

MUNICIPALITY OF BETHEL PARK

MINUTES OF REGULAR COUNCIL MEETING

Date: February 11, 2013

Time: 7:30 P.M.

Location: Municipal Building

1. Roll Call

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

Absent: Council Members Dixon and Pape

Also Present: Mayor Morton; William Spagnol, Manager; Judith Miller, Assistant Manager; Robert McTiernan, Solicitor; Gerard Duke, Director of Community Services; Police Chief John Mackey; Michael Smith, Municipal Planner/Assistant Director of Community Services; Joseph Villella, Finance Director; Jean Statler, Municipal/Environmental Engineer

2. Pledge of Allegiance

3. Chair Announcement

None

Reports of Officials

4. Library Director's Report

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

Ms. McIntosh announced that the AARP Tax Assistance program is currently being held on Tuesdays at the Library through April from 10:00 a.m. to 2:00 p.m. for those 55 years of age and older with low income (simple forms only). Currently, the Library has some federal forms and no state tax forms. However, they can be printed for you at a cost of 15 cents per page.

The Library will hold a Spring Into Organization program on Thursday, February 21, 2013 at 7:00 p.m. This class teaches a 4-stop way to clean out problem areas of the home and sets up systems of organization.

Ms. McIntosh said the Children's program have resumed with Story Time for babies through preschool, Art Classes, Book Groups and Game Night for elementary aged students and Teen Café for 6th graders and older. Also, Library Lovers' Month for February is in progress. You can purchase a Valentine for \$1, or have a Blind Date with a Book where you can choose a plain brown paper wrapped book to read with a rate your date slip that you can evaluate your book. Also, there is a Loose Change Collection bank in the Children's Department where you can donate your change.

Ms. McIntosh announced that the Library will be open all day from 9:00 a.m. to 9:00 p.m. on Presidents' Day, Monday, February 18th.

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

5. Police Chief's Report

Police Chief John Mackey announced upcoming events. The Police Pals versus Steelers basketball game will take place on Friday, March 8, 2013 at the Bethel Park High School gymnasium at 8:00 p.m. Doors open at 5:30 p.m. There is a pre-game between the Police Department and the Fire Company.

The next Crime Watch meeting will be held on Tuesday, February 19, 2013 at 6:30 p.m. at the Community Center. Guest speaker is Judge Rob Wyda.

The next Drug Take Back Day will be held on Saturday, April 27, 2013 at the Bethel Park Community Center from 9:00 a.m. until 2:00 p.m. You can drop off your unused, unwanted or expired medication in pill form only, to be properly disposed of.

Crime Prevention Officer Tom Rigatti took on an ambitious project. Back in 1948, two Bethel Park officers were shot responding to a burglary. One officer, Joseph Chmelynski died a few days later. Officer Chmelynski's name appears on our Memorial outside of the building as well as at the Law Enforcement Officers Memorial in Washington DC. The second Officer, George Kercher, who was also shot that day, lived for three more years. There was information that the injuries he suffered may have led to his death in 1951. Officer Rigatti worked with the folks in Washington DC to try to get Officer Kercher's name engraved on that memorial. One of the problems is that we have no known family for Mr. Kercher. As a result, we found out this week that our request was denied, but Officer Rigatti continues to try to find information, hopefully through family members, that could ultimately get Office Kercher's name placed on the memorial and give him the recognition he deserves.

This past week, Chief Mackey received a letter and certificate in the mail from Location, Inc., a neighborhood research site, who provides real estate services throughout the country. Bethel Park has achieved the ranking of 44th safest city in America. This award is based upon uniform crime statistics compared to the

population of 25,000 or more. They will include a link on our website so anyone who views it will see that we are one of the safest cities in America. Chief Mackey congratulated the members of the Police Department and everyone in the community for taking part in achieving this award.

Chief Mackey said the Annual Bethel Police Meritorious Awards Foundation was started by Dr. David McNary in 1969. This year is the forty-fourth year for this program which honors three police officers and provides scholarship money to children of Bethel Park police officers who are attending college. The police officers are given ballots to vote for their fellow officers for the jobs they did in the preceding year with certificates and monetary awards. The awards are special because they come from their fellow officers. Chief Mackey recognized the Board of the Bethel Park Foundation not present. They are President Daniel Flynn, Vice President Andy Amrhein, Treasurer Tom Bailey. Foundation Members Mayor Cliff Morton, Council President Tim Moury and Lt. Dave Rogan joined Chief Mackey to present the awards to this year's winners. Third place award went to Officer Michael Dunn. Second place award went to Officer Ed Kach. First place winner is Officer Dave DiToppa, who has been on the force since 1987.

6. Fire Chief's Report

Fire Chief Dave Gerber gave the fire report for the month of January.

