

MUNICIPALITY OF BETHEL PARK

MINUTES OF REGULAR COUNCIL MEETING

Date: April 13, 2015

Time: 7:30 P.M.

Location: Municipal Building

1. Roll Call

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

Absent: Dixon, Hannan and Pape

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

2. Pledge of Allegiance

3. Chair Announcement

Executive Sessions of Council were held on Monday, April 13, 2015 to discuss Police Personnel issues and legal issues.

Reports of Officials

4. Library Director's Report

There was no representative from the Library, therefore, no report was given.

5. Police Chief's Report

Chief O'Connor announced the formation of the Bethel Park Police Facebook Page which quickly generated over 1,000 likes. This will enable the department to put out information and alerts in a more time manner.

Chief urged motorists to use extra caution on the roadways now that the weather is turning warmer. There are increased recreational activities outdoors for children and adults.

The next Crime Watch Meeting will be held on Monday, May 4, 2015 at 6:30 P.M. at the Community Center. Chief said he will be attending and invites anyone who would like to take part at this meeting where they will provide statistics and crime tips for everyone.

6. Fire Chief's Report

Chief David Gerber gave the fire report for the month of March. Chief Gerber then announced that the Annual Donation request letters have been mailed out. He reminded the community that the donations received aid the fire company with items such as fire trucks, gear and equipment. Tax monies provided to the fire company go towards the new building and the maintenance of the existing buildings on Clifton and Milford. He mentioned that the Municipality is received calls from residents regarding the donation letter and asked that residents call the number on the letter with any questions they may have or stop in at the Clifton Station.

Chief Gerber reported that digging continues at the new fire house site on Brightwood Road. They plan to start pouring the footers this week.

He then announced that this is National Public Safety Telecommunicator's Week and asked Chief O'Connor to commend and thank our Communication Officers for their hard work.

7. Mayor's Report

Mayor Allen said that on Wednesday, April 15, 2015 from 7:00 – 9:00 P.M. at the Community Center, Craig Wolfley, former Pittsburgh Steeler, will present a rare glimpse of Under the Helmet. This program is being presented in conjunction with the Bethel Park Recreation Department and the Bethel Park Library.

Mayor announced that the deadline to order Military Banners is May 1, 2015. You can contact Janet at the reception desk for more information. Banners will be installed on Rt. 88 and South Park Road in mid-May.

Mayor then announced that Spring Clean Up Day is Saturday, April 18. For information on volunteering and to request supplies, you can contact Michelle Baynham at 412-831-6800, extension 203. Supplies will be sent out on Friday, April 17 and patches will be available for the children that participate.

The 2015 Community Banner Award was recently presented to the Municipality of Bethel Park for the second straight year. Mayor Allen and Councilman Colella attended the recent ceremony at the Allegheny County Courthouse. Mayor Allen read the citation presented to Bethel Park signed by County Executive Rich Fitzgerald.

Mayor Allen then introduced Pauletta Beehler of the Cable TV Board. Ms. Beehler displayed purses for the upcoming fundraiser, Designer Bag Bingo, which will be held on Friday, May 8, 2015 beginning at 7:00 p.m. at the

Community Center. There will be basket raffles, a 50-50 raffle and door prizes. Tickets can be purchased at Evey True Value Hardware, the Bethel Park Public Library or at the BPTV Station. They are \$25 each. Ms. Beehler said that there will also be a gas grill fundraiser for Fathers' Day. Proceeds from these events will benefit the BPTV Scholarship Fund where scholarship money is available for eligible high school seniors as well as adults that are a community volunteer that would like to further their education.

8. Approval of Minutes

Regular Council Meeting Minutes of March 9, 2015.

Motion by Mr. McLean and seconded by Mr. O'Brien to approve the Regular Council Meeting Minutes of March 9, 2015. Motion Carried 6 – 0. Council Members Dixon, Hannan and Pape absent.

9. Special Meeting of March 23, 2015 – 2015 Road Program

Motion by Mr. McLean and seconded by Mrs. Gibbons to approve the Special Meeting Minutes of March 23, 2015 – 2015 Road Program. Motion Carried 6 – 0. Council Members Dixon, Hannan and Pape absent.

