

MUNICIPALITY OF BETHEL PARK

MINUTES OF REGULAR COUNCIL MEETING

Date: August 11, 2014

Time: 7:30 P.M.

Location: Municipal Building

1. Roll Call

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

Absent: Council Members Moury and Pape

Also Present: William J. Spagnol, Manager, Mayor Jack Allen; Judith L. Miller, Assistant Manager; Robert L. McTiernan, Solicitor; Gerard Duke, Director of Community Services, Police Lt. David Rogan; Michael Smith, Municipal Planner/Assistant Director of Community Services; Joseph Villella, Finance Director; Jean Statler, Municipal/Environmental Engineer

Meeting Note: Vice President Hannan served in the capacity of Acting President in the absence of Mr. Moury.

2. Pledge of Allegiance

3. Chair Announcement

An Executive Session of Council was conducted on Monday, July 28, 2014 to discuss personnel and legal issues and on Monday, August 11, 2014, to discuss litigation.

Reports of Officials

4. Library Director's Report

Library Director Christine McIntosh was unavailable, therefore there was no Library Director's report.

5. Police Chief's Report

Police Lt. David Rogan announced that the next Crime Watch Meeting has been changed from Monday, August 25, 2014 to Tuesday, August 26 at 6:30 p.m. at the Bethel Park Community Center. This meeting has been changed to accommodate everyone who wants to attend the Pittsburgh Pirates – St. Louis Cardinal Baseball Game on August 25th so they can watch the newest young member of the Police force, Joey Fabus, throw the first pitch.

Lt. Rogan spoke about the benefit softball game, Badges and Bats sponsored by All State Insurance that will take place on Wednesday, August 13, 2014 at 6:00 p.m. at Millennium Park between the Bethel Park Police Department and the Mt. Lebanon Police Department. Proceeds from this event will benefit Special Olympics. A 50-50 raffle will also take place with proceeds going to Special Olympics, as well as a community challenge between Bethel Park and Mt. Lebanon. For more information or to make a donation, you can contact the Crime Prevention office.

All State Insurance also donated a speed monitor trailer to be used in the community to help control speeding. The trailer is currently placed at the Police Department entrance for everyone to see.

Applications are now being accepted for the 2015 Citizens Police Academy and the Law Enforcement Apprentice Program. For more information, you can contact the Crime Prevention office.

Lt. Rogan asked Mayor Allen to join him in presenting this year's Meritorious Awards. Every year, the Police Meritorious Award Foundation provides scholarships to college age children of Bethel Park Police Department employees who have achieved academic excellence. This year's winner in attendance is Mia Rigatti, daughter of Crime Prevention Officer Tom Rigatti. Winners not in attendance are Kimberly Roberts, daughter of Communications Officer Warren Roberts, and Kayla Kirsch and Kammi Kirsch, daughters of Sergeant Tim Kirsch.

6. Fire Chief's Report

Chief David Gerber announced sad news that Captain Rich Runski lost his battle to cancer and passed away on Sunday. He asked that everyone keep the Runski family and the fire department in their thoughts and prayers.

Chief David Gerber gave the fire report for July.

He said that the Fire Company will host an Oktoberfest event on October 18, 2014 at the Community Center. Tickets are \$25 which includes food, beer and entertainment. More information on Oktoberfest and how to obtain tickets will be announced at the next meeting. You can obtain information on the Fire Department's website, www.bethelparkvfc.com

7. Mayor's Report

Mayor Allen announced that Senator Matt Smith was present and that on Saturday, August 16, Senator Smith, the Municipality of Bethel Park and Evey True Value Hardware, will sponsor the annual Shred Event. It will take place at the Bethel Park High School Parking Lot from 10:00 a.m. to 12:30 p.m. More information is available by contacting Senator Smith's office at 412-571-2169 or online www.senatormattsmith.com

In keeping with the Mayor's theme, the Make Bethel Park a Better Place to Live award this month goes to South Hills Interfaith Ministries. Mayor Allen introduced Mr. Jim McGuffy, Executive Director of SHIM. Mr. McGuffy thanked Bethel Park for their help when SHIM moved to Bethel Park in 2009. He spoke about SHIM's objectives which include that through direct assistance, no family from South Hills should ever go without in order to survive by providing health insurance, medication, food stamps and the like. They provide many programs in which families can take part. Their objective is to help long term by teaching self sufficiency. He also said they need assistance thorough donations similar to what the Police Pals provide with the food drive each year. Cash donation allows them leverage buying power as they are members of the Greater Pittsburgh Community Food Bank network. He passed out brochures so that everyone knows what they can provide. They look forward to continue working with Bethel Park.

Mayor Allen awarded a proclamation to SHIM for their work in the South Hills.

8. Approval of Minutes

Regular Council Meeting Minutes of July 14, 2014.

Motion by Mr. McLean and seconded by Mrs. Gibbons to approve the Regular Council Meeting Minutes of July 14, 2014. Motion Carried 7 – 0. Council Members Moury and Pape absent.

