

MUNICIPALITY OF BETHEL PARK

MINUTES OF REGULAR COUNCIL MEETING

Date: May 9, 2011

Time: 7:30 P.M.

Location: Municipal Building

1. Roll Call

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

Also Present: Mayor Morton; William Spagnol, Manager; Fred Wolfe, Solicitor; Judith Miller, Assistant Manager; Robert Cygrymus, Director of Community Services; Chief John Mackey; Gerard Duke, Municipal Planner; Mark Romito, Finance Director; Mike Smith, Environmental Engineer; Jean Statler, Municipal Engineer

2. Pledge of Allegiance

3. Chair Announcement

No Announcements

Reports of Officials

4. Librarian's Report

Library Director, Christine McIntosh, stated that the Bethel Park Public Library provides services to inform, inspire and enrich the community. Ms. McIntosh announced that the annual fundraiser was held on Friday, May 6. Eighty-Five people attended and the Library raised approximately \$4,000 through sponsorship, ticket sales, races and raffles. The book sale continued through the weekend.

The Library is currently seeking board members. This is an excellent leadership development opportunity for residents of the Municipality over the age of 18. They are looking for advocates who can donate approximately 2 hours per month. The Board meets one evening a month and for committee meetings as needed. People with interest and experience in fundraising or marketing can call the Library or send a letter of interest with a current resume to Christine's attention.

Upcoming programs: The Library is hosting its annual Plant Swap with the Tree Haven Garden Club on Sunday, May 22, 2011 at 12:30 p.m. in the courtyard.

Summer Reading 2011 begins on June 1, 2011. The theme is One World, Many Stories, a multi-cultural theme. You can register online beginning June 1st. This program is for children through adults. Children receive "book bucks" for reading which can be redeemed for items at the library store. Adults receive a raffle entry for each title read and are eligible for a weekly gift card drawing.

On Saturday, June 11 from 6:00 to 8:00 p.m., the Summer Reading Carnival will be held. Admission is free. There will be face painting, inflatables, games and balloon artist. Ethnic food will be available for purchase.

The annual Scholastic Book Fair will begin June 1 with the Summer Reading Kick-off and will continue until June 11, the night of the Carnival. All proceeds will benefit the library.

If you want more information on the Summer Reading Program or any other programs that the library hosts regularly, you can visit the website at bethelparklibrary.org

Mr. Moury congratulated Ms. McIntosh, the Library Board and her staff. In spite of funding cuts, Ms. McIntosh and the Board continue to find ways to fundraise and generate revenue for the Library and keep the level of service we have. Although it is easy to come back and ask Council for additional funds, they have not done that. They always look from within and he applauds them and encourages everyone in the community to attend their events and donate time because they need all the support they can get. On behalf of Council and the Community, Mr. Moury thanked Ms. McIntosh, the board and the staff.

Ms. McIntosh thanked her staff. She said she has a fabulous staff. They've tightened their belts and are doing the same amount with a whole lot less and have been able to retain all of the staff with the exception of a half of a position.

5. Police Chief's Report

Chief John Mackey began by introducing Sgt. Ron Dziezgowski and Officer Michael Dunn, as well as Tri Community South Director Nora Helfrich and John Brewer. Chief read a letter he received from Pam McCarthy, Bethel Park resident, stating that on April 18, 2011, Sgt. Dziezgowski and Officer Dunn responded to a call for a neighbor who was in cardiac arrest. The calm, caring and efficient manner in which these officers performed their life saving efforts was greatly appreciated and asked that Chief Mackey pass her thoughts on to them. Ms. Helfrich and Mr. Brewer awarded the officers with a commendation and a pin from the Sudden Cardiac Arrest Association signifying that they saved a life. Ms. Helfrich encouraged everyone to learn CPR and use of an AED. She continued by saying that Tri Community EMS was one of the first in the United States, in 1991, to be trained in the use of the AED under a grant by Dr. Mossesso and the Municipality funds that for the Police Department.

Mr. Harrison asked about the black bands on the paramedics' badges. They responded that it is in honor of a City of Pittsburgh medic who passed away.

