

MUNICIPALITY OF BETHEL PARK

MINUTES OF REGULAR COUNCIL MEETING

Date: June 13, 2016

Time: 7:30 P.M.

Location: Municipal Building

1. Roll Call

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

Absent: Council Member 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

An Executive Session of Council was conducted on Monday, May 23, 2016 for personnel discussion and on Monday, June 13, 2016 for Police and personnel matters.

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 said that Summer Reading programs began for all ages. This year's summer reading theme focuses on health, fitness, fun and games. Programs include Makerspace – Stop Motion Animation; Imagination Yoga; Science of Sports; Little Chef's Cooking Class; Body System Breakdown; and Comedy Workshop for Teens. For Adult programs, you can register online or in person. You can submit an entry for each book read or listened to for a weekly

drawing for a \$25 gift Card. The Grand Prize for adults is a Fit Bit, with the drawing being held on August 8th.

Other programs of interest are Car Insurance 101 on Saturday, June 18th at 11:00 a.m., presented by Walter Jackson, personal insurance consultant. Planning for Children with Special Needs will take place on Saturday, June 25th at 11:00 a.m. presented by Mark Weightman, Registered Representative of Western & Southern Life.

The current fundraising this summer is for an Xbox One and a Kindle Fire. Donations are \$1 per entry with the drawing to be held on Monday, August 8th.

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. You can also follow the Library on Facebook or Twitter.

5. Police Chief's Report

Chief O'Connor wished everyone a safe summer season on behalf of the department. He announced that Jeez, our new Canine Officer and his handler, Officer Carey Ellwanger, will graduate from their training program on Friday, June 24th.

He reminded everyone that there is no Crime Watch meetings being held in June or July.

You can following 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 May. He announced that the Grand Opening event at the new Bethel Park Fire Station on Brightwood Road will take place on Saturday, June 18th beginning with the ceremony at 10:00 a.m. Open House will run thorough 4:00 p.m. with tours of the new facility. He welcomed everyone in the community to stop by. There will be refreshments and raffles including a gas grill. Bethel Bakery is raffling off a gas grill with the proceeds going to the fire company.

He said that the fire company is always looking for new members. Information can be obtained and application are available on their website by clicking on the volunteer button or you can stop by at the station on Monday evenings when they hold their meeting and have training sessions. Also, donations are always welcome.

7. Mayor's Report

Mayor Allen reminded that on Tuesday evening the Farmers' Market takes place at St. Thomas More from 3:00 – 7:00 p.m.

He said that the Military Banners have all been installed. The Banner Locater is currently on the American Legion and the Bethel Park websites.

Mayor Allen presented the State of the Municipality address:

“Mr. President. It is my honor and privilege to provide the annual “State of the Municipality” as required by our Home Rule Charter. I would like to begin by recognizing and commending the Council, the Municipal staff, the Police Department, the Volunteer Fire Department and the Emergency Medical team for all their hard work and dedication to this community. In addition, I must also mention the men and women that serve on our various boards, commissions and authorities. These people serve by appointment of Council and for the most part, their pay is our gratitude and the good feeling they get serving in the community. I am pleased to report again that this year, the auditing firm of Maher Duessel has completed the Municipal Audit and report that “We noted no matters involving internal control in its operation that we consider to be reportable conditions under established standards by the American Institute of Certified Public Accountants.” The Financial Department, like all departments, continually seek ways to be more efficient and readily accept the advice and recommendations of the auditor on matters that are beneficial to the people of Bethel Park. Thank you Joe and your staff.

Bethel Park continues to be a hot spot for new businesses and developers. Many people consider us to be a maturing community and in many respects that is true. However, it is important to consider that while Bethel Park continues to grow with new developments, it is also very encouraging to know that we have significant new redevelopments in our town. 2015 was a good year for new developments that included Spoonwood and Cool Springs. New Commercial Developments include Rite Aid at Clifton and McMurray Roads between Al’s Café and Washington School; Cool Springs Retail, including a Mexican restaurant; D&J Storage Facility on Industrial Boulevard; YMCA ground breaking this past spring that will be completed next spring; Millennium Shops are finished; and old Hollywood Video is opening soon in the near future. 2016 will be another good year with residential development, Bethel Park Retirement Community on Keystone Drive, the old Logan School with 132 units; Cool Springs Assisted Living with 138 units; Cool Springs Carriage Homes with 23 townhomes; Artis Senior Living, which is the old Knights of Columbus, with 72 units; Willow Terrace, a single home development with 25 homes.

Perhaps the largest project that we will be completing in 2016 is the Bethel Park Volunteer Fire Department’s new home. The Open House for the fire department is Saturday, June 18th.

I believe that we as a Council and staff must continue to have the vision that Bethel Park will always be a work in progress and it is our responsibility to walk that delicate line between development and protecting our residents and our neighborhoods.

