

MUNICIPALITY OF BETHEL PARK

MINUTES OF REGULAR COUNCIL MEETING

Date: July 11, 2016

Time: 7:30 P.M.

Location: Municipal Building

1. Roll Call

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

Absent: Council Member Pape

Also Present: Mayor Jack Allen; William J. Spagnol, Manager; Judith L. Miller, Assistant Manager; Solicitor Robert L. McTiernan; Chief Timothy O'Connor; Jean Statler, Municipal/Environmental Engineer; Joseph Vilella, Finance Director; Ashley Moore, Municipal Planner

2. Pledge of Allegiance

3. Chair Announcement

An Executive Session of Council was conducted on Monday, June 27, 2016 to discuss Police and Administrative personnel issues and on Monday, July 11, 2016 to discuss personnel and legal 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 this month's Programs. They include Movie Night, presenting The Karate Kid, on Wednesday, July 13th at 6:30 p.m. for students 5th grade and up. Makerspace 3D Printing Class will be held on Thursday, July 14th at 7:00 p.m. Conversation Salon will be held on Friday, July 15th at 10:00 a.m. GoPro Hero and Chromebook will take place on Wednesday, July 20th at 6:00 p.m. Family Fun Night is Thursday, July 21st at 7:00 p.m. for families and children in 1st through 5th grade are invited for a night of STEM activities.

Core Stability will be presented by Dr. Shannon Cohen, PT, DPT, on Wednesday, July 27th at 2:00 p.m. Learn new ways to strengthen your core to maintain a healthy lifestyle.

Memory Lab program will take place using the library's equipment all day on Thursday, July 28th. Call to sign up for an appointment.

Current Fundraising Raffle is for an Xbox One or a Kindle Fire. Tickets are \$1 per entry with the drawing taking place on Monday, August 8.

Ms. McIntosh announced that the Library is closed on Sundays from Memorial Day through Labor Day weekend.

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 O'Connor said that National Night Out is Tuesday, August 2nd. Bethel Park Police officers will participate in any Block or Porch Party that evening.

Chief also mentioned that the Canine Unit, Officer Carey Ellwanger and his canine partner, Jeez, have completed training and are now on patrol.

Chief asked to please join Bethel Park Police Department in wishing that all officers nationwide go home safely tonight.

You can following the Police Department news on Facebook, Twitter and Instagram.

6. EMS Report

Nora Helfrich, Chief of Tri Community South EMS, said that they were awarded the American Heart Association Lifeline Gold Award. For the last two years, they met the criteria set forth by the American Heart Association from when a call comes in to EMS to treat and get the patient to the Emergency Room cath lab in below 90 minutes.

Ms. Helfrich said that EMS has a new website. Dr. D'Angelo currently has an informational article on the website on the Zyka virus.

She announced that Tri Community just got three new ambulances and electronic stretchers.

She reported that Tri Community averages 600 calls per month. At this date, they have answered 75 more calls than this same time last year. EMS is running over 7,000 calls per years.

Mr. Harrison said that he wanted to inform the public that Council thought it was appropriate to have an EMS representative report once every three months at the Regular Council Meeting. He also said that he hears nothing but good comments regarding the work that Tri Community South EMS does. He said we have excellent EMS service.

7. Fire Chief's Report

No report given as Chief David Gerber was not in attendance.

Mr. Moury took this time to thank everyone for attending the Bethel Park Volunteer Fire Company Grand Opening on June 18. He said there was a lot of work that went into that project. He acknowledged Councilmen McLean, Hannan, Colella and Mayor Allen for their work with the fire company for the last five years, understanding their needs and coming up with a plan. He thanked his colleagues for their time and effort and making this plan come to fruition.

8. Mayor's Report

Mayor Allen announced that Rev 'em Up & Roll will take place in South Park on Saturday, July 30th from 11:00 a.m. to 6:00 p.m. This event is sponsored by Pasta Too with proceeds benefiting the Recreation Department. Johnny Angel and the Halos will be performing.

Mayor Allen reminded everyone that the Recreation Department sales discounted tickets to many venues such as Kennywood, Hershey Park, Pittsburgh Zoo and others during the summer. Stop by to purchase your tickets through the Rec Department.