Chief Mackey announced that the Annual Pittsburgh Steelers vs. Bethel Park Police Charity Basketball game was held on Friday, April 29, 2011, at the Bethel Park High School Gymnasium. Approximately 600 people attended and they raised over \$3,000. Proceeds will benefit the Bethel Park Police Association's Sgt. Charles Bonczek Scholarship Fund. Chief Mackey thanked those who attended, the volunteers from the Bethel Park School District, the Magistrate's office and Police department for all their work

On Monday, May 2, the Police Department held two Crime Watch meeting. They are making an effort this year to reinvent and reinvigorate the Crime Watch program to where it was years ago. Approximately 230 residents attended the two meetings; 160 of them signed up as a volunteer or captain. More volunteers are needed. Another Crime Watch meeting will be held on Monday, June 13, 2011, at 6:30 p.m. at the Community Center.

Bethel Park Community Day and Police Pals Day at PNC Park is Sunday June 5 at 1:00 when the Pittsburgh Pirates play the Philadelphia Phillies. There is an order form for tickets in the Chronicles or on the Bethel Park website.

Last meeting, Chief announced that the week of May 15 through 21, 2011, is Police Memorial Week. He hopes to see blue ribbons tied on car antennas, rear view mirrors or door handles. Chief Mackey encouraged residents to obtain a blue ribbon. They are still available at Evey Hardware, Eat 'n Park on Route 88 and Skip Young's Auto Repair on South Park Road at Drake Road. Bethel Park Police Department lost two officers in the line of duty. Officer Joseph Chmelynski died the 1940's and Detective Lynne Sutter died in the 1990's, their names appear on the memorial outside

Last Saturday, April 30th, the Police Department participated in the second Drug Enforcement Administration's National Drug Take-Back Day at the Community Center which was very successful. Many residents brought unwanted or expired medications (pills and capsules only) to the Community Center. They were turned over to the Drug Enforcement Administration and disposed of safely. He encouraged residents not to wash medications down the sink or flush any medications because it is not good for the environment. Due to the success of this program, there may be a third event in the near future and, in addition, the Drug Enforcement Administration may turn the program over to the local police departments and if they do, we will continue the program in Bethel Park.

6. Fire Chief's Report

Dave Gerber, Assistant Fire Chief of the Bethel Park Volunteer Fire Company, gave the Fire Chief's Report for the month of April 2011.

Assistant Chief Gerber announced that they are now accepting 18-year olds into the Fire Department. Allegheny County's Fire Vest Program entitles new members to go to Community College and they will pay for their tuition for a 2-year program. In return for the tuition, the volunteer must pay back five years service to their local volunteer fire company. If anyone is interested in this program, there will openings next spring. Applications are due in September. On the website, go to bethelparkvfc.com and view the information or call the station.

A junior program for 16- and 17-year olds is in the works. They are getting close to running this through membership and having it voted on.

The first letter for fundraising has gone out. If you have a donation, please mail it or drop it off at the station, or you can donate on-line with a credit card.

Two weekends ago, firefighters were stationed at Corrigan Drive at South Park Road collecting donations. Thanks to all for the good response.

All money collected is going to the new fire engine which is currently being built at a cost of just under \$700,000.

He mentioned that the fire company just spent \$35,000 to install computers into the rigs that have global mapping and GPS which will aid in locating hydrants and homes.

If anyone would like to see any of this new equipment, please feel free to stop at the station.

Mr. Harrison asked if the fire department would like to make arrangements to do a presentation for the scouts to seed their minds about the fire program.

Assistant Fire Chief Gerber replied they would be happy to so. He said he spoke with some members of Council about their staffing problems as far as volunteers, and also spoke with the school through Officer Modrak in an attempt to speak with students.

Mrs. Gibbons asked if the fire company recharges fire extinguishers.

Assistant Fire Chief Gerber said they do not. There are companies in the Yellow Page that can do that for you.

Mrs. Gibbons then asked how to properly dispose of old fire extinguishers.

Assistant Fire Chief Gerber said that they can be thrown away but must first be discharged.

