

# ***MUNICIPALITY OF BETHEL PARK***

## **REVISED MINUTES OF REGULAR COUNCIL MEETING**

**Date:** April 14, 2014

**Time:** 7:30 P.M.

**Location:** Municipal Building

1. Roll Call

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

**Absent:** Council Members Colella, Dixon and Pape

**Also Present:** Mayor Allen; Judith L. Miller, Assistant Manager; Gerard Duke, Director of Community Services; Robert McTiernan, Solicitor; Police Chief John Mackey; 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

There was an Executive Meeting of Council was conducted on Monday, March 24, 2014, to discuss Police personnel issues and litigation, and on Monday, April 14, 2014, to discuss Police personnel issues and litigation.

### **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 that for National Library Week, April 13 through 20, the library is hosting free daily classes on the various databases for a number of educational services including The Catalog and Testing and Education Resource Center.

A County-wide system upgrade was done recently. The upgrade went fairly smoothly, but there was some difficulty with the new library catalog which is temporarily unavailable, but will be made available shortly after Easter.

Ms. McIntosh said that Home Bound Delivery is available. On a monthly basis, Karla McGee delivers materials to Bethel Park residents and senior care facilities who are unable to visit the Library. Staff can select and deliver materials directly to your home and will return for pickups. To sign up for homebound services, please call the library and speak with Karla.

Ms. McIntosh then provided the following information regarding new programs. Creating Novels Program will be held on Tuesday, April 22, 2014 at 7:00 p.m. featuring local author Anne Faigen. Secrets of Low Thyroid Problems on Wednesday, April 23, 2014 at 7:00 p.m. with Doctor Kevin Smith. Wise Walk Spring Session in South Park begins Thursday, April 24, 2014 at 9:30 a.m. with the first meeting at the Library. Smartphones: The Basics will be held on Thursday, April 24, 2014 at 7:00 p.m. with Alex Zawojski of Tech Box. Genealogy Club will hold their monthly meeting on Monday, April 28, 2014 at 7:00 p.m.

The Annual Book Sale will be held in Council Chambers from May 1 through May 4.

The Library will be closed on Sunday, April 20, 2014 in celebration of the Easter Holiday.

For more information on these and the many other programs and services offered by the library, visit the library's website at [bethelparklibrary.org](http://bethelparklibrary.org).

5. Fire Chief's Report

Fire Chief Dave Gerber gave the fire report for March. He said that residents have had questions about the fundraising letters recently sent in the mail. He explained that the tax revenue received by the recent referendum will go towards the new building that will be constructed on Brightwood Road as well as the other two Fire Company facilities in Bethel Park. However, the donations being requested and fundraising are used to purchase equipment, vehicles, training, pay for insurance and to upgrade safety equipment for the firefighters. If any resident would like to speak with Chief Gerber, he can be reached at their temporary location at Kiefer Coal at 412-835-1127.

Chief Gerber spoke about the recent Police versus Fire Company basketball game. He said that even though the fire company lost, it was a good time and no one got hurt.

He then talked about upcoming fundraising. On October 18, 2014, they will sponsor Oktoberfest at the Community Center. In addition, they are planning a Car Cruise in the Fall. More information on these two events is forthcoming.

Chief Gerber spoke about the occurrence of brush fires. There is a no-open burning policy throughout Allegheny County. Fire pits can be used but must be placed 25 feet from any structure. If you use a fire pit, you should keep a fire extinguisher or a pail of water near the pit and never leave it unattended.

6. Police Chief's Report

Police Chief John Mackey announced that the next Crime Watch Meeting will be held on Monday, April 21, 2014 at 6:30 p.m. at the Community Center and everyone is invited. Chief then announced that the next Drug Enforcement Administration Drug Take Back program will be held on Saturday, April 26, 2014 from 10:00 a.m. to 2:00 p.m. at the Bethel Park Community Center as well as the Highmark Direct Building at Norman Center. Only unwanted or expired pills are accepted, no liquids or needles.

With the start of the warmer weather, Chief Mackey advises residents that more children and adults are on the roadways, riding bikes, walking and working in yards. Please be aware and drive safely in neighborhoods and obey the speed limits.

Chief Mackey spoke about the recent Police Pals versus the Steelers Basketball game held at the high school. The event brought in over \$7,000 which benefits the Sgt. Charles Bonczek Scholarship Fund. In addition, he was proud to announce that the Police defeated the Bethel Park Fire Company in the pre-game. He said there are so many people he wanted to thank for their contributions, donations and help from volunteers that made this event such a huge success.