So, Mr. President, it is my observation and my opinion that the State of the Municipality is going strong in all areas. I think that it continues to go forward and we are positioned to adequately meet our immediate and future challenges.

Bethel Park continues to be blessed in so many ways. Thank you.”

Mr. Moury followed up the Fire Chief’s announcement about the Grand Opening by stating that parking will be tight, so residents can use St. Valentine parking lot and the rear lot on Park Avenue. Please come early and be cautious where you park.

8. Approval of Minutes

Regular Council Meeting Minutes of May 9, 2016.

Motion by Mr. Hannan and seconded by Mrs. Gibbons to approve the Regular Council Meeting Minutes of May 9, 2016. Motion Carried 8 – 0. Council Member Pape absent.

9. Public Hearing Minutes of April 25, 2016 – Application No. 2016-0127 – Transfer of Liquor License.

Motion by Mr. Hannan and seconded by Mrs. Gibbons to approve the Public Hearing Minutes of April 25, 2016, Application No. 2016-0127, Transfer of Liquor License, 301 South Hills Village. Motion Carried 8 – 0. Council Member 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 #061316 in the amount of \$1,092,306.76. Motion Carried 8 – 0. Council Member Pape absent.

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

None

GENERAL POLICY AND FINANCE

12. Citizens’ Comments – General Policy and Finance Items

None

13. General Policy and Finance Items

Ordinance – Bethel Park Police Pension Plan Amendment

Motion by Mr. McLean and seconded by Mrs. Gibbons to approve an ordinance of the Municipality of Bethel Park, Allegheny County, Commonwealth of

Pennsylvania, amending the Municipality of Bethel Park Police Pension Plan to replace the current benefit for an officer killed in the line of duty with a Commonwealth-provided benefit, in accordance with Act 51. Motion Carried 8 – 0. Council Member Pape absent.

14. Ordinance – Year 2016 Administrative Salaries

Motion by Mr. McLean and seconded by Mrs. Gibbons to approve the ordinance providing 2016 salaries for the Bethel Park Management, Supervisory and other confidential employees. Motion Carried 8 – 0. Council Member Pape absent.

The following text is verbatim:

Mr. Harrison said:

“I’d like to speak to the public again tonight. Everybody knows that this is a nice new election year. Campaigning started a year ago. Next year is a local election and Council started the campaigning two weeks ago in a Committee meeting in the back room. I appreciate the Almanac addressing a couple of the issues that were discussed, specifically Councilman Colella’s comments on me and the Bethel Park Volunteer Fire Company ballot questions that were scheduled to go on the ballot. Colella remarks indicated that I was (unintelligible or unintelligible) this local Bethel Park government by the comments I make from my seat here and my reaction to that is he is entitled to his opinion. That’s absolutely contrary to the feedback I get from my colleagues at my weekly visit to Giant Eagle to do grocery shopping, when it’s not unusual for people to approach me that recognize me as a Councilman and thank me for informing them and protecting their interest. McLean then decided to spontaneously give a legalese editorial to me on the acceptability of what I call the violation of the Home Rule Charter which is our constitution of Bethel Park. His comments the best that I can understand when he said essentially mirrored our Super Lawyer McTiernan had opined on the issues. McLean often reminds us from this seat that his father was the Chairman of the Elected Home Rule Charter Commission. I also was an elected member. The unanimous agreement of a Home Rule Charter Commission member was to write the Home Rule Charter plan in plain English to keep the citizens in (unintelligible) and the lawyers out. I invite the citizens to read the Home Rule Charter, anyone competent in English will be able to understand it and understand the violation and I assume there is a copy of the Home Rule Charter in the library and she acknowledged that there is. One more time I will recite the plain English section of the Home Rule Charter that was violated. Article 11 Ordinances and Resolutions, Section 1107 Effective Date, quote “the effective date of an ordinance shall be no sooner than 30 days after its adoption or 10 days after its publication, whichever is later unless a later date is specified in the ordinance are required by the laws of the Commonwealth of Pennsylvania”. There can be no question of the intent of this section. I can speak with authority on the intent because I wrote this section of the Home Rule Charter along with many other sections of the Home Rule Charter. It begs the question, is Council ignorant of the Home Rule Charter? Or are they just incompetent? Or did they have advanced information that their butts would be covered if the violation was exposed? It is important to note that I told Council the night the ordinance was passed before we voted on the ordinance that that ordinance violated the Home Rule Charter. Obviously, they didn’t care about that fact. None of these above things, options,

