

MUNICIPALITY OF BETHEL PARK

MINUTES OF REGULAR COUNCIL MEETING

Date: November 12, 2018

Time: 7:30 P.M.

Location: Municipal Building

1. Roll Call

Present: Council Members Campbell, Consolmagno, Dixon, Gibbons Hannan, Harrison, McLean, Moury, O'Brien and Mayor Allen

Absent:

Also Present: Shawn Arbaugh, Manager;
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, October 29, 2018 to discuss legal issues and personnel items. An Executive Session of Council was conducted tonight Monday, November 12, 2018 to discuss legal issues and personnel items.

Reports of Officials

4. Library Director's Report

Library Director, Christine McIntosh, stated that the Bethel Park Public Library provides opportunities to explore, learn, create and connect.

Ms. McIntosh announced a few upcoming classes and programs that the library will be hosting. The Annual Gingerbread Workshop will be on Saturday, November 24th from 1:00 PM - 3:00 PM. The library will supply the cartons and graham crackers and ask that you bring a can of icing and bag of candy to share. Registration is required.

There is an Author Talk- Natasha Garrett - Motherlands on Wednesday, November 28th at 7:00 PM. The author, who moved from her native Macedonia to the US to attend college, will read excerpts from her book and discuss the changing patterns of immigration. Using humor and personal stories, she will explore what it means to "become" American and navigate languages, cultures and identities.

Ms. McIntosh announced that the Library has Technology Appointments available. These are one-on-one appointments and are available for you to learn more about your laptop, e-reader, smartphone, or tablet. The appointments are 45-minutes long. Make sure you bring your charged device and your cords and cables. Days and times vary, call for an appointment.

Ms. McIntosh announced that the Library has 16"x20" prints of the Studious Sloth. These are available for purchase at the Library or through the Library's web site for \$50. Watch for DECA students, who will be selling the prints on Small Business Saturday (11/24) at Evey's and Bethel Bakery. Proceeds will benefit the Library.

Ms. McIntosh announced that the Library will close at 5 PM on Wednesday, November 21st. The Library will be closed on Thursday, November 22nd for Thanksgiving.

5. Police Chief's Report

Chief O'Connor stated that on October 27, 2018 on what can be described as an act of pure evil, a gunman shot and killed eleven (11) people at the Tree of Life Synagogue in Squirrel Hill. Responding police officers were also shot and caused a request to go out for assistance to local area SWAT Teams. Twenty-Four (24) members of the SHACOG CIRT Team responded. This included several members of Bethel Park Police Department. Together SHACOG CIRT assisted the City SWAT and other area SWAT teams in bringing the incident to an end. Chief O'Connor stated that this is the third call out in the month of October for the SHACOG CIRT Team. All calls involved individuals with fire arms.

Chief O'Connor commended the members of the SHACOG CIRT Team for their dedication of duty and their professionalism. Chief O'Connor wished Officer Tim Matson of City SWAT who is still in the hospital recovering from his wounds a full and speedy recovery and hopes he returns back to active duty soon.

6. Fire Chief's Report

Deputy Chief Bob Brown stated that one of Bethel Park Firefighters Adam Deluca is also an EMT for the City of Pittsburgh. Adam was one of the first EMS units to arrive at the Tree of Life Synagogue. He assisted in treating one of the wounded police officers. Deputy Chief Bob Brown stated he wanted to make special notice of Adam this evening and please keep all the victims and families in your thoughts and prayers.

Deputy Chief Bob Brown gave the fire report for the month of October. There were a total of 40 calls for the month of October.

7. Mayor's Report

Mayor Allen announced that today is Veterans Day. He then thanked all the Veterans who have served our country in the past or are serving our country now.

Mayor Allen stated that there are always numerous activities on Veterans Day but one of his favorites was the breakfast that Bethel Park Independence Middle School hosts every year. The students that belong to Student Government host the event. Mayor Allen stated

that it was totally packed. He said it was a great feeling to see so many kids involved and stepping up for our Veterans.