At this time, Chief Gerber spoke about the item to be discussed on this evening's agenda. He said that a few years ago, the Fire Company approached Municipal Council with 6 items that need to be addressed. Several of the issues were addressed, including the recruitment drive that was successful by gaining 16 new fire fighters. With decreased donations and the closing of the weekly bingo, they continue to find ways to collect donation with the Fill the Boots program and fund raisers at Barleys and Hops. The problem is how they would fund the replacement of the Brightwood Fire Station. A Feasibility Study was done that recommended a new building. In 86 years, the fire company survived up until now solely on donations. The Fire Company's annual budget is \$500,000 per year, and it runs on volunteer firefighters. Up until now, they have not taken tax money. Unfortunately, to replace the Brightwood Station, help is needed. They met with the Liaison Committee of Council for the last two and a half years, they tried to come up with funding solutions. A strictly dedicate fire tax of .34 mills is needed. With the three stations, they cover 12 square miles in Bethel Park and they are the biggest independent fire department. Council will vote tonight to place a referendum on May's ballot to let the people vote on the tax. On March 7, 2013, there will be a Public Meeting at the Brightwood Station at 7:00 p.m.

Chief Gerber gave information on the amount of firefighters that currently protect our community. Some older members work behind the scenes to run the station and the younger members respond to calls. He talked about the enthusiasm and dedication of all the highly trained and highly motivated members. In addition, he spoke about the professionalism and the amount of training each firefighter

receives and the immediate response received to call outs and other incidents in Bethel Park. He said that there are three firefighters that will speak this evening,

Chief Gerber asked for support from everyone if this referendum is placed on the May ballot.

7. Mayor's Report

Mayor Morton announced the 90+ Club birthdays for February.

8. Approval of Minutes

Regular Council Meeting Minutes of January 14, 2013.

Motion by Mr. Allen and seconded by Mrs. Gibbons to approve the Regular Council Meeting Minutes of January 14, 2013. Motion Carried 7 – 0. Council Members Dixon and Pape absent.

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 #021113 in the amount of \$1,100,359.10. Motion Carried 7 – 0. Council Members Dixon and Pape absent.

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

None

GENERAL POLICY AND FINANCE

11. Citizens' Comments – General Policy and Finance Items

Jeff Pritchard, 5661 Diann Drive, President of the Fire Company. Mr. Pritchard said that the reason they are here tonight is to ask Municipal Council for their unanimous support in the passage of the ordinance which would allow the placement of the referendum on the May ballot for the dedicated funding to the Bethel Park Volunteer Fire Company. He mentioned the fact that they cover 12 square miles with three fire stations. They have been surviving on 30 -35% of the resident donations that are sent out, and only 15% of businesses support them. Donations have decreased by 14% since 2000. In 1954, the fire company answered 96 calls. They average 400 calls per year now which is a 400% increase when donations are decreased. He spoke about the Feasibility study that suggested that it would take \$2.8 Million to get the current Brightwood Station to a safe operating condition. They have been working with an architect whose main focus is building fire stations and he came up with a proposal for a new station that would cost an estimated \$8.6 Million. They are getting close to go out for bids if everything goes right and hope to start on the building early next year.

Greg Pohodich, 5789 Happy Hills Drive. Mr. Pohodich said that he wanted to express to the community that when you are looking at a comparison of the neighboring communities and what they do for their fire companies, some are paid and some are volunteer. A comparison that is close has a budget of \$4.1 Million which is a fully paid company. He said if Bethel Park had to go that direction, it would equate to approximately 2 mils on each resident and business. Over the years, this has saved the residents around \$20 Million. In asking for the building and operating costs, we are not coming close to that. They ask to keep it as a volunteer organization, and do not want to become a paid company. Over the years, the fundraising has dropped. Letters were sent out asking for the support but it is not given. Because of this, other avenues have to be explored. He said that Mr. Harrison always asks that people support them with donations. But a point has been reached that they cannot go that direction any more. The cost of running the building or getting a new building is too high. The fire company cannot do this alone and are asking for the support of the people in the community. This should cost the average person in the community less than \$4 per month. What is the safety of a person worth? They give a premium service and are asking for something in return.

Edward Schmidt, Recording Secretary, New Building Chairman. Mr. Schmidt spoke about how they reduced the cost of firefighting in this community. Over the last two year, the fire company undertook a project to get the protection class reduced from a 5 down to a 4 which they succeeded in doing. With help from the Municipality and a great deal of planning, ISO reduced the protection class to a 4 which means that our residents can realize approximately a 10% decrease in homeowners' insurance as well as commercial buildings. The protection class means that the fire company has the equipment and manpower and water sources to respond to fires and reduce the damage done in the community by fires. If you equate that approximate 10% decrease in homeowners' insurance, it may in some cases eliminate what the tax might do. The fire company is looking for a definitive financial stream. It is difficult for them to exist, get loans and purchase equipment because they do not have a solid financial stream. They believe that Bethel Park deserves the finest firefighting organization and want to continue to provide that.

