

MUNICIPALITY OF BETHEL PARK

MINUTES OF REGULAR COUNCIL MEETING

Date: June 11, 2012

Time: 7:30 P.M.

Location: Municipal Building

1. Roll Call

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

Also Present: Mayor Morton; William Spagnol, Manager; Robert McTiernan, Solicitor; Judith Miller, Assistant Manager; Robert M. Cygrymus, Director of Community Services; Police Lt. David Rogan; Gerard Duke, Municipal Planner; Mark Romito, Finance Director; Mike Smith, Environmental Engineer; Jean Statler, Municipal Engineer

2. Pledge of Allegiance

Flag Ceremony performed by Boy Scouts Troop 215, Tiger Scouts.

3. Chair Announcement

Executive Session of Council was conducted on Monday, June 11, 2012 to discuss personnel issues.

Reports of Officials

4. Library Director's Report

Library Director, Christine McIntosh, stated that the Bethel Park Public Library provides services to inform, inspire and enrich the community.

Ms. McIntosh gave a report on the recent fundraising events. The Annual Fundraising Gala, Monte Carlo night, was held on May 25th at the Community Center. Over 100 people were in attendance and over \$3,500 was raised. She thanked the Wednesday Evening Knitting Group for their donation of a blanket which raised \$46. The Christmas in July raffle continues. Tickets are available in the Library for \$10 each and are good for every day in the month of July.

Proceeds of all fundraising activities support the programs and services of the Library.

Ms. McIntosh reminded everyone that the Summer Reading Programs are beginning for children who are not yet reading, through school aged children, teens and adults. She also said that there is a Homebound Delivery Service for anyone who is unable to come in person to obtain Library materials.

She then said that the Library maintains the garden in the court yard where tables are set for anyone who would like to sit outside and read. The plants were purchased from the Martha Lowry Memorial Fund as well as the recent generous donation from Lowes.

For more information on this policy or any of the programs and services offered by the Library, visit website at www.bethelparklibrary.org

5. Police Chief's Report

Lt. David Rogan reported that the Police Department recently hosted a Hybrid Electric Vehicle Safety Course for first responders for Police, Fire and EMS. He thanked Sun Chevrolet, Rohrich Toyota and Woltz and Wind Ford for providing resources for this course. Also, he thanked the Brightwood Fire Station for use of their facility, as well as Producer Dave Cable from BPTV for video taping the training session for other first responders who could not make the class.

He then announced the annual Charles Bonczek Police Department College Scholarship Recipients. \$500 scholarships were awarded to 10 high school students to attend educational facilities. All the proceeds for these scholarships came from the recent Police Pals versus Steelers' Basketball event and also from generous donations from people in the community who care about keeping Sergeant Bonczek's memory alive.

6. Fire Chief's Report

Third Lieutenant Tom Kelton gave the Fire Report for the month of May. He then thanked everyone who helped out with the June 1st fire, including the Police and EMS personnel. He said the fire is still being investigated by the County Fire Marshals to determine the exact cause.

Lt. Kelton thanked everyone for their donations at the recent Fill The Boots at the South Park intersection at South Park Shops.

He then announced that the second mailing for donations will be going out this week. These funds are necessary to provide the services to the community.

Mr. Moury encouraged everyone to be generous with their donations as none of their operating funds come from the Municipality. They come from donations. He also asked that residents support the Tri Community South EMS subscription drive.

Mr. Harrison promised the fire company that he would remind residents to make contributions to our Volunteer Fire Company.

7. Mayor's Report

The Mayor thanked the Scouts for coming to the meeting. He then announced the 90+ Club birthdays for June.

Mayor Morton presented the annual State of the Municipality Report in accordance with the Home Rule Charter.

(Verbatim text of Mayor Morton's State of the Municipality Report)

