

MUNICIPALITY OF BETHEL PARK

MINUTES OF REGULAR COUNCIL MEETING

Date: March 11, 2013

Time: 7:30 P.M.

Location: Municipal Building

1. Roll Call

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

Absent: Council Members Gibbons and Moury.

Also Present: Mayor Morton; William Spagnol, Manager; Judith Miller, Assistant Manager; Robert McTiernan, Solicitor; 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

None

5. Police Chief's Report

Police Chief John Mackey announced upcoming events. The next Crime Watch meeting is scheduled for Monday, March 18, 2013 at 6:30 p.m. at the Community Center. You do not have to be a member of Crime Watch to attend the meeting. There are currently over 1,000 members.

The annual Drug Enforcement Drug Take Back Program will be held on Saturday, April 27, 2013 from 10:00 a.m. to 2:00 p.m. at the Community Center. Only unwanted or expired pills are accepted, no liquids or needles.

Chief Mackey then announced that there will be a blood drive for Sergeant Ralph Miller of the Baldwin Police Department who was shot responding to a callout and will require surgeries. The drive is scheduled for Tuesday, March 12, 2013 at the Baldwin Municipal Building, 3344 Churchview Avenue from 12:00 noon until 6:00 p.m.

Chief said that the annual Police Pals verses Pittsburgh Steelers Basketball game, held on Friday, March 8th at the Bethel Park High School Gymnasium, was a great success. Over \$7,000 was raised for the Charles Bonczek Scholarship program. In addition, the Police Department beat the Fire Department in the pre-game. Chief thanked all the donators for the raffles. He also thanked the Fire Department for their participation.

On Friday, March 8, Chief Mackey along with Mayor Morton, had the opportunity to represent Bethel Park at the grand opening of the new Target Store at South Hills Village. On that evening, he was presented with a check in the amount of \$2,000 from the Target Corporation for the Child Identification Program. Chief said that Target informed him that they can reapply for another grant and he looks forward to doing so. Chief thanked Target and said that they will be very good neighbors not only for Upper St. Clair Township, but for the Bethel Park Community.

6. Fire Chief's Report

Third Lieutenant Tom Kelton gave the fire report for the month of February.

Lt. Kelton reminded the residents to change batteries in your carbon dioxide and smoke detectors.

Lt. Kelton mentioned that the first Town Hall meeting was held at the Brightwood Road Fire Hall recently to talk about the upcoming referendum on the May ballot. If you missed it, you can view it on their Facebook page. The Facebook page has the up to date information on upcoming events including the next Town Hall meeting which will be held on April 18th at the Brightwood Road Station.

7. Mayor's Report

Mayor Morton thanked Target for the invitation to their Grand Opening event. He then announced that a young scout from Troop 228 is in attendance this evening.

Mayor Morton announced the 90+ Club birthdays for March.

8. Approval of Minutes

Regular Council Meeting Minutes of February 11, 2013.

Motion by Mr. Hannan and seconded by Mr. Dixon to approve the Regular Council Meeting Minutes of February 11, 2013. Motion Carried 7 – 0. Council Members Gibbons and Moury absent.

9. Bills and Payrolls

Motion by Mr. Hannan and seconded by Mr. Dixon to approve the Bills and Payrolls for the Municipality per Bill List #031113 in the amount of \$1,113,219.88. Motion Carried 7 – 0. Council Members Gibbons and Moury absent.

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

Ron Arnoni, Hilltop Lane, commended Municipal Council for a number of items, specifically for working with Council President Moury and other members of Council on the Millennium Woods Development. He said the residents of Hilltop Lane want to thank Council for allowing a walking pathway to go from Hilltop Lane to Millennium Park. Also, Mr. Arnoni thanked Mayor Morton for his service as he has been a great representative of Bethel Park as well as all the members of Council, Manager Bill Spagnol and staff. He said we have excellent Council and that we should be thankful for the hard work they do. He is proud to be from Bethel Park and asked that everyone keep up the good work.

Dick Kraft, 102 Highland Road, spoke that he is in favor of the referendum in support of our volunteer fire company. He said he is not a great believer in tax increases, but sometimes it becomes necessary and this certainly is a time for that. He thanked the fire company for their response to his house when he was flooded and asked the residents to support the referendum because it is well deserved. Also, he cannot understand why more businesses in Bethel Park do not support the volunteer fire company.

