

**MUNICIPALITY OF BETHEL PARK**

**MINUTES  
OF  
REGULAR COUNCIL MEETING**

**Date:** May 12, 2014

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

**Location:** Municipal Building

1. Roll Call

Present: Council Members Colella, Gibbons, Hannan, Harrison, McLean and Moury

Absent: Council Members Dixon, Pape and O'Brien

Also Present: William Spagnol, Manager; Mayor Allen; Christopher Voltz, Solicitor's Office; Police Chief John Mackey; Michael Smith, Municipal Planner/Assistant Director of Community Services; Joseph Villella, Finance Director; Jean Statler, Municipal/Environmental Engineer

2. Pledge of Allegiance

3. Chair Announcement

An Executive Session of Council was conducted on Monday, April 28, 2014, to discuss Police personnel issues, and on Monday, May 12, 2014 to discuss personnel issues and litigation.

**Reports of Officials**

4. Library Director's Report

There was no Library Director's Report

5. Police Chief's Report

Chief Mackey spoke about fraud mail and phone calls. He said a resident recently received a solicitation in the mail and called the Police to check it out. Chief said that residents should never give personal information on the phone, especially social security numbers, when a call comes in. You can feel more comfortable when you make a call directly to a company yourself unsolicited. He suggested to

always do research on a company before providing any personal information. He said never hesitate to reach out to the Police Department with any questions.

The next Crime Watch meeting will be held on Monday, May 19, 2014 at 6:30 p.m. at the Community Center. The guest speaker that evening will be our newly appointed District Magistrate Ron Arnoni. You do not need to be a member of Crime Watch to attend the meetings.

Chief Mackey said that the recent Drug Take Back Day on April 26th was very successful. They collected over 200 pounds of unused, unwanted and expired medications. Chief said that another event may be scheduled in September or October this year and he will advise the date.

Police Memorial Week honoring officers killed in action is May 11 through 17. You can pick up a blue ribbon at the Records Room, Evey Hardware and Skip Young Service Station which can be displayed on your car antenna or rear view mirror. Chief thanked everyone for their participation over the years. Bethel Park lost two police officers in the line of duty, Officer Joseph Chmelynski and Lynn Sutter.

Chief announced that the Police Department will participate in a special program, Bike Safety Rodeo, sponsored by Kohl's, Children's Hospital and Oxford Development. This event will be held on Saturday, May 31, 2014 from 10:00 a.m. to 2:00 p.m. in the Kohl's parking lot. Kids who participate must have their own bike and bring a helmet. Bethel Park's Police and Fire Department, Upper St. Clair Police and Fire Department, Mt. Lebanon Police and Fire Department, Tri Community South EMS and Med Rescue Team South will also be on hand. There will be a bicycle raffle for a young boy and young girl. Chief thanked all the agencies who will be involved as well as Kohl's, Oxford Development and Children's Hospital.

Chief said that the Police Department is very fortunate to have received several grants that will benefit both Crime Watch and Police Pals. He introduced Cindy Cooney who represented the Murdock Family/South Park Shops who presented a \$2,000 check for the Children's ID Program. Ada Goughnor from Walmart Corporation presented a check in the amount of \$2,500 for all the community services provided. Tom Zabielski from Guardian Protection Services presented a check in the amount of \$1,100. Chief thanked Tom Rigatti, Crime Prevention Officer, for his hard work in making these donations possible. He also thanked Municipal Council for their annual contributions towards special projects that the Police Department can provide. The addition of the grants help with the programs we have in place.

#### 6. Fire Chief's Report

Second Lt. Tom Kelton gave the fire report for April. Lt. Kelton said that fund raising letters were recently mailed to the residents. Donations can also be made on the BPVFC website.

An Oktoberfest Fundraiser will be held on October 18, 2014 at the Community Center. In addition, a Car Cruise is also being planned for the summer. More information on these events is forthcoming.

Lt. Kelton reminded residents that summer weather and storms can cause power outages and downed trees and asked that everyone take precaution by not driving in high water or around downed power lines and prepare accordingly in your home with non perishable foods and flashlights.

He then mentioned that volunteers are needed. Anyone interested in becoming a volunteer firefighter can contact them by phone or on the website.

7. Mayor's Report

Mayor Allen read a Proclamation honoring Tri Community South EMS. National EMS week is May 18 through 24 with the theme "*EMS: Dedicated for Life*". Chuck Bryan was present to accept the proclamation.

Mr. Bryan reminded residents the TCS golf outing is May 22 and CPR Program still every month for training if anyone is interested in attending at the EMS Station.

