

MUNICIPALITY OF BETHEL PARK
REGULAR COUNCIL MEETING
October 11, 2010

	<u>No.</u>
Adjournment	16
Approval of Minutes	
Regular Meeting - September 12, 2010	8
Bills and Payrolls	9
Chair Announcement	3
Citizens' Comments - General Policy and Finance Items	11
Fire Chief's Report	6
General Policy and Finance Items	
Appointment - Seventh Ward Council Seat Vacancy	12
Health, Safety and Welfare Items	14
Librarian's Report	4
Mayor's Report.....	7
Planning and Zoning Items	13
Pledge of Allegiance	2
Police Chief's Report	5
Public Works and Maintenance Items	15
Residents' Comments - Non-Agenda Items	10
Roll Call	1

MUNICIPALITY OF BETHEL PARK

MINUTES OF REGULAR COUNCIL MEETING

Date: October 11, 2010

Time: 7:30 P.M.

Location: Municipal Building

1. Roll Call

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

Absent: Council Member Pape

Also Present: Mayor Morton; William Spagnol, Manager; Robert McTiernan, Solicitor; 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

Council President Moury asked that everyone stand for a moment of silence following the Pledge of Allegiance for George Denson who passed away recently. He was the longest serving active municipal employee and was employed by the municipality for forty three years.

3. Chair Announcement

An Executive Session of Council was conducted on September 27, 2010 to discuss police personnel issues.

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. As an update on the library's funding situation she stated that in 2010 the state cut the funding for public libraries by 22% and for 2011 they are cutting funds by another 11% resulting in a 33% cut in funding in two years which translates to a loss of \$42,000. The Regional Asset District released their preliminary budget and they level-funded libraries. However the formula used to distribute those funds has

changed. The library is fortunate that the Municipality of Bethel Park supports it very well, which was rewarded heavily in previous formulas used to distribute funds. However that has changed and is not weighted as heavily any longer so in 2011 the Bethel Park Public Library will lose \$36,000 from the Regional Asset District even though their funding total for the county libraries has stayed the same. To put that in perspective that is more than the salary of two full-time librarians. A good thing is that libraries are now eligible for table-gaming money. Preliminary estimates indicate that Bethel will receive about \$10,000 of that money. However it is unclear how and when that money will be distributed. This has caused problems in budgeting so the library has turned to fundraising. The Flower Power fundraiser raised \$343 and the Friends of the Library cookbook raised about \$1,200. The library will be hosting a fall vendor fair in November. The library has now subscribed to a universal class on-line service that offers over 500 on-line continuing education courses free to residents of Bethel Park as the library subscribes on their behalf. The cost to an individual purchasing this service would be \$179 a year. The courses range from photography and massage to more academic subjects such as micro-biology. First-time users must create an account at the library. Once registered the courses can be accessed from anywhere. One can be enrolled in up to five courses at a time. Courses can be completed in six months. There is 24 hour access. Each class has an instructor to whom assignments are e-mailed. A 70% score qualifies the student for a continuing education certificate. A high-school reading level of high school is recommended but there is no age restriction. There were 94 registered users at the end of the first week. She has received many positive comments from users. The Pittsburgh South Writers' group meets monthly. The Greater Pittsburgh Para Normal Society presents a program once or twice a year. Information on all library programs is available on the library's website at bethelparkpubliclibrary.org.

5. Police Chief's Report

Chief John Mackey stated that Trick-or-Treat would be held from 6:00 P.M. to 8:00 P.M. on Sunday October 31st in spite of the Steeler game that evening. He reminded drivers to be cautious and asked parents and children be observant when crossing streets. Bethel Park has always had very safe Halloween celebrations here and they expect that trend to continue. The police, fire department and EMS will all be out that evening to help ensure the safety of the children. He went on to say that winter is not too far around the corner and that last year we had an extremely hazardous season with all of the snow. As a result of that the police department and municipality put out several SwiftReach emergency messages. The messages automatically go out to Bethel Park residents with listed telephone numbers. Those with unlisted numbers who would like to become part of the SwiftReach notification system can register their telephone numbers on the Bethel Park website at www.bethelpark.net, click on the SwiftReach link or by calling the police office at 412-831-6800 ext 100 or ext. 104. Applications for the Citizens' Police Academy and the high school Law Enforcement Apprenticeship Program are available on the website, the school guidance office or the police department. The programs start on January 19, 2011 and run every Wednesday for ten weeks. The high school program is after school and the adult program is

in the evening. Both classes are held at the EMS facility. The food drive will run November 29th through December 15th. This has been a very successful program in Bethel Park for many years. People are always very generous in helping out those in the community that are less fortunate. There are many ways to contribute, whether it is food items, or money or volunteering time to help the officers and the children put the food together and distribute it. If interested contact Officer Rigatti at 412-831-6800 ext. 104.