Mr. Allen said that less than 10% of companies in Bethel Park support the fire company.

GENERAL POLICY AND FINANCE

11. Citizens' Comments – General Policy and Finance Items

12. Pension Investment Policy Statement Changes

Motion by Mr. Hannan and seconded by Mr. Dixon to adopt, upon the recommendation of the pension Committees of the Bethel Park Police and Non-Police Pension Plans, the revised Investment Policy Statements effective April 1, 2013 and hereby authorize the Municipal Manager and Pension Counsel to take such actions as are necessary to effectuate this motion. Motion Carried 7 – 0. Council Members Gibbons and Moury absent.

13. Ordinance – Amendment to Ordinance 3-12-12A Real Estate Tax Rate for Fiscal Year 2013

Motion by Mr. Hannan and seconded by Mr. O'Brien to amend Ordinance 3-12-12A to adjust the real estate tax rate from 2.43 mils to 1.98 mils for Fiscal Year 2013. Motion Carried 7 – 0. Council Members Gibbons and Moury absent.

Mr. Allen asked Finance Director Joseph Villella to explain this Ordinance.

Mr. Villella said that based on the most recent valuation of the reassessment report from Allegheny County, this actually will help us keep everything revenue neutral for 2013 which is good news on behalf of the Municipality.

14. Appointment – Zoning Hearing Board Alternate No. 2

Motion by Mr. Hannan and seconded by Mr. O'Brien to appoint Brandon T. Colella to the Zoning Hearing Board as an Alternate Member for a term to expire on December 31, 2015. Motion Carried 7 – 0. Council Members Gibbons and Moury absent.

Requested verbatim by Council Member Pape

Mr. Harrison said:

“I have been stewing all month over the disturbing action of this Council and our legal arm at the February 11th meeting, so I’ve prepared a presentation which I’d make at this time. I want to start out by telling people that all the quotes in this presentation are a matter of public record, they are contained in the minutes of the February 11th Council Meeting and correspondence on the issues since that time. As the fire company knows, you folks know, and I’ve said many times, I support a dedicated tax for the Bethel Park Volunteer Fire Company. A simple ordinance instead of a Home Rule Charter change would accomplish the goal. Either method is subject to future change but in either case the public would have a chance to vote on any change. The Bethel Park Volunteer Fire Company held a public meeting on March 7th that was videotaped. The company stated it intends to present that on the local TV channel. I encourage everybody to watch that presentation and ask that you particularly note the plan schedule for the demolition of the present Brightwood Station and the erection of the new station. It is planned for next year. You will note that Council could have enacted an ordinance in February that would have specified a valid question in November that would be consistent with the Bethel Park Volunteer Fire Company schedule and maintained the integrity of the Home Rule Charter. That is my main concern. Finally, I note, you will surely be subjected to a lot of derogatory chatter from this dais after I speak and you simply have to decide who you want to believe. I am going to speak to the Bethel Park residents tonight and question whether they should be concerned about the decorum and actions of their governing body. I claim we have a dysfunctional local government that has done a gross disservice to the community. On February 11th, I suggested that Council Members are cowards for presuming a Home Rule Charter change to fund the needed replacement of the present fire station rather than pursuing a straight forward ordinance. Either method requires a bond issue. The Home Rule Charter avenue