Mr. Pritchard said in closing that he respects Mr. Harrison as a person and a Councilman and appreciate what he does to help raise funds for the fire company. However, Mr. Pritchard said that Mr. Harrison's true support would be not to oppose them but stand by them with this referendum and let the voters decide how this should be handled.

Ron Arnoni, 4751 Hilltop Lane. Mr. Arnoni said he is in support of the referendum. He hope that Council supports the motion to have the public decide on how tax dollars are spent and encouraged everyone to vote yes and let the residents of Bethel Park have a voice. He said the fire company is a great asset to the community and they need to be supported.

12. Ordinance – Amendment to Home Rule Charter

Motion by Mr. Hannan and seconded by Mr. Allen to approve an ordinance initiating a referendum to be placed on the May 2013 election ballot which would amend the Home Rule Charter of the Municipality of Bethel Park to include an annual appropriation of revenue to the Bethel Park Volunteer Fire Company. Motion Carried 6 – 1. Dissenting vote was by Mr. Harrison. Council Members Dixon and Pape absent.

Requested Verbatim by Council Member Harrison:

Mr. Moury said:

“I just want to speak to this item first. A lot of the comments are still a part of my speech here, by the way. I got involved in this, I was one of the members of Council that got involved almost three years ago and really not knowing a lot about the fire department other than when you needed them, they were there. It was truly a learning experience for me on what they do, the commitment, and short of repeating everything in the history of the fire department, I will note here that the first fire truck was a Model T, many years ago. This is what they are asking for. There are two things they are talking about and we came to the conclusion that we needed to do something. We need a new fire station, and I came in not knowing if did or not, but having visited the facility, read the reports, talked to people, I was convinced after a few months of our meetings. The second thing is if we were going to do this, how were we going to support the fire department? How were we going to fund it? There are a number of different things we talked about, a number of different options that were laid out, but ultimately what the fire department wanted to do is remain autonomous from the Municipality. While they respect what we do, they are fireman, they want to fight fires. One of the options could have been for Municipal Council to vote an increase in taxes to fund this, but if we were to do that, there are always strings attached. I think the discussion was and the decision of the fire department was. while the respected and appreciated what we did, they didn't want to worry every year if the appropriation was going to be there. Their job is to fight fires. I learned a lot as far as what it takes to be a new fireperson. The hours involved are almost unbelievable, nearly 200 training hours the first year, attend 36 drills the first year, respond to at least 50 calls in each of the first two years. That is all volunteer time that people are giving at no cost to the taxpayers. Over \$8,000 for equipment for one firefighter. We have 16 new firefighters, it is great, their recruitment drive, they dropped the age to 18. I hope I am not stepping over my bounds here, but they are working on junior firefighter program and hoping that within the next year to get involved with the school district while people 16 to 18 won't be able to fight fires, but you will get them involved, get them coming down to the station, helping out so that when they turn 18, they are ready to become a firefighter. They really do a lot of good things and I think ultimately what it means is this is a real change in what we do. We take the Home Rule Charter very seriously, it is the by laws, it is what we follow every day from the municipal side. We talked about doing the question, the only way we could do it is amend the charter. In my opinion amending the charter, the fire department

risers to that level that it is a structural change the way we operate in Bethel Park. To be able to do it, to have a dedicated funding source so the fireman know a year from now if this passes, five years from now, the funding is going to be there. They don't have to come back to this board. I may not always be here, is that good or bad, but it really depends on letting them run autonomously. The Municipality can collect the money, and I will talk a little about how it is going to operate. I really do feel this is the way to go. The question, if it passes tonight, will be on the May 21, 2013 ballot and the question will read "The Council of the Municipality of Bethel Park shall make an annual appropriation of revenue to the Bethel Park Volunteer Fire Company in the amount equal to .34 mils. The Council shall determine the manner in which the appropriation is made." That is the question if it passes tonight. We've got to go through the elections department. The solicitor is going to be working on that. We are hoping that the question will be on the ballot. What does this mean? What security does the tax payer have? The informal agreement we have with the fire department, hopefully this passes in May, the Municipality will draw into a formal agreement with the Fire Department. We may take ownership of all three buildings. The Municipality will be the landlord. We will own the buildings. The money collected built into that is a debt service whether we go to bond issue or bank loan, we haven't fully determined that yet. The numbers we are looking at are for a bond issue. The second thing is any expenses regarding the buildings, whether it is regular maintenance, whether it is utilities, insurance, any other minor expenses. Once we get into the agreement with the Fire Department, the money will be kept in a municipal fund, there will be a line item in the budget. We will collect the money, we will appropriate the money, the money will be audited through our municipal funds so the fireman could focus on fighting fires. They will have a new building and a source to pay their expenses on all three of the buildings. Probably the next issue, so that everybody understands, is the Fire Department somewhat has two funds. They get State money that is used for buying equipment and trucks. That is going to continue. That is going to be separate. The Municipality is only going to be the landlord, they will be the tenants and we will enter into a long-term lease. I really think it is a win-win. I think it gives the Fire Department what they need, a dedicated funding source. I think the scrutiny from the Municipal staff and our auditor is a safety net for the residents of this community. And it takes the politics out of the Fire Department. We don't need to be getting involved. I am not a fireman nor do I choose to run a fire department. That is your job. Our job is to help facilitate, and that is what we are doing tonight. I will be supporting placing this question on the ballot."