Mayor Allen announced that Light Up Night is on Tuesday, November 27 at 6:45pm at the Community Center. There will be light refreshments.

Mayor Allen stated that this year was a terrific year for the Trolley Beautification Project. Everyone did a terrific job. There were over a hundred (100) volunteers for fall cleanup.

Mayor Allen stated that there was an incident with vandalism at the Bethel Cemetery. Someone took and burnt flags and took markers down. Mayor Allen stated that about two weeks ago a group of volunteers showed up to clean up the cemetery. Some of those people included Councilman Consolmagno, Councilman Moury and Councilman O'Brien.

Mayor Allen announced the Annual Christmas Lighting Contest. Anyone who would like to be a judge please call Janet Davin at 412-831-6800 extension 211.

8. Municipal Manager's Report

Municipal Manager, Shawn Arbaugh stated that Bethel Park is currently working on their long range plan. This happens every ten (10) years. Mr. Arbaugh gave a brief presentation on how to take a survey for Blueprint Bethel Park. It is important to have as many residents participate as possible. Mr. Arbaugh asked all residents to go to www.BethelPark.net and click on the left hand side Blueprint BP. A new page will appear, then click on Surveys at the top of the page. Please complete the New Community Assets Survey. Mr. Arbaugh stated it is important to have the community involved so please take 5-10 minutes to complete the survey.

Mr. Arbaugh thanked Jim Adkins. Jim Adkins was a Public Works Supervisor for the Municipality who just retired. November 12 was his last day. Mr. Arbaugh stated that Jim Adkins had forty-one (41) years with the Municipality and will be missed.

Mr. Arbaugh gave an update about the new garbage cans. In a few weeks all residents will receive a post card in the mail. There will be a number to call to select the size garbage can you would like. If you do not make a selection you will receive a ninety-six (96) gallon can.

Mr. Moury wished Jim Adkins well in his retirement.

9. Approval of Minutes

Regular Council Meeting Minutes of October 8, 2018

Motion by Mr. Hannan and seconded by Mrs. Gibbons to approve the Regular Council Meeting Minutes of October 8, 2018. Motion Carried 9- 0.

10. Public Hearing – 2019 Preliminary Budget

Motion by Mr. Hannan and seconded by Mrs. Gibbons to Public Hearing Minutes of October 22, 2018, 2019 Preliminary Budget. Motion Carried 9- 0.

11. Bills and Payrolls

Motion by Mr. Hannan and seconded by Mrs. Gibbons to approve the Bills and Payrolls for the Municipality per Bill List #111218 in the amount of \$1,784,007.66. Motion Carried 9– 0.

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

Richard Pahler, 1119 Logan Rd, Bethel Park stated that he wanted an update on the plans to stop the flooding at his home and on Logan Road. He stated that he received more papers from the borough regarding the flooding of his residence. Since the house was built in 1957 there has been issues with flooding.

Jill Peters, 4790 Criss Rd, Bethel Park stated that she is here to address the issue of her neighbor driving thru their cul-de-sac and creating a driveway. She has lived in her home a long time. The entire time she has owned her house it has been a cul-de-sac until now. She feels that the burden is on her to prove that its not a driveway. She stated the Municipality put up a Private Drive sign but that is not helping. She stated that it comes down to all the residents that live on Criss want this to end and they shouldn't have to continue to deal with this because of one resident who doesn't even live on Criss road. She hopes that Council will decide to close the street off and not allow this resident to pass thru any longer.

Beverly Thurner, 4802 Criss Rd, Bethel Park stated she is here to address the issue of her neighbor driving thru their cul-de-sac and creating a driveway. Criss Rd has never been a pass thru. She stated she is one of the original owners and has been there since 1964. There was a fence on the property on Hilltop for over 40 years, now that the fence has been removed. Now they are coming down Criss Rd and driving thru the cul-de-sac using their property as a pass thru. She has her own driveway and shouldn't be using the side street to access her house. There is a lot more traffic going through the cul-de-sac and it is dangerous, the children cannot play in the cul-de-sac any longer due to the amount of increased traffic. Resident also stated that her property value may suffer if this pass thru is allowed. She stated that last month she had a bag of ice thrown at her front door. She would wish Council does something about this. The lady has a way in and out of her own driveway and she does not need to drive down Criss Rd.