would delay a vote on a tax increase until after the 2013 General Election in November if the vote was performed in accordance with the Home Rule Charter. At that time, I could not have imagined that the Home Rule Charter would be trashed so that the vote would be moved up to the May Primary vote. The ordinance approach would have likely implied a vote for a tax increase very soon. The Home Rule Charter approach would delay a vote on the tax increase until after the November election at which time five of the seats up here are up for election. If the Home Rule Charter avenue is used and the vote is affirmative, Council would then say that the tax is increased and mandated by the voters rather than Council biting the bullet now and being subjected to voting for a tax increase before the election. I admit that I could have used a more genteel word to make my point. Several members of Council commented that they are not cowards just because of their position they took on the funding issue. Mr. Hannan spoke to the issue and suggested an apology by me is in order. Then Mr. Moury spoke. Mr. Moury said quote Mr. Harrison brought up the fact that he was going to start a petition. A petition Mr. Moury is alluding to is allowed by the Home Rule Charter, Section 1201. To initiate a petition, any five qualified electors of the Municipality must file with the Municipal Manager a notarized affidavit stating that they will constitute the petitioners' committee. This option has been exercised twice in the history of the Bethel Park Home Rule Charter. I did not make the statement that I was going to start a petition. I have never been a member of a petition committee and I have no future plans to be a member of a petition committee. Mr. Moury, as the President of Council, is the chief spokesman for this governing body. One would hope that the cause of his position he would check facts and not spew out unfounded innuendos. After stating I intend to start a petition, Mr. Moury stated these people are evil. I noted Mr. Hannan did not suggest Mr. Moury issue an apology after he stated people are evil for legally petitioning their government body as allowed in the Home Rule Charter. Now to the issue at hand of providing support to the Bethel Park Volunteer Fire Company. My point was made in a letter that I wrote and was published in the Almanac. Why use an ax to do a job when a scalpel would do. It was suggested to change the Home Rule Charter which I consider the constitution of Bethel Park is like using an ax rather than funding the building replacement with an ordinance. The ordinance and bond issue funding method has been used for the expansion of the Municipal Building, the one we are in right now, the construction of the Community Center, and the funding of the Municipal Authority. The ordinance approach suggests that I claim is the scalpel approach. Note the news article in the Almanac dated February 27th entitled Bethel Considers Plant Upgrade. The article addresses the Council plan Bond Issue to fund necessary sewer system upgrades. Council is expected to act on this very soon, as a matter of fact before we came out, they said we are ready to authorize preparing the paperwork. On February 11th, the night of the last monthly meeting of Council, I was aware at that time of the fact that February 19th was the final date for submitting a request to the election bureau for placing a question on the May 21st ballot. I was also aware of Section 1107 of the Home Rule Charter that states that the effective date of an ordinance shall be no sooner than thirty days after it is adopted by Council. Therefore, I questioned Mr. McTiernan about the actions relative to the ordinance that was passed by Council that requested that the question be placed on the May 21st primary ballot. He indicated that he planned

to submit the ordinance to the election bureau in a couple of days. Mr. McTiernan was reminded of the thirty day criterion of Section 1107 of the Home Rule Charter that states that an ordinance is not effective until thirty days after its enactment of this governing body. Mr. McTiernan replied at that time in part that he would do some additional research, but his initial reaction is you can't trump law with local ordinances or even the Home Rule Charter. The ordinance enacted to place a question on the May ballot was signed that night on February 11th. Nothing wrong with that, it's not common, but request by Mr. McTiernan to place the question on the ballot was hand delivered to the election bureau on February 13th citing the ineffective February 11th ordinance as a basis for the request. This action took place two days after the adoption of the ordinance and 28 days before the ordinance became effective in accordance with Section 1107 of the Home Rule Charter. Timely action by Council in passing the enabling ordinance would have avoided the Home Rule Charter crisis. I consider it a crisis. Council could have passed the ordinance in January and met the criterion of Section 1107 of the Home Rule Charter if they insisted on having the vote on the ballot in May. They could have indicated a November vote in the ordinance that would be consistent with the Home Rule Charter and the Bethel Park Volunteer Fire Company schedule for demolition of the present building and erection of the new building. The hasty actions by Council and Mr. McTiernan makes it clear to me that the Municipal staff, the Council and Mr. McTiernan didn't do their homework and were antsy about the actions they were employing. Mr. Moury stated in part quote I was one of the members of Council that got involved almost three years ago. Mr. Moury was speaking of his involvement with discussions with the Bethel Park Volunteer Fire Company about funding the new Bethel Park Fire Company facility. I am embarrassed in behalf of this governing body in which it is stated they have been involved in the pursuit of this item for three years and yet we are so inept in enacting the enabling legislation that violated the well know provisions of the Home Rule Charter. Is not acting on enabling legislation for the ballot in a timely basis a sign of ineptness? Now, a few words about the Home Rule Charter. The Home Rule Charter was purposely written in layman's term and not in commonly misunderstood lawyer legalese. Before the Home Rule Charter was submitted to the public, it was reviewed and approved by the Municipal legal counsel. Unlike discussion of the framers of the second amendment of the Federal Constitution, relative to the (unintelligible), the intent of the Home Rule Charter, Section 1107, relative to the effective date of the ordinance is well known. I was a member of the Home Rule Charter and wrote Section 1107. The section was provided in the Home Rule Charter in response to my awareness as a Councilman of previous actions of Council on items the public had no forward knowledge and the public had no way to readily challenge the Council approval. In a letter by Mr. McTiernan dated February 25 on the ordinance, he stated in part, the concept of effective date is inapplicable to an initiating ordinance. Inapplicable to an initiating ordinance. To my understanding of the time I've been here, the ordinance acted on by Council, or initiated by Municipal staff or the solicitor at the direction of the Council, certainly the distinction of an initiating ordinance by Mr. McTiernan is obscure to me and the general public and has intent of (unintelligible) legalese concocted with the hope that it will not be challenged. In my backwoods upbringing in a rural area of the state of Indiana, such actions are referred to as acting like a Philadelphia lawyer. At that

