

MUNICIPALITY OF BETHEL PARK

**MINUTES
OF
REGULAR COUNCIL MEETING**

Date: November 10, 2014

Time: 7:30 P.M.

Location: Municipal Building

1. Roll Call

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

Absent: Council Member Pape

Also Present: William J. Spagnol, Manager, Mayor Jack Allen; Judith L. Miller, Assistant Manager; Robert L. McTiernan, Solicitor; Gerard Duke, Director of Community Services, Chief David Rogan; 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

Mr. Moury announced that an Executive Session of Council was conducted on Monday, October 27, 2014 to discuss Police personnel issues and on Monday, November 10, 2014 to discuss Police and personnel issues.

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 announced the current programs at the Library. The Town Hall Speaker Series will be held on Wednesday, November 19, 2014 at 7:00 p.m. at the Community Center. The speaker will be Mr. Rick Sebak. This event is sponsored by the Library and the Recreation Department. Mr. Sebak will speak about his experiences making the documentaries celebrating the unexpected

charm of Pittsburgh. The event is free and open to the public. No registration is necessary.

Computer classes for small groups or one-on-one are available at the library. There are Book Groups for every taste. The Youth Programs include Pop-Up Cards, which is a 4 week program. The Readers' Theatre Group will visit senior care facilities to perform. Little Hands Art and Mutt-i-grees Club, a National initiative to raise awareness on shelter pets, are also taking place at the library.

A Night of Comedy was hosted on November 1, 2014, with over 200 attendees that raised \$3,800 to be split between the Library and the Recreation Department. Additional fundraisers include a month long raffle for \$5.00 each which is determined by the PA Daily three-digit number drawn at 7:00 p.m. Tickets can be purchased at the library.

Also, there is a fundraiser called Amazon Smile where one-half of 1% of your purchase can be donated to the Library. You can access the program by visiting the site at www.smile.amazon.com and choosing the Public Library Association of Bethel Park.

Ms. McIntosh announced that the Library will close at 5:00 p.m. on Wednesday, November 26, will be closed on Thursday, November 27 for Thanksgiving and will reopen on Friday, November 28 at 9:00 a.m.

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 Rogan announced that applications are available for both the Citizen's Police Academy and the Law Enforcement Apprenticeship Program. These are 12-week programs beginning on January 14, 2015.

The annual Food Drive will begin on December 1 and run through December 17. The Food Drive sorting will be held on December 17 at the Community Center beginning at 8:00 a.m. Please contact the Crime Prevention Office for more information on these programs and how you can help.

Chief Rogan presented Plaques of Appreciation to four businesses that have generously worked with the Police Department on many of the programs in the community. Plaques were presented to Ray Piaquadio of Pasta Too who has helped with the Citizens Police Academy Dinner as well as supporting many of the safety programs. An award went to Ada Goughnour of Walmart of Bethel Park who helped with funds for the Police Pals Steelers Basketball game, the food drive, Adopt a Family Program and many other Police Pal Programs. In addition, Walmart sponsored two \$2,500 grants to fund some of the projects. An award went to Mike Ackermann of Pepsi Corporation who sponsored the Police Pals Steelers Basketball game for the past five years and supplied all the drinks as well

as sponsoring many other events. The final award went to Julia Reusch of Allstate Insurance who has formed a safety partnership with the Bethel Park and Mt. Lebanon Police Departments. Allstate also assisted in the purchase of a speed timing trailer and provided the use of the driving simulator at the high school on Community Day. Ms. Reusch said that Allstate selected Bethel Park to work with after looking throughout Pennsylvania and New England and they are grateful to all of the officers, most especially Tom Rigatti, for help with the programming.

6. Fire Chief's Report

Chief David Gerber gave the fire report for the month of October. In addition, he gave a breakdown of the number of hours that it takes in a month to run the volunteer fire company, including training, all of which is done by volunteer fire fighters.

Chief Gerber thanked those who attended this years' Oktoberfest which was held at the Community Center on October 18. Hopefully, this event will be bigger and better next year.

Chief Gerber said the fire company is selling a year-long raffle calendar for 2015 for \$25 each. You can purchase a calendar at Evey Hardware, Bethel Park Printing or from a local fireman.

He reminded everyone to be sure to use the properly rated outdoor lights and extension cords when decorating for the holiday season. Indoor lights and extension cords are not recommended to be used outside. He also mentioned that you should not connect more than three strands of lights together and do not leave the lights on overnight.

Mr. Harrison mentioned that Valley Drive has been closed and he's received calls from residents who were not informed by the Swift Reach call. He said he believes the reason is that residents, who have eliminated their land lines and only use cell phones, have not registered their numbers with the Police Department.