“Except for what seems a multitude of road and street detours, we talked about this in the back room a little bit, one-way onlys, street closings and flag persons that I feel some of which I'm getting a personal relationship with, and except for many developmental sites which have gotten started but can't seem to get finished, and except for this year's budget process which turned into a hay-roube, Bethel Park actually with all this is still in pretty good shape. Now, many of our residents, and I understand this, are frustrated through this, but so is the staff, over some of these issues, so is the Council and I think the Mayor is also. I would appeal to everyone, everyone, to take a deep breath when you feel some frustration coming on. Look to the future when all this is behind us and Bethel Park is once again peaceful and quiet but still with problems. A few years ago, I was at a conference when a featured speaker spoke to this very issue of problems. And his thesis was that human beings are the happiest when they have a problem to solve because nature, by mans very nature, he is a problem solver. This speaker challenged the audience by asking for a show of hands for those who had no problems in their life. He further challenged a half dozen or so who raised their hands by explaining to them that everyone has problems, every group has problems. And if one thinks that he or she has none, then they should go home, or they should go to their hotel room and get down on their knees and say, Lord, send me a problem. Please, I need a problem. Well, I don't think we ever really ask for that, but they do come. Pastor Dennis, who used to be at Ruthfred Lutheran Church years ago always said, be careful what you pray for, you might get it. So keeping that in mind, problems will always be with us. The trick is to keep them resolved or get them resolved or keep them at least manageable. And I have faith in the people of Bethel Park, and this Council, and this staff that they can and will do just that. We keep our problems minimized, we get them done and move on which is Tim's favorite expression. We're moving on, right Mr. Chairman? Anyway, God always blessed Bethel Park and we ask for that, as well and that concludes our report for tonight, Mr. Chairman. Thank you.”

Mr. Moury thanked Mayor Morton.

8. Approval of Minutes

Regular Council Meeting Minutes of May 14, 2012.

Motion by Mr. Allen and seconded by Mrs. Gibbons to approve the Regular Council Meeting Minutes of May 14, 2012. Motion Carried 9 – 0.

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 #061112 in the amount of \$644,423.58. Motion Carried 9 - 0.

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

None

GENERAL POLICY AND FINANCE

11. General Policy and Finance Items

Appointment – Cable TV Board

Motion by Mr. Hannan and seconded by Mr. Allen to appoint Peter J. Mazzarini to the Cable TV Board for a term to expire on December 31, 2015. Motion Carried 9 – 0.

12. Appointment – Cable TV Board

Motion by Mr. Hannan and seconded by Mr. Allen to appoint Pauletta Beehler to the Cable TV Board for a term to expire on December 31, 2015. Motion Carried 9 – 0.

13. Appointment – Zoning Hearing Board Alternate

Motion by Mr. Hannan and seconded by Mr. Allen to appoint Carol Stewart as an Alternate Member of the Zoning Hearing Board for a term to expire on December 31, 2014. Motion Carried 9 – 0.

Mr. Harrison said that last month, he left his umbrella at the dais in Council Chambers. He asked if any one found it, please let him know. He also said that there is a World War II WAVE whose name is spelled incorrectly on the plaque outside. He asked if we could make it a matter of record and correct the spelling of Rita Magill the next time adjustments are made.

Mr. Harrison said that last month he introduced his projects on behalf of many citizens called CLAMP DOWN (Council Lied And Mised Public - Don't Overlook Wasteful Niceties). That is because many people, including himself and the petition committee felt that Council and staff indicated that there was sufficient monies in the budget and we didn't need a real estate tax increase. Low and behold, Council passed an increase in real estate tax. He said he quizzed the Solicitor about this item and Mr. McTiernan gave a repetitive statement about

three times which he admitted he did not understand. The bottom line was that he passed the opinion that if the present petition committee was successful in getting the number of signatures to overturn the February Ordinance for 11-1/2% increase in real estate taxes, then we would revert back to the November Ordinance which is 34.4%. He said he alleges that Mr. McTiernan did not make that legal determination on the spot. He said he has much reason to believe that he had communicated that to whatever staff or Council Members, or whatever. He said certainly not to this Council Member. He said he could say he's never seen that opinion in writing. He continued by saying it is an important decision, it is important because it affects not only the activity of the petition committee who filed an affidavit with the Manager in accordance with the Home Rule Charter, and the Manager acknowledged with his signature. It also affects the people seeking signatures plus all the people who pay real estate taxes in Bethel Park. He said he thinks that if our Solicitor rendered that opinion to this Municipality, then we have the responsibility to make sure the citizens know about it. He said everybody lost interest in signing the petition when they knew if the petition committee was successful, then they would have to pay 34.4 instead of 11-1/2%. He said it is important to not only Council Members, it is important to him and he has never been informed of it until he quizzed Mr. McTiernan on the floor. He said he contends that not informing these groups of people, the petition committee, the people who circulate the petitions and the public in general, it was devious and irresponsible. Mr. Harrison said he embellished his campaign. In addition to the CLAMP DOWN, he came up with DETOUR (Don't Ever Trust Our Untruthful Representatives). Everyone knows that detours are caused by road blocks. He contends that the road blocks in this case causing people to get an unnecessary increase in real estate taxes are sitting right at the dais. He reminded everyone that seats in Ward 1, 3, 5, 7 and 9 will be on the ballot in 2013 and this provides the public with an opportunity to speak to these issues. Don't miss the chance to have your voice heard.