Mr. Harrison said as Bethel Park residents know we have lots of areas that don't have sidewalks. He wanted to remind them to walk facing the traffic. Just tonight he had an encounter where there were cars parked and somebody in front of them walking. You can't see them until you get around the cars. It is very dangerous for people walking with the traffic as opposed to against the traffic.

Chief Mackey said that is a very good point. You can't leave it up to the driver to assume that they see you as a pedestrian. If you're walking facing traffic you also see the vehicles coming and you can move out of the way. Carrying flashlights, wearing bright color clothes and costumes without masks that inhibit a child's eyesight. Under the Mayor's Report he will be talking about another program that the police department has been involved with for a number of years that will continue and expand with the help of some very generous people.

Mr. Harrison said he wanted to mention this tonight as daylight savings time will be expired pretty soon. It will be dark when a lot of people are walking. This is even more important during standard time than daylight savings time.

6. Fire Chief's Report

Bethel Park Volunteer Fire Department Assistant Fire Chief Dave Gerber gave the Fire Chief's Report for the month of September.

He reminded those that have smoke and or carbon monoxide detectors to change the batteries even if it is a plug-in type as many of these have back-up batteries. He said there is Bingo at the fire hall on Brightwood Road every Saturday evening starting at 7:30 P.M. Attendance has been down so far this year. They feel this is due to the economy and the slot machines downtown. As much as that is helping the library it is affecting the fire department because there is not as much money coming in through the Bingos as they normally do. Donations can be made to the fire department on line: bethelparkvfc.com. There is also information on how to send a check for donations.

7. Mayor's Report

Mayor Morton announced the ninety-plus birthdays for October. He said the annual luncheon was held on October 1st. About forty-five ninety-plus seniors and their guests were in attendance. They are so appreciative of that. There were two over one-hundred years old and two that were ninety-nine years old.

He invited Deborah Luckasevic, President of the Bethel Park Community Foundation to the floor along with Library Director, Christine McIntosh and Chief John Mackey.

Ms. Luckasevic thanked the Mayor and Council Members. She presented a grant check in the amount of \$2,500 to the library for a grant request from the library for a project to provide patio equipment, picnic area and landscaping in the back of the library to be used for programming and recreation and a check in the amount of \$6,000 for a grant request from the police department for Halloween safety lights.

Christine McIntosh thanked the Bethel Park Community Foundation for supporting this and other projects that the library has brought to them. It's a great community asset and she is very proud to sit on their board now.

Chief Mackey thanked the Bethel Park Community Foundation especially for considering the safety of the children in our community. He said he would like to show what \$6,000 buys these days. He displayed one of the lights and said you can imagine how many lights they can buy with this amount of money and how many children we can help to insure their safety on Halloween. The lights have clips on the back and they ask the parents and children to clip them on the costumes. They emit a nice light in the darkness for the motoring public to see. This has been a highly successful project for a number of years and like everyone else they are dealing with limited resources so their Crime Prevention Office submitted a grant proposal.

Ms. Luckasevic added that they will be Bethel Park orange flashing lights this year and will be logoed with "Bethel Park Community Foundation" on them. She then said that the annual Bethel Bounty would be held on Sunday November 14th from 5:00 P.M. to 8:00 P.M. at the Bethel Park Community Center. This is an event where local providers of food and beverages give samples of what they have. Tickets are \$75 per couple and \$40 per individual. All of the food and services that evening are donated, so the foundation pays nothing for the food. All of the money from the tickets sold and the auction held at the event go back to the foundation. In turn they are able to provide grants similar to those done for the library and police department. Tickets are available at Evey Hardware, Bethel Bakery and any trustee. Information regarding the foundation is available on their website: www.bpcf.org.

Mr. Harrison asked if they try to recover those from the families for future use.

The Chief said they are theirs to keep and will last for a number of years.

Mr. Moury encouraged anybody who hasn't to attend the Bethel Bounty. Not only is it good food, but an opportunity to meet the people in the community. It is a great event. The foundation is always willing to help. They recently did the renovation of the Simmons volleyball court.

The Mayor seconded what President Moury said. He said it is a great opportunity to meet your neighbors and to help the foundation.