10. Bills and Payrolls

Motion by Mr. McLean and seconded by Mrs. Gibbons to approve the Bills and Payrolls for the Municipality per Bill List #041315 in the amount of \$1,493,560.64. Motion Carried 6 – 0. Council Members Dixon, Hannan and Pape absent.

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

Brian Walsh, 108 Cambridge Road, asked for assistance with a sewage problem in the back of his residence. He is attempting to access two storm sewers. Water is backing up in front of and into his garage. He said he tried unsuccessfully to contact the Municipal Building regarding this situation. Mr. Moury said he will contact Mr. Walsh to discuss this matter.

GENERAL POLICY AND FINANCE

12. Citizens' Comments – General Policy and Finance Items

None

13. General Policy and Finance Items

Ordinance – Referendum to amend Home Rule Charter of the Municipality of Bethel Park

Motion by Mr. McLean and seconded by Mr. O'Brien to approve the Ordinance authorizing placement of a proposed amendment to the Home Rule Charter providing that the Police Chief report directly to the Municipal Manager as a referendum question for consideration by Bethel Park voters at the regular election to be held on November 3, 2015. Motion Carried 6 – 0. Council Members Dixon, Hannan and Pape absent.

The following text is verbatim.

Mr. Harrison said:

“I favored this change, I was an elected member of the Home Rule Charter Commission and I freely admitted that we made a mistake having the Chief of Police report to Council. In my opinion, it just hasn’t worked. It’s tough to have nine bosses and figure out how to react. The other comment that I have is I still don’t understand why you have this what I think is an unnecessary Home Rule Charter group to review the Home Rule Charter, but I don’t understand why you tacked on one item which can’t go on the ballot until November the fifth and I don’t know, but I presume there are others to go on the ballot before we get to the point where we meet the cutoff, but I will vote for it because I think it is a good change. Thank you.”

Mr. Moury said:

“Just to talk about this question, I fully support it also. And just for the record, the Home Rule Charter Commission was started probably nearly a year ago to review the charter. I think it was the consensus of this group to go out and get people involved as well as members of Council. There has been some chatter up here from the dais that the committee is illegal and improperly done, which is simply not true by the way. And I think it’s interesting tonight Mr. Harrison questions why we’re doing this now but Mr. Harrison supported Council in sending this question, as we change Police Chiefs, to the Home Rule Charter Commission for their review and we asked, and Mr. Harrison was part of this, to expedite this question so we can get it on the November ballot. So we went and we did as he requested and now he wants to play up here to the cameras like there was something wrong with the way it was done, but yet in the Caucus Room when we discussed it, he fully supported going through the process. So, having said that, I hope this clarifies a little bit that I too will be supporting this issue tonight.”

Mr. O’Brien said:

“I will also be supporting this. At last month’s meeting we had a resident stand at the microphone and raise questions about the Home Rule Study Commission. I was unable before then to attend meetings because I was tending to other issues. I was on the search committee for finding the new Chief and I also was working very diligently with issues on Logan School being redeveloped, reassigned within the neighborhood. So I really wasn’t paying very close attention to the Home Rule Study Commission. The man that was in charge of this, Mr. McLean, is a man of very high integrity. I have known him for quite a while and never known

anything but that from him. But knowing that, I decided to go to the meeting to see for myself. I attended the meeting and what I found at this meeting was a highly professional, well run meeting with a commission that had a plan and a focus. The people that were on this commission are long-time residents, very intelligent, very committed volunteers and Mr. McLean actually gave them homework and they actually did it. Some of their homework was to review other communities, similar in size, across the country to see what governs their community, to see what they use as a plan for government. It somewhat reminded me of our founding fathers reviewing different governments before they chose the one that we now have. And they were reviewing, trying to find ideas if they work, if they don't work. And then what was interesting in the commission too was our solicitor was there to talk about any questions that these other forms of government would have which is wonderfully interactive. Then the interesting thing was is I found that our staff was also, not there that night, but what I heard from Mr. Spagnol as comments from weeks before, is that these individuals on staff are the people that work under this constitution or under this form of government everyday, so they are the most familiar with it. So it was a fact finding, it was a wonderful conversation, it was interactive, it was wholesome, it was honorable, it was open to the public and even Mr. McLean, what a wonderful meeting, he asked everyone, including that resident that spoke here that night, do you have any questions? I want to compliment Mr. McLean and the staff and Mr. McTiernan and the volunteers on the Home Rule Study Commission. I think it's a wonderful thing, it's healthy, it's new-eyes on a form of government, maybe they may not find anything in our government and this town is run very well, but maybe it might be changed a little bit to adapt to changing times. But I think it's healthy. I was very excited. I was very happy to be there and be a part of it and my compliments to all involved. Thank you, Mr. Chairman."