time, that statement was intended to be negative relative to the legal profession. I explained the action on the ordinance trashes the concept of the Home Rule Charter and as I mentioned before, I consider it the constitution of the Municipality. Mr. McTiernan was not finished, he just did away with saying that the ordinance does become effective in accordance with the Home Rule Charter, but was not finished in voiding stipulations of the Home Rule Charter. In addition, in his February 25th letter, he also says in part, another issue concerns the ability to use the initiative procedures of the Home Rule Charter to repeal the Ordinance. Pennsylvania does not allow this type of suspension. The position of Mr. McTiernan voided the stipulation of the Home Rule Charter contained in Section 1201 allowing for public initiative action. What next? What next relative to trashing the Home Rule Charter? The Home Rule Charter has stood the test of time since it became effective on January 2, 1978. Now because of apparent ineptness of Council and this professional and legal staff where Council to ignore the known intent of the Home Rule Charter language. Mr. Moury stated there was a time once in my tenure on Council, we put a question on the ballot and it failed. If the Home Rule Charter question passes, a delay of some number of months will occur prior to the money being available if the ordinance approach is used to provide the money for the Bethel Park Volunteer Fire Company, money could be available in a very short time. If the Home Rule Charter question fails to get approval of the voters, what then? Council has the responsibility at this time to inform the public what action Council will take if the Home Rule Charter question passes, also Council has the responsibility at this time to inform the public on what action it will take if it fails. I have not been provided with sufficient information to answer these questions presented to me by the public. But clearly we need to insure the continued viability of the excellent Volunteer Fire Company and always emphasize the work Volunteer. Surely we will not abandon them. There is another item to be considered. The proposed .34 mil real estate tax to be included in the Home Rule Charter is touted to provide funding for the Bethel Park Fire Company for a new Brightwood Road building and continuing funding for the operation of costs of the Bethel Park Volunteer Fire Company. These are two distinct items. The Brightwood Road building demolition and erection are a one-time cost. What is the plan relative to the fixed taxing rate in the Home Rule Charter once the building cost is retired? Council has responsibility at this time to inform the public to what action Council has planned for the taxing rate once the building portion of the tax increase is retired. I'll just mention that an unexpected result of discussion of this issue has generated unexpected support for me from people saying that I am needed on Council to continue to present the interest of the public and keep them informed. The plea is don't abandon us and I just want to take the opportunity to tell them I won't abandon them. Finally, a request to rescind the question on the May ballot and place a question on the November ballot would accomplish several things. It would accommodate the Bethel Park Volunteer Fire Company schedule based on their presentation last Thursday, it would save face for our governing body that did not do the homework and schedule to vote on the ordinance in such a fashion to make it inconsistent with the Home Rule Charter and it would not result in trashing the Home Rule Charter that has survived since 1976. So I would suggest maybe Council wants to ask Mr. McTiernan to consider rescinding his request to

the election bureau and let Council enact an ordinance that would be consistent with the Home Rule Charter. Thank you.”