Mr. Spagnol commented that Director Nora Helfrich was unable to attend tonight but she would want to comment that it is still not too late to subscribe to Tri Community South EMS.

Mr. Harrison said that only a small percentage of people are signing up for memberships. He said that everyone should take the opportunity to read the article that came out recently.

Mayor Allen said the subscription pays for itself and he encourages people to become a member.

Mike Dobos, President of the Bethel Park Community Foundation, presented a check to Mayor Allen in the amount of \$4,130 to replace tables at the Community Center through a grant that Bethel Park recently applied for. The Foundation provides grants in the areas arts, recreation and scholarships. If you are interested in applying for a grant, you can go to the Foundation's website at [www.bpcf.org](http://www.bpcf.org) for more details.

Mayor Allen asked if anyone knew how much money has been donated by the Foundation over the years. The answer was between \$400,000 and \$500,000.

Mayor Allen said that for this month's Making Bethel Park a Better Place to Live, he is honoring Dick Kraft for his work and dedication to making the Bethel Park Farmers Market a reality and a success. Mr. Kraft gave a history lesson of how the farmers market began, what research he did, as well as finding a location and day that would work in Bethel Park. He said it began with five vendors and we

now there are over twenty. You can obtain a list of vendors at the Library. This year's farmers market began on Tuesday, May 6 and will run through October.

Mayor Allen announced that the Memorial Day Ceremony will be held on Monday, May 26<sup>th</sup>.

Mayor Allen said that on May 24, 2014, the Ladies of the American Revolution will perform a Tree Dedication Ceremony at 10:00 a.m. at the Memorial to the Vietnam Veterans.

8. Approval of Minutes

Regular Council Meeting Minutes of April 14, 2014.

Motion by Mr. Hannan and seconded by Mrs. Gibbons to approve the Regular Council Meeting Minutes of April 14, 2014. Motion Carried 6 – 0. Council Members Dixon, O'Brien and Pape absent.

9. Public Hearing Minutes of October 28, 2013 – Spencer Family YMCA, Conditional Use, Major Land Development

Motion by Mr. Hannan and seconded by Mrs. Gibbons to approve the Public Hearing Minutes of October 28, 2013 – Spencer Family YMCA, Conditional Use, Major Land Development. Motion Carried 6 – 0. Council Members Dixon, O'Brien and Pape 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 #051214 in the amount of \$871,558.93. Motion Carried 6 – 0. Council Members Dixon, O'Brien and Pape absent.

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

Gina Pasko, 4470 First Street, thanked Chief Mackey for taking care of some of the items she spoke about last month. She said issues of continuing problems on her street. Several items have been addressed, but others have not including children leaving toys and sports equipment in the middle of the street making it difficult to pass in a vehicle. A resident goes one way on the street instead of driving up and around the street. Parking continues to be an issue due to Washington Junction overflow and asked for a sign that says resident parking only. In addition, vehicles speed through the neighborhood. She asked why Bethel Park does not have a curfew.

Mr. Moury asked Chief Mackey to address the issues brought up by Ms. Pasko.

**GENERAL POLICY AND FINANCE**

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

None

## 13. General Police and Finance Items

Ordinance – Amendment to Certain Provisions of the Police Pension

Motion by Mr. McLean and seconded by Mrs. Gibbons to approve the Ordinance to amend certain provisions of the Municipal Police Pension Plan to maintain compliance with the Internal Revenue Code. Motion Carried 6 – 0. Council Members Dixon, O'Brien and Pape absent.

## 14. Ordinance – Amendment to Certain Provisions of the Municipal Non-Uniform Employees Pension

Motion by Mr. Hannan and seconded by Mrs. Gibbons to approve the Ordinance to amend certain provisions of the Municipal Non-Police Pension Plan to maintain compliance with the Internal Revenue Code. Motion Carried 6 – 0. Council Members Dixon, O'Brien and Pape absent.

Mr. Harrison said:

“I have two items. Number one is at the January meeting, I told the public that I was continuing my effort to get the prevailing wage, the 1960 vintage legislation updated due to escalation of cost and at that time I acknowledged that Representative Maher has been very helpful in trying to get something through the Pennsylvania legislation. He actually introduced two bills at different times at different sessions. The next day, I sent an email to Representative John Maher and told him that I had spoken to it from the dais here and asked him to update me on the effort to get the legislation changed. So at the February meeting, I told the people I hadn't heard from Representative Maher and at the March meeting, I told the people I haven't heard from Representative Maher and at the April meeting, I told the people I hadn't heard from Representative Maher and here it is the May meeting, I still hadn't heard from Representative Maher. I'm not so sure why, this hadn't happened before but I don't understand what is going on. Maybe they don't get the message (unintelligible) find out what's going on.