7. Mayor's Report

Mayor Motion began by commending Tri Community South EMS for recognizing the Police and for the work they do. This is EMS month and he wanted to recognize them.

Mayor Morton announced the ninety-plus birthdays for May.

Mayor Morton also mentioned that the new Farmers' Market banners have been hung throughout Bethel Park. He wanted to commend the Recreation Department for designing the banners and Public Works for having them put up.

He then showed a picture of the special banner designed for the Bethel Park 125th Anniversary Celebration. These banners are being sold to merchants for \$200. They will be up all summer and in October, they will be given back to the merchant who purchased them. He commended the committee for their work.

Nora Helfrich then spoke about EMS week. This year it is the week of May 15th and they will have the annual golf outing on May 26th to raise funds for their training center. Last year, they trained over 17,000 people. She just returned from a reimbursement seminar in Harrisburg where the EMS Director for the state of Pennsylvania asked to come and do a ride-along with Tri Community's service. She went to the State Capitol to petition funding for EMS. EMS depends on donations and subscriptions and third-party billing. This year's subscription rate is down. The single largest donation was made recently to Tri Community by a family in Bethel Park because they saved their daughter's life. The daughter also made a donation. \$1,150 was donated in total. EMS averages 20-25 calls per shift and runs almost 7,000 emergency calls per year. Support is greatly appreciated.

During EMS Week, on Saturday, May 21st, they are doing EMS Academy, an idea from John Bower, by hosting an EMS Mimi Academy for students 12 years of age or older. The students will go through a day in the life of a paramedic and John is going to teach them basic CPR and the equipment and what a paramedic does. To attend, you must call the EMS base and set up an appointment. This program is limited to 50 people.

She then mentioned that 67% of Bethel Park's population is senior citizens. Most elderly must take care of their spouse or their parents. The State EMS Director asked if they are interested in adopting one family, so they are looking for people to donate their time to help these people who need assistance with groceries or medicine.

Mayor Morton apologized for not preparing a proclamation for EMS this year, but will not forget next year.

Mr. Harrison asked how many people signed up for EMS.

Ms. Helfrich replied 22% of the Municipality, a decrease from previous years.

Mr. Harrison asked if she had any idea why.

Ms. Helfrich replied that people are under the misconception that health care insurance pays 100% for EMS service. It does not. Many people cannot afford health care insurance. Many people are unemployed.

Mr. Harrison mentioned that, like the fire company, EMS responds to any call. He stated that when people sign up, they provide information on supplementary insurance. He then asked if EMS is successful in recovering monies from insurance companies.

Ms. Helfrich replied no. The average ambulance bill is \$1,000. If they bill Medicare, they get \$332. A certain insurance company mails the check directly to the patient who will cash the check and not forward the money to EMS. Thousands of dollars are not being recouped by EMS. Patients have been taken to the magistrate's office and through criminal court. EMS survives strictly on donations. They have spoken to district attorneys to see what can be done about this.

Mr. Harrison would like the public to understand that EMS survives on memberships and donations. Without public support, this service can disappear or our taxes will go up tremendously.

Ms. Helfrich stated that, like the Library, the funding has been cut to the Municipalities, which is why many EMS services are going out of business.

Mr. Moury then commended Nora and the entire staff of Tri Community. It has been eleven years since the Municipality has made a contribution to the system.

8. Approval of Minutes

Regular Council Meeting Minutes of April 11, 2011.

Motion by Mr. Allen and seconded by Mrs. Gibbons to approve the Regular Council Meeting Minutes of April 11, 2011. Motion Carried 9-0.

9. Bills and Payrolls

Motion by Mr. Allen and seconded by Mrs. Gibbons to approve the Bills and Payrolls for the Municipality per Bill List #050911 in the amount of \$1,076,445.76. Motion Carried 9 - 0.

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

Richard Chongaway, Eighth Ward, Bethel Park gave comments and asked questions to Municipal Council, Mayor and the Municipal Manager on various municipal, signage ordinances, trash and park issues.

