, 2016 beginning at 7:50 a.m.

Mr. O'Brien asked everyone to stop by at the Veterans' Memorial Plaza to see the two new Irish Brigade flags that currently fly there in honor of St. Patrick's Day. In addition, there are three Civil War flags.

Mr. Harrison said that in addition to speed, drivers should also include stopping at stop signs.

18. Citizens' Comments – Public Works and Maintenance Items

None

**PUBLIC WORKS AND MAINTENANCE ITEMS**

19. Resolution – PennDOT Policy Regarding Maintenance of Drainage Facilities within State Road Rights-of-Way

Motion by Mrs. Gibbons and seconded by Mr. Dixon to adopt the resolution petitioning the General Assembly to amend the PennDOT Policy regarding maintenance of drainage facilities within State Road Rights-of-Way for the Municipality of Bethel Park. Motion Carried 6 – 0. Council Members Hannan, Moury and Pape absent.

20. 2016 Road Program

Motion by Mrs. Gibbons and seconded by Mr. Colella to award the 2016 Road Program Contract to ElGrande Industries, Inc., for the low bid amount of \$1,526,275.55, in accordance with the Municipal Engineer's correspondence dated February 18, 2016. Motion Carried 6 – 0. Council Members Hannan, Moury and Pape absent.

21. Cherry Street Storm Sewer

Motion by Mrs. Gibbons and seconded by Mr. Dixon to award the Cherry Street Storm Sewer Contract to Lawson Excavating, Inc., for the low bid of \$31,310.00, in accordance with the Municipal Engineer's correspondence dated March 10, 2016. Motion Carried 6 – 0. Council Members Hannan, Moury and Pape absent.

22. Adjournment

Motion and second to adjourn at 8:16 P.M.

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Manager