Mr. O’Brien said:

“First of all, I would like to welcome Mr. Pape back. It is nice to have you back, Johnny. Glad to see you are in good spirits and good health. I am going to borrow one of Mr. Pape’s sayings. Mr. Harrison, you seem to have this distinct ability, no matter what you touch, you pull it under the bus. And you roll the bus over top of it. No matter what it is. No matter how good the intentions are, you seem to do that. I am going to borrow one of Mr. Pape’s famous lines. Don, go tell it to the Indians. It is just absolutely amazing. We decided, we are moving forward, it’s in place and you are just pulling it under the bus and rolling over the top. You just never seem to amaze me no matter what it is, recreation, I don’t want to go through the list. Now it’s the fire department. Just go tell it to the Indians, Don. Thank you.”

Mr. Dixon said:

“I was fully expecting that we would have to take a quiz on the Home Rule Charter following that lesson we just received. I just wanted to clarify something. If we had done as Mr. Harrison suggested and just passed an ordinance increasing taxes to pay for this, that line could have come off the budget in a year. It may or may not survive the following year’s budget. You don’t know and you certainly don’t have a dedicated source of funding for the Fire Department. Absent that dedicated source of funding, there is no way that we would ever be able to borrow the money to build that building. You have to have a dedicated source of funding. Having said that, what better way to make a decision on a sea change such as this. A totally volunteer fire company throughout its history is now requesting assistance from the Municipal government. That’s a sea change in the way things have been done. I think that this should be put to the people of this community to make that decision. We didn’t decide to raise taxes here. We decided to ask the residents of Bethel Park if they want to raise taxes and provide that dedicated source of funding to the fire department. That’s all we did. And I think that was the right decision to make and I’ll stand by that. Insofar as Mr. Harrison’s assaults on Mr. Moury in absentia, I think Mr. Moury could take care of himself but I for one would stand by Mr. Moury any time in this debate and frankly in any other debate when we have these issues. So, I just wanted to clarify that for the people of this community. This is not a tax increase, this is a question that you get to answer yourselves as to whether or not we should change the way we provide fire service to this community. Thanks, Mr. President.”

Mr. O’Brien said:

“I’d just like to say, too, to start with Mr. McTiernan. It has to be almost 20 years now, Bob. Sometimes we like Bob’s answers and sometimes we don’t. But this man is fair, honest, his opinions are exactly presented by law and in the direct interest of this Municipality and to go after Mr. McTiernan and his reputation and his credibility on this floor, I think, is just wrong. This guy is true blue, he’s an

honorable man, great family man. He's just there. If you deal with him, you know it. His answers are his answers whether you like them or not, yes or no, and I'm a little upset with that. I'll take a beating, no problem. But Mr. McTiernan, I'm going to stand in front of him. Thank you."

Mr. Pape said:

"At the last meeting, I had people at my home and they wanted to know what is the matter with that man with the way he talks. I said he will be all right when the swelling goes down. Don't worry about him."

Mr. McLean said:

"A couple of points Mr. Harrison raised about the timing, doing this in the May primary rather in the November election. Truth is November is too late for the Fire Company to know the answer to this question and still be able to do their construction in January. They would not have time after the November election to put in place all of the funding and the work that would need to be done in order to break ground. So we didn't accidentally pick this time period, we picked it with those plans in mind. I'm going to come back to a question I am going to ask Mr. McTiernan in a second, but before I do, I want to tell people don't be fooled by what you are hearing. Every speech that you're hearing be made up here contrary to this proposal, every letter that is being written, is being done with the intention of trying to prevent you, the people, from voting on this important issue. Don't be fooled into thinking it is something else, that's what it is. And that is what its aim is, to prevent that. We did not choose this course of action as a way of avoiding some responsibility that we have and we haven't gone about it haphazardly and we haven't gone about it without any thought. The three years that have been spent on this have all been devoted to coming up with what is the best way for us to make sure we could maintain a volunteer fire company and what is the best way for us as a Municipality to contribute to that effort. And, we concluded that the best way to do this since it is such a fundamental change is to let the people decide. Let the people decide if they want to continually have .34 mils devoted to the facilities that the fire company needs. Right now that has been properly presented to the County. The County has approved it and the people will get to vote on it and there is nothing untoward about this process that we've gone through and it allows the people to make the decision. There is nothing wrong with that. You've got to ask yourself why would somebody be opposed to that? What is it about letting the people decide that is so wrong? Now, the last thing I just want to come back to is there was a lot of discussion about the effective date of the ordinance. Mr. McTiernan, I know you looked at that issue and I know you'd like the opportunity to explain to people how you handled that issue and your decision. So, you have the floor to explain it."