Mr. Moury concurred with Mr. Harrison and stated that we will place information in the December Chronicles advising residents how to properly register their new phone numbers with the Police Department Swift Reach program.

7. Mayor's Report

Mayor Allen thanked Ada Goughnour of Walmart for helping with the American Legion by letting them use their store entrance for the annual Poppy Day.

Mayor announced that the annual Bethel Park Tree Lighting Ceremony will take place on Wednesday, December 3, 2014 at 6:45 p.m. at the Community Center. There will be refreshments and entertainment, with the tree lighting to take place at 7:00 p.m.

Also, he mentioned that the annual House Lighting and Decorating Contest will take place this year. More information will be placed on BPTV.

Mayor said that he will be visiting retirement centers on Veterans' Day to meet and talk with veterans and suggested that anyone who has the time should stop by a retirement facility to speak with and thank the older veterans who reside there.

Mayor Allen then introduced members of the Bethel Womans Club and presented them with the Mayor's monthly award, the People who make Bethel Park a Special Place. The Club began in 1941 at the building at the corner of Lytle and Brightwood Roads. They currently meet at the Christ United Methodist Church. Throughout the years, the Club has raised money for projects including the Bethel Park Police Department, Police Pals, the Community Center, Meals on Wheels, the Red Cross, college scholarships, among others. Mayor stated that the most dear to his heart is the work the Club did in the planning of the Veterans Memorial. Pat Griffith, President of the Bethel Womans Club, spoke about their work through the years and plan to continue for years to come. She thanked everyone for the award.

8. Approval of Minutes

Regular Council Meeting Minutes of October 13, 2014.

Motion by Mr. Hannan and seconded by Mrs. Gibbons to approve the Regular Council Meeting Minutes of October 13, 2014. Motion Carried 8 – 0. Council Member Pape absent.

9. Public Hearing Minutes of October 27, 2014 – 2015 Municipal Budget

Motion by Mr. Hannan and seconded by Mrs. Gibbons to approve the Public Hearing Minutes of October 27, 2014 – 2015 Municipal Budget. Motion Carried 8 – 0. Council Member Pape absent.

10. Public Hearing Minutes of October 27, 2014 – Cool Springs Golf Center Redevelopment, Conditional Use

Motion by Mr. Hannan and seconded by Mrs. Gibbons to approve the Public Hearing Minutes of October 27, 2014 – Cool Spring Golf Center Redevelopment, Conditional Use. Motion Carried 8 – 0. Council Member Pape absent.

11. Special Meeting Minutes of October 27, 2014 - Cool Springs Development Application

Motion by Mr. Hannan and seconded by Mrs. Gibbons to approve the Special Meeting Minutes of October 27, 2014 – Cool Spring Development Application. Motion Carried 8 – 0. Council Member Pape absent.

12. Bills and Payrolls

Motion by Mr. Hannan and seconded by Mrs. Gibbons to approve the Bills and Payrolls for the Municipality per Bill List #111014 in the amount of \$1,474,414.23. Motion Carried 8 – 0. Council Member Pape absent.

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

Beverly Moot, 5990 McPherson Avenue, spoke that since the house fire on McPherson Avenue five weeks ago that flooded her home, she still has no resolution to take care of the damage. She made and received numerous phone calls to the insurance company of the fire department and her homeowners. The adjuster estimated the damage at \$9,000 before depreciation. Even though the insurance company determined that the water overflow was from a water tanker, they are not liable as they consider this a flood. She was told that the fire company's insurance agent is working with the homeowners insurance to come to a settlement but that cannot happen until a cause for the fire is determined which may take until the first of December. The injured party must give up many hours of their time to hopefully come to a resolution. And when the time comes to sell your home, you must disclose the water damage and must prove that the problem was properly repaired by a certified restoration company. She is asking for Council's help to provide some protection for other homeowners of Bethel Park should this situation ever occur again. With the newly created dedicated tax for the fire company, she suggests that some of that money be earmarked to purchase a rider to the current policy. She said, as she stated last month, that this situation was totally preventable as her husband told the firefighters more than once that water was flooding their yard and something should be done to divert the water flow. Only one man helped.

Pauletta Beehler, 134 Meadowbrook Drive, stated her concerns about the Home Rule Study Commission. Some issues were raised at a previous Council meeting so she thought she'd attend the first meeting of the Commission. She asked at the Cable office if anyone was taping the meeting and found out it was not being taped. She came to the building only to find no meeting and later found out that it was held in the Caucus Room at a different time than she thought. As a resident, she is concerned about some issues and some conduct that she found offensive. She said this sent a message to her that there are some pre-conceived rules based on who is on the committee and that there are five council members on the committee with is a majority. She would like to meet or speak with someone to get answers to her questions and find out what is the impetus behind this because she feels like residents are being hijacked. She also thinks the meetings should be televised.