9. Bills and Payrolls

Motion by Mr. McLean and seconded by Mrs. Gibbons to approve the Bills and Payrolls for the Municipality per Bill List #081114 in the amount of \$3,828,189.12. Motion Carried 7 – 0. Council Members Moury and Pape absent.

Mr. Hannan stated that before the Resident's Comments portion of the meeting, he wanted to make acknowledgement that in the audience is County Councilwoman Sue Means, State Senator Matt Smith and Representative of the 37th District Rick Saccone.

Mr. O'Brien asked that Senator Smith speak at this time.

Senator Smith announced that Bethel Park was recently awarded the 2014 Banner Community Award by the Allegheny League of Municipalities and presented a

special citation. He said having grown up in Bethel Park, he knows that there are many things that make Bethel Park a banner community such as the way they recognize our nation's veterans as well as public safety professionals. Most especially, he said, are the people of Bethel Park and it is his honor to congratulate Mayor Allen, Municipal Council and all of the staff for this well deserved recognition. He said it was a real honor for him to share with all his colleagues in the State Senate what a special community Bethel Park is.

Senator Smith then introduced his colleague from the State House, Representative Rick Saccone. Representative Saccone congratulated Bethel Park on behalf of the State House, Representatives Miller and Maher. He proceeded to read a section of the citation which summarizes the importance of this award and presented it to Mayor Allen.

Mayor Allen then challenged the Municipal Manager and staff to repeat this award and to have the Senator and Representative to return next year to do the same honors.

Allegheny County Councilwoman Sue Means was introduced. She congratulated Bethel Park saying she is very proud that Bethel Park received the 2014 Banner Community award.

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

Mr. Dick Kraft, 102 Highland Road, represents the Bethel Park Historical Society. Mr. Kraft said there is a campaign going on to increase membership. They meet at the School House Arts Center Building. The society would like to replace windows at the center, create a website and dedicate a classroom for historical purposes pertaining to the Bethel Park community. He has applications to distribute for everyone to join the society.

Mr. Tom Skelton, 5038 Sherwood Road, thanked the Municipality for the maintenance to the creek behind Sherwood Road. He mentioned that there has been no flooding recently and they all appreciate that. He then thanked Council for having the Welcome to Bethel Park signs updated and reinstalled around the community.

Mr. Ray Black, 906 Vista Glen Drive, also spoke on behalf of the Historical Society. He recognized a long-time member of the society and was also a founding member of South Arts who passed away on Saturday and wanted to remember her to the public. He and Bob Baxendale were present at a recent Council meeting and wanted to update everyone on what has taken place since then. A new interim Board of Directors was installed in July to provide guidance with upcoming projects of membership, maintenance, remodeling and fundraising. He recognized Jay Wells, Patricia Kraft, Richard Kraft, Patty O'Shea and Clay Olsen who helped keep the organization functioning the last few years. The society is kicking off a membership drive and has enrolled 25 new members so far. Brookside Lumber is interested in becoming involved and he hopes more local business will follow suit. They will continue to work at the

booth at the upcoming Community Day event. They are in the process of setting up a museum for Bethel Park historical information and are soliciting new materials from the public to add to current inventory. Columbia Gas has approached the society and offered a sizable sum for a long term lease of a 15 square foot piece of property that the society owns to install a new gas pressure regulator station in the area. It is in the feasibility phase at this point. An information packet was provided to Municipal Council recently and he implores everyone to read it as it is interesting information.

Verbatim text requested by Council President Moury

Mr. Bob Swiech, 2848 West Munroe Street

Mr. Swiech said:

“Good Evening, my name is Bob Swiech. I live at 2848 West Munroe Street. I’d like to make a short statement. I’ve already talked to Mr. Moury and Mr. Pape, my representative shortly, for a brief period last week, but as I told them, this is not a neighborhood problem that we have, this is, I believe, a community problem. The house next door to me at, 2844 West Munroe was just sold a week ago today. I spoke with the new owner. He was a veteran, not veteran, former resident of Bethel Park. He now lives in Maryland. He bought the house as an investment property and he is renting it to a corporation called InVision Human Services. He told me, don’t worry, this is fine, these people deal with mentally challenged problems. But he owns another one on Clark Avenue here in Bethel and there is no problem, you don’t have to worry about it. I went online and I checked what these people actually treat. The website of InVision Human Services say they treat individuals with mental behavioral problems which include violent behavior, problematic sexual behavior, aggressive behaviors and other mental behavior problems in their residential programs, which means their homes that they have like here in Bethel that Mr. Refusco presently owns. In discussing with the neighbors, I also found out there is another house on Florida Avenue owned by Fayette Resources. I don’t know exactly what they treat yet, but I will be finding out. These companies, these aren’t homes for residents, these are companies running businesses in our residential areas. On the Bethel Park website, it says occupancy permits must be gained for any change of use of any property and also the zoning permit for the same purpose. The Bethel Park officials I’ve talked with, I’ve been here in the borough building a number of times, they said they were enforcing federal law and there is nothing that can be done about it. Online, I found the Fair Housing Act 42 of the U.S. Code. I don’t know if that’s what it is or not, but I’ve been to Mr. Murphy, Congressman Murphy’s office. He tells me that there is nothing in the Federal law that mandates that these facilities be in the residential areas. In addition, a realtor has informed me that because of these homes, I’m going to call them homes because I don’t know what else to call them, businesses I should say, that are in these areas, our property values are going to go down. Try to sale a home like the one right next to me where those people are, they said I’m going to have a hard time selling my home. I just have two questions for the Council, who will be seeing more of me probably, I understand that but I would like to know why the Bethel