Mr. Harrison said:

"I will be voting no on this motion. Anybody that follows the actions of this Council knows that for the last three or four decades, when I vote no on a motion which I know is going to pass, I always opted to explain why I did it. I will just mention that I did write a letter to the Almanac and they very generously published it. I wanted to make sure, I argued with myself quite honestly. I was reluctant to make comments tonight because of a recent incident, and the more I thought about it, the more I concluded that I have an obligation to let people know a little bit more about the operations of this governing body and to let them

understand my position which I claim to get the money quicker and securely for the fire company. I generally just express my views but because this is important, I got a statement I'm going to read. As I say, I was reluctant to comment tonight. But, my comments on this issue two weeks ago tonight when we had our committee meeting back in the Caucus Room, and several firemen were here and the staff and the reporter and everything else, caused Council President Moury, in my opinion, to lose his cool and he verbally trashed me for a few minutes. Verbally trashed me. I decided to comment tonight and I am hopeful that these comments don't initiate another outburst by President Moury. President Moury's comments in his outrage did not address my concerns. His action was unprofessional and inappropriate as the chief spokesman of the Bethel Park governing body. What is equally disturbing, and I feel strongly about this, is that the other Bethel Park elected officials present at the meeting were absolutely silent. I've spoken previously about my mother using adages to sort of control the family and it came to mind then that one of her adages is apropos at this time is that silence is consent. And I am speaking to this silence of my fellow Council Members when the president of Council who represents this governing body can't control himself better than that. Shouldn't the members of Council be embarrassed to have the governing body spokesman act in this unprofessional manner? It is important to note that all Council members including me seem to favor a bond issue for the Bethel Park Volunteer Fire Company to construct a needed replacement station on Brightwood Road. The bone of contention in the issue results of my comments calling the Home Rule Charter route wrong-headed and it is just interesting the many calls I've gotten in the past week or so, that people use that word. I want to emphasize that Bethel Park Volunteer Fire Company is an effective, efficient volunteer – and I want to emphasize the word Volunteer – organization. The Bethel Park Volunteer Fire Company deserves our support. The governing body, I am talking about Bethel Park, not necessarily this same personality sitting here, the governing body in Bethel Park in the past has voted for bond issues for the expansion of the Municipal Building, which we are sitting in, for the construction of the Community Center, several times for the Municipal Authority, and is discussing plans for another bond issue for the Municipal Authority in the near future. None of these involved the Home Rule Charter route. Motion on the floor is to authorize a May primary ballot question, this question is to insert a dedicated tax for the Bethel Park Volunteer Fire Company in the Home Rule Charter, and maybe I lack understanding, but I do my homework and everything I've seen relative to this is a proposal to float a bond issue and Mr. Moury talking about maybe the money won't be available, I think it is poppycock, along with my statement. The Home Rule Charter is a constitution of Bethel Park and not a tree to willy-nilly to hang ornaments on. Think of the federal government earmarks and no one has explained to me, and maybe that is the problem, no one has explained to me or to the public why these proposed funds is handled differently than previously. Previously, it was handled by a motion of Council to float a bond issue and then the Council has faithfully retired those bonds. The Home Rule Charter route delays the potential start of the construction of the new Brightwood Fire Company building for several months, I claim. If the Bethel Park Council favors aiding the Bethel Park Volunteer Fire Company in constructing a new building, why delay the process by a Home Rule Charter change? I suspect that a trigger to Mr. Moury's outburst results in my

comments to my fellow Council Members that they are cowards and I still believe that, by using the Home Rule Charter route rather than a simple ordinance authorizing the preparation of a bond issue as has been used in all of the above mentioned issues. I am talking about the Municipal Building, the Community Center and the Municipal Authority. The (unintelligible) at this time causes the Bethel Park Council to initiate a vote for a millage increase. The Home Rule Charter provides Council a tax increase shield saying that a tax increase has been mandated by the public and not by Council being willing to sit up here to issue an bond issue and you would have the money a lot sooner. One last thing, I will tell you, I have had lots and lots of emails and phone calls the last couple of weeks and naturally I am sort of the focal point for a lot of reasons for letters and things I say up here, that Council should consider the result of a Home Rule Charter vote failing to pass that I think is likely based on the many phone calls I received. Every person that called me, I asked if they are a contributor and every person that calls me claims they are a contributor and then they call me to object to putting it in the Home Rule Charter because they agree is it wrong-headed. There is a simpler way to do it more rapidly. I am just going to ask the final question and that is if the Home Rule Charter vote fails, that is if the majority of the people that vote don't vote for it, is Council going to abandon the Volunteer Fire Company? I don't think so. Thank you."