Mr. Harrison said:

"I would like to thank Ms. Beehler for bringing up the point that I made that when you have five Council members on that committee, the deck is stacked and I think that is very bothersome. The other point that I made before and I'll just reiterate is that this committee is not needed because the Home Rule Charter specifically

outlines how to make changes to the Home Rule Charter and that part of the Charter has been used four times since its initiation. It's a bunch of (unintelligible). Thank you."

Mr. McLean said:

"Pauletta, let me address a couple of things you addressed directly. One, as you may know, I am the Chairman of the committee that's been formed at the request of this Council to look at the existing Home Rule Charter. In that capacity, I apologize if you sought to come to our first meeting in October and weren't able to find us. We were meeting in the Caucus Room right back here which is where our committees always meet, and that's where our meetings will be in the future except when we hold Public Hearings, when we hold Public Hearings, which we are planning to do, they will be in this room. Our meetings are advertised. You can currently find them on the website. There is actually a link on the website for the Home Rule Study Committee. It has, not only the dates and times and locations of each of the meetings, there is also a Q&A of the kinds of questions that people like yourself and other people in the community would likely have about the committee, why was it formed, who are the members of the committee, how are we going to proceed to take a look at the Charter and all of that is explained. But you are certainly and anyone in Bethel Park, is certainly welcome to attend any of the meetings, in fact our intent behind the formation of this committee was to gather as much public input as we could. There are five members of Council because five members of Council expressed an interest in being involved in participating and coming to the meetings. We have six members who are not members of Council. That includes some former council people, they include other people who are involved in the community, including our librarian who is also a member. The idea is to draw as many comments. We can, as a Council, as Mr. Harrison indicated, just go off and adopt our own ordinance and propose changes to the charter, but we didn't want to do that in this case, this is intended to take a look at the entire charter after 35 years of it being in use and just see if there are any changes or ideas that people have. We wanted to draw from as wide a scope of the community as we could when we were doing that. So, that's the program, there is no agenda, there is no one that I'm aware of who is coming into this process with an intent to make any specific change or proposal. They will all be raised and discussed as we go through the whole process. Everyone's participation is welcome, as is yours and if you remain a little skeptical, that's ok, you can come to the meetings and we will continue to talk until we get through the process. Hopefully I addressed some of your concerns but I am also happy to talk with you at any time about it. My email and phone number are on the website. You can get them any time and hopefully reach out."

14. Citizens' Comments – General Policy and Finance Items

None

GENERAL POLICY AND FINANCE

15. General Policy and Finance Items

Ordinance – Tax Rate for Fiscal Year 2015

Motion by Mr. McLean and seconded by Mrs. Gibbons to approve the ordinance setting the 2015 fiscal year tax rate in the amount of one and ninety-eight hundredths (1.98) mills on each dollar (\$1.00) of assessed valuation for general municipal purposes and an additional thirty-four hundredths (.34) mills on each dollar (\$1.00) of assessed valuation for the provision of funding to Bethel Park Volunteer Fire Company and costs associated with the same. Motion Carried 8 – 0. Council Member Pape absent.

Mr. Moury said in short, the tax rate will remain the same.

16. Ordinance – Year 2015 Budget

Motion by Mr. McLean and seconded by Mrs. Gibbons to approve the ordinance enacting the year 2015 Budget for the Municipality of Bethel Park. Motion Carried 8 – 0. Council Member Pape absent.

17. Jordan Tax Contract

Motion by Mr. McLean and seconded by Mrs. Gibbons to approve an extension of the current Jordan Tax Contract through December 31, 2016. Motion Carried 8 – 0. Council Member Pape absent.

18. Change Order – Demolition Contract for the Bethel Park Volunteer Fire Company, New Fire Station

Motion by Mr. McLean and seconded by Mrs. Gibbons to approve Change Order No. 1 in association with the Demolition Contract for the Bethel Park Volunteer Fire Company, New Fire Station, in the amount of \$16,070 to AW McNabb, LLC, in association with the Project Architect's correspondence dated November 6, 2014. Motion Carried 8 – 0. Council Member Pape absent.

19. Resolution – Authorizing Transfer of Real Estate from Bethel Park Volunteer Fire Company to the Municipality of Bethel Park

Motion by Mr. McLean and seconded by Mrs. Gibbons to adopt the Resolution which authorizes the approval and execution of a real-estate transfer agreement authorizing the Municipality's purchase of real estate currently owned by the Bethel Park Volunteer Fire Company for a purchase price of \$385,001.00. Motion Carried 7 – 1. Dissenting vote was by Mr. Harrison. Council Member Pape absent.