7. Mayor's Report

Mayor Allen said that for this month's Making Bethel Park a Better Place to Live, he is honoring several groups.

Mayor introduced four Eagle Scouts, their Leader John Roth and Assistant Leader Bob Daschbaugh. One other Eagle Scout was unable to attend. Mr. Roth gave an overview of what the Eagle Scout Program consists of, that it is the highest ranking you can earn and must do so before the age of 18. The process consists of earning at least 21 merit badges, and the main achievement is to complete their Eagle Scout Project. Each of the scouts spoke about the project they accomplished and how it enriched the community in order to obtain the Eagle Scout level. Josh Como's project was the construction of two handicap accessible baseball dugouts at St. Louise DeMarillac. Andrew Valentine performed a room and door restoration project at Ruthfred Lutheran Church which enhanced the look of the church. Jack Brownfield's project was completed at St. David's Episcopal Church where he created a community garden to grow fresh produce for the SHIM food bank. David Hurey's project was accomplished at Boyce Mayview Park where he installed trail posts and plaques with GPS coordinates in order to improve navigation and safety along the trails and also performed general

trash clean up. Bryce DeNardo built a 50 foot hiking and horse bridge over a stream in South Park.

Mayor Allen said he wouldn't doubt that these fine young men can possibly be up here serving Bethel Park in the future.

Mayor Allen said that last week, Bethel Park reinstated their Chamber of Commerce. He then introduced Director Connie Ruhl and Diane Ford, Business Relationship Manager.

Mrs. Ruhl thanked Mayor Allen, Council and staff for affording them this opportunity to make this special announcement. The Chamber will be located at 2830 South Park Road beginning May 5<sup>th</sup>.

Ms. Ford said they are happy to bring the Chamber back home and have a great deal of activities that will be happening, including a new website. Anyone who is interested in volunteering can contact the Chamber.

Mayor Allen introduced President Ray Black of South Arts Pittsburgh and Bob Baxendale, President of the School House Arts Center. Mr. Black said that they are a non profit organization and provide classes for adults and children and have galleries where they show and sell their members art work. They also work with SHIM to hold free classes for their constituents, and hold classes at the Bethel Park Recreation Center and in Peters Township and at Concordia Assisted Living. In addition they augment the public school system in after school and summer programs. He said they conduct four fundraising functions a year to help cover expenses of operation and to augment the classes they conduct. He asked that the Bethel Park Cultural Arts Center be worthy of attention and invites everyone to participate in fundraisers to the betterment of our cultural community.

Mr. Baxendale spoke about the establishment of the School House Arts Center. He and the members of the center reach out to tell the community where they are located. He said the building is occupied by South Arts and the Historical Society and cover the costs of the building. He spoke about the artists and their works that are displayed at the center. He invited everyone to visit the center and view the artwork.

Mayor Allen reminded residents that Spring Clean Up day will be held on Saturday, April 26<sup>th</sup>. To register and obtain more information, he asked residents and groups who are interested in participating to contact Michelle Baynham for further details.

Mr. Moury said that the approval of the Minutes of the Public Hearing of October 28, 2013 has been removed from this evening's agenda.

8. Approval of Minutes

Regular Council Meeting Minutes of March 10, 2014.

Motion by Mr. Hannan and seconded by Mrs. Gibbons to approve the Regular Council Meeting Minutes of March 10, 2014. Motion Carried 6 – 0. Council Members Colella, Dixon and Pape absent.

9. Public Hearing Minutes of February 24, 2014 – Smoker and Associates Partnership, Rezoning

Motion by Mr. Hannan and seconded by Mrs. Gibbons to approve the Public Hearing Minutes of February 24, 2014 – Smoker and Associates Partnership, Rezoning. Motion Carried 6 – 0. Council Members Colella, Dixon and Pape absent.

10. Public Hearing Minutes of May 20, 2013 – Manor Care, Change of Use, Conditional Use

Motion by Mr. Hannan and seconded by Mrs. Gibbons to approve the Public Hearing Minutes of May 20, 2013 – Manor Care, Change of Use, Conditional Use. Motion Carried 6 – 0. Council Members Colella, Dixon and Pape absent.

