

MUNICIPALITY OF BETHEL PARK

MINUTES OF REGULAR COUNCIL MEETING

Date: June 8, 2015

Time: 7:30 P.M.

Location: Municipal Building

1. Roll Call

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

Absent: Council Members Colella and Pape

Also Present: Mayor Jack Allen; William J. Spagnol, Manager; Judith L. Miller, Assistant Manager; Solicitor Robert L. McTiernan; Gerard Duke, Director of Community Services, Chief Timothy O'Connor; Joseph Villella, Finance Director; Jean Statler, Municipal/Environmental Engineer Ashley Moore, Municipal Planner

2. Pledge of Allegiance

3. Chair Announcement

Executive Sessions of Council was held on Monday, May 18, 2015 and Monday, June 8, 2015 to discuss Police Personnel issues.

Reports of Officials

4. Library Director's Report

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

Ms. McIntosh announced upcoming summer programs. The Summer Reading Clubs began this week with the Adult program. The Children's program will kick off on Saturday June 13th at 6:00 p.m. with a Superheroes theme.

Laugh the Stress Away will be held on Saturday, June 13th at 11:00 a.m. presented by Author Sharon J. Hamovitz.

On Wednesday, June 17th at 7:00 p.m., Author and Historian Jim O'Brien will present Golden Arms: Six Hall of Fame Quarterbacks from Western Pennsylvania.

Wellness on the Web: An OASIS Connections Computer Course, will be held on Tuesday, June 23rd at 10:00 a.m., designed for those 50 years and older.

Monday Movie Matinee will be held every Monday in June at 2:00 p.m., with Superheroes themed movies. This is for children Grades K through 4. Movie Monday Night, every Monday evening in June will be held at 6:30 p.m. for teens Grade 7 and up. No registration is needed to attend Movie Night and popcorn will be served.

The Library is closed on Sundays during the summer until the week after Labor Day.

For more information on these and the many other programs and services offered by the Library, visit the Library's web site at bethelparklibrary.org. You can also follow the Library on Facebook or Twitter.

5. Police Chief's Report

Chief O'Connor said that on June 2nd, Officers Sean Gorman, Michael Dunn and Colby Grubich participated in the Law Enforcement Torch Run for Special Olympics, a three-day, 150 mile run from Pittsburgh to Penn State. He thanked them for participating in the very worthy endeavor.

Chief announced that there will be no Crime Watch Meetings in the months of July and August. Crime Watch meetings will resume in September. If anyone wants to receive Crime Watch emails, they can sign up on the Bethel Park website.

As an update from the Allegheny County Health Department, Chief reminded residents that when open burning in a fire pit, you must use only clean wood, no furniture, trash, papers or treated woods. The fire pit must be no larger than 3 x 3 x 2 feet high. No burning is allowed less than 15 feet of your home and burning is not allowed on air quality action days.

6. Fire Chief's Report

Chief David Gerber gave the fire report for the month of May. Chief Gerber reminded residents that grilling is only allowed outside and not inside, in garages or on porches. He commented that children and pets should be kept away from the grill and that a three-foot radius is needed around the grill for protection. Keep your grills clean of grease build up to avoid fires, check your propane tanks and valves for leaks, and never leave your grill unattended.

Chief Gerber wanted residents to know that they can contact the fire company on their website if they would like fire personnel to visit your block party or a community event. You can also leave a message at the Kiefer Coal station at 412-835-1127.

Chief Gerber said they are always seeking new members. Any graduate 18 years of age or older interested in joining the Volunteer Fire Company, can call, use the website, or stop by the Clifton station. The County's Fire Vest program is still available. If you join, you can attend Community College for a two year degree free by giving 5 years of service back to the volunteer fire company.

7. Mayor's Report

Mayor Allen introduced Pauletta Beehler of the Cable TV Board. Pauletta was in attendance to help Mayor Allen with the Weber Gas Grill drawing. She said that the proceeds from this raffle will go the Volunteer Scholarship Fund that can be awarded to anyone who volunteers to further their education. This program is in conjunction with the Bethel Park Community Foundation.

The drawing was held and the winner of the Weber grill is Bill Boyce.

Mayor mentioned that the annual Fourth of July Fireworks will be held on July 4th, more than likely for the last time at this location, at South Hills Village near the Port Authority property.

Mayor Allen highly recommended that residents attend the free Allegheny County Summer Concert Series on Friday evenings at 7:30 p.m. at the South Park Amphitheatre. The schedule of events is available on the Allegheny County Website.