Mr. McLean said:

"Just a couple of comments about the Home Rule Study Commission. Mr. O'Brien, thank you very much for the comments. I want to explain one thing about why this particular proposed change is being brought forward now for the electorate to vote on. The commission, as Mr. Moury indicated, was announced about a year ago. We've had about five or six meetings. We'll likely have another five or six meetings. We're not trying to hurry through this. We're trying to carefully consider the possible changes. It's possible that we will come up with additional changes. It's possible we won't come up with any more at all. But we won't be in a position to know that, to finish our review and come back with our report to Council in time to get any additional questions on the ballot in November. So it's not that, we won't be able to do that. But this particular question was one that Council in particular was interested in looking at. There had been some discussion about it and we were at the time in between our Chiefs and it made sense to look at this at that time separated from any issues of personality of who the Chiefs were or anything, that this is just looking at it the right way to have our Police Chief report to the Municipal Manager. I, too, am going to support it. I think it is the right way to structure the way the Police Department reports and the organization of the entire government. The last thing I want to say is I want to thank Mr. Swiech who is in the audience tonight for

coming to the meeting. I had invited him to come and I want to thank him for attending. I welcome Mr. Swiech to come to our additional meetings. I thought you and I had a very good conversation at the end of that meeting and I welcome that. It's exactly that participation. And in fact, Mr. Swiech, you sent me a letter recently and at the end of it you indicated that a study commission that would be looking at the charter and inviting people to attend and propose any changes is something that you would find very commendable and I think you and I are on the same page. That's the process that we're engaged in and that is exactly what we are planning to do. So, I thank you again for coming to the meeting."

Mr. Swiech said:

"Can I take a moment, please?"

Mr. McLean said:

"I'm finished, if you want to come to the microphone."

Mr. Moury said:

"Ok, we'll defer if you can state your name."

Mr. Swiech said:

"This is for you Mr. McLean. At the end of the letter, there was a, I'm not going to get into the whole letter tonight, because there's probably some other stuff coming out. But, I did tell you about the commission studying the Home Rule Charters of other communities. And I did say that it was commendable and I totally understand that because by doing that you can even improve the one that we have now and I have no problem with that and I think I explained to you that night in our conversation. We're not as far from, we're not in disagreement on a lot of things, but my whole point was, unless you want me to just do it, I don't want to comment on the letter unless you want me to do that now."

Mr. McLean said:

"It's alright, I have it, I know and I'm happy to talk with you about it at any time."

Mr. Swiech said:

"My whole thing with that was that with the commission, if you work with it like you stated, you work with it all the time and all the time you know how it works and how it doesn't work. I did that with the, when I was with the postal workers union. I had to know how the contract worked, that was our charter, the contract, and how that worked and my contract was 240 pages, 243 pages, that I knew how it worked, where it worked, where it didn't work, the ins and outs and how I could do it and that was the whole point that I had, why would you, if no one has made any suggestions to change the charter to say work with it and have no problem

with it, why, and then with also with the five Council members being on the commission and coming back and any suggestions that they, the commission, puts forward, that those same five are going to vote on it. That's the problem I have with it, I still have that problem."

Mr. McLean said:

"Understood. I think we might have this disagreement. We looked at this charter that's been around for 35 years and without having any specific particular problem thought it makes sense to just take a step back and look at it. We might change a couple of things, we might not change that much. But it just made sense to do that. And obviously, there's one item currently before Council which was found to be appropriate for change. So, nobody is coming into this with some preset agenda and I know you had a question about that but that's not what it is. It's exactly the kind of open inquiry, take a look at it, see if it could be improved that you were mentioning at the end of your letter, so there we are on the same page."