Mr. Dixon made an observation that over the last year or two we have seen an increasing paranoiac assault on every Council Member, just about every member of staff, the Mayor and now our Solicitor. He said he welcomed Mr. McTiernan to the club.

Mr. O'Brien asked a question about the timeline. He said the time has come and has run out after filing the affidavit.

Mr. McTiernan said that he told the Manager that from the day the affidavit was filed, the 60th day was June 9. But since that is a Saturday, it would become Monday, June 11 at the end of the business day, according to Pennsylvania Law.

Mr. O'Brien asked if the end of business day is at 4:30 p.m.

Mr. McTiernan replied yes. He said he consults regularly with the Manager on these things. He does not give opinions to Council unless they ask as Mr. Harrison did at the last meeting.

Mr. O'Brien said he quotes our Mayor and Mr. Moury by saying it's time to move on.

Mr. Pape said he thinks it's about time we put this show on the road. He said Mr. Harrison was a member of the Home Rule Charter and that he voted to balance the budget by November 15 and the income taxes on December 31. By doing did this, you can not count what you get in October, November or December. We would not be talking about this if Mr. Harrison did vote for this.

Mr. Harrison mentioned that he refers to the gray haired person down there as Dr. Dixon. He said he appreciates his polite comment tonight but assumes he has an expertise in other than moving furniture because at a recent meeting, he psychoanalyzed and suggested Mr. Harrison was acting in a deviate way and so forth. He said he now refers to him as Dr. Dixon because he must have the tickets to make the pronouncement from the public dais.

Mr. Pape said he does not want to put himself on the same level as Mr. Harrison but this has been going on for months and years. He said people are asking what Mr. Harrison is talking about because all he does is mumble. He asked that Mr. Harrison get on with life.

Mr. Dixon said he does not know if he psychoanalyzed anyone but one needn't be a piano tuner to know when the piano is out of tune.

PLANNING AND ZONING ITEMS

14. Citizens' Comments – Planning and Zoning Items

Kim Gales-Dunn, J.R. Gales and Associates, 2704 Brownsville Road, Pittsburgh, PA 15227, spoke about Application No. 2012-0237. She represents Ross Development Company who is beside the proposed development. She said they have two concerns. One is that the storm water detention system will discharge into their detention system which is privately owned. Also, the storm sewer system is privately owned. Secondly, she has a concern of the design of the wall that will be adjacent to their property because of the height of the wall and visibility.

Steve Farino, Esq., 301 Grant Street, Pittsburgh, PA, representing 1600 Washington Road Associates, the neighboring property. They wanted to voice their objections to the height of the wall and the support structure for it. They are objecting to any plan in which storm water is discharged into their private system which services their own property and that any approval for such a plan should be conditioned upon an agreement between the two owners that utilize the private system on the property. If there is an approval that does not have that condition, they are of the belief that that would be a defect.

Mr. Moury asked Mr. Duke to respond or comment on the storm water and that they had this discussion at the committee meeting.

Mr. Duke said that this application is a 5,000 square foot retail building which is currently on the Presidential Plaza property on Washington Road, which was the old Washingtonian site just up from the property containing Trader Joe's. The property sits in both Bethel Park and Upper St. Clair, the majority of which is in Bethel Park, mainly the main building which is there now. What they are proposing is to put this new building within Bethel Park and Upper St. Clair with the majority in Bethel Park so it is being reviewed as part of a Bethel Park plan. The two components that they talked about are the wall and the storm water. Currently, the water is being received through a system already in place. The water is going into that system. Our control is not necessarily in looking at the location of how it is tying in or going in a different place, but where it's receiving and how it's going in. Any private arrangements must be between the two property owners. We are not enforcing that provision. The second item is the wall. The wall is not in Bethel Park, it is in Upper St. Clair, so one of the main conditions of the recommendation for the approval is that they must also receive approval from Upper St. Clair.

Mr. Dixon said he wanted to be specific about the tie into the storm water system. He asked if it's something that should impact Council's decision tonight or is it simply a civil matter between the two parties.

Mr. Duke said it is going in there right now, so if there is any issue, it should have been resolved between the two. We have no way of enforcing a private matter. If there is a problem with it, then it's going to be an issue between the two of them. Technically, it is not an issue with us from our viewpoint. They meet our requirements for retaining it, withholding it, and holding it back.

15. Planning and Zoning Items

Application No. 2012-0237 – Presidential Plaza Retail Addition, Major Land Development

Motion by Mr. Dixon and seconded by Mr. Allen to approve Application No. 2012-0237 – Presidential Plaza Retail Addition, Major Land Development, in accordance with the Municipal Planner's correspondence dated April 21, 2012. Motion Carried 9 – 0.