GENERAL POLICY AND FINANCE

11. Citizens' Comments – General Policy and Finance Items

None

12. General Policy and Finance Items

Resolution – Right-To-Know Law/Open Records Officer

Motion by Mr. Hannan, Seconded by Mr. Allen to amend a resolution designating an Open Records Officer and providing for the posting of information pertaining to requests for public records at the Municipal Building and on the Municipality's website as required by Pennsylvania's Right-To-know Law. Motion Carried 9 – 0.

PLANNING AND ZONING ITEMS

13. Citizens' Comments – Planning & Zoning Items

James McCormick, Attorney representing Sheetz, Inc. Mr. McCormick introduced himself and mentioned that there are people with him from Sheetz. He had no presentation, just wanted to make himself available to answer any questions.

Lori Wasko, 4533 Mollenauer Street, Bethel Park, PA. She does not approve of the Sheetz convenience store, gas station, car wash being built on Hillside Drive and Library Road. There are other local residents that do not welcome this development although it is zoned for this type of establishment. She visited neighbors for their opinion and collected almost 100 signatures of people on Mollenauer Street, along Library Road, Ridgeway and Robert Drives who oppose this type of business. At one time a male and female called residents regarding this subject, she was not involved with that. The reason for opposition is because of noise, traffic congestion, bright lights, potential crime and environmental and health risks. She refused to sign a petition a while back regarding a traffic light that was to be installed if a convenience store was going there. She was told there would not. An office building with traffic from 9:00 a.m. to 5:00 p.m. in that area would be preferred. This store would be too close to residential property and traffic problems along Library Road with a traffic signal would have people backed up in both direction. There are tire skid marks over 20 feet long at that bend. There have been many accidents at that bend over the years. Road safety is of great concern to the folks in that area. She spoke with Sheetz home office and was told that not all Sheetz stores are open 24 hours and asked that Sheetz consider scaling back their hours of operation and not be open 24 hours.

14. Planning and Zoning Items

Application #2011-0155 – Sheetz – Rt. 88/Library Road, Major Land Development, 4599 Library Road, Sheetz, Inc., Applicant

Motion by Mr. Dixon, Seconded by Mr. Allen to approve Application #2011-0155 – Sheetz, Major Land Development, 4599 Library Road, Sheetz, Inc., Applicant, in accordance with the Municipal Planner’s correspondence dated April 21, 2011. Motion Carried 9 – 0.

A discussion on Motion ensued between Council Members Harrison and Dixon. Mr. Duke was asked to give an explanation of these applications.

Verbatim text – Municipal Planner Gerard Duke

Mr. Duke said:

“What we have before Council is two applications. One is for the actual land development which is for the placement of a Sheetz restaurant, convenience store. The size is 6,591 square feet. There will be a restaurant within it which will contain 43 seats, a one-bay car wash and 7 gas islands. This is all permitted use by right within C-2, which is the general commercial use zoning district.

When an application such as this comes forward, the Planning Commission looks at all the information that is submitted along with staff, being the Engineer, the Code Enforcement Office and myself, and we give our recommendation to the Planning Commission which then turns and gives the recommendation to Council. In the review, the items that are presented on the plan, as presented by Sheetz, meets our requirements for the ordinance. As Mr. Dixon pointed out, if you are going to deny an application, you do have to give a certain clause or certain section of the ordinance in which they do not meet or they fail to meet. In this review, there is actually one situation, one thing that was presented but was an outdoor seating area that they presented which was 200 square feet, is what our regulations allow. They had two, 200 square feet. They went for their variance request on that and they did not receive that. Their plans reflect now the one 200 square foot, which meets our requirements. So, in essence, the plan as submitted does meet our requirements for a land development. Also, within that, there are certain jurisdictional approvals that are outside the realm of the Municipality. If this development was entirely having access on a Bethel Park street, we could control the actual access and egress and traffic improvements. This, as you know, is on 88. For those who don’t know where the site is, is actually the old Columbia Gas site on 88. That access is to be at a point coming out on Hillside Drive. Their traffic impact study basically shows there will be a widening of the road of 88, also widening of Hillside Drive and the installation of a signal. Our traffic engineer has looked at the study, they’ve agreed with the assessment of the traffic engineer for the developer, but we don’t approve it. In the end, it is going to be PennDOT who’s going to be making the final call on whether the signal, the lane improvements to 88 and such is going to be involved. Therefore, one of the requirements that we have with this development, as with any other development, is that they must receive their permit from PennDOT. So, again, Mr. Dixon, your question of where does it stand with the PennDOT application, they are actively seeking information from PennDOT. They have been meeting with PennDOT on how to meet the requirements and I believe they will be putting forward an