Mr. Hannan said:

"Like Mr. Moury, I've spent the last two years meeting with the Fire Department and it has been an enlightening experience and I got an appreciation of the time they spend in protecting this community. One of the responsibilities of sitting up here is that our role is to preserve and protect and defend the people of this town to make sure they are safe, and having a very good and sometimes people would say great fire department is part of that. Public safety is number one. There is an issue here that the Fire Department in this town has never been political and having to come to Council year after year for an appropriation, sort of like what the Library does every year, some years are better than other years and this sort of sets the standard that allows the debt to be retired and provide operation for the buildings so these guys do what they want to do and fight fires for this community. I think overall sitting the last two years or so meeting with these guys on a relatively regular basis to see what their need are and talk about it and come up with different ideas was an education for me and I think overall the people of this community, we are changing a direction here. It makes sense for the people of this community to have a say. It is easy to get five votes, you get five votes you can raise taxes, you can do anything in this town. But this particular thing is a plea to the people of this town who benefit from the fire department to be heard and I think overall it behooves us. He is calling us cowards, it is just another way of doing business and I don't appreciate that, Mr. Harrison, because I spent a lot of time and effort doing this job and I don't sit there listening for my phone to ring to say rah-rah you did a great job on your letter or this or that. I put the time and effort into doing it. Mr. Harrison, I am appalled by your comments referring to this Council as cowards and I would appreciate a retraction of your statement. Thank you."

Mr. Allen said:

"I just wanted to piggy-back on what Jim said. I have been on that committee also for the last couple of years and I have been on different committees as long as I've been on Council and even in other venues. The people that showed up at those committees from the Volunteer Fire Department couldn't be more professional than any committee I've worked with. I mean, they had all their numbers, anything that we needed, they would send what we needed and response was unbelievable. I just want to thank the group for certainly putting all the hard work that you have done on this. On another note, it just amazes me that a person on this Council who preaches, for the last 16 or 17 years that I have been on Council, that we need to hear what the people have to say. We want to hear what the people have to say. Now, we really don't care what the people say, this is what we want to do. It just amazes me. We are certainly not hiding behind anything, we want the people to come forward, support your group like we support your group and it just amazes me that when you try to do the right thing that like Mr. Hannan said, to sit back there saying you people are all cowards, I though I was in the Wizard of Oz or something. Of course, I cannot foresee the future, but if we sat up here and voted tonight on a .34 mil increase, there might be a committee out there to stop that, too. So who knows, but I'd certainly vote yes because we put a lot of time and effort into it and it's the right thing to do. Thank you."

Mr. McLean said:

"I want to take a couple minutes to talk about the issues. I am not going to talk about any names that people have been called or anything else, it's just not productive. But let me talk about the issues. The first issue is this. This is clearly a fundamental change in the way this Municipality is going to be operating. It's a fundamental change for the first time in the history of this Municipality we are going to provide fiscal support to the fire company. Never done that before. That is the kind of change that, one, we should go to the people and ask them if they are prepared to do that, and two, if they are under the circumstances that we are describing, is appropriate to be in the Home Rule Charter. And here is why, let me address that. What we are talking about doing here is providing support for the facilities that the Fire Company needs. When you are providing support for facilities you can do it through a bond issue in which you know the amounts that are going to be payable over a long period of time and you can make projections about the cost that's going to be incurred in order to maintain those facilities. It's why this works to be a set number. It's why we can tell the public today that what it's going to cost you for the foreseeable future is .34 mils. We are able to do that and we are able to do that by proposing it as a Home Rule Charter amendment because that is all we are going to be getting involved in. As Mr. Moury said, we are not going to be operating the fire company. We are not taking over the fire company. We're not running this in the same way, for example, that the Police Department is run. We're not running it in the same way that Public Works is run. And here is why it works as a set amount. In those other budget issues as we all know, because we deal with these year in and year out, the biggest things you have to deal with that change from time to time are salaries, with benefits,

