

# ***MUNICIPALITY OF BETHEL PARK***

## **MINUTES OF REGULAR COUNCIL MEETING**

**Date:** June 11, 2018

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

**Location:** Municipal Building

1. Roll Call

**Present:** Council Members Dixon, Gibbons Hannan, Harrison, McLean, Moury and Mayor Jack Allen

**Absent:** Council Members Colella, Consolmagno and O'Brien

**Also Present:** Judith L. Miller, Assistant Manager;  
Solicitor Robert L. McTiernan; Chief Timothy O'Connor;  
Joseph Villella, Finance Director

2. Pledge of Allegiance

3. Chair Announcement

An Executive Session of Council was conducted on Monday, May 21, 2018 to discuss personnel items and legal issues.

### **Reports of Officials**

4. Library Director's Report

There was no Library Director's Report

5. Police Chief's Report

Chief O'Connor announced that July 4<sup>th</sup> is coming. There is a new firework law that allows the sale firecrackers, bottle rockets and roman candles in the state of Pennsylvania. The chief stated that residents who decide to light off fireworks at 3:30 in the morning will be cited and possibly could spend the night in jail.

Chief O'Connor announced that there is no Crime Watch during the summer. The next crime watch will be on the first Monday in October. Follow us on Facebook and social media.

6. Fire Chief's Report

There was no Fire Chief's Report

7. Mayor's Report

Mayor Allen wanted to remind everyone that the Farmers Market is open every Tuesday from 3-7 and is located at the South Park Ice Rink parking lot.

Mayor Allen said that BPTV is hosting an open house on Saturday, June 16<sup>th</sup> from 11-2.

There is a Hard to Recycle Event on Saturday, June 16<sup>th</sup> at the Bethel Park High school. There is a fee for some items batteries, televisions; you can check the website for a list.

Mayor Allen announced that Bethel Park is hosting the fireworks this year on Saturday, June 30<sup>th</sup> at Millennium Park. There will be entrainment, food and stuff for the kids. Please do not bring any coolers or alcohol. The Fireworks will go off around 9:40.

At this time, Mayor Allen presented the State of the Municipality Address.

"Mr. President, it is my honor and my privilege to provide the annual "State of the Municipality", as required by our Home Rule Charter.

As in the past years, I would like to begin by recognizing and commending the Council, the Municipal Staff, the Police Department, the Volunteer Fire Department and the Emergency Medical team for all their hard work and dedication to this community.

In addition, I must also mention how appreciative Bethel Park is for all those men and women who serve on our various Boards, Commissions, Authorities, and for the hundreds of folks who volunteer their time for the dozens of activities and functions that go on daily here in the Municipality. For the most part, their pay is our gratitude and the good feeling they get is serving others.

I am pleased to report that again this year, the auditing firm of Maher Duessel has completed the 2017 Municipal Audit and report that "We noted no matters involving internal control and its operation that we consider to be reportable conditions under established standards by the American Institute of Certified Public Accountants".

The Financial Department, like all departments, continually seek ways to be more efficient and readily accept the advice and recommendations of the auditor on matters that are beneficial to the people of Bethel Park. Thank you Joe and your staff.

Our financial situation is sound. The Municipal millage at 2.53 including the Fire Department at .34, is among the very lowest in Allegheny County. Our three bordering neighbors, South Park Township is at 3.06 mils, Mt. Lebanon is at 4.71 and Upper St. Clair is at 3.83 mils.

Last year in this report, I mentioned some significant developments and redevelopments within the community. I am pleased to report that this is a continuing activity. Since last June, we have seen the following:

New Residential Development:

South Hills Village Apartments is located off of Village Drive adjacent to the South Hills Village parking garage. The development was approved for 303 higher end Apartment units. The grand opening is expected to take place June 8, 2018. There are currently 150 units occupied.

Cool Springs Assisted Living is located on the Cool Springs Campus, off the private drive that extends beyond Cool Springs Drive. The development was approved for 120 Assisted Living units. The project is expected to be complete before the end of the summer.