8. Approval of Minutes

Regular Council Meeting Minutes of September 13, 2010.

Motion by Mr. Allen and seconded by Mrs. Gibbons to approve the Regular Council Meeting Minutes of September 13, 2010. Motion Carried 7 – 0. Council Member Pape absent.

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 #101110 in the amount of \$772,374.72. Motion Carried 7 - 0. Council Member Pape absent.

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

Coleen Gordon, 335 Broughton Road, said her house is at the corner of Broughton and Locust. She has two young children. Her driveway is entered from Locust. She asked for an option to put out a Right Turn Only sign or some way to make that intersection safer. There have been twenty six accidents since July 1, 2004 and there have been twelve reported accidents since January 1, 2009. Twelve of those reported accidents have ended up with cars in her front yard or in her yard somewhere. Three accidents have taken out the guardrail guarding their yard. At this exact moment there is no guardrail up so if there is an accident there is nothing to stop those cars from entering her yard. There are numerous times throughout the day that she hears screeching tires and horns beating and her heart stops because she thinks there is going to be an accident. She says that she is constantly afraid that a car is going to end up in her yard. She thinks it is not too much to ask to be safe in her driveway and yard. She asked that Council consider doing something to make this intersection safer for the people living there. She presented pictures to Council.

Mr. Dixon asked Mr. Duke to comment on that intersection and the issues we've had with it.

Mr. Duke said we've had a number of issues in the past and have been looking at it with Trans Associates, our traffic consultant. The guardrail is PennDOT's responsibility. We have notified them. We will follow up with them on the status of the guardrail.

Mr. Moury asked the Chief to have traffic look at it and put in on the next agenda which would be October 25th.

Mr. Harrison asked Ms. Gordon if people are trying to use that as a shortcut.

Ms. Gordon said it is a shortcut from Paxton down to Jordan.

Mr. Dixon said the primary problem is when they come up from Paxton over Broughton and down Locust. That is where the accidents have been occurring.

Richard Chongaway, 5027 Belmont Avenue, said that he's been in communication with the Borough Manager about illegal signage in the Borough. He recently sent him a letter October 1st regarding illegal signage on public property. He received a response on October 5th saying that his concerns have been addressed. They haven't been. He's concerned about the illegal, political signage that he considers to be room-size trash. The code section 69.5, 3.5 does not give any exception to political signs where he can see it. He asked if there is some part of this code that he's not aware of and what is the President of Council's position? Is this selective enforcement or something else?

Mr. Moury said that he doesn't know the exact situation of the ordinance Mr. Chongaway was referring to, but a lot of times we have no legal control of what is put in a right-of-way. He said to correct him if he was wrong and asked Mr. Duke to speak on the subject.

Mr. Duke said that we've had this issue in the past with political signage versus whose authority. It is a freedom of speech issue in terms of the right-of-way. We have been in contact with the Solicitor in the past and we can talk a little bit further about that in the Committee Meeting and give a little bit more detail on that.

Mr. Moury asked him to do that.

Mr. Chongaway asked if the front lawn of the Municipal Building and the lawn of the Community Center is public property.

Mr. Moury said yes.

Mr. Chongaway asked if anyone looks out front on occasion. He believes there was a Relay for Life sign that he brought to the attention of the Borough Manager that was out there for at least two weeks. Additional signs were over on the Community Center lawn for an equal length of time. There have been signs at Higbee at the intersection with the triangle. He asked if that is public property.

Mr. Moury said that it all depends on what area it is. It may be in the right-of-way. He doesn't know.

Mr. Dixon said it's in the right-of way.

Mr. Moury said it's in the right-of way.

Mr. Dixon said yes.

Mr. Chongaway asked if, referring to Section 69.5.3.5, that is an ordinance that stands in this Borough.

Solicitor McTiernan said he would take a look at it. He'll give a report to Council. The gentleman's point is well taken but we do have to be careful. The largest number of constitutional challenges filed are on First Amendment problems against municipalities involving lawn signs, political signs and those type of things. You have to be careful that it doesn't appear that your enforcement is selective. We have to be very careful with it but he'll definitely look at the ordinance and consult with Mr. Duke about what areas we are talking about. Actually to the extent that is constitutionally allowed he knows the municipalities always enforce the ordinances.

Mr. Chongaway asked if he was referring to the First Amendment.

Solicitor McTiernan said that's it, that's the one.

Mr. Chongaway asked if that is freedom of speech?"