pensions, health insurance, none of that will be present here. Why, because we have a group of dedicated volunteers who will do this work and continue to do it. So we don't have to get into those issues. The second biggest thing we deal with from a budgetary perspective often times is equipment. But here again, we are not going to be purchasing fire trucks. The Fire Company is going to continue to do that in the same manner in which they have all along. So what we get to achieve by this is we get to provide a very specific dedicated support to the Fire Company which from my prospective is critical because if we don't go in this direction, we're going to loose our Volunteer Fire Company. They're not going to be able to continue to provide this service for the foreseeable future as volunteers. What's going to happen is they're going to have to become a paid fire company. And then what you're going to find is that they are going to have to become a part of the Municipal budget, with salaries and benefits and health insurance and everything else that comes with it. And your tax increases of every house and commercial business in this town will go up by way more than .34 mils. So what we get is the opportunity to preserve the Volunteer Fire Company. What the Fire Company gets is a new building so that they can continue to provide the service that they have for the last 80 plus years. That is why this works. That's why it works as its being proposed. But, it's a fundamental change and it's the kind of thing that the public should have the opportunity to vote on. So what I don't understand is why somebody would conclude that just because they made their mind up about this, nobody else should get a chance to vote on it. That is just wrong. And it shouldn't be done that way. What's being proposed is to let the people decide if this is what they want to do in terms of the structure of this government going forward. And for those reasons, after having given this a lot of thought and spending a lot of time on it, I'm prepared to vote yes. Thank you."

Mr. O'Brien said:

"Council does take the Home Rule Charter amendments very seriously. If you review the record, you will see that it's a very serious thing and they don't take it lightly to just go and amend the Home Rule Charter. It doesn't happen that often. But it does happen when it's a monumental issue and this is. As Mr. McLean says, this changes the way we do business. This is for the Fire Department and the people need the right to vote on it and this will be set in stone for a long, long time. Maybe all of us won't be here, but our actions by putting this on the referendum and if it is voted on will be here long after all of us are not serving here and will send a message to the people of this town that this Council at this time was very much interested in their Fire Department and being part of the Home Rule Charter. Thank you, Mr. Chairman."

Mr. Harrison said:

"I'd like to ask the Solicitor to tell me and the public what happens now."

Mr. McTiernan said:

"What happens of course is that Council votes and if they vote in favor of the Ordinance then that is a proposal onto the Home Rule and Optional Plans Law, the Ordinance is delivered to the Department of Elections which will review the question and either approve it in the format proposed, they might make some alterations, but I'm pretty comfortable with what we have. Then it will go on the ballot in May and the decision on whether or not the amendment will be made by the referendum of the majority of the vote."

Mr. Harrison said:

"Assuming that this passes and it will, we all know that, when would the election bureau be requested to put it on the ballot?"

Mr. McTiernan said:

"They will have it this week."

Mr. Harrison said:

"Excuse me?"

Mr. McTiernan said:

"They will have it this week. We'll deliver it to them this week."

Mr. Harrison said:

"Well, I was concerned you would say that. I'm sure you are as familiar with the Home Rule Charter as I am and if this Council votes positively on this ordinance, this ordinance is not effective until March 13th. Do you want me to read the Home Rule Charter to you?"

Mr. McTiernan said:

"I'm sorry, Mr. Harrison?"

Mr. Harrison said:

"I say, do you want me to read the Home Rule Charter to you?"

Mr. McTiernan said:

"I am familiar with that provision but the Home Rule and Optional Plans Laws are clear of how under State law the governing body can amend the Home Rule Charter..."

Mr. Harrison said:

"You are missing my point. I am not arguing that...well,...."

Mr. McTiernan said:

"I don't think I'm missing it, Mr. Harrison."

Mr. Harrison said:

"Well, I'm talking about..."

Mr. McTiernan said:

"You're saying this is not effective for thirty days and I don't agree with you."

Mr. Harrison said:

"I'm concerned, I Don Harrison, am concerned that the whole community is being misled because if Council approves this ordinance tonight, which they will, this is the eleventh of February, it will not become effective until the thirteenth of March. I don't see how we possibly could request the election bureau to do anything based on this ordinance until the ordinance is official. Is that a reasonable conclusion or not?"

Mr. McTiernan said:

"You know, again, I could give Council a more formal opinion. I could do some additional research. I have to tell you, my initial reaction is you can't trump State law with local ordinances or even the Home Rule Charter itself. I know, Mr. Harrison, you often say that the Home Rule Charter is the constitution of Bethel Park and that is a good shorthand most of the time. In other words, Council has to act in terms of the Home Rule Charter, but the State law ultimately governs and I think the statute is pretty clear that once this is past, then the proposal, the ordinance is done with then, it is out of Council's hand. Once it is past, then it goes to the Department of Elections and it's a matter then for referendum. It is not something that's...."

Mr. Harrison said:

"Well, you know I am not a lawyer, I'm just a nuclear scientist but the point I want to make is that I can read and I do do my homework and I think that for our Committee meeting you ought to give us a letter telling us the details because I'm concerned based on my understanding, like I say, I don't claim to understand the law and I know you do, but based on my understanding and considering that this ordinance doesn't become effective for thirty days that it can't be used to request the election bureau to do anything until then and I'm simply asking you to look into it to make sure that we...."