Cool Springs Carriage Homes is located on the Cool Springs Campus, along the private drive that extends beyond Cool Springs Drive and across the street from the Assisted Living project. The development was approved for 23 townhomes. There are a total of five buildings. Four out of the 23 units have been issued final certificates of occupancy. Five units are currently under construction.

Artis Senior Living is located at the former Knights of Columbus property at 1001 Higbee Drive. The development was approved for 72 assisted living units. A final occupancy was received and the facility is currently open.

Bethel Park Senior Housing is located on the former YMCA owned property at the intersection of McMurray Road and Limestone Drive (behind Advanced Vision Care). The development was approved for 135 senior housing apartment units. The project is currently under construction.

Willow Terrace Plan of Lots. This development was approved for a 25 lot single family home subdivision at the end of Willow Terrace and Holly Hill Drives. Twelve homes have final certificates of occupancy. Building permits have been issued for seven lots and six lots are left to be built upon.

#### New Land Development:

Guardian Self Storage #1: is located on Milford Drive. The development was approved for a three story self storage facility at the existing Verizon building (106,820 sq. ft.). The existing building has been demolished and site work has started on the project. The project is currently under construction.

Guardian Self Storage #2 with Office is located on Milford Drive near Route 88. The development was approved for a two story self storage facility (12,770 sq. ft.). The existing building has been demolished. The project is currently under construction.

Cool Springs Retail is located along Baptist Road and Cool Springs Drive. The development was approved for a retail strip center and a restaurant. Sports Clips and Fragasso Financial Advisors were issued certificates of occupancy. Steel Cactus was issued building permits but not a certificate of occupancy.

Millennium Shops is located on Library Road and next to Sheetz. Campiti's Pizza, Anytime Fitness, Sunsational Tan, Deka Lash, Gouker Roofing, Allegheny Sports Supply, Cycletique, Back Office Plus (similar to UPS Store), Vilka Bistro (Game Restaurant), Mani Nails Spa, Julia James Salon and Sprint are open for business.

O'Reilly Auto Parts is located on South Park Road at the existing Warehouse Café. The proposed development is for an auto parts store. The Warehouse Café building will be demolished. The project is currently under construction.

Rite Aid is located near the intersection of McMurray Road and Clifton Road. The development was approved for a 11,115 sq. ft. retail building on the lot between the existing Al's Café and the George Washington School. The project is still under construction and is expected to be complete in late summer 2018.

Parkside Center Development is located between Buick Street, South Park Road, and Library Road. The development was approved for the construction of two buildings. The existing buildings (Elks Lodge, Bethel Deli building, and Give Mia Cookie) will be demolished for a 4,950 sq. ft. retail building and a 9,990 sq. ft. professional office building. The project was approved is currently going through the pre-construction stages of development.

Bethel Park Shopping Center Redevelopment Phase 1 is located on Library Road, adjacent to the existing Firestone Complete Auto Care building. The development was approved for a 7,300 sq. ft. retail and carryout restaurant strip building. It is being discussed that the existing building will not be demolished but will be retrofitted for a potential restaurant/microbrewery. A transfer of liquor license was approved for this microbrewery.

Bethel Park Shopping Center Redevelopment Phase 2 also located at 5055 Library Road. The development was approved for a 2,850 sq. ft. drive through restaurant, a 9,010 sq. ft. sit-down restaurant, and a 5,920 sq. ft. retail building. The grassy area between Firestone Complete Auto Care and the Rice Inn will be built upon. The existing Rice Inn and Model Cleaners/Rita's Italian Ice will be demolished. The project is currently on hold.

Bethel Park Shopping Center Redevelopment Phase 3 also located at 5055 Library Road. The development was approved for the construction of a 4,928 sq. ft. retail and high turn-over restaurant building. The existing GameStop building will be demolished. The project is currently on hold.