Solicitor said that's what it is.

Mr. Chongaway said that as a public citizen and resident of this community he can put up a sign.

Solicitor McTiernan said that's not what he's saying. He is just saying that we have to be very careful how we deal with this, where it is enforced and that it's enforced in an even manner. That's all that he's saying.

Mr. Chongaway said that he's looking for some clarification because there are a lot of want-to-be politicians that put up signs, then he can put up a sign also. He asked if there was some clarification he could give him.

Solicitor McTiernan said no, that's what he will report to Council. Then we can follow up on that.

Mr. Chongaway asked if he could have a written report from somebody.

Mr. Moury said we can have something to you after our meeting as to what we discuss with the Solicitor.

Mr. Chongaway said very good. One more comment regarding Halloween. If you could cut back the vegetation on some of these intersections. West Library and Broad, he believes, was recently cut back and he appreciates that as he often walks his dog at that intersection. He asked if the minutes and Municipal Code could be put on the web page of the Borough as they are in Upper St. Clair.

Mr. Moury said that we will look into that. We recently updated our website about a year or so ago. We'll check to find out if we can do that.

Mr. Spagnol said that we are looking into that as well. We are trying make improvements all of the time. That is something we would like to do in the near future.

Mr. Chongaway said that is the comment he keeps getting from some employee.

Mr. Cygrymus said that the code books are all in the library. So they are all available as well as all of the minutes.

Mr. Chongaway said we are living in an electronic, technological age. He asked if other communities can have them on their webpage why can't we.

Mr. Moury said that we'll look into it. Thank you.

GENERAL POLICY AND FINANCE

11. Citizens' Comments – General Policy and Finance Items

None

12. General Policy and Finance Items

Appointment – Seventh Ward Council Seat Vacancy

Motion by Mr. Hannan and seconded by Mr. O'Brien to appoint Jim McLean to the vacant Seventh Ward Council Seat, who shall serve as Councilman of the Seventh Ward until the November 2011 general election and until certification of the results by Allegheny County. Motion Carried 6-1. Council Member Allen dissenting. Council Member Pape absent.

Mr. Moury said that this was a very tough decision. Council spent a night a few weeks ago interviewing people. They did take some suggestions from a resident on asking some of the questions on the qualifications for this seat. The good news is that we had six very good candidates. The tough part is that we only had the opportunity to select one. We went round and round and debated and talked about which candidate was best and we took a consensus. It was kind of all over the board as we had such a good group. The person's name that appeared as the majority vote from the Caucus Room was placed on the agenda and he will be supporting this person.

Mr. Harrison asked if we could ask the Solicitor to address the filling of this position beyond the November election, having to run in the primary and give the details of what a citizen has to do if they are interested in this position.

Solicitor McTiernan said as Council is obviously aware, the individual that resigned was elected in 2009 to serve a four year term until 2014. This

appointment under the amended provision of the Home Rule Charter 1403 B provides that Mr. McLean was appointed to serve until the earliest possible election and that's November 2011. Next year through the ordinary Primary and the General Election process the residents in that district will select the candidates and fill that vacancy. That person will serve until 2014. Council's appointee will serve until next November's election and whoever is elected next year will serve the balance of the term.

PLANNING AND ZONING ITEMS

13. Planning and Zoning Items

None

HEALTH, SAFETY AND WELFARE ITEMS

14. Health Safety and Welfare Items

None

PUBLIC WORKS AND MAINTENANCE ITEMS

15. Public Works and Maintenance Items

None

Mr. O'Brien said that the Farmers' Market will be Open October 12th and 19th 3:00 P.M. to 7:00 P.M. at the Community Center. They still have a lot of great stuff. They have pumpkins.

Last month he talked about Matt Smith's office reaching out for the Bethel Park Veterans Memorial Committee helping us identify some of Bethel Park's fallen heroes from past wars. His office hit pay dirt. We have a young man that was killed in 1968 in Viet Nam. His name is Jeffery Michael Walsh. He was a Marine Lance Corporal. He asked that anyone in Bethel Park who remembers this man who was nineteen years old please contact Mr. Hannan, Mr. Allen, Mr. Pape, Mr. Moury or him. They are going to try to honor this young man who has been forgotten for so many years on Memorial Day. His name will be placed on the memorial with a star next to his name on Memorial Day. He was killed on February 8, 1968 in Quang Tri Province in South Viet Nam. He was from Bethel Park. His name is on the wall in Washington DC.

16. Adjournment

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



Manager