16. Resolution – Sewer Easement Vacation/ Library Road

Motion by Mr. Dixon and seconded by Mr. Allen to adopt the Resolution vacating certain sanitary sewer easement located on Library Road. Motion Carried 9 – 0.

17. Resolution – Transfer of Property

Motion by Mr. Dixon and seconded by Mr. Allen to adopt the Resolution of the Council of the Municipality of Bethel Park, Allegheny County, Pennsylvania, authorizing the conveyance of certain property from 88 Investors, LP, to the Municipality of Bethel Park, on the condition that such property be immediately

conveyed to the Pennsylvania Department of Transportation in connection with a development along Library Road and Hillside Drive. Motion Carried 9 – 0.

Mr. Dixon said, as a note to the residents of Ward 4, and to the rest of Bethel Park as well, a meeting was held on Monday, June 4th with residents of Lawrence Drive, Kevin Drive, Locust Drive and that whole neighborhood in that region relative to the closing of the intersection of Baptist and Broughton Roads. He said everyone knows that it is a monumental headache throughout the community. Steps were taken to alter the traffic along Broughton Road to help alleviate some of the congestion in that neighborhood. The neighbors came to Council with suggestions. It was a very good meeting and the residents of the area gave great ideas and were very responsive. It was a very positive outcome. Mr. Dixon said he always asks for citizen involvement from the community on anything from budget items to traffic items and this was exactly the kind of input that he loves. Council is taking into account all of their suggestions and preparing responses by looking at what we can and cannot do in an attempt to help. He publicly thanked his fellow members of Council who joined him, Mr. Allen, Mrs. Gibbons, Mr. Hannan, Mr. Harrison and Mr. Moury. He also thanked Manager William Spagnol, Municipal Planner Jerry Duke, as well as Chief Mackey and Sergeant McLain. Our traffic engineer and PennDOT were also present. He said they are all taking this issue very seriously, it was a positive event and he is grateful for everyone's participation.

HEALTH, SAFETY AND WELFARE ITEMS

18. Health, Safety and Welfare Items

None

Mr. McLean said he had the privilege to participate on Memorial Day in the Forgotten Heroes segment of the program in the recognition of Charles Michael Swaim, a resident of Bethel Park who was killed in action in Vietnam. For those who attended, you know that members of Mr. Swaim's family and a fellow Marine who was with him when he passed away, made the journey to Bethel Park to attend the ceremony. Mr. McLean thanked Municipal staff and members of the Veterans' Committee because it was a day they will never forget. Mr. McLean read two thank you notes he received. One came from Mr. Swaim's sister Margaret Ann, and the other from Jerry Heinz, the fellow Marine. Mr. McLean said the words of these people were a fitting way of recognizing the day.

Mr. O'Brien thanked Mr. McLean and his father Judge McLean for their personal touch from the neighborhood from forty years ago. He said that this is what Bethel Park is all about. He said the day was magical, spiritual and with divine intervention, it all came together. He thanked everyone involved.

PUBLIC WORKS AND MAINTENANCE ITEMS

19. Citizens' Comments – Public Works and Maintenance Items

None

20. Public Works and Maintenance Items

Liquid Chlorine and Sulfur Dioxide Contract

Motion by Mr. O'Brien and seconded by Mr. Hannan to award a one-year contract for Liquid Chlorine and Sulfur Dioxide at the Sewage Treatment Plant to JCI Jones Chemicals, Inc., for the following low bids: Liquid Chlorine for \$374.00 per ton; Sulfur Dioxide for \$940.00 per ton, in accordance with the Director of Community Services' correspondence dated May 10, 2012. Motion Carried 9 – 0.

Mr. Harrison made a motion that the Solicitor be directed to provide an opinion in writing on the tax ordinances.

There was no second. Motion died.

Mr. Moury commented that he did not want to say anything on the Dr. Dixon comments but the whole tax petition issue is just like the emergency access road issue. He said every month, we hear over and over something that is not true. The majority of what Mr. Harrison said tonight is simply not true. He said that he respects Mr. Harrison's opinions but he is not entitled to change the facts. Mr. Moury said he thinks Council has done their due diligence, and that he thinks Mr. Harrison wants to spend money. Mr. Moury said he read the Home Rule Charter and that Mr. Harrison is the self-proclaimed author and knows what it says. Mr. Moury continued by saying the tax petition committee did not get the signatures they needed and Mr. Harrison is crying foul yet again, this is just another way to spend money without creating or providing any solutions to any of the issues, that this is purely political and it is time for all of us to move all.

21. Adjournment

Motion and second to adjourn at 8:20 p.m.



Manager