Mr. Moury said this was for the acquisition of some additional properties with the construction of the new fire station not for the actual fire department property.

Mr. Harrison said:

“I feel compelled to address this issue. First a little history. As previously stated, I accused Council of being inept on the timing of the vote on the ordinance enacted to place the Bethel Park Volunteer Fire Company question on the 2013 primary ballot. Council was hell bent to place the Bethel Park Volunteer Fire Company question on the 2013 primary ballot regardless of the law for a reason or reasons which I am not aware of. I noted for the record from this dais before the vote by Council that night, that the ordinance violated the Home Rule Charter which I call the Bethel Park Constitution. Because I forewarned Council before their vote, their action may have constituted misfeasance. A couple of weeks after the vote, McTiernan issued an opinion letter that says in legal terms that the Home Rule Charter was violated by Council, but in this case the violation’s okay. I have consistently referred to this as a Philadelphia lawyer type of opinion by Mr. McTiernan. A reasonable person would think that because of the furor this issue caused, a review of all other aspects of the agreement with the Bethel Park Volunteer Fire Company would immediately be commenced to ensure no other legal entanglements. This clearly was not the case. But no one in this governing body is seems to care. A letter dated October 30, 2014 was issued by Mr. McTiernan addressing the original plan to transfer seven Bethel Park Volunteer Fire Company properties to Bethel Park for a nominal consideration of a dollar. This letter states that the fire company could convey only four of the seven of its properties could be sold for a dollar. Bethel Park would have to purchase the remaining three for a total of \$385,000. In addition, transfer taxes and so on have to be paid on all the properties. The total amount for the above consideration is approximately \$450,000. It makes one wonder if there’s any other considerations that have been overlooked. I’ll keep you informed. Thank you.”

Mr. Moury passed the gavel to Mr. Hannan.

Mr. Moury said:

“Real quick, I don’t need to address line by line. What he said, as I usually say, is simply not true. I think, well most of us, plan for the future, Mr. Harrison lives in the past. And just to correct Mr. Harrison again, I don’t believe the solicitor stated the Home Rule Charter was violated. It was all done by law with the instruction of the solicitor. Everything we did, Mr. Harrison is aware of. Once again, he lives in the past and the rest of us plan for the future. Thank you.”

20. Citizens’ Comments – Planning and Zoning Items

None

PLANNING AND ZONING ITEMS

21. Planning and Zoning Items

Resolution – Acceptance of Automated Red Light Enforcement Program Project Funding Agreement

Motion by Mr. Dixon and seconded by Mrs. Gibbons to adopt the Resolution which authorizes the Council President and other appropriate officials to execute the reimbursement agreement associated with the PA Department of Transportation Automated Red Light Enforcement Program for the traffic signal improvements located at the intersection of South Park Road and Brightwood Road. Motion Carried 8 – 0. Council Member Pape absent.

22. Resolution – Act 537 Special Study – Pennsylvania Sewage Facilities Act 2014 WWTP Upgrades Project

Motion by Mr. Dixon and seconded by Mrs. Gibbons to adopt the Resolution authorizing the submittal to the Department of Environmental Protection the Act 537 Special Study Facility Plan, as prepared by Wade Trim, Inc., recommending improvements to the sewage treatment facilities. Motion Carried 8 – 0. Council Member Pape absent.

HEALTH, SAFETY AND WELFARE ITEMS

23. Health, Safety and Welfare Items

No Items

Mr. McLean noted that he has received comments from residents that not everyone is recycling. He urged residents to recycle their items with our waste and recycling company. There is information about recycling on the website.

Mr. O'Brien said that today is the birthday of the Marine Corps. The red flags are flying at the Memorial. He is reminded of two members of the veterans committee who recently passed, Mr. Bob Bullet Daly and Mr. Leonard Anthony. Also, the flags of all the military services are displayed behind the dais this evening in honor of Veterans' Day.

24. Citizens' Comments – Public Works and Maintenance Items

None

PUBLIC WORKS AND MAINTENANCE ITEMS

25. Public Works and Maintenance Items

Resolution – CDBG Grant Application – Cherry Street Storm Sewer Construction Project

Motion by Mrs. Dixon and seconded by Mr. Hannan to adopt the Resolution authorizing the submittal of a Community Development Block Grant for the

Cherry Street Storm Sewer Construction Project. Motion Carried 8 – 0. Council Member Pape absent.

26. Adjournment

Motion and second to adjourn at 8:20 P.M.

Manager