Mr. McTiernan said:

"If Council wants me to work on it, Mr. Harrison, I will be glad to. As you know from your many years with local government, there are things that are sometimes matters of interpretation or ambiguity and I don't mean any disrespect, I just don't think that once, at least in this issue, I am not in agreement with you, but I will certainly look into it further if that is Council...."

Mr. Harrison said:

"Well that is a request to Council to ask the Solicitor to give us a legal opinion so we know and the people know and the Fire Company knows exactly where we stand on this. I'm just saying I am not for sure we're going to like the result of that investigation. Well, I'm going to make a Motion that we direct the solicitor by the time we have our committee meeting two weeks from tonight to have informed us of the details of getting a question on the ballot."

Mr. Hannan said:

"An inquiry? Is his motion out of order because we already have a motion on the floor?"

Mr. Harrison said:

"No, I was going to say maybe I have to wait and I will make the motion after the vote."

Mr. Moury said:

"Ok. Now it's my turn. I don't know where to start but I think it's funny, Mr. Harrison, how he verbally trashed...all of a sudden you don't disagree with Don, you're beating up on me, leave me alone. I act in the Caucus Room as I act tonight. I get frustrated with Mr. Harrison, met for three years, you know what Don did? Nothing. We talked about the referendum question for the last year. You know what Don did? Nothing. He waits until the cameras are on. He always looks to take the opposite point of view and then he tries to run his election on that. It surprises me, I guess it really shouldn't surprise me how he is, as Mr. Allen said, if we would have raised taxes to do it, he would be out there wanting to do a petition committee to stop it. Just for the record, I do read the Charter, I do kind of come prepared. Well, Mr. Harrison likes to think that he knows everything. I will say that the Home Rule Charter was amended four times. It was adopted and it was put in place in January 1978. They were for structural changes. There was a time once in my tenure we put a question on the ballot and it failed. But this is the way to do it to protect the Fire Department to get a continuous revenue stream. I'll say what got Mr. Harrison's dander up at the Committee Meeting is the reason we have to go this route is because of Don Harrison. It is not about the taxes, it's not about anything else, but other than Don wants to gain control. The Fire Department deserves the stability, they deserve the opportunity for the public to vote and I don't know why Mr. Harrison is so

afraid of letting the public vote on such an important issue. It's all about control. You know, he talks about raising taxes and we can certainly do that, but understand, let me read the minutes from last month's meeting. If Council wants to go that way they ought to make an ordinance, that way they can get feedback from the people if they think it ought to be less or they think it ought to be more. Once again, he is changing the tarp. Once he gets control, he's going to want to change things. The Fire Department shouldn't have to worry about coming back to this Council or any Council every year. We go through budget times, the first thing, when we are talking about raising taxes, the first thing that Don brings up and it's the only thing practically, why we don't cut the Library. We give an appropriation to the Library every year. It's the first thing. The Fire Department would be no different. People can communicate with Council and change can be made from the dais if they feel it should be. Guess what? Once we get an obligation for the department, once again he's already talking about, well we can change it. Before I go into my last comment, I'm going to use a little analogy that Mr. Harrison used and I think it would be more appropriate for him. Mr. Harrison's concern is like a camel getting his nose into the tent. Once it's in there, there's no telling what he would do. The camel is Mr. Harrison in the Fire Department. We are trying to protect the Fire Department. Let the public vote on it. In kind of talking about the question, and I will be more than happy to make a motion following the vote on this, is Don talks about the Home Rule Charter and whether or not when the ordinance goes into effect, I am certainly not a lawyer, I can kind of read, and I gave the solicitor tonight a copy. I'm sure he has one, but I just thought for tonight's meeting, I did highlight the Home Rule and Optional Plans Law. One of the things in bullying tactics that Mr. Harrison used on Council after he called us cowards, by the way I am not up for election, Mr. Harrison, so maybe he wasn't referring to me, is a section in here and as Bob McTiernan, I am not going to put words in his mouth, because Mr. Harrison brought up the fact that he was going to start a petition, I did my homework, I did some research. I may be dead wrong and maybe I am sticking my neck out here, but based on the research I did I don't believe, in my opinion, that a petition committee can be formed to prevent this from getting on the ballot. And I would ask the solicitor if he can comment briefly and then tie it in with Mr. Harrison's comment, I would like a written opinion as soon as possible if that, in fact, is true."