GENERAL POLICY AND FINANCE

13. Citizens' Comments – General Policy and Finance Items

None

14. General Policy and Finance Items

Ordinance No. 11-12-18A – Tax Rate for Fiscal Year 2019

Motion by Mr. McLean and seconded by Mrs. Gibbons to approve the ordinance setting the 2019 fiscal year tax rate in the amount of two and forty-fourth hundredths (2.44) mills

on each dollar (\$1.00) of assessed valuation for municipal purposes and thirty-four hundredths (.34) mills on each dollar (\$1.00) of assessed valuation for the provisions of funding to Bethel Park Volunteer Fire Company and costs associated with the same. Motion Carried 8- 1. Dissenting vote was by Dr. Campbell.

Dr. Campbell stated that Article 1, Section 8 of the Constitution more commonly known as the Welfare Clause states that Congress has the power to collect and levy taxes, duties, Imposts and Excises to pay the debts and provide for the common defense and general welfare of the United States. He stated that many folks interpret the common welfare clause to do anything that benefits the citizenry at large not a particular citizen. That includes street lights, street signs, public safety equipment and storm drains to name just a few.

Dr. Campbell stated that the flooding over the past summer was catastrophic. He has lived in Bethel Park for sixty (60) years and he has never witnessed anything like it. He stated that the cost of the flood was close if not exceeded one million dollars so far. He stated that a few years ago he was behind the millage increase to build the new fire station. He felt that met the criteria of the Welfare Clause. Dr. Campbell is newly appointed to Council and has only been serving for a little more than two (2) months. He stated it is an incredible bargain to live in Bethel Park. There was a recent study done that showed neighboring communities in Allegheny County and Bethel Park is by far the cheapest to live in. Surrounding towns do not include garbage fees in their taxes, Bethel Park does. However, Dr. Campbell feels that the increase is open-ended, without any defined end. He gave a few examples of different taxes we still pay for. He cannot support a forever millage increase for a once in a lifetime flooding event.

Mr. O'Brien stated that in the beginning of 2018, there were discussions on how to fund an unfunded mandate from the state. In February Route 30 fell and hit all across Allegheny County. Bethel Park recorded the data from the February Landslides. That was submitted on an application to the Federal Government for funding. Mr. O'Brien stated that the application was denied and is currently under appeal. Then the events of June. We still have not received funding for the June flood. Mr. O'Brien stated we are alone handling our own problems. Bethel Park was developed before there was any stormwater management plans were in place. Which make it very difficult and expensive to fix. Mr. O'Brien said sometimes they have to look at tax increases. It is going to cost millions to resolve a lot of these issues. Mr. O'Brien stated that residents are still cleaning up from this event. He thanked all of the volunteers who have helped and are still helping people rebuild.

Mr. Moury stated that it was a difficult decision. He said that they had to look at where the Municipality was, what had to be done to retain basic services and where do we need to improve. A lot of the discussions around flood control projects, MS4, \$147,000 for Information Technology, Long Range Plan, replace the police communication system, adding an additional police officer, vehicle replacements \$700,000 and the road program is \$1.65 million. These are just a few things that were added to the 2019 budget. Mr. Moury stated they looked at what could be deferred, for example if they did not pave any roads next year, the problem is that it will cost more in maintenance and it will cost even more the following year to pave. Council had to look at the budget and decide what can be cut but what services and infrastructure do we need that doesn't put the Municipality behind. Some things are being delayed so we can continue to provide basic services to the community. Mr. Moury thanked staff for answering all of Councils questions.

