

MUNICIPALITY OF BETHEL PARK

**MINUTES
OF
REGULAR COUNCIL MEETING**

Date: February 8, 2016

Time: 7:30 P.M.

Location: Municipal Building

1. Roll Call

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

Absent: Council Members Colella, 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; Ashley Moore, Municipal Planner

2. Pledge of Allegiance

3. Chair Announcement

An Executive Session of Council was conducted on Monday, January 18, 2016 for the purpose of Police Promotional interviews and on Monday, February 8, 2016 to discuss personnel issues.

Reports of Officials

4. Library Director's Report

There was no Library Director's report.

5. Police Chief's Report

Chief O'Connor said that he does not have a report this evening. Chief said that most people do not know that the School Guards come under the auspice of the Police Department and although Russ Posch was already honored by the Municipality, the Police Department would like to award him also. He said that Mr. Posch and his coworkers are out every day protecting the Municipality's most precious asset, the children of Bethel Park. He asked Mr. Posch to step forward

and presented him with an award for his hard work and dedication. Mr. Posch said it was a pleasure to work with such great people.

At this time, Chief O'Connor introduced three Bethel Park Police Officers that are the recipients of the 2015 Annual Bethel Park Police Meritorious Awards. The first place award went to Lt. Tim Kirsch; second place award went to Officer Colby Grubich; third place award went to Officer Sean Gorman. Awards include a framed recognition, a monetary gift and a gift certificate from Buggy Bath.

6. Fire Chief's Report

Chief David Gerber gave the fire report for the month of January.

Chief Gerber said that with snow in the current forecast, he would like to remind residents that their assistance is needed by helping to shovel snow in a three foot radius around fire hydrants.

Chief Gerber said that the new building construction is moving forward. The brickwork is being placed on the outside of the building and drywall is being installed in the interior portion of the building. May 2, 2016 is the target date for the completion of construction.

Each month, Chief Gerber gives a fire prevention tip. He said with Valentine's Day approaching, many residents like to use candles. In addition, home owners also use candles during a power outage. He reminded everyone that candles must be placed in a sturdy and secure holder and set on a solid surface. Keep candles approximately one foot away from other items and not near any curtains. Don't let candles burn too low in their container and never use candles around anyone who requires oxygen to breathe. Be sure to extinguish all candles when leaving the room or going to bed. Be sure to always have flashlights available.

7. Mayor's Report

Mayor Allen said that the Municipal Building will be closed on Monday, February 15, 2016 for Presidents' Day. There will be no delay with trash or recycling pickup that week.

The Municipality is in the process of updating their website. If anyone wants to make suggestions, please go to the Bethel Park website to the survey link on the home page to let us know how the website is working for you, what you'd like to see and what changes that could make your online experience better.

Mayor Allen spoke about last month's incident of a man who suffered a heart attack while shoveling snow. The Police who responded to the call and provided assistance, along with EMS, stayed after the person was transported to the hospital and shoveled the driveway. Mayor said with all the negative press that we hear today, it was nice to see positive attention given to our officers. Mayor presented his Make Bethel Park a Better Place awards to Officer Michael Mincin,

Officer Sean Gorman and Officer Justin Beer. He congratulated each of them and thanked them for providing Bethel Park with positive news and a good name.

8. Approval of Minutes

Regular Council Meeting Minutes of January 11, 2016.

Motion by Mr. McLean and seconded by Mr. Dixon to approve the Regular Council Meeting Minutes of January 11, 2016. Motion Carried 6 – 0. Council Members Colella, Moury and Pape absent.

9. Bills and Payrolls

Motion by Mr. McLean and seconded by Mrs. Gibbons to approve the Bills and Payrolls for the Municipality per Bill List #020816 in the amount of \$1,823,123.83. Motion Carried 6 – 0. Council Members Colella, Moury and Pape absent.