Secondly, I have alleged that this governing body was inept in the timing of the passing of the ordinance that placed the question on the May 2013 ballot to provide a dedicated tax for the Bethel Park Volunteer Fire Company. I say inept because, I allege, the ordinance passed by Council violated the Home Rule Charter. Section 1107 of the Home Rule Charter entitled Effective Date says the effective date of an ordinance shall be no sooner than thirty days after it's adoption. Nowhere in the Home Rule Charter is any ordinance exempt. The second amendment of the United States Constitution is suffering from considerable discussion of the meaning of militia, the one relative to the gun

control and the framers of this amendment are no longer available to speak the meaning. Fortunately, this is not true of Section 1107 of the Home Rule Charter. I was a member of the Home Rule Charter Commission and I wrote Section 1107. This section was included in the Home Rule Charter to allow any ordinance passed by Council to be challenged for the public before it becomes effective. This option has been used successfully several times. Members of Council spent approximately two years negotiating with Bethel Park Volunteer Fire Company personnel to provide an ordinance for the Bethel Park Volunteer Fire Company, dedicated ordinance. I alleged that this governing body was inept in that the ordinance was introduced a month late to be in compliance with the Home Rule Charter's mandated effective date. The ordinance was submitted to the Elections Department by Mr. McTiernan approximately twenty-five days before its effective date. Mr. McTiernan issued a ruling that I had called a Philadelphia lawyer ruling, that says the State can override our Home Rule Charter. I have to question then what's the use of the Home Rule? The question has arisen as to the validity of Section 1107 of the Home Rule Charter due to the ruling by Mr. McTiernan. I presented the question to Council in an email and requested the item be placed on the April General Policy and Finance Committee, which it was. The request was to address the status of Section 1107 of the Home Rule Charter in light of the McTiernan ruling. Rather than Council addressing the requested clarification, Councilman Hannan suggested that a committee of Council be formed to review the Home Rule Charter. The published meeting minutes for that meeting state that upon discussion by Council it was a consensus of Council, minus this Councilman, to form a Home Rule Charter review committee. In my opinion this action is unneeded and unwise. Mr. O'Brien said at the Committee Meeting that I should drop the issue because the action is behind us. Council's action to pass a consensus to form such a committee appears to me to think that the issue is not behind us. The United States of America Constitution has serviced up well for several centuries. The framers of the USA Constitution were wise enough to recognize that changes to the constitution may be needed and provided the mechanism to make the needed changes. Seventeen amendments, in addition to the Bill of Rights, have been enacted over the years. The most recent amendment, May 1992, the Home Rule Charter has served us well for several decades. The framers of the Bethel Park Home Rule Charter were wise enough to recognize that changes to the Home Rule Charter may be needed and provided the mechanism to implement the changes. The Home Rule Charter has had four amendments. The most recent amendment became effective November 1998. Since that time, no Home Rule Charter amendments have been placed on the ballot. If Mr. Hannan or any other Councilmen think amendments to the Home Rule Charter are necessary, the mechanism for change is provided in the Home Rule Charter. Councilman Hannan suggestion that a committee of Council be formed to review the Home Rule Charter and approved by the consensus of Council, minus this Councilman, is a political camouflaged move to obscure Council's ineptness in handling the needed action for the Bethel Park Volunteer Fire Company ordinance, I allege. The Bethel Park citizens would be ill served by such a move, that is a move to form this committee. The cost and time that would be involved is unwarranted, the cost would be incurred for advertising, publication, public meetings and so on. As noted above, the changes to the Home Rule Charter is needed, a mechanism to accomplish the changes is built into the

Home Rule Charter. This action by Council reminds me of the old saying, if it ain't broken, don't fix it. Thank you."

Mr. Hannan said:

"Yes, I made the suggestion. I think it's a good idea. The issue with some political motivation, it's only doing what other communities that have Home Rule Charters do. Some actually do it on a ten year basis where they sit down and go section by section and see how it works, see if there's any changes. But it's up to the voters if there are any changes made. The voters have the ultimate say. So, the whole point being is I think it's time, I mean the piecemealing, picking the sections out and putting it on the ballot, doesn't do anybody's service as far as the efficiency of government and I think it's time that, I mean, I really enjoy Mr. Harrison comparing himself to the Founding Fathers, but I think that's a little bit over...