Mayor Allen presented his monthly Make a Difference award to Colin McCormick, a 13 year old student at Bethel Park Middle School. By working with the elementary and middle schools and with help from his family and Principal Dr. Dickenson at the middle school, Colin collected over one million pop tabs for recycling for the Ronald McDonald House in the last three years. His interest in doing so started by having had a family member in Children's Hospital. He then learned the value of the pop tab recycling project. The money from the recycling goes towards the Ronald McDonald House and benefits families who cannot afford to stay there when their kids are at Children's Hospital. His efforts to date can help 32 families spend one night at Ronald McDonald House. His goal is to plant the seeds so that this program can continue with other Bethel Park students for many years to come. There is a collection bin at Ben Franklin School. Colin thanked his family, Mayor Allen and Municipal Council for recognizing his efforts.

Mayor said he starting this Making a Difference program over three years ago and he finds it refreshing that he has been able to award it to young people. He presented Colin with a Recognition Award.

9. Approval of Minutes

Regular Council Meeting Minutes of June 13, 2016.

Motion by Mr. Hannan and seconded by Mr. Dixon to approve the Regular Council Meeting Minutes of June 13, 2016. Motion Carried 8 – 0. Council Member Pape absent.

10. Bills and Payrolls

Motion by Mr. Hannan and seconded by Mrs. Gibbons to approve the Bills and Payrolls for the Municipality per Bill List #071116 in the amount of \$1,777,910.76. Motion Carried 8 – 0. Council Member Pape absent.

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

None

GENERAL POLICY AND FINANCE

12. Citizens' Comments – General Policy and Finance Items

None

13. General Policy and Finance Items

Ordinance – Year 2016 Police Administrative Salaries

Motion by Mr. McLean and seconded by Mrs. Gibbons to approve the ordinance providing 2016 salaries for the Bethel Park Police Chief and Lieutenants. Motion Carried 8 – 0. Council Member Pape absent.

Mr. McLean said he wanted to revisit what Mr. Moury said about the June 18th opening of the Bethel Park Volunteer Fire Station. He wanted to note two things. First, to thank Mr. Moury for those who worked on the committee with him, but in truth, Mr. Moury deserves a lot of the credit as he had a vision of putting this fire hall together and with his leadership, they were able to do so. He said Mr. O'Brien gave a wonderful rendition of the Star Spangled Banner, and many dignitaries were present. He said the real star of the show that day was the new fire hall, and if you have not yet had an opportunity to see it, to please do it. It is truly a community asset and the people of Bethel Park got together to approve the funding. He also wanted to mention that we have an outstanding volunteer fire company and one of the primary motivations behind stepping forward and building the facility was the ability to preserve the volunteer fire company, so that we would take over the facility and the volunteer fire company would be able continue to do their jobs. He said in order to do this, we need volunteers and for people to continue to become volunteer fire men and women in this community. He said most especially if you are a younger man or woman and want to volunteer, contact the Fire Company, go to see the fire hall and think seriously

about getting involved, that way this will become the huge success that we were hoping for when this all got started.

Mr. Dixon said that the Volunteer Fire Company has a program whereby they will arrange for a two year scholarship to community college for young people who come out and join the fire company. Mr. Dixon encourages anyone to consider that as well.

The following text is verbatim:

Mr. Harrison said:

“A few years ago, Councilman Dixon congratulated McTiernan on behalf of this governing body as being designated as a super lawyer. No comments, there were no comments from Council at that time. My mother taught me that silence is consent, so we adopted that designation as unspoken rule. I adopt it in my reference to Council blatantly violated the constitution of Bethel Park, the Home Rule Charter, by passing an illegal ordinance and placing a question on the ballot that provided a dedicated tax to the Bethel Park Volunteer Fire Company. Providing a dedicated tax is legal, but the timing for putting the question on the ballot violated the Home Rule Charter. Introducing the ordinance a month sooner would have avoided the Home Rule Charter violation. The violation resulted from the ineptness of the Council’s leadership in scheduling the vote. Council President Moury likes to tell the public about the couple of years that he spent negotiating the deal with the Bethel Park Volunteer Fire Company, and then he failed to introduce the ordinance in a timely fashion to avoid the violation. I refer to the Council action as blatant because Council can’t profess ignorance over the Home Rule Charter requirement. Prior to the vote, I informed Council at this Dias of the applicable section of the Home Rule Charter. I noted that passage of the ordinance would be a violation of the Home Rule Charter. One wonders why the Council purposely violated the Home Rule Charter. I allege that the approval of the ordinance was an act of misfeasance and some penalty should have been enacted. Two weeks after the vote, super lawyer McTiernan issued what I referred to as a Philadelphia lawyer opinion saying the violation of the Home Rule Charter was okay. Council Member alludes that super lawyer McTiernan’s opinion that was issued two weeks after the vote. At the time of the vote, how would Council members know that the ruling would be issued later justifying their Home Rule Charter violation? At the time of their vote, Council members could not know that the decision of opinion would be issued unless there was some back-room information provided outside of my presence. That action in itself would be illegal. I don’t want to be repetitive, but I continue to be concerned that our precious nation is declining on a slippery slope due to governing bodies ignoring the law. McLean seems to be offended by my continuous use of the phrase super lawyer. Note that the expression was okay when Mr. Dixon used it. At the June Council meeting, McLean said in part, I am happy anytime to be associated with Mr. McTiernan and if he and I are thinking the same way, that’s a pretty big verification for me and I said the same thing about my father, Mr. McLane speaking about his father, happy to be associated with him at any time. When Mr. Harrison was speaking, he used name-calling

that he resorts to particularly to Mr. McTiernan trying to label him some derogatory way as a super lawyer and denigrate his profession. I thought he got a compliment on that. It was okay for Dixon to refer to McTiernan as a super lawyer, but when I used the term, according to McLean, it is derogatory. We employ super lawyer McTiernan to protect the staff and the elected officials from making legal errors. I will freely admit that it is difficult for me to respect Mr. McTiernan when he fails to advise Council members that the time of the approved ordinance violated the letter and the spirit of the Home Rule Charter. Note that McLean choose to introduce his father in the conversation. McLean has reminded the public many times that his dad was an elected member of the Home Rule Charter. I was also. And he notes that his dad was the Chairman of the Home Rule Charter. I reminded the public many times that the Home Rule Charter Commission unanimously, that includes Mr. McLean's father, agreed to write the Home Rule Charter in plain English so that anyone competent in the language could understand it and hope it would prevent useless and (unintelligible) of taxpayer's money on unneeded legal opinions. Hopefully keeping attention on certain violations will keep the violations from occurring. Thank you."

Mr. O'Brien said:

"Don, you're not buying flowers for the man, so come on, let's face it. You know, three years. It's kind of a personal attack against his character and his profession. I think it's horrifying that you keep doing this. This man is very qualified, capable, he's just a wonderful guy. He's done so many good things for this community. Month after month after month you attack this man's character and you say Mr. Dixon uses super lawyer. Come on, you are not buying him any flowers. So you need to end this. As for the day of the dedication, Mr. McTiernan was there and you were not. But just in case, I brought your name tag so you would have it. What do you want us to do? Do you want us to take the building down? Do you want us to go over there and start taking the bricks down, put them all out on West Library, Brightwood Road and rebuild it? I have no clue what you want us to do here. This is just getting absolutely ridiculous. I'd like to commend the fire department and the committee and Mr. Moury and this staff. This was a monumental undertaking, done like nowhere else, to get these groups of people together to get a common goal to save a Volunteer Fire Company. It is truly remarkable. And to sit here month after month and year after year and put up with bringing it down, it's just absolutely ridiculous. And trying to destroy this man's character from this dais as a public official. You should be absolutely ashamed of yourself. Thank you Mr. Chairman."

Mr. Colella said:

"I cannot agree more with Mr. O'Brien. Since I've been voted in and joined this board, Solicitor McTiernan has done nothing but, in my opinion, guide us in the right direction and I want to thank him for his wise legal counsel in so many issues. And I really could go on and on, but the more my colleague Mr. Harrison speaks the more my blood starts to boil. I don't know if he reads that speech, if he thinks he reads it maybe one more time that it will come true like rubbing a lamp and the genie is going to come out and the building is going come down and

so on and so forth. Don, I ask that you give it up. The fire house is built, it's beautiful and we're moving forward. This is just downright embarrassing. Not only that, it's a waste of this Board's time listening to you ramble on month after month. In the last four months we probably wasted 40 minutes listening to that same speech. As I said before, I could go on and on. I digress."