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

Gordon G. Ogle, 3505 Forest Road, volunteer for the Montour Trail, Bethel Park Branch. Mr. Ogle said that the trail was informed by West Penn Power that they intend to cut a 65 foot swallow right down the Montour Trail under their lines by removing the right hand side of the trail going down toward Logan Road. They will chemically remove stumps and plant crown vetch where there is erosion. The Pennsylvania Department of Nature and Conservation Resources said that crown vetch is an evasive plant, harmful to the environment and not good for native flowers and wildlife. The volunteers met with representatives of West Penn Power and negotiated some plantings, and the unnecessary removal of certain trees that may be in the way of power lines that will sag in the summer heat. He said they are meeting West Penn Power again on Tuesday, February 9th at 9:00 a.m. on Irishtown Road and hope they can make them understand that this is our second most important resource in Bethel Park because everyone loves the trail. By next month at this time, the trees will be gone and it will be one large scar down the middle of Bethel Park. Mr. Ogle will let Mayor Allen know what transpires after this meeting. He said that West Penn Power has the legal right to do this. Eighteen years ago, the trail entered into an agreement with West Penn Power to start the trail. They built benches, planted trees, maintained the trail and provided access for West Penn Power to drive in to maintain their lines. The JR Taylor Bridge was built and from that bridge to Limestone and Brush Run, the devastation will be even more severe. Mr. Ogle thanked Mayor Allen and Council for their time and said he would appreciate anything that can be done to assist the Bethel Park Montour Trail.

GENERAL POLICY AND FINANCE

11. General Policy and Finance Items

No Items

Mr. Harrison said that he had some supplemental comments to his comments at last month's meeting under General Policy and Finance. He said with Council approval, he would like to speak after the Health, Safety and Welfare portion of the agenda.

Mr. Hannan agreed with Mr. Harrison's request.

12. Citizens' Comments – Planning and Zoning Items

None

PLANNING AND ZONING ITEMS

13. Application No. 2015-0632 – Willow Terrace Plan of Lots, Major Subdivision, 5627 Willow Terrace Drive

Motion by Mr. Dixon and seconded by Mrs. Gibbons to approve Application No. 2015-0632 – Willow Terrace Plan of Lots, Major Subdivision, 5627 Willow Terrace Drive, in accordance with the Municipal Engineer's correspondence dated February 4, 2016. Motion Carried 6 – 0. Council Members Colella, Moury and Pape absent.

Mr. O'Brien said after last month's meeting, there was a very good and spirited meeting with the residents of Holly Hill, Willow Terrace and Mimosa. He thanked Municipal Council members James Hannan, Paul Dixon and the rest of Council and staff for making themselves accessible and answering questions. This is a plan that will move forward. It may not be accepted at first because of all of the construction, but it will be a great addition to Bethel Park.

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

None

HEALTH, SAFETY AND WELFARE ITEMS

15. Health, Safety and Welfare Items

Promotion – Police Sergeant

Motion by Mr. O'Brien and seconded by Mrs. Gibbons to promote Edward Kach to the position of Sergeant for the Bethel Park Police Department, with a start date agreeable to Police Chief Timothy O'Connor. Motion Carried 6 – 0. Council Members Colella, Moury and Pape absent.

16. Promotion – Police Sergeant

Motion by Mr. O'Brien and seconded by Mrs. Gibbons to promote Michael Dunn to the position of Sergeant for the Bethel Park Police Department, with a start date agreeable to Police Chief Timothy O'Connor. Motion Carried 6 – 0. Council Member Colella, Moury and Pape absent.

17. Promotion – Police Sergeant

Motion by Mr. O'Brien and seconded by Mrs. Gibbons to promote David Arnold to the position of Sergeant for the Bethel Park Police Department, with a start date agreeable to Police Chief Timothy O'Connor. Motion Carried 6 – 0. Council Members Colella, Moury and Pape absent.

At this time, Chief O'Connor introduced Honorable Judge Ron Arnoni. Judge Arnoni thanked Municipal Council and Mayor Allen for having been afforded the opportunity to perform the swearing-in ceremony. The Oath of Office was administered to the three new sergeants; Edward Kach, Michael Dunn and David Arnold. New badges were presented to each of the sergeants by a family member.

The following text is verbatim.