Mr. Harrison said:

(Unintelligible)

Mr. Hannan said:

"Mr. Harrison, I have the floor. I find that very entertaining. But I think overall we have a serious job to do here and I think it's time to look at things, look at how our government works, to let the people make some choices, maybe change some things, but it's time to look at it to bring the open air to government versus to wait until someone has a specific political agenda to make piecemeal changes. Thank you."

Mr. McLean said:

"I just want to echo Mr. Hannan's comments. He's right. Other communities under take a regular review of their Home Rule Charter. By way of example, Mt. Lebanon who passed their original charter right around the same time that Bethel Park did in the mid-seventies, has actually undertaken two reviews, including one they just finished in January of this year. And it's an opportunity to look at your entire charter, ask yourselves, is this working or is there something that we could change so that we can improve it overall. Antidotally, I've actually spoken with another one of the Founding Fathers of our Home Rule Charter. My father was the Chair of the Home Rule study commission that adopted the charter and I mentioned to him this concept that this Council initiating the study in the community and his remark to me was it was long overdue. That is something that we should have been undertaking at an earlier point in time. So, this is correct, it is the right thing to do, there is nothing about it that is part of an agenda and we'll do it in a very open and very public way so that everyone will have a chance to participate and I am actually looking forward to that process moving forward. Thank you."

Mr. Moury said:

“We are very happy that you are looking forward, because Mr. McLean will be the Chairman of the review committee.”

Mr. McLean said:

“I will keep you advised of my happiness.”

Mr. Moury said:

“Hopefully, the balance of the committee will be announced next month and just to comment on Mr. Harrison’s unfounded allegations, I’ll just say I’m a little insulted that he did not mention my name tonight, but what he said isn’t true. We did it in the open public. Everybody knew. Just to talk about something that happened over a year ago. Some of us live in the past, some of us look at the future.”

#### **PLANNING AND ZONING ITEMS**

15. Citizens’ Comments – Planning and Zoning Items

None

16. Planning and Zoning Items

Resolution – Allegheny County CDBG and HOME Programs

Motion by Mr. Hannan and seconded by Mrs. Gibbons to adopt the resolution for Opt-In Participation in Allegheny County CDBG and HOME Programs for Years 2015, 2016 and 2017. Motion Carried 6 – 0. Council Members Dixon, O’Brien and Pape absent.

17. Resolution – Support of the Community Development Block Grant (CDBG)

Motion by Mr. Hannan and seconded by Mrs. Gibbons to adopt the resolution for the support of the Community Development Block Grant (CDBG) Program as requested by SHACOG. Motion Carried 6 – 0. Council Members Dixon, O’Brien and Pape absent.

18. Resolution – DCNR 2014 Community Recreation and Conservation Program Grant Application

Motion by Mr. Hannan and seconded by Mrs. Gibbons to adopt the resolution as commitment to provide matching funds associated with Bethel Park Park Facilities/Inventory/Community Recreation Needs Grant. Motion Carried 6 – 0. Council Members Dixon, O’Brien and Pape absent.

19. Application No. 2014-0069 – Eat ‘n Park #14 Major Land Development

Motion by Mr. Hannan and seconded by Mrs. Gibbons to approve Application No. 2014-0069, Eat ‘n Park #14, Major Land Development, 5220 Library Road, Eat ‘n Park Hospitality Group, Inc., Applicant, in accordance with the Municipal Planner’s correspondence dated May 8, 2014. Motion Carried 5 – 0 - 1. Council Members O’Brien and Pape absent. Mr. McLean abstained due to the fact that he is providing services to the landowner who is the landlord to Eat ‘n Park.

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

20. Citizens’ Comments – Health, Safety and Welfare Items
21. Health, Safety and Welfare Items

Resolution – Support of Radar Bills

Motion by Mr. Hannan and seconded by Mrs. Gibbons to adopt the resolution in support of Senate Bill 1340 and House Bill 1272 enabling all Municipal Police to use the same motor vehicle speed-timing equipment as the Pennsylvania State Police. Motion Carried 6 – 0. Council Members Dixon, O’Brien and Pape absent.

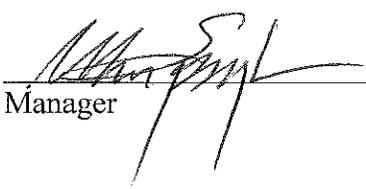
#### **PUBLIC WORKS AND MAINTENANCE ITEMS**

22. Public Works and Maintenance Items

No Items

23. Adjournment

Motion and second to adjourn at 8:24 P.M.

  
Manager