ordinances aren't available to the citizens online. Other communities have it, and there might be a reason. And why there's been no notification from the Bethel Park government to the residents of these neighborhoods because I understand from the Zoning Department there are quite a few of these over the whole Bethel Park Municipality. That's the questions, if any of you guys want to answer, that the two."

Mr. Hannan said:

"Well, as far as, we had discussions about putting our ordinances online. That's probably going to happen within the next 6 months or so, that's going to happen. The idea that, all due respect to the Congressman, he's not a lawyer, and we have to follow the law and the law is that we are restricted in what we can enforce as far as these types of activities in our community. The solicitor might want to make any comments in general about those kind of activities, but let's say we would sue them. They would win and we'd pay their legal fees. That's how these suits have happened. This has been going on for 25 years, these types of operations have been going on. So even before I was on Council, we used to have a home residential advisory committee, which I think I was on the first one of those. Their roll was to do things, going around and making sure they're in compliance with the laws, and even that became untenable because of the way the case law on these situations were. So, if the solicitor has any comments?"

Mr. McTiernan said:

"Mr. Hannan, I think you said it very well. The statutes are the Americans with Disabilities Act in particular, as well as other legislation and we have researched this and gone over it many times. There is no way you can use Zoning ordinances to regulate the use of residences for people who suffer from handicaps or mental handicaps. The zoning officer might be able to comment on a procedure or notion that you have an obligation to somehow notify residents that there is someone using the home for these purposes, but there is no basis for it in the ordinance."

Mr. Swiech said:

"How about as a business? These people aren't renting or paying anything there. The businesses are paying to rent to a private party that owns that place or they are buying the homes themselves to run a business. And that is a business."

Mr. Hannan said:

"That residential activity trumps all, that's what it comes down to.

Mr. Swiech said:

I don't want to get into a back and forth..."

Mr. Hannan said:

“This issue has come up, it hasn’t come up recently, but it has come up. Our long time members of Council can say this has been discussed over the last 25 or 30 years in various aspects of that, but we are really (unintelligible) as to what we can do.”

Mr. Swiech said:

Well, there’s three of these homes, or facilities, within a quarter mile of my home, and like I said, I don’t want to get into a back and forth...”

Mr. Hannan said:

“Right, that’s our position.”

Mr. Swiech said:

“and once I find out more, I told Mr. Moury, I would go through John Pape, my representative.”

Mr. Hannan said:

“Okay. Thank you.”

GENERAL POLICY AND FINANCE

11. General Policy and Finance Items

No Items

12. Citizen’s Comments – Planning and Zoning Items

PLANNING AND ZONING ITEMS

13. Storm and Sanitary Sewer Relocation Contract, Bethel Park Volunteer Fire Company, Brightwood Road Station Project

Motion by Mr. Dixon and seconded by Mr. O’Brien to award the Storm and Sanitary Sewer Relocation Contract for the Brightwood Road Station Project to A.W. McNabb, Inc., for a lump sum bid of \$148,000.00, in accordance with the Project Architect’s correspondence dated June 24, 2014. Motion Carried 7 – 0. Council Member Moury and Pape absent.

HEALTH, SAFETY AND WELFARE ITEMS

14. Health, Safety and Welfare Items

No Items

Mr. O'Brien announced that this month, the Coast Guard flags are displayed at the Veterans' Memorial in honor of the Coast Guard's birthday.

Mr. O'Brien shared some insight on Bethel Park and how most people seem to have to look outside of the community to obtain answers to problems or repairs to various item when in fact, most of the help and answers are right here in Bethel Park. His point is that sometime we look all the way around for answers and the solution is right here in our own neighborhood. So before you look outside, look here.

PUBLIC WORKS AND MAINTENANCE ITEMS

15. Public Works and Maintenance Items

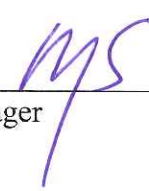
No Items

Mr. Hannan made mention that in ten days, his mother will be celebrating her 90th birthday. He wanted to send her best wishes for a long and happy additional life. Without her, he would not be here and he appreciates all she does for him. She has been a resident of Bethel Park for over 30 years. He said that Mr. O'Brien has something to say about our Council President who happens to be out of the state today.

Mr. O'Brien announced that today is Council President Tim Moury's birthday. He then proceeded to request that everyone join him in singing Happy Birthday to both Mr. Moury and Mrs. Hannan.

16. Adjournment

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



Manager