Bethel Park Animal Clinic is proposed to be located at 4792 Library Road. The applicant was approved to construct a 7,000 sq. ft. building for a veterinarian clinic. The project was granted a variance for the use in a residential district. The project is currently under construction.

Pittsburgh accounts for about 25% of Allegheny County population. In the last year, the city lost 2,610 people. Allegheny County's growth sectors in recent decades have primarily been in northern boroughs and townships near the Butler County line and western communities along the airport corridor. Bethel Park has not generally been among them, but the census bureau reported that we had gained 555 residents in 2016-2017, the largest growth in the county. I believe that we will continue to grow as a community.

I believe that we as a Council and staff must continue to have the vision that Bethel Park will always be a work in progress and it is our responsibility to walk that delicate line between development and protecting out residents and our Neighborhoods.

So, Mr. President, it is my observation and my opinion that the state of the Municipality is strong in all areas. I think that it continues to go forward and we are positioned to adequately meet our immediate and future challenges. Bethel Park continues to be blessed in so many ways.”

8. Municipal Manager’s Report

Assistant Manager Judith Miller gave the managers’ report. Judith gave a presentation on how to use the Citizen Action Line. She also showed residents how to sign up for notifications using Savvy Citizen.

9. Approval of Minutes

Regular Council Meeting Minutes of May 14, 2018

Motion by Mr. Hannan and seconded by Mrs. Gibbons to approve the Regular Council Meeting Minutes of May 14, 2018. Motion Carried 6– 0. Council Members Colella, Consolmagno and O’Brien 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 #061118 in the amount of \$1,533,501.07. Motion Carried 6–0. Council Members Colella, Consolmagno and O’Brien absent.

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

Mrs. Carrie Virgin, 5575 Clarene Drive. Resident stated that on Saturday, February 17, that her and her husband discovered that the length of their backyard had sunk significantly in feet, they shortly found that there were 5 other residents affected by this also. They immediately called the municipality of Bethel Park to send an engineer and our council member Mark O’Brien. Through the months of February, March, April and May there have been several visits from Mike Doyle’s office, Connor Lamb’s office, contracted engineers from Gateway, the mayor, council President, Councilman Colella, Bethel’s Engineers and the Municipal Manager have all come to assess the situation. The new sewer camera truck was onsite twice to camera the affected pipes, which showed the damage and collapsed line. Recently this month the engineers came to mark the yard with a very rough measurement with Option A. This option as agreed upon between all the affected neighbors. It created a new sewer line way to close to their homes and leaves what’s left of their backyards as easements. It does not address the six inch pipe that flows water into the hillside. Option 2 was not a viable option for the residents, it would put a sewer grinder in the backyards, force the waste to the front of the street, tying in the line under the street and into the sewer line on the upper side. The ongoing maintenance and devalue of their homes would not be beneficial to any of the residents on Clarene Dr. Option 3 and 4 address both of the problems with the damaged sewer line and the six inch pipe of flowing water. These options divert the water, replace the sewer line, stabilize the sewer pipe and stabilize the hillside, a more long term fix and solution to this situation. She is aware that these

options have bigger price tags, however it is the correct way to fix the damage. She stated that she was taught to fix it right the first time, with shortcuts the municipality will have to repair it again and again. Costing more money in the end. These homes have been there 60 years and should be there another 60 years, based on the taxes collected over the years, this should cover that expense. Thank you to the elected public officials serving this community. She would expect through times of joy and celebration its easier to serving, than serving in times of destruction and devastation. As residents, they look for your trust to do what is right when situations arise such as this. They ask for the justice and replacement of the broken sewer line in its entirety, divert the water from the sixth inch line, stabilize the hillside and reconnect the resident's laterals from the broken sewer line. Her husband and her have lived in Bethel since 1966, they both attended Bethel Park High School, owned a house in Bethel since 1988. All of their children reside and have purchased homes in Bethel Park. Bethel Park is a very nice place to live and raise a family and they encourage others to move to Bethel. They are eager to come to a correct resolution regarding this situation; they are hopeful with todays visit, the engineer and Folino excavating that with a fair and honest bid work can begin immediately, the residents of Clarene dr are thankful for this opportunity to speak and very thankful for all the hard work and efforts the their councilman Mark O'Brien has shown them.