Mr. Swiech said:

"OK, you and I have talked and like I said, we are not that far apart, we're really not. But I was promised some information last Council meeting by Mr. Hannan in Mr. Moury absence and I still haven't got it and, well, he knows that."

Mr. Moury said:

"You'll be getting it and just to clarify, too, for the record that this was set up under the direction of the solicitor and certainly if there was any potential legal issue, a conflict with the way it was set up, I am quite certain that the solicitor would be attending meetings on behalf or to work with the Municipality."

Mr. Swiech said:

"Right, I understand that and when Mr. Harrison put forth a question in October, I believe it was, there was a vote taken for the question not to be answered because it was going to take a whole big long thing, and I've heard Mr. McTiernan speak on many, many occasions, not just here, at the meeting I did attend with you, on TV and other Council meetings where he is the solicitor and he is very knowledgeable and he speaks very eloquently on the law and he could have answered that question with a simple yes or no that night and..."

Mr. McLean said:

"Mr. Swiech, let me just address that because I know you've asked that. The question that was put on the floor in October was, are we going to ask Mr. McTiernan to prepare a formal written legal opinion? And that was the question that the consensus was taken on. And that's the question that I thought was unnecessary and was going to incur unnecessary expense. I have no problem at all with Mr. McTiernan providing his opinion. He could do it right now if he

wanted to and doing it on the floor. But that was not the question that was put in front of us in October and I would have said that question was perfectly okay.”

Mr. Swiech said:

“But I think what I heard that night, or I wasn’t here that night or I was but my mind was like yours in other areas and in my agenda. But what I heard was I don’t think I want to ask for a written one. What Mr. Harrison said, if I’m wrong please correct me, I don’t want to ask him for another big long thing because I’ll probably get another Philadelphia lawyer answer and, okay.”

Mr. McLean said:

“You can check the minutes.

Mr. Swiech said:

“Well, I’ll go back to the video, that’s okay, thank you very much.”

Mr. Moury said:

“Just to clarify with Mr. McTiernan, are we doing anything improper in the way the commission is set up?

Mr. McTiernan said:

“No.”

Mr. Moury said:

“His answer is no.”

Mr. O’Brien said:

“Just to let people know that five members are on the commission. The other four members are welcome to attend. And the Mayor is welcome to attend and all the residents of Bethel Park are welcome to attend and that’s the truth. Thank you.”

Mr. Harrison said:

“I just want to comment, I think it’s interesting that the councilman sitting next to me talks how he doesn’t want to waste money on getting solicitor opinions but yet he’s got the Home Rule Charter committee there, all the minutes I’ve read, the solicitor is at the meetings. I’ve got no reason to think that’s pro bono, I don’t know, but I recognize that he’s there because his name shows up in the minutes.”

Mr. McLean said:

“Mr. McTiernan is there at the meetings for the very specific purpose of guiding us with respect to reviewing the Charter. There is a specific role for him to fulfill. That is a lot different than asking him to prepare what I think we all thought was an unnecessary opinion since he could just tell us what the opinion was particularly if once it’s provided as has happened before it’s not even accepted by the person who asked for it and that’s why I thought it was unnecessary.”

Mr. Harrison said:

“Mr. Moury, I (unintelligible) regarding the Home Rule Charter. It’s interesting that I see that opinion expressed, but this Council was favorable in him writing an opinion about my allegations that we violated the Home Rule Charter, so that was favorable to the other members of Council, that was okay, but something I thought should be done, it wasn’t okay. Thank you.”

Mr. Moury said:

“I don’t want to go back and forth, but what he is saying is incorrect, as usual. The solicitor gave us advice on the whole referendum question and process. That was the information that was provided to this group as part of the developing. We asked the solicitor to develop the language for the referendum question. And as Mr. McLean said, no matter what the solicitor is going to say or would say in a letter, Mr. Harrison wouldn’t agree with it anyhow. So, that’s a moot point. We have sat through several meetings where the solicitor’s explained to us the charter, what we’re doing and if some people choose not to agree or believe that, and that’s fine, that’s his prerogative but we’re governed by the majority of this group.”