Mr. Hannan said:

"I'm going to add my two cents here too. It's over. It's built. The community moves forward except for the representative from the Fifth Ward. He lives in the past. He has not done anything for this town but try to tear it down and the situation, what has Mr. Harrison brought to this table that's been an improvement or something to move forward in Bethel Park over his multi-decades on Council? He sits up here, he's critical, but he has no original ideas of his own to have this community improve. And it's sad to have to sit here and have the public listen to the same crap every month, repeatedly, that as Mr. Colella said, it's an embarrassment. But that's what we get elected these job for, to listen to this stuff. And, I think we've improved the community and although through Mr. Harrison's efforts, nothing has put that in our ability not to do it. So, again, next month tune in because Mr. Harrison will have everybody who spoke here something against to say to them because that is what he does. Again, it's a political year. Next year five of us have to run for re-election, so, including Mr. Harrison. So, he hasn't done anything so he has to keep his name present in the public to give the impression that he's actually done something. Thank you."

Mayor Allen said:

"I usually don't say anything down at this end. However, I am in the community almost every day. Whether it be at the store, Giant Eagle, wherever it might be, and it's gotten to the point that we have so many things going on here, so many new buildings going up, so many developments that are building here. But now I hear people that their embarrassed of what's going on. I hear people every day, just comments, saying what's wrong with that council? Why is it such an embarrassment? And, started Don three years ago, or 1' four years ago when we okayed the fire department. We had the Grand Opening. I thought maybe it would end once the doors opened, but apparently it's not going to. But for the sake of Bethel Park, please stop the embarrassment that I hear all the time. Thank you."

Mr. Harrison said:

"I want to answer the man who's sitting next to me."

Mr. O'Brien said:

"O'Brien. Mark Joseph O'Brien. Son of Pat and Marge."

Mr. Harrison said:

“But before, I just want to say there is no one sitting at this dais that has been more supportive of the volunteer fire company. I went to a meeting one time (comments unintelligible) the volunteer fire company (unintelligible). Another point I want to make (unintelligible) the fire company (unintelligible) I don’t object to that (unintelligible) I voted yes to that. And then the rest of the conversation is about poor Mr. McTiernan and how he’s getting abused but they ignore, every voting member up here except this member voted for the ordinance to put the question on the ballot and that was contrary to the words and the spirit of the Home Rule Charter and at the first meeting there (unintelligible) to sit up here and vote (unintelligible) is contrary to the Home Rule Charter and I think they are the ones that ought to be complaining to the public because they would sit up here, all of them, all of them, you’d think maybe some of them didn’t know (unintelligible) about the Home Rule Charter, but every (unintelligible) voted for that ordinance which, as I say, I laid on the table back there and contrary to the Home Rule Charter and the (unintelligible).”

Mr. McLean said:

“Let me respond to what Mr. Harrison was just saying. Nobody up here has said that what we did in February of 2013 was just a minor violation. We haven’t said it’s a violation at all. Maybe it would be helpful to just refresh the public’s recollection of what happened. In February of 2013, we adopted an ordinance to put on the ballot in May, that is ninety days later, a question to be put before the public to vote on whether or not they want to approve a higher tax for building the fire hall. That was more than thirty days after we adopted the ordinance. What Mr. McTiernan did, and this is where Mr. Harrison said the violation occurred, he mailed it to the County. He mailed a copy of the ordinance to the County so they could see it and place it on ballot three months later. That’s what he says is the violation, mailing the ordinance. So we didn’t think that it was a violation but just say, so what, let’s move forward, and in fact what we did was we said to Mr. McTiernan, is it okay to have this sent to the County so that they can look at it and put it on the May ballot? Mr. McTiernan looked at the question, the County Elections Department looked at it. They both told us yes, it’s okay to do that. This is okay. If we had been told that we needed to wait until November, we would have waited until November. And you know what would have happened? The same overwhelming approval of the ordinance would have happened in November that happened in May. So, for some reason though, Mr. Harrison wanted to be opposed to all of this and wanted to take up this accusation about the rest of the members on this Council doing something illegal and blatantly improper. We never for a second thought that it was improper. What we did do was adopt an ordinance, thirty days was going to pass long before that ordinance and the question appeared on the ballot. We talked to Mr. McTiernan. We talked to the County Election Department. Everybody said it was fine. So the question went on the ballot and the public approved it. That’s what happened. Since then, we have all moved on to inform the public of what we were doing with the project. Get the project done, hire an architect, hire a contractor, build the building, have it open, have a ceremony to open it, and Mr. Harrison wants to go back and talk about what happened in February of 2013, and about the mailing of a letter from Mr. McTiernan to the County. It makes no sense. Thank you.”