Mr. Moury stated that they may pursue Option 3, we are trying to source a few different suppliers to get a better price, there may need to be some additional engineering to ensure the line we are going to replace or the last part is replaced properly. Number 2 is Mr. O'Brien and Joe Consolmagno are at a Municipal Seminar this week and Mr. Moury stated the Mr. O'Brien called him at 4pm and Mr. O'Brien has talked to numerous state elected officials; he is trying to get some additional funds to help fix the sewer line. We did apply for a FEMA grant and that included several areas throughout the community that were affected by this storm. The challenges from the federal government are an issue because it was not a one day or short event. It was more widespread with the rain. It did not meet the requirements at the time, we are trying to get them to extend. Not saying they will definitely do this but we brought up the analogy of the Volcano in Hawaii. If they do change for that particular project the price we put in was about \$200,000.00 to replace the line, they would reimburse us for up to 75%. Number we are continuing to move forward to get prices whether or not the Fema money comes through, its our obligation to make sure the line is fixed, we want that done right and adequately. We will keep in touch with you, everyone has been patient.

Lynn Sivetz, 5552 Clarene Dr. Resident stated that she has been there 30 years, she grew up in politics, she stated her father was one of the first democrats on Brentwood's Council, that was many years ago. What she remembers most as a child was their phone would ring off the hook from residents, grass being too high or a problem in their neighborhood. She realized what council does for us. She stated her house in not affected by the landslide but for the houses that are affected, our homes are very important to us and when you see the value change so dramatically with such a drop at the property level like this, it makes you feel terrible, you don't want to fight with people you just want it fixed. She stated that Mr. Moury, Mr. O'Brien, Mr. Colella and Mayor Allen have visited the landslide. She wanted to encourage council to take a drive over to Clarene, take a walk down the driveways and look. She stated that everyone has seen pictures but the damage is substantial and heartbreaking. She stated that they may not be part of a certain councils district but that they are still constituents, they really loves this borough and think a great deal of it and

they trust in council. She said Thank you from Clarene Dr. for doing what's right and not what's easy.

Mr. Moury said:

“Short of getting political for a minute but I would like to say to the point it is. I appreciate all the comments that nothing is easy but as a group up here we may have one registration or a different but the one thing we have in common is we all want to work for the community. We have people that are willing to work together. I always say the success of the majority of this group is our ability to work together. Whether it impacts one of us, it impacts all of us and what can we do to help. What can we do to work together, the majority of the people here it is a very great group. I appreciate all their efforts and everything they have done.”

## GENERAL POLICY AND FINANCE

### 12. Citizens' Comments – General Policy and Finance Items

None

### 13. General Policy and Finance Items

Ordinance No. 6-11-18 – Home Rule Charter Amendment Ordinance

Motion by Mr. McLean and seconded by Mr. Hannan approve Ordinance No. 6-11-18 initiating a referendum to amend the Home Rule Charter of the Municipality of Bethel Park. Motion Carried 5– 1. Dissenting vote was by Mr. Harrison. Council Members Colella, Consolmagno and O'Brien absent.

Mr. McLean said:

“I just wanted to explain to the public that the ordinance we have before us tonight, we will place on the ballot for the November election. Several proposed changes to the Bethel Park Home Rule Charter. The total number of changes will be proposed is four. One of them deals with making sure that our Home Rule Charter is gender neutral and is clear when we refer to the male gender that we are also referring to female gender. The other is a simple change of a typo our solicitor found in our Home Rule Charter and we need to correct that. The other two are more substantial and they reflect a proposal to make to key changes to the referendum and initiative provisions of the Home Rule Charter. The referendum and initiative provisions are an important part of our Home Rule Charter. They are the part that allows the citizens if they want to make a challenge to an ordinance to collect the requisite number of signatures and to present them to this body and see whether this body will change the ordinance that they wish to address. If not then seek to see if they want it placed on the ballot for election by the electorate. There are two changes we are proposing with respect to that process of referendum and initiative. One change would make it clear that if the referendum and initiative relates to an ordinance that is either increasing or decreasing taxes. The referendum and initiative would only apply to the extent of the increase or decrease. Currently our Home Rule Charter provides if there is a challenge to an ordinance