Mr. McLean stated that he agreed with what Mr. Moury said. He said that when they looked at the situation both the million dollars that was spent in 2018 as a result of the flood, the initiatives that we already had started we still wanted to finish. They then looked at the challenges over the next few years dealing with the MS4 requirements. Mr. McLean stated that they needed to generate some additional revenue to do the right studies and then have the availability to fund the projects that need to be done. The situation Council wanted to avoid was looking at what is clearly a problem and not be able to address it because there was not enough funding available. Mr. McLean stated that the increase could have been more aggressive a larger millage increase but council decided that was not the right way to approach this. Mr. McLean stated that council took a modest approach. This increase will generate about \$600,000 in revenue, which is less than the one million spent in 2018. Its enough if you take a multi-year approach to fixing this.

Mr. Consolmagno asked Mr. Arbaugh, how much money did Bethel Park receive from the county?

Mr. Arbaugh stated that Bethel Park did not receive any money from the county.

Mr. Consolmagno asked Mr. Arbaugh, how much did Bethel Park receive the state?

Mr. Arbaugh stated that Bethel Park did not receive any money from the state.

Mr. Consolmagno asked Mr. Arbaugh, how much did Bethel Park receive the federal government?

Mr. Arbaugh stated that Bethel Park did not receive any money from the federal government.

Mr. Consolmagno stated its called self-preservation, if we want to keep Bethel Park in the condition it is in now, we have to invest in Bethel Park. Nobody else is investing in Bethel Park, the state, county and government has not given us any money. Mr. Consolmagno stated he is the last person to vote for an increase but Bethel Park needs it.

15. Ordinance No. 11-12-18B – Year 2019 Budget

Motion by Mr. McLean and seconded by Mrs. Gibbons to approve the ordinance enacting the year 2019 Budget for the Municipality of Bethel Park. Motion Carried 8– 1. Dissenting vote was by Mr. Harrison.

Mr. Harrison asked to amend the motion on the Year 2019 Budget. He would like half the tax to come from Earned Income Tax.

Mr. Moury stated that you cannot ask for an amendment after the motion has been voted on.

16. Appointment – Shade Tree Commission, Alternate

Motion by Mr. McLean and seconded by Mrs. Gibbons to appoint Erin Carter to the Shade Tree Commission, alternate, for a term to expire on December 31, 2023. Motion Carried 9-0.

17. Appointment – Shade Tree Commission, Alternate

Motion by Mr. McLean and seconded by Mrs. Gibbons to appoint Chris Weber to the Shade Tree Commission, alternate, for a term to expire on December 31, 2023. Motion Carried 9-0.

Mr. McLean said:

“I just wanted to discuss with everyone and I assume most people are aware, if not last Tuesday on election day the voters in Bethel Park approved all four (4) of the proposed Home Rule Charter changes that were on the ballot Tuesday. That effort to put those changes for the Home Rule Charter before the electorate and have a vote on it this past week, culminated the work of the Home Rule Study Commission that was started several years ago. In 2014 this Council decided that it made sense to appoint a Home Rule Study Commission to take a look at the Home Rule Charter that had been adopted in 1978. It had been thirty-five (35) years since we had taken a look as a community at the entire Home Rule Charter and so the Home Rule Study Commission was formed. That Commission met regularly over a period of a year and a half. We had eleven (11) meetings, three (3) public hearings, we reviewed the existing Bethel Park Charter, every one of the provisions, beginning to end. We looked at the Home Rule Charters of other communities for comparison, for ideas and contrast. We took input from the public, with their suggestions about Bethel Park changes. Ultimately we produced a comprehensive report that we delivered to Council that included recommendations from the Home Rule Study Commission. As a result of that work nine (9) separate proposed changes to the Home Rule Charter were proposed, were put before the electorate. All nine (9) of those were ultimately adopted by the voters in Bethel Park. So I just wanted to note that because that is a significant event, I think in the history of this community. We became a Home Rule Charter community by our choice in the late 1970’s. We decided now in 2014, in 2018 to take another look at our Charter and to do it comprehensively, do it with an open process, which we invited the participation from the public. As a result, we came up with changes and I think as a result we have an improved Home Rule Charter. We should remain proud of the fact we are a Home Rule Charter and that we are capable of undertaking its process of looking, analyzing, discussing and arriving at suggestive changes and then putting them before the public. There are some people in particular that I want to thank as part of that effort. I had the privilege of being Chairman of the Home Rule Study Commission but all I did was lead the group. It was the group itself that undertook this work and did a tremendous job. In particular, I wanted to thank the members of the public who served on that Home Rule Study Commission who are not members of this Council, but volunteered their time and made the contribution and by name those people are Michael Dobos, Thomas Klevan, Connie Serdy, Carol Stewart, our librarian Christine McIntosh and before he was on Council Joe Consolmagno. I can’t emphasize the contribution of those people who rolled up their sleeves and got involved in this process and helped produce I think worthwhile civic product came out of that commission. I also want to thank Mr. Bob McTiernan our solicitor, who served as the solicitor for the Home Rule Study Commission. He gave us his guidance and legal advice and insight and Bob is virtually unparalleled when it comes to Municipal Law. As we learned through this process he is also an