application at which point it will be determined whether they get their permit or not. As such, our application for the land development is saying if it meets the requirements, they get the permits, and then they can move forward. If not, then they may have to come back to Bethel Park if there is no permit issued on PennDOT's side. Again, there are two applications. The first is the land development, which is the actual development of the lot itself, and the second application is actually creating the lot, making the one lot which is two acres out of the six acres, so there will be a development of two acres plus another remaining area which may be developed for retail use or such for the remaining four acres. In their traffic study, they indicated the whole site being developed and that is what they are pursuing with PennDOT is the whole development of the property.

The question on the 24-hour operation, we do not have a time restriction within the C-2 district for time of operation. Within the C-1 neighborhood commercial district, there is a restriction. There is not a 24-hour operation allowed. The C-2 will allow you to have a 24-operation if you so choose. The choice of whether they want to do that is totally on each individual within that district.

They also have to meet an outside agency from the Soil Conservation District. Again, it is contingent that they meet that, as well."

More discussion was held by Mr. Dixon and Mr. Harrison.

15. Application #2011-0360 – 88 Investors, L.P, Plan #1, Major Subdivision – 4599 Library Road, 88 Investors, L.P. and Sheetz, Inc., Applicants

Motion by Mr. Dixon, Seconded by Mr. Allen to approve Application #2011-0360 – 88 Investors, L.P., Plan #1, Major Subdivision, 4599 Library Road, 88 Investors, L.P. and Sheetz, Inc., Applicants, in accordance with the Municipal Engineer's correspondence dated May 4, 2011. Motion Carried 9 – 0.

HEALTH, SAFETY AND WELFARE ITEMS

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

None

17. Health Safety and Welfare Items

Permanent Status – Sergeant Ronald Dziezgowski

Motion by Mr. McLean, Seconded by Mr. Allen to appoint Sergeant Ronald Dziezgowski permanent appointment to the rank of Sergeant with the Bethel Park Police Department, in accordance with the Police Chief's correspondence dated April 20, 2011. Motion Carried 9 – 0.

18. Action on Letter of Intent – Department of Community and Economic Development

Motion by Mr. McLean, Seconded by Mr. Allen to approve a Letter of Intent by and between the Municipality of Bethel Park and the Department of Community and Economic Development with regard to the request for assistance with various technical matters, and if approving, authorize the appropriate Municipal official to execute said document. Motion Carried 9 – 0.

Mr. McLean mentioned that a couple of months ago, we noted that our Municipal Council meetings are on YouTube. In addition to that, effective May 1, 2011, all BPTV programming will be put on YouTube. This is important to folks who have satellite or Dish Network and don't have direct access to the Cable. Also, there is a link to YouTube on the Bethel Park website.

PUBLIC WORKS AND MAINTENANCE ITEMS

19. Citizens Comments – Public Works and Maintenance Items

None

20. Public Works and Maintenance Item

Highland Road Bridge Rehabilitation Project

Motion by Mr. O'Brien, Seconded by Mr. Allen to award the Highland Road Bridge Rehabilitation Contract to Rhino Construction, Inc., in the amount of \$137,930.00, in accordance with the Municipal Engineer's correspondence dated May 3, 2011. Motion Carried 9 – 0.

Mr. O'Brien announced that Memorial Day festivities start at the Municipal Building on Monday, May 30, 2011 at 10 minutes to 8 in the morning. The parade starts at approximately 9 am. Immediately following is a service at the Bethel Presbyterian Cemetery.

21. Adjournment

Motion and second to adjourn at 8:37 p.m.

Manager