that adopts a tax mileage, whether increase or decrease, the entire ordinance is suspended. The problem with that potentially presents is while that ordinance is suspended we would not be able to collect any of the taxes, including the taxes that were in place previously and puts the fiscal status of the Municipality at risk. So the proposed change is to say that a challenge to an increase or decrease to a tax can still be made, it just makes it clear that that's all that's going to be challenged. The second would eliminate what we called the second bite of the apple. Currently the charter provides that if the citizens or group of citizens can get together, collect a petition, and present it to the Municipality, if they do not have the requisite number of signatures or they do not have a sufficient petition. The charter says you get to go back out and try again. It has been the collective wisdom of the Home Rule Study Commission and members of this council that because this process itself already takes some time and raises questions. Then you should not be able to go back out and try again. If you are able to collect the signatures, you collect them you present them to the municipality but the second change would eliminate what we call the second bite at the apple. There only two changes are being proposed to the referendum and initiative provisions by the ordinance we considering tonight. Our adoption of the ordinance tonight will then begin a process to have these proposed changes placed on the ballot in November. They will be presented in four separate questions. The voters in November will have the chance to go to the polls and vote for each of them, yes or no. Only if they are voted in by the general public at the November election would that result in a change to the Home Rule Charter. We looked at the Home Rule Charter a few years ago through the Home Rule Study Commission and the result of that commission was some recommended changes. Council has considered those, several of those are adopted last year, this is the next set of those changes. This will be the last of those considered by the Home Rule Study Commission. That's the summary of the changes that are being proposed we have discussed this a number of times on the floor but now we are to the point that we have before council the ordinance that will take the next step to have those four proposed changes placed on the ballot in November."

Mr. Harrison said:

"Let's return to the start of this process, council wanted to enact a dedicated tax for the Bethel Park Volunteer fire company. The tax increase had been from council but it was not enacted legally. The ordinance presented to council to enact a tax was inconsistent with the Home Rule Charter and the electorate rules. Before the vote on the ordinance, I informed council that an affirmative vote for the ordinance violated the Home Rule Charter. All of the council members present at the meeting except me voted in the affirmative. McTiernan who we pay to ensure council actions are legal sat silent at his table over there while the illegal votes were cast. McTiernan was further complicit in the affair by delivering the enacted ordinance to the election borough, twenty-seven days prior to its effective date. He confirmed its delivery by a letter to council. McTiernan was appointed to his division after his predecessor was terminated for involving himself in legal matters that he had previously ruled he could not do legally. McTiernan was sufficient in his state of responsibility by not advising council of the illegal status of Bethel Park Volunteer Fire Company and the tax ordinance. Prior to the time he further blatantly ignored the responsibility of council by delivering the ordinance to the election borough twenty seven days prior to its effective date. The document from council that he handed carried the ordinance to the election borough three days after it was enacted. Mr. McTiernan is in the same swampy waters that resulted in the termination of his predecessor. Council should consider McTiernan actions relevant to the Bethel Park Volunteer Fire Company ordinance should consider taking



actions against him the same way it was taken against his predecessor. Now I would like to comment about the ordinance on the floor. The ordinance reads like a history book. I am in my 45<sup>th</sup> year as a councilman and I have never seen such an ordinance. I allege that council including the history of “inaudible” is taking this action to cover their butt. Council is trying to divert attention from their illegal actions on the Bethel Park Volunteer Fire company ordinance after I highlighted their illegal actions on the Bethel Park Volunteer Fire Company ordinance. Council members decided that a Home Rule Charter is out of date and needs to be updated. One wonders why these members of council didn’t pursue enough “inaudible” to the Home Rule Charter. Prior to their violation of the Home Rule Charter, I allege the action was taken to divert attention from the public from the fact that they violated the Home Rule Charter. The fact that the Home Rule Charter needed to be updated doesn’t provide coverage for violating the Home Rule Charter as an elected official of this governing body I will never knowingly participate in violating it.”