invaluable contributor when it comes to analyzing Home Rule Charters and discussing what we can do, what we can't do and how we navigate all of that. So again I want to thank Mr. McTiernan. Then finally I want to thank the public, thank the voters of Bethel Park, who undertook their own effort to understand these proposed changes and to consider them and then to go to polls and vote for them. You can tell when you look at the vote results from the four (4) questions that were on the ballot last Tuesday, that people did not go into the ballot and just hit yes, yes, yes or no, no, no, because the outcomes of the vote were significantly different on each question. Which means people were going in to the ballot, reading it, thinking about it and deciding yes I want to vote in favor of that or no I don't. So the public deserves enormous credit. I realize that a lot of times these changes get heavy in the legalese and we can't control all of that because the County tells us how to express question, but I can't say enough about the public for having approached the process and undertake it the way they did and for the results we ended up with. So the last thing I'll say on this subject is this we shouldn't wait another thirty-five (35) years to do this. It's my suggestion that you don't need to do it next year or right away but maybe in the ten (10) to fifteen (15) year period. It's a great Civic exercise to engage the public and to get them more involved in the way we govern ourselves as a community. So even if you don't come up with any specific changes it's a worthwhile exercise to take a look at. Thank you."

Mr. O'Brien said:

"I would like to thank Mr. McLean, it's a little bit of a history. His father served on the original committee with dignity and honor and now James has done the same. A father and son, honorable duty. Thank you."

Mr. Harrison said:

"I recommended that people vote against those changes to the Home Rule Charter. I did not expect that they would go down, I expected that they would be approved. There is no harm done to the Municipality because they were approved but the reason I did that is from my seat at this desk, I've told the people and I'll repeat that I served with a group of law violators. They violated the law when the ordinance was approved several years ago to put the dedicated tax for the Bethel Park Fire Company on the primary ballot that year. That's simply was not in accordance with the Home Rule Charter and the election bureau's guidance. I just want to highlight the fact that I have problems having to serve with people that don't seem to think they have to abide by the law. Mr. McTiernan sat there. Before the vote, I told Council that an affirmative vote on that ordinance was a violation of the Home Rule Charter, Mr. McTiernan did not comment on it at that time. When the ordinance passed, Mr. McTiernan hand carried the ordinance to the election bureau, twenty-seven (27) days before it was effective, cause the Home Rule Charter says in an Ordinance by this Council that its not effective until thirty (30) days after its enacted. So I just wanted to "inaudible". Fortunately, next year four (4) of theses seats are up for election. The public has another opportunity to convey their concern to the Council members if they care to do that. Thank you."