that I mentioned justify Council violating the Home Rule Charter. We know Council demonstrated an element of incompetence. Passing the ordinance a month earlier would have made the action consistent with the Home Rule Charter. Specifying a November ballot date would have also been consistent with the Home Rule Charter and the November question on the ballot. We know now (unintelligible) impact on the Fire Company. The ordinance, Council placed the Bethel Park Volunteer Fire Company on the ballot was delivered by McTiernan, super lawyer McTiernan, to the election bureau twenty seven days before its effective date. Council cop-out position is that our super lawyer McTiernan and the election bureau ruled that the action was okay. These rules were after the vote, therefore the ruling did not give cover for the Council's violating the Home Rule Charter. Council approved an unnecessary Ad Hoc committee to review the Home Rule Charter. The Home Rule Charter provides means of making amendments to the Home Rule Charter and details are specifically spelled out, so there was no need for any Ad Hoc committee which cost the Municipality (unintelligible) thousand dollars to operate and then to finalize what I mentioned Moury made in the Caucus Room that he would oppose my re-election. Note that the Almanac reported the proposed contentious Home Rule Charter changes will not be considered this year. Does that mean that the Council is looking forward to Harrison not being around on the ballot? I will remind Mr. Moury several years ago, he participated in gerrymandering the ward lines to include the home of the new Bethel Park Residence in his ward and not surprisingly the new resident ran for the fifth ward council seat. I remind they employed professional signs, local calls and door-to-door visits along with Mr. Moury, the campaign failed miserably. Hopefully, Mr. Moury will have a repeat performance. They deterred my concern violated the Home Rule Charter, its six actions if unattended, grows like cancer. I will give you two examples of that (unintelligible) the national level. The Second Amendment of the US Constitution provides for a citizen to arm themselves. Contrary to the intent of the Second Amendment, the federal administration continues to try to exercise ungodly control. If the people, the citizens were not so restricted on carrying their firearm for their protection, possibly the unfortunate incident in Orlando would have been much more extensive. One has to assume no patrons in the club had a firearm to kill the bad guy. I just truly feel that if people had firearms, he couldn't have possible murdered that many people. The Tenth Amendment of the constitution reads that the power not delegated to the United States or the constitution are prohibited, (unintelligible), to the states or reserved to the state respectively or the people. These constitutional amendments have been severely violated over the years and the rate of violations have increased dramatically since the Obama administration. Can our precious nation survive this type of lawlessness by the elected officials and lawyers? I don't think so. Thank you."

Mr. O'Brien said:

"I really feel kind of embarrassed. I'm sorry Chief. This is a wonderful day, it's a wonderful month. Tainted once again for the last two and a half, three years. Sorry, I just think it is a glorious day. The fire department is excited. The people in this town are excited. The building is absolutely, drop-dead gorgeous. I didn't know how it was going to fit when I first saw the designs. How is it going to fit? Is it going to look great? It looks like it's brand new, but it looks like it's been there for a long time and the architect did a very nice job. And I even thought about such a small space. How's it going to fit? Well done. Well done to the staff, well done to the fire department. I went down with Mr. Moury and we were walking through this and making sure everything, Jerry, thank you

Jerry, for all the hard work you've done. And I just think it is a great, great day and to remember it as that. It's a great achievement of the people of Bethel Park, the fire department, this Municipal Council and Municipal staff. So, thank you everyone."

Mr. Colella said:

I'd just like to echo what Mr. O'Brien just said. The firehouse is beautiful and as we sit here month after month and for those of you that regularly attend the meeting, but those of you that also monthly tune in, it's the same speech, it's the same song and dance. As I sit here and I think of things to say to rebut Mr. Harrison, my head starts to spin and I can't even collect my thoughts because as Mr. Harrison lives in the past, continually beating a dead horse, time and time again, the remainder of this Council looks towards the future. We all are looking towards the future, and the fire house is the future, in the community the park improvements are the future. So Mr. Harrison, I could sit here and go on and on and on, but I won't waste this Council's time, I will not waste the resident's time as you have month in and month out with this continual, just time and time again, just living in the past and trying to drag people down into the mud, name calling and so on and so forth and so once again, as this Council continues to look forward and move forward, you continue to look backward and that's just not how the rest of us want to continue to operate, so that's really all I have. Thank you Mr. Moury."

Mr. Harrison said:

"I just want to tell Councilman that I don't know what motivated him to make the comments in the Caucus Room, but if he thinks that he can intimidate me, he's got a lot of learning to do. Thank you very much."