11. Bills and Payrolls

Motion by Mr. Hannan and seconded by Mrs. Gibbons to approve the Bills and Payrolls for the Municipality per Bill List #041414 in the amount of \$1,603,672.69. Motion Carried 6 – 0. Council Members Colella, Dixon and Pape absent

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

Glenn Connor, 236 Church Road, Bethel Park, spoke about traffic problems coming up Bethel Church Road. When you pass Hillcrest Academy the guard stops traffic to let people exit from the employee's parking lot. He lives on Church Road, lower extension. When he attempts to make a turn off Church, there is a Do Not Pass on Shoulder sign. People pass on the shoulder and almost take the sign with them. There is a Do Not Block Intersection sign across from Church Road – people block the intersection. He cannot make a turn out of Church Road.

Mr. Moury asked Chief Mackey to note these items and take appropriate action.

Anita Poticar, Maplevue Drive, Bethel Park, spoke about the recurring problems with the deer population in Bethel Park. She presented Council with an Activities Summary Report from the USDA APHIS Wildlife Services as prepared for Upper St. Clair Township. She asked what Bethel Park has done and what the future plans are to conduct white tail deer culling. She encourages Council to have something done before there is an accident.

Gina Pasko, 4470 First Street, Bethel Park, spoke about the conditions on First Street. She said that there is an over population of cats roaming the neighborhood owned by two different families. There is an old basketball hoop on the street

which takes up a much needed parking space. She said parking on the street is limited. In addition, toys are left on the street which interferes with driving through. There is a rat problem near the stream that is worsening. She asked if there could be more Police presence in the neighborhood which could possibly reduce the problems.

Mr. Moury asked Ms. Pasko to provide the information to Chief Mackey and Code Enforcement will also be advised.

Ann Debortoli, 3680 Ashland Drive, Bethel Park, also spoke about the increasing deer population. She is worried about the erosion from the area behind Washington School. She said she hopes that we soon have an agenda item on Health, Safety and Welfare addressing deer control and deer culling.

Mr. Moury said that we have had a controlled deer hunt for 15 years and average around 60 deer a year in the places we are hunting. The challenge is that at the properties where we started, the owners are not letting us return because of the way the neighborhoods are set up. Chief Mackey recently attended a sterilization program meeting, but it is extremely expensive. Chief Mackey has been meeting with White Tail Management in an attempt to expand the controlled hunts.

## **GENERAL POLICY AND FINANCE**

### **13. General Police and Finance Items**

There were no items under General Policy and Finance.

Mr. McLean said that Municipal Council and the Bethel Park School Board met recently. The meeting was arranged to discuss matters of mutual interest to both the Municipality and the School District. He said he thought it was a very productive meeting and thanked the School Board and the residents who attended and the Almanac for having covered the meeting.

Mr. Harrison said:

“I have two items that I’m going to speak to. One is that in January, from this dais, I announced that I was continuing my eight year effort to get the state legislators to modify the Prevailing Wage legislation which is a 1960 vintage piece of legislation. It addresses a \$25,000 value that is important in the consideration. That \$25,000 due to escalation is essentially \$200,000 today. State Representative John Maher had been very helpful a couple of times a few years ago. He introduced legislation. At that time, the Democrats controlled the State house, and they said that the Democrats and the unions won’t let us address it. Well, as we all know, now the Republicans are in control and it’s not being addressed. The reason I’m bringing it up is I spoke to it in January at this meeting, the next day I sent an email to John Maher indicating that I would like to find out what he thinks the status on modifying the legislation. In February at this meeting, I announced I hadn’t heard from John Maher and in March I announced that I hadn’t heard from John Maher and in April, I’m going to tell you I hadn’t

heard from John Maher. Sometime I wonder if those guys keep in mind who (unintelligible). The other thing, I decided to quote my mother over the years that said that the country is going to Hades in a hand basket. Now I always say that Hades is the most off-colored word that I was exposed to as I was growing up. I'm sure if she were living today, she'd probably use more strong language. A Russian named Khrushchev, which I'm sure you're familiar with, said many years ago that they, the Russians, would bury us and then went on to say they don't have to man the shovels, we will do it ourselves, we will bury ourselves. Obama, our President, in a figure of speech, thumbs his nose at the Federal Constitution, he ignores the separation of power between the executive, judicial and legislative. Bethel Park Council overruled the Home Rule Charter that defines when an ordinance passed by Council becomes effective based on what I called a Philadelphia lawyer ruling by our solicitor, Mr. McTiernan. Now, we read the paper, we learn in Pittsburgh that the Charter specifies that city employees have to live in the city and now that's been overturned. I'm just concerned that, as my mother would say, the country is going to Hades in a hand basket. I'd like to think we can prove Khrushchev wrong, I believe this in confidence, I must admit, but the reason I speak to it tonight is that this is an election year. The primary nominations are May 20, the elections are November 4, and I just feel that if I can peak anybody's interest into taking seriously what's happening to our country and taking any action they think is fitting to help turn the situation around, I'd appreciate it. Thank you very much."