Mr. Moury said:

"Mr. McLean I do want to thank you, not only did he lead the Commission one of the things we try to do and I hate to use transparent when it comes to government, its an overused cliché but we try to do is inform the people of what we are doing. We clearly

talked about these, the commission made the recommendations, we held public hearings. Mr. McLean went over and above to really put an informational sheet together. To his point when you are reading questions, because the county puts it together, you're really not sure what it means. So Jim put a one pager together, so even I could understand what the question means. I do appreciate that and we circulated it. I do thank the community and it truly shows that they care, they were informed as Jim said not everybody voted for every one, not everyone voted against it. I think that it was a clear mandate overall that the community wanted to see change. It's really good. I am a salesperson, do a lot of post analysis, but to look back at the Charter over the last thirty (30) plus years, you can see what worked and what didn't. It's our obligation as leaders of this community to really look at these things and what can we do to make it better. I think this was a group of people who came together, some had insight, we looked at everybody, they made a lot of good recommendations and every recommendation they have proposed to date has been passed. Now the talk about the rhetoric you have been hearing. If you would have watched last month's meeting, Mr. Harrison called this a referendum on Council, we are all bad people, we are horrible vote against it. Guess what Mr. Harrison, I think this is a referendum on you and your actions. I went back and looked at the votes in Ward 5, 64% of the people voted yes, so now your saying, well it didn't really mean anything, we have next year. There's always next year. We as a group are planning for the future, some like to live in the past. Mr. Harrison refers to the swamp. My opinion the swamp is somebody who uses their elective seat for political gain and that's what Don has done in the last several years. You know he wants to chastise everybody whether its our solicitor who does a great job, council, staff, the community, everybody is always wrong but him. I clearly think this vote was a mandate on you Mr. Harrison and clearly every question passed. Every one that the commission has recommended including the fire tax, your obviously opposed and he voted against the fire department. This is a referendum on Don Harrison and I think the residents clearly spoke. Thank you."

Mr. Harrison said:

"My grave sin is that I believe we ought to comply with the law, I obviously serve with people who don't abide by that and I'm concerned that our solicitor, when the fire solicitor was terminated because he did not live up "inaudible" with this council, the council at that time sued me. I'll tell Mr. Moury he can chatter all he wants to about the people in 5th Ward. In two years we will find out if they want to keep me or put someone else here. Thank you."

PLANNING AND ZONING ITEMS

18. Citizens' Comments – Planning and Zoning Items
19. Planning and Zoning Items

Appointment – Long Range Plan Update Steering Committee

Motion by Mr. Dixon and seconded by Mrs. Gibbons to appoint Angela Fisher to the Long Range Plan Update Steering Committee for a term to expire on December 31, 2019.
Motion Carried 9– 0.

HEALTH, SAFETY AND WELFARE ITEMS

20. Citizens' Comments – Health, Safety and Welfare Items

21. Health, Safety and Welfare Items

No Items

Mr. O'Brien said:

“Today is Veterans Day and I would like to personally thank all the Veterans for their service. In this time, it is necessary for us to thank. Today is also the Marine Corp birthday, I'd like to wish happy birthday to all Marines. The flags and the memorial is all flying Marine Red. On Memorial Day this year is the 100th year anniversary of WWI and if you look on the Memorial you will notice a star on the plaque next to a James R. Nailor, who actually died in WWI. Through Mr. Moury's efforts and the good people of the Bethel Park Historical Society who have been doing the research to find out who is James R. Nailor. We are going to recognize him with a special presentation so he is not forgotten over a hundred years later. Thank you Mr. Moury.”

PUBLIC WORKS AND MAINTENANCE ITEMS

22. Citizens' Comments – Public Works and Maintenance Items

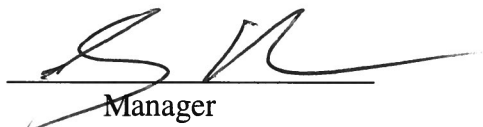
None

23. Public Works and Maintenance Items

No Items

24. Adjournment

Motion and second to adjourn at 8:26 P.M.



Manager

**MUNICIPALITY OF BETHEL PARK
REGULAR COUNCIL MEETING
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