Mr. McTiernan said:

"Thank you, Mr. McLean. And I don't want to be defensive or belabor the point, but Councilman Harrison did ask the opinion and then suggested a written opinion which Council authorized and I prepared a three-page written opinion after

researching the law. So, I did not make the ruling on the law lightly and just to briefly summarize it, I think it is very clear under Pennsylvania law that once an ordinance is passed, it shall be delivered to the Department of Elections and they are required to place it on the ballot. Secondly, an initiating ordinance under Pennsylvania law and the Pennsylvania Supreme Court case, can't be repealed or recalled later on. Council can't within thirty days say we want to un-initiate what we've done. Those are based on state statutes and court decisions which take precedence in my opinion over the Home Rule Charter provisions. Or, in this case, there is no harm done in this instance because even if thirty days should pass, it would expire months before the primary election. And finally, I do as thorough job as I can and I think I pose the best ruling as I can, but this matter was submitted to the Department of Elections. They do review these matters, they don't just rubber-stamp what Municipalities do. I believe Mr. Harrison's concerns were brought to their attention and their solicitor and their director issued within two days of submission a ruling that the matter would appear on the ballot in the primary election and how the question would be framed. So the County makes its own independent judgment, the elections division, and they took into account the concerns raised by Councilman Harrison which I know he brought to their attention and as well as Council's action and they made the ruling that it is appropriate for the ballot. So, again the law is not an exact science, but I do feel in this case there is substantial statutory authority and case law to support what Council has done here in my opinion as well as the decision of the County Election Department."

Mr. McLean said:

"Thank you, Mr. McTiernan."

Mr. Harrison said:

"I just want to make one point that these people just absolutely positively bypass a concern. If this Council had done their job and passed the ordinance in January, there would be absolutely positively no question. But they passed it in February, and then the solicitor has to rule that, well, guess what, there is state law and cases and all that, so it's ok. I am not a lawyer, but I will just reiterate I think this is a disservice to our community. Thank you very much."

Mr. Hannan said:

"As people out there can see, there's the law and then there's Don's law. And as Don said, he wrote this section of the Home Rule Charter. We are treading in his territory and it's not his intent to have this go this way. So, that's why he's very protective of this particular part of the ordinance. But again, that is why we have a solicitor, that's why we have a practicing attorney that has many years of experience in dealing with municipal matters and he does a great job for us. We don't always agree with him, but he represents what's best for this community. And his interpretations, we go with it. And this particular instance will move forward. Thank you."

PLANNING AND ZONING ITEMS

15. Citizens' Comments – Planning and Zoning Items

Beverly Thurner, 4802 Criss Road, had comments and concerns regarding the Millennium Woods Development regarding the traffic congestion from Baptist and Broughton Roads in relation to the construction currently on the roadway. In addition, she asked about the traffic situation regarding the new Sheetz development on Route 88 as well as the lights left on at Millennium Park fields. She asked for some explanation regarding the lack of a traffic study. She asked about storm sewers, trees, shrubs and debris from excavation for the development.

16. Planning and Zoning Items

Application No. 2012-0903 – Millennium Woods Consolidation and Subdivision Plan

Motion by Mr. Dixon and seconded by Mr. O'Brien to approve Application No. 2012-0903, Millennium Woods Consolidation and Subdivision Plan, Major Subdivision, Baptist Road, Horning Road and Hilltop Lane, Bove Development Corporation, Applicant. Motion Carried 7 – 0. Council Members Gibbons and Moury absent.

Mr. McLean asked Municipal Planner Michael Smith to provide some information to Mrs. Thurner about the plans regarding this development.