He also announced that the Bethel Park Farmers' Market continues every Tuesday from 3:00 – 7:00 p.m. at St. Thomas More Church, Fort Couch Road. He recited the list of the nine new vendors who joined the group.

Mayor Allen then introduced Mr. William Knaus, Mrs. Knaus, and members of the Knaus family. Mayor Allen said he first met Mr. Knaus when they formed the Veterans' Memorial Committee and that the Memorial would not be here today without Mr. Knaus. Mr. Knaus is still active in many community organizations. He was a Lt. Colonel in the US Army, a WWII and Korean War Veteran. Mayor presented a Recognition Award to Mr. Knaus for his many years of dedication and support to the Bethel Park community. Mr. Knaus said that he's lived in Bethel Park his entire 95 years. Four generations of the Knaus family lived here, the generation before him, his generation, that of his children and grandchildren all live in Bethel Park. He says it is a privilege to be recognized and offered his sincere thanks for the recognition.

Per the request of Mr. Harrison and Mayor Allen, the following text is verbatim.

Mr. Harrison said:

"My long deceased mother brought up my brothers and me using adages, old folk's sayings, and one that I cited from this dais January of this year was that this country was going to Hades in a hand basket. I noted that we have a President of the United States who literally thumbs his nose at the Constitution every day. We have a Bethel Park Council governing body that seems to follow that pattern by ignoring the constitution of Bethel Park. I'm talking about the Home Rule Charter. Councilman McLean likes to remind us that his dad was Chairman of the Home Rule Charter Commission that wrote the Home Rule Charter and ultimately passed. The Home Rule Charter is a commission which I was an elected member. The Home Rule Charter commissioners, including Mr. McLean, his dad, unanimously agreed to write the Home Rule Charter in plain English, not legalese, so that the citizens, the residents of Bethel Park could reasonably understand it. Home Rule Section 1107 states the effective date of an ordinance shall, and I emphasis shall, which is mandatory, shall be no sooner than thirty days after its adoption. Now, there's no modifying adjectives in a Home Rule Charter to ordinance, it says, an ordinance. I allege that Council violated the Home Rule Charter. I allege there was an act of misfeasance. I allege Solicitor McTiernan was complicit in the violation. The above allegations are relative to the timing of the ordinance for the Bethel Park Volunteer Fire Company to establish a dedicated tax, the question that went on the ballot to establish a dedicated tax. Mr. McTiernan delivered the ordinance to the election bureau three or four days after its passage in this chamber which was 26 or 27 days before the ordinance became effective according to the Home Rule Charter. Upon my request, Mr. McTiernan issued an opinion letter two weeks after the passage of the ordinance that opined that the Home Rule Charter effective date is inapplicable to an initiating ordinance. I emphasis initiating. That's an adjective you won't find in reference to the section about the ordinance in the Home Rule Charter. A Councilman at this dais spoke from this dais one meeting noting that Mr. McTiernan was designated as a Super Lawyer. Now, I don't know what a Super Lawyer is but it appears to me that maybe he's super at twisting the law to meet the intending goal that he and Council had at that time. In addition, I'll just mention, one of our council members I believe to be a lawyer who seems to support the alleged misfeasance based on statements he has made from this dais.

The purpose of this history lesson is to alert the public of the continuing disrespect of the Home Rule Charter. And that's the reason I'm addressing it at this time.

Section 208 of the Home Rule Charter addresses the duties of the Mayor and states the Mayor is to study the operations of the Municipality government and report to Council on the State of the Municipality with recommendations for measures deemed to improve the Municipal affairs. This report shall, I emphasis shall, be given at least annually at the regular meeting in June. I don't think I heard such a report. June was selected, it was purposely selected, by the Home Rule Charter Commission because the next year budget, the 2016 budget, is being

prepared at this time and any recommendations he would have would then be considered in establishing the budget. It is apparent that once again, the Bethel Park Constitution, Home Rule Charter, is being ignored by a member of this governing body by the lack of the mandated timely report by the Mayor.

This lack of abiding by the Bethel Park Constitution, Home Rule Charter, is unacceptable and a disservice to the residents. Thank you very much.”

Mr. Moury passed the gavel to Mr. Hannan and said:

“Most everything he said is not true. I don’t want to go into all the dynamics but we go on and on about the same thing because Don said it’s true, its gospel. I don’t even want to get into...what he says isn’t true. That’s all.”