Mr. McLean said:

“One last item, sorry. I also want to thank Pauletta Beehler who came to one of the meetings we had, in fact the public hearing that we had about the matter that’s currently before Council, so I want to thank you for attending as well and welcome anyone else.”

Mr. Moury said:

“Thank you very much.”

14. Appointment – Board of Parks, Recreation and Leisure Services

Motion by Mr. McLean and seconded by Mrs. Gibbons to appoint Jim Miller to the Board of Parks, Recreation and Leisure Services for a term to expire December 31, 2017. Motion Carried 6 – 0. Council Members Dixon, Hannan and Pape absent.

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

Motion by Mr. McLean and seconded by Mrs. Gibbons to appoint Heidi Brueggman-Pane to the Board of Parks, Recreation and Leisure Services for a term to expire December 31, 2016. Motion Carried 6 – 0. Council Members Dixon, Hannan and Pape absent.

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

Motion by Mr. McLean and seconded by Mrs. Gibbons to appoint Donna Marie Murphy to the Board of Parks, Recreation and Leisure Services for a term to expire December 31, 2015. Motion Carried 6 – 0. Council Members Dixon, Hannan and Pape absent.

17. Feasibility Study – EPM Architecture

Motion by Mr. McLean and seconded by Mr. O'Brien to approve the contract with EPM Architecture for a proposed fixed fee of \$45,000 for a Feasibility Study of the Public Works Facility. Motion Carried 6 – 0. Council Members Dixon, Hannan and Pape absent.

Mr. Moury said this is to engage a study to evaluate our Public Works facility which is very old. From Council's perspective, it was time to have an evaluation of the current facility done within the next three to four months. The evaluation will be returned to Council for a decision. He said that they certainly won't start anything until the Fire Company is done. Depending on what the recommendation is, they would not proceed until late 2016 or 2017.

Mr. Harrison recognized a Scout in the audience and said that in order to meet the many requirements in obtaining their Eagle Scout rank, a scout must attend a public meeting. He encouraged the scout to tell his buddies to do the same and said that he always like to see the Scouts earn their badges.

PLANNING AND ZONING ITEMS

18. Planning and Zoning Items

No Items

Mr. O'Brien announced that the Foodland store on Rt. 88 will be closing shortly despite his efforts. The store has been there for a very long time and will be missed by the Bethel Park residents, most especially in Wards 1 and 6 who relied on the store. He said he and staff will stay close to the issue and he will personally let the citizens know what is going to happen to the property with future development. He thanked the family that ran the Foodland for so many years. It was a vital part of the community and is sorry to see it close.

HEALTH, SAFETY AND WELFARE ITEMS

19. Health, Safety and Welfare Items

None

PUBLIC WORKS AND MAINTENANCE ITEMS

20. Citizens' Comments – Public Works and Maintenance Items

None

21. Public Works and Maintenance Items
ADA Access to Miners' Park Contract

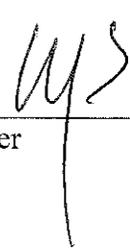
Motion by Mrs. Gibbons and seconded by Mr. O'Brien to approve the ADA Access to Miners' Park Contract to Satira Construction in the amount of \$9,840 with funding available from the SHACOG Grant in the amount of \$5,092 in accordance with the Municipal Engineer's correspondence dated March 18, 2015. Motion Carried 6 – 0. Council Members Dixon, Hannan and Pape absent.

22. Sodium Bicarbonate Contract

Motion by Mrs. Gibbons and seconded by Mr. O'Brien to award a three year contract for Sodium Bicarbonate (fifty pound bags) at the Piney Fork Waste Water Treatment Plant to Univar, USA Inc. for a low bid of \$.28 per pound for 2015; \$.29 per pound for 2016; and \$.30 per pound for 2017, in accordance with the Director of Community Service's correspondence dated April 9, 2015. Motion Carried 6 – 0. Council Members Dixon, Hannan and Pape absent.

23. Adjournment

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



Manager