Mr. Moury said:

“I have two comments to make. Number one is everything he is said isn’t true, we hear this over and over again. Its just simply not true. Number two is everything he said had nothing to do with the four items, the four questions that are on the agenda in front of us. We need to differentiate between things that aren’t true and are relevant to our discussion.”

14. Appointment – Library Board

Motion by Mr. McLean and seconded by Mrs. Gibbons to appoint Daniel Alan Simmen to the Library Board for a term to expire on December 31, 2020. Motion Carried 6-0. Council Members Colella, Consolmagno and O’Brien absent.

Mr. Moury said:

“I do have one additional item backing up to Clarene issue. I apologize I should have mentioned this. When this initially occurred, we had a congressman within a day of calling Congressman Doyle’s office. He had people out and helped us facilitate the application. Connor Lamb jumped right on board as our new congressman, helping facilitate to make sure we did not miss anything. I would like to thank Congressman Doyle and Congressman Lamb for their assistance when we needed it.”

Mr. Harrison said:

“You’re probably aware that fifty years ago that Robert Kennedy was assassinated, he was a very bright person and he wrote many articles expressing his concerns about the deterioration in our society so to speak. I wanted to read one of his articles that I think is applicable to the action of council and the action of McTiernan relative to the Bethel Park Volunteer Fire Company. “Every time we turn our heads the other way, when we see the “inaudible” we tolerate what we know to be wrong, when we close our eyes and ears to the corrupt cause we are too busy or to frightened. When we fail to speak up and speak out we strike against freedom and decency and justice.”

**PLANNING AND ZONING ITEMS**

## 15. Citizens' Comments – Planning and Zoning Items

None

## 16. Planning and Zoning Items

Resolution No. R6-11-18 – Gaming Economic Development Fund – Simmons Park Development

Motion by Mr. Dixon and seconded by Mrs. Gibbons to adopt Resolution No. R6-11-18 authorizing the acceptance of grant funds through the Redevelopment Authority of Allegheny County Gaming Economic Development Fund and executing of the necessary contract documents for the Simmons Park Development project Motion Carried 6-0. Council Members Colella, Consolmagno and O'Brien absent.

Mr. Moury stated that the playground and some of the courts are currently closed at Simmons Park. Mr. Moury also stated that we are in the process of rebuilding the Public Works facility that burned last fall; bathrooms are being added as well as putting new playground equipment in. Mr. Moury apologizes as its not the most convenient time but there is a lot of work going on down at Simmons Park.

**HEALTH, SAFETY AND WELFARE ITEMS**

## 17. Citizens' Comments – Health, Safety and Welfare Items

None

## 18. Health, Safety and Welfare Items

Mutual Aid Agreement

Motion by Mr. Hannan and seconded by Mrs. Gibbons we authorize the execution of the Mutual Aid Agreement allowing for the Municipality of Bethel Park to enter into a joint agreement for Mutual Police Aid and Assistance with the South Hills Area Council of Governments. Motion Carried 6-0. Council Members Colella, Consolmagno and O'Brien absent.

Mr. Moury stated this is updating our agreement we have with 23 neighboring communities. If there are issues and we need help we have a communication channel already set up that we can use to reach out to some of our neighbors as well as help them. This has been in the works for several years and will be a great asset to the community.

**PUBLIC WORKS AND MAINTENANCE ITEMS**

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

None

20. Public Works and Maintenance Items

No Items

21. Adjournment

Motion and second to adjourn at 8:23 P.M.



Manager