Mr. Harrison said:

“At the last meeting, I expressed my concern about the declining of our nation because of the violations in all levels of the government. The federal level, the state level, the local level. At that time, tonight, I'm just going to confine myself to the local level because of the information we just received in the last couple of days. I have alleged that there was malfeasance involved relative to the Bethel Park Volunteer Fire Company ballot question that was passed a couple of years ago. I alleged that our Super Lawyer McTiernan was complicit in the violation of the Home Rule Charter which is the Bethel Park Constitution. He ruled, after I objected to that, read a portion of the Home Rule Charter that said that the action Council was about to take was a violation of the Home Rule Charter. He subsequently ruled that it was okay because the action was an initiative ordinance. The Home Rule Charter says ordinances aren't effective until thirty days after its passage. There is no adjective in front of it. I allege that McTiernan basically added a word initiative in front of the word ordinance to justify the action that was taken. I'd heard no comments about reviewing the Home Rule Charter until after I brought this to everybody's attention. So then there was, what I consider, an unneeded Home Rule Charter committee formed and not surprisingly, one of the recommendations they're making is that the section of the ordinance that implements the thirty day period before an ordinance becomes effective, they would essentially, I don't think they had the guts to not, to take it out of the Home Rule Charter, but they took the guts out of part of the Home Rule Charter that provides that ability of the Bethel Park citizens to object to ordinances that we pass that they feel that they're not satisfied with. That thirty day clause in the Home Rule Charter has been used several times in this community in the last few

decades and the Home Rule Charter Commission suggested that every ordinance was allowed to be subjected to that scrutiny, then it would be very, it would cause a (inaudible) effect to the Municipal government. And I challenge any member of that committee to site to me specific examples where the successful use of that part of the Home Rule Charter has been implemented. It just didn't happen. The most recent use of the thirty day part of the Home Rule Charter was a couple years ago when a large tax increase was proposed. While petitions being circulated, the Finance Officer of this community, in this hall, told the public and Council that a review of the Municipal finances at that time indicated that a tax increase was not necessary. The petition committee accepted the word of the Municipality and terminated the petition campaign. But Council increased the taxes anyway. I site this example to warn the public that the Municipality cannot be trusted in similar situations. The thirty day clause must be maintained in the present form to provide the public the means to challenge ordinances that they disagree with. Thank you very much"

18. Citizens' Comments – Public Works and Maintenance Items

None

PUBLIC WORKS AND MAINTENANCE ITEMS

19. Resolution – Cool Springs Carriage Homes Sewage Facility Planning Module

Motion by Mrs. Gibbons and seconded by Mr. O'Brien to adopt the resolution approving the Sewage Facilities Planning Module associated with Cool Springs Carriage Homes. Motion Carried 6 – 0. Council Members Colella, Moury and Pape absent.

20. Resolution – Willow Terrace Plan of Lots Sewage Facility Planning Module

Motion by Mrs. Gibbons and seconded by Mr. O'Brien to adopt the resolution approving the Sewage Facilities Planning Module associated with Willow Terrace Plan of Lots. Motion Carried 6 – 0. Council Members Colella, Moury and Pape absent.

21. Resolution – Cool Springs Assisted Living Facility Sewage Facility Planning Module

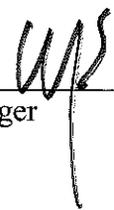
Motion by Mrs. Gibbons and seconded by Mr. O'Brien to adopt the resolution approving the Sewage Facilities Planning Module associated with Cool Springs Assisted Living Facility. Motion Carried 6 – 0. Council Members Colella, Moury and Pape absent.

22. Resolution – Bethel Park Retail Commercial Land Development (5110 Library Road) Sewage Facility Planning Module

Motion by Mrs. Gibbons and seconded by Mr. O'Brien to adopt the resolution approving the Sewage Facilities Planning Module associated with Bethel Park Retail Commercial Land Development (5110 Library Road). Motion Carried 6 – 0. Council Members Colella, Moury and Pape absent.

23. Adjournment

Motion and second to adjourn at 8:10 P.M.



Manager