Mr. Hannan passed the gavel back to Mr. Moury.

8. Approval of Minutes

Regular Council Meeting Minutes of May 11, 2015.

Motion by Mr. Hannan and seconded by Mrs. Gibbons to approve the Regular Council Meeting Minutes of May 11, 2015. Motion Carried 7 – 0. Council Members Colella and Pape absent.

9. Motion by Mr. Hannan and seconded by Mrs. Gibbons to approve the Public Hearing Minutes of April 27, 2015 – Proposed Text Amendment to Zoning Ordinance Regulations with regard to Wire Based Communications Facilities and Non-Tower Wireless Communications Facilities. Motion Carried 7 – 0. Council Members Colella and Pape absent.
10. Motion by Mr. Hannan and seconded by Mrs. Gibbons to approve the Public Hearing Minutes of April 27, 2015 – Proposed Text Amendment to Zoning Ordinance with regard to amending the Regulations to Permit Housing for Seniors. Motion Carried 7 – 0. Council Members Colella and Pape absent.
11. Motion by Mr. Hannan and seconded by Mrs. Gibbons to approve the Public Hearing Minutes of May 18, 2015 – Kiefer Coal & Supply Communications Facility Stealth Pole, Conditional Use. Motion Carried 7 – 0. Council Members Colella and Pape absent.
12. Motion by Mr. Hannan and seconded by Mrs. Gibbons to approve the Public Hearing Minutes of May 18, 2015 – Port Authority of Allegheny County Washington Junction Park-and-Ride Pavement Restoration Project, Conditional Use. Motion Carried 7 – 0. Council Members Colella and Pape absent.

Mr. Harrison stated that he wanted to make the public aware, as an early warning, that half of the parking lot will be shut down for a considerable amount of time during this work and people will need to make other arrangement for parking.

Mr. Moury said that Port Authority assured us that if this is approved, they would communicate with the riders as best they can to let them know the schedule as to when the work will occur.

13. Motion by Mr. Hannan and seconded by Mrs. Gibbons to approve the Public Hearing Minutes of May 18, 2015 – Cool Springs Proposed Rezoning, Baptist Road. Motion Carried 7 – 0. Council Members Colella and Pape absent.

14. Bills and Payrolls

Motion by Mr. Hannan and seconded by Mrs. Gibbons to approve the Bills and Payrolls for the Municipality per Bill List #060815 in the amount of \$1,038,882.92. Motion Carried 7 – 0. Council Members Colella and Pape absent.

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

Linda Debor, 5060 Lindermer Avenue, brought two items to Council's attention. The first matter of concern is that she does not know if Bethel Park has an ordinance about barking dogs. There is persistent dog barking in the neighborhood. Her other concern is that as you turn off of Brightwood Road onto Lindermer, frequently there are cars parked there which creates a very dangerous situation. When coming off Lindermer and trying to turn right or left, you cannot really see. Also, the school bus stops with the children there and when vehicles are parked there, it is a hazardous situation. She asked that these items be addressed.

Mr. Moury asked Ms. Debor to speak with Chief O'Connor after the meeting regarding these two issues. He said the Traffic Department will need to look into it.

16. Citizens' Comments – General Policy and Finance Items

None

GENERAL POLICY AND FINANCE

17. General Policy and Finance Items

Resolution – Uniform/Non-Uniform Pension Custodian Contract

Motion by Mr. Dixon and seconded by Mr. Hannan to adopt the Resolution authorizing the special Pension Counsel of the Municipality to move forward in regard to the development of a Pension Custodian contract with Wilmington Trust/M&T Bank. Motion Carried 7 – 0. Council Members Colella and Pape absent.

Mr. Moury said that the Municipality is changing custodians for the Pension money. This has been approved by the Pension committee and by Council and now Council will take formal action.

18. Citizens' Comments – Planning and Zoning Items

None

PLANNING AND ZONING ITEMS

19. Planning and Zoning Items

Ordinance – Application No. 2015-0086 – Cool Springs Rezoning

Motion by Mr. Dixon and seconded by Mr. Hannan to approve the ordinance rezoning a portion of the property (Block & Lot No. 317-M-150) located at 1530 Hamilton Road from an R-3, Single Family Residential, with an Open Space Overlay, to an R-T, Residential Townhouse, and C-2, General Commercial. Motion Carried 7 – 0. Council Members Colella and Pape absent.

20. Sidewalk Delay Agreement – Application No. 2015-0087