Mr. Smith said one of the most important items is the storm water. Currently, the folks on Kevin and Chapel Drives have an issue with runoff from the existing site as it is. With the construction of the storm water management facility, that will significantly be improved. When there is construction, there is always concern about sediment. The safeguard we have is they have developed an erosion and sediment control plan that has to be approved by the DEP and by the Allegheny Conservation District. Trees will be removed, but they will provide a buffer plan between the existing neighborhoods that will provide greenery. This development will not generate enough traffic study and PennDOT did not require it. Residential developments are typically low traffic generators. Mr. Smith said that all of our concerns, and those of the residents, the developer has come up with good solutions.

Mr. McLean asked if Mr. Smith is satisfied with plan as proposed by the developer meets the ordinances.

Mr. Smith replied yes.

Mr. Dixon told Mrs. Thurner that the plans are available for her review is she wants to meet with Mr. Smith. A number of meetings were held with the Planning and Zoning Commission on this project. Residents addressed their concerns and they have been addressed thoroughly.

HEALTH, SAFETY AND WELFARE ITEMS

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

None

18. Health, Safety and Welfare Items

Permanent Status – Sergeant Robert Stiglich

Motion by Mr. McLean and seconded by Mr. Dixon to appoint Sergeant Robert Stiglich permanent appointment to the rank of Sergeant with the Bethel Park Police Department beginning March 20, 2013. Motion Carried 7 - 0. Council Members Gibbons and Moury absent.

Mr. McLean announced that the Spring leaf collection is scheduled for the week of April 22 through April 26.

Mr. McLean then spoke about last year's Veterans' Day honoree, Vietnam Veteran Charles Michael Swaim and an interesting follow up to the story. He spoke about the process last year of finding Mr. Swaim's family and a fellow veteran who all attended the ceremony. Three weeks ago, Mr. McLean was contacted by a high school senior in Austin, Texas whose English class was assigned a soldier who's name appears on the Vietnam wall. She was given Charles Michael Swaim. As she researched Charles, she came upon the news articles online that chronicled Mr. McLean's efforts to honor this forgotten Bethel Park veteran at the Memorial Day celebration. In response to her email, Mr. McLean found out that this student's class does a full video of as much information they can find about each person who was killed in Vietnam. Mr. McLean provided her with all the family information he recovered as well as the video tape of our 2012 Veterans' Day Celebration and it is now being amassed by her in her project. Mr. McLean said that his hope is that she will provide to him a copy of her final project so we can add her DVD to our collection as an addition that came out of our efforts. He was very happy to share this wonderful story with the community.

Mr. O'Brien said this is divine intervention. It is amazing how things happen. He said that on that note, he wanted to make the announcement that our key note speaker and special guest this year will be our own Mayor Cliff Morton. Mayor Morton has given his time, wisdom, knowledge and heart to our town as well as to the US Marines. He thanked Mayor for all he's done for all of us and to call him friend. Mr. O'Brien asked everyone to come out on Memorial Day to honor and remember our service men that have given so much and to celebrate with our friend, Cliff Morton.

Mr. Allen said that since we are speaking of Memorial Day, he wanted to mention the Banner Program honoring veterans. The banners will be put up for Memorial Day until Veterans' Day in November. The program has been up and running in Castle Shannon, West Mifflin and Canonsburg. Out banners will be placed along

Route 88 and he was just informed today that South Park Township has picked up the program and they will continue along Route 88. He said that the last day to accept applications for banners is the end of April. Applications are available here at the Municipal Building, at the American Legion, as well as online.

PUBLIC WORKS AND MAINTENANCE ITEMS

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

2013 Road Program

Motion by Mr. O'Brien and seconded by Mr. Hannan to award the 2013 Road Program Contract to A. Folino Construction, Inc., in the amount of \$1,184,946.68, in accordance with the Municipal Engineer's correspondence dated February 21, 2013. Motion Carried 7 – 0. Council Members Gibbons and Moury absent.

Mr. O'Brien commended Municipal Engineer Jean Statler and staff for once again doing good work on the bid contract and getting great numbers for the 2013 Road Program.

21. Adjournment

Motion and second to adjourn at 8:35 P.M.



Manager