Mr. McTiernan said:

"I will do the research and give a written opinion, as you eluded to, naturally, I thought about this a good deal before this evening. My position is trying to anticipate issues. And these are difficult issues, I do feel strongly that the Home Rule and Optional Plan Law is the fundamental means of amending the Home Rule Charter. It is almost like Congress can't pass a law that changes provisions of the United States Constitution and how you amend the Constitution. That's the State law. That's the higher authority here. So certainly my initial opinion is that as long as Council is in compliance with the State law, then you can move forward with the amendment. It can't be limited by these other items. But I will look into it in greater detail and provide a written opinion if that is Council's desire. And if it passes, I am going to provide it to the elections department."

Mr. Moury said:

"Ok, we would appreciate that."

Mr. Harrison said:

"So to make sure I understand, you will have an opinion by the Committee meeting night, is that correct?"

Mr. McTiernan said:

"Yes."

Mr. Harrison said:

"Thank you very much."

Mr. Moury said:

"Two weeks. Ok. I guess kind of in closing here, I think everybody sees what Mr. Harrison's done. I've gotten a couple of phone calls from people that I believe have talked to Mr. Harrison and maybe I'll ask the Solicitor to clarify this also. I don't want this to be coming from me, but one of the accusations or comments made out there part of the miss-information campaign is that if this is passed, Council can raise taxes at any time for any reason without going to a vote of the Charter. Is this a blanket statement that allows Council, if this Motion passes for the .34 mil increase, that Council can at any time raise taxes, a dedicated tax, because we adopted that?"

Mr. McTiernan said:

"No. All it means is that amount of millage set forth in this provision would have to be appropriated for Volunteer Firefighting in a manner that is within the control of Council. So it does not apply to any other."

Mr. Moury said:

"It's just this one issue and one issue only."

Mr. McTiernan said:

"The Volunteer Fire Company."

Mr. Moury said:

"Let's just talk about a couple of years ago, he did the same thing. The Tax Petition Committee when we were going to raise property taxes. I mentioned earlier, Jack mentioned it, if we did this by strictly a millage increase, he'd be

having his table out there and banging his cane and telling everybody you've got to sign it. These people are evil. Who can't forget the 700 foot, \$5,000 emergency access road? For nearly a year and a half, Mr. Harrison went around, another petition drive by the way, collecting signatures, telling people he could build this road, 750 foot for \$5,000. Mr. Harrison supported having our traffic consultant look into it. Guess what? His \$5,000 road cost three quarter of a million dollars. Yet, he collected all those signatures under the premise that he could do it for \$5,000. It is disappointing that, but not surprising that Mr. Harrison chooses to attack the Fire Department. Everybody up here has been attached by him, our staff, the solicitor. So, there is a big group of people that you are now affiliated with. My final comment is that, you know, I think this is the best thing. Let the public vote. Let the public decide. I don't know what Mr. Harrison's afraid of other than maybe losing control. Thank you."

13. Appointment – Civil Service Commission

Motion by Mr. Hannan and seconded by Mr. Allen to appoint Daniel B. Duff to the Civil Service Commission for a term to expire on December 31, 2015. Motion Carried 7 – 0. Council Members Dixon and Pape absent.

PLANNING AND ZONING ITEMS

14. Citizens' Comments – Planning and Zoning Items

None

15. Planning and Zoning Items

Application No. 2012-0845 – Kentucky Fried Chicken

Motion by Mrs. Gibbons and seconded by Mr. Allen to approve Application No. 2012-0845, Kentucky Fried Chicken, Major Land Development, 5153 Library Road. Motion Carried 7 – 0. Council Members Dixon and Pape absent.

16. Resolution – Easement Vacation

Motion by Mrs. Gibbons and seconded by Mr. Hannan to adopt a Resolution approving Application 2012-0921, Rodney B. and Dawn Marie Minyon Sarver Easement Vacation, 3555 Myrna Drive. Motion Carried 7 – 0. Council Members Dixon and Pape absent.

Mr. Moury said that over the last several months, Mr. Dixon met with PennDOT along with our staff regarding the opening of the guardrail at Locust Street. The guardrail has been opened today, and this was verified by Jerry Duke. Mr. Moury thanked Mr. Dixon and staff for following up and making this a reality for that neighborhood.

Also, Mr. Moury mentioned that Mr. Pape hopes to be back next month. He is recovering and wanted to let everyone know that had he been here, he would be supporting the Fire Company on the referendum question.

HEALTH, SAFETY AND WELFARE ITEMS

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

None

18. Health, Safety and Welfare Items

Resolution – Disposition of Records

Motion by Mr. McLean and seconded by Mr. Allen to adopt the resolution for the disposition of public safety records, in accordance with the Pennsylvania Historical and Museum Society regulations. Motion Carried 7 - 0. Council Members Dixon and Pape absent.

PUBLIC WORKS AND MAINTENANCE ITEMS

19. Public Works and Maintenance Items

None

20. Adjournment

Motion and second to adjourn at 8:52 P.M.



Manager