#### PLANNING AND ZONING ITEMS

14. Citizens' Comments – Planning and Zoning Items

None

15. Planning and Zoning Items

Application No. 2014-0064 – Spoonwood Brewing Land Development

Motion by Mr. Hannan and seconded by Mrs. Gibbons to approve Application No. 2014-0064 – Spoonwood Brewing Land Development, 5981 Baptist Road, Baptist Investors, LLC, Applicant, in accordance with the Municipal Planner's Correspondence dated April 10, 2014. Motion Carried 5 – 0 – 1. Council Members Colella, Dixon and Pape absent. Council Member McLean abstained.

Mr. McLean said that he previously advised Municipal Council that he would be abstaining from voting on this application because his brother is the architect for the project.

16. Resolution – Temporary Easement - Millennium Woods

Motion by Mr. Hannan and seconded by Mrs. Gibbons to adopt the resolution granting a temporary easement over Municipal property located on Baptist Road to Baptist Road Associates, LP, for the purpose of construction grading and site

distance clearing. Motion Carried 6 – 0. Council Members Colella, Dixon and Pape absent.

### HEALTH, SAFETY AND WELFARE ITEMS

#### 17. Health, Safety and Welfare Items

There were no items under Health, Safety and Welfare.

Mr. O'Brien said, in response to Gina Pasko's comments, that Council will do their due diligence and take action to address the issues on First Street.

Mr. O'Brien announced that the annual Rabies Clinic will be held on Saturday, June 7, 2014 from 10:00 a.m. to noon at the Public Works Garage on Slater Road. More information can be obtained by contacting the Police Records office.

### PUBLIC WORKS AND MAINTENANCE ITEMS

#### 18. Citizens' Comments – Public Works and Maintenance Items

None

#### 19. Public Works and Maintenance Items

2014 Underdrain Project

Motion by Mrs. Gibbons and seconded by Mr. Hannan to award the 2014 Underdrain Project in the amount of \$72,375.00 to R & B Contracting. Motion Carried 6 – 0. Council Members Colella, Dixon and Pape absent.

#### 20. 2014 Storm Sewer Contract

Motion by Mrs. Gibbons and seconded by Mr. Hannan to award the 2014 Storm Sewer Contract in the amount of \$101,273.00 to Slusarczyk Excavating. Motion Carried 6 – 0. Council Members Colella, Dixon and Pape absent.

#### 21. Industrial Park Improvements Project

Motion by Mrs. Gibbons and seconded by Mr. Hannan to award the Industrial Park Improvements Project in the amount of \$441,275.50 to Morgan Excavating. Motion Carried 6 – 0. Council Members Colella, Dixon and Pape absent.

Mr. Moury said that this project is the repaving and restoration of roads and storm sewers on Industrial Boulevard with a grant that was received with the help of State Representative John Maher. This project will be done at night and on weekends. Mr. Moury said he hopes this will be the least disruptive to the businesses on the boulevard. He will keep everyone informed of the progress.

22. Hazardous Materials Abatement Contract – Bethel Park Volunteer Fire Company Brightwood Road Station Project

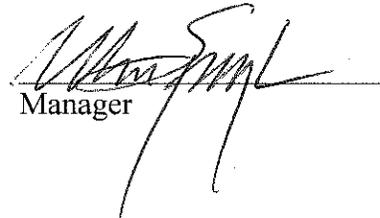
Motion by Mrs. Gibbons and seconded by Mr. Hannan to award the Hazardous Waste Abatement Contract for the Bethel Park Volunteer Fire Company Brightwood Road Station Project to Canfield Development, Inc., for a low base bid price with no alternates for \$24,000 in accordance with the Project Architect's correspondence dated April 8, 2014. Motion Carried 6 – 0. Council Members Colella, Dixon and Pape absent.

23. Resolution – Military Banners along South Park Road – PennDOT Approval Process

Motion by Mrs. Gibbons and seconded by Mr. Hannan to adopt a resolution requesting approval from PennDOT for Military banner placement along South Park Road, a State owned roadway. Motion Carried 6 – 0. Council Members Colella, Dixon and Pape absent.

24. Adjournment

Motion and second to adjourn at 8:50 P.M.

  
Manager