Mr. McLean said:

"I think I'd just like to take a minute and maybe explain what did motivate me to make the comments that I did in the Caucus Room that Mr. Harrison referred to. And it was nothing more than my attempt to try to explain to Mr. Harrison the legal ruling that Mr. McTiernan had provided to us three years ago. From comments Mr. Harrison made it appeared to me that he didn't quite understand what Mr. McTiernan had explained to us and Mr. McTiernan wasn't there, but being a lawyer, I was familiar with the case that Mr. McTiernan had referred to and I just took the time to explain it to Mr. Harrison. I didn't try to do it in any derogatory way. I just tried to provide him with the benefit of the explanation. I'm a little surprised that that got turned into the comments that I heard tonight from Mr. Harrison, but let me just say this maybe in closing. I'm happy any time to be associated with Mr. McTiernan and if he and I are thinking the same way, that's a pretty good verification for me. I say the same thing about my father. Happy to be associated with him any time. But it occurred to me when Mr. Harrison was speaking tonight about the name-calling that he resorts to and particularly with Mr. McTiernan and trying to label him in some derogatory way as a super lawyer and then degrade his profession, the one thing I noticed in my 30 plus year in this profession as a lawyer, when somebody resorts to name-calling, it's usually because they have the lesser of the argument. Thank you."

PLANNING AND ZONING ITEMS

15. Planning and Zoning Items

No Items

HEALTH, SAFETY AND WELFARE ITEMS

16. Citizens' Comments – Health, Safety and Welfare Items

None

17. Resolution – Municipal Police Cooperative Agreement

Motion by Mr. O'Brien and seconded by Mrs. Gibbons to adopt the resolution to allow Bethel Park Police Department to join the South Hills DUI Task Force. Motion Carried 8 – 0. Council Member Pape absent.

Mr. O'Brien spoke about Memorial Day. He said it was a wonderful day and people showed up in record numbers. He said there are so many people to thank but there is not enough time. He mentioned the people from the American Legion including Mayor Jack Allen who gave an excellent speech and George Tracey for all his work and for organizing the parade. He mentioned John Normile, Sons of the Legion, Cathy Muscato at the Community Center and the Ladies Auxiliary from the Legion, Rick and Cathy Raeder, Sharon Taylor and Caroline Briggs. He said they do all this work not for recognition, but because they believe in the cause, they believe in honoring the veterans. This includes the high school students who came and penciled in all the names on the pavers with sharpie pens to make it look good. He then mentioned Colonel William Knaus who is an amazing man who keeps giving and giving. He said Mr. Knaus's stories, insight and love are priceless and he makes everyone a better person. There are extraordinary efforts by Mr. Moury behind the scenes, as well as Mr. Hannan and Mr. Spagnol. And for the written word, Mr. McLean is usually our guy who is our speaker but could not make it that day. But he stepped up doing research and allowed us to read his written words that actually are etched into history talking about Pete Edwards and Joseph Chmelynski. And the attention given that day by Jerry Duke, Susan Dolinar, Judy Miller and Greg Miller for his exceptional focus on the details. He said that Sue and Jim Means brought their whole family to the ceremony. The Chmelynski's came from all over the country to be here, and the Kurtz family that came to remember their son. He said this weekend all came together because of several people stepping up with stories and ideas, with Jim Means' comments about Pete Edwards, from a conversation with Mr. Knaus about Joseph Chmelynski, with a flag that Gail Matus had that she wanted to dedicate to the Russell Kurtz family. He said it is truly the people of Bethel Park that made this happen, that sacrifice is meaningless without remembrance. He thanked Cathy Lordi and presented her with flowers for her help and on behalf of the dedication to Joseph Chmelynski.

Mr. Moury commented that Mark O'Brien talked about a lot of people that are involved, by he is truly the driving force behind this with all his hard work and dedication for making sure the Memorial Day Celebration happens every year.

PUBLIC WORKS AND MAINTENANCE ITEMS

18. Citizens' Comments – Public Works and Maintenance Items

None

19. Municipal Building Ramp Renovations

Motion by Mrs. Gibbons and seconded by Mr. Hannan to award the Municipal Building Ramp Renovation Project to Swede Construction Corp in the amount of \$99,775.00 which includes the base bid, Alternate Bid #1, Alternate Bid #2, Alternate Bid #3 and Alternate Bid #4. Motion Carried 8 – 0. Council Member Pape absent.

20. Beagle Drive Bridge Replacement

Motion by Mrs. Gibbons and seconded by Mr. Hannan to reject the bid received for Beagle Drive Bridge Replacement. Motion Carried 8 – 0. Council Member Pape absent.

21. SHACOG Purchasing Alliance – Winter Salt Purchase Agreement – Amendment to Articles of Agreement.

Motion by Mrs. Gibbons and seconded by Mr. Hannan to approve the Amendment to the Articles of Agreement extending the current SHACOG Purchasing Alliance Winter Salt Purchase Agreement. Motion Carried 8 – 0. Council Member Pape absent.

22. Resolution – Cool Springs Retail Development Sewage Facilities Planning Module

Motion by Mrs. Gibbons and seconded by Mr. Hannan to adopt the resolution for the Sewage Facilities Planning Module associated with the Cool Spring Retail Development. Motion Carried 8 – 0. Council Member Pape absent.

23. Adjournment

Motion and second to adjourn at 8:12 P.M.



Manager