Mr. Harrison said:

“Mr. Moury?”

Mr. Moury said:

“You already spoke twice Mr. Harrison.”

Mr. Dixon said:

“I just wanted to clarify something as well. Mr. Harrison implied that I named Mr. McTiernan a super lawyer, and that’s absolutely absurd. The entire legal community in this region named Mr. McTiernan a super lawyer. They have a procedure whereby they vote and they endow this award on worthy attorneys. And so the entire legal community named Mr. McTiernan super lawyer, in fact, I know you are a humble man and this is uncomfortable for you. If I am not mistaken, you were named best lawyer in America in Municipal Law?”

Mr. McTiernan said:

“This last year, I was lawyer of the year in Municipal Law.”

Mr. Dixon said:

“For Municipal Law. So, it wasn’t I who named him super lawyer. He has been recognized by the legal community as one of the most brilliant minds in Municipal Law in America. So I think we are really blessed to have a solicitor of this caliber. Thank you.”

PLANNING AND ZONING ITEMS

14. Citizens’ Comments – Planning and Zoning Items

None

15. Planning and Zoning Items

Application No. 2016-0126 – Christ United Methodist Church Additions, Major Land Development, 44 Highland Road.

Motion by Mr. Dixon and seconded by Mrs. Gibbons to approve Application No. 2016-0126, Christ United Methodist Church Additions, Major Land Development, 44 Highland Road, in accordance with the Municipal Planner’s correspondence dated July 7, 2016. Motion Carried 8 – 0. Council Member Pape absent.

16. Ordinance – Shade Tree Commission

Motion by Mr. Dixon and seconded by Mrs. Gibbons to approve the ordinance establishing a Shade Tree Commission resource for existing tree inventory and Grant Funding to plant trees on public property. Motion Carried 8 – 0. Council Member Pape absent.

HEALTH, SAFETY AND WELFARE ITEMS

17. Health Safety and Welfare Items

None

Mr. O'Brien asked that, in light of the events that occurred in Dallas, we pray for the wounded and for the families and loved ones and to also pray for the Bethel Park Police officers and their families. He said these officers put their shoes on every day to keep us safe.

Mr. O'Brien also mentioned that new American flags are on display at the Veterans' Memorial for our Nation's birthday and that we should all take a look at how beautiful it is.

He then said that he unintentionally omitted a thank you last month to BPTV Director Dave Cable and the volunteers for all their hard work and enthusiasm for their work, for filming in the morning, again in the afternoon and have in on TV that evening. They do this consistently as they have for the Memorial Day Celebration as well as a few weeks later for the Grand Opening event of the Bethel Park Volunteer Fire Company's new fire station on Brightwood Road. He said he is amazed at what they do and for their dedication.

PUBLIC WORKS AND MAINTENANCE ITEMS

18. Citizens' Comments – Public Works and Maintenance Items

None

19. 2016 Storm Sewer Project

Motion by Mrs. Gibbons and seconded by Mr. Hannan to award the 2016 Storm Sewer Project to Michael Facchiano Contracting, Inc., in the amount of \$135,155.00 for the Santa Fe Storm Sewer and Inlets along Various Streets. Motion Carried 8 – 0. Council Member Pape absent.

20. Beagle Drive Bridge Replacement Project

Motion by Mrs. Gibbons and seconded by Mr. Hannan to award the Beagle Drive Bridge Replacement Project for the base bid in the amount of \$118,600.00 and Alternate Bid No. 1 in the amount of \$8,800.00 to Michael Facchiano Contracting, Inc. Motion Carried 8 – 0. Council Member Pape absent.

Mr. Dixon wanted to reiterate something that Mr. O'Brien said. He asked that we all keep the families of the Dallas Police Officers in our prayers, as they are suffering through an incredible amount of pain right now. He said it is times like these when you see just how dangerous that job is and how much they risk for us every day when they pin that badge on.

21. Adjournment

Motion and second to adjourn at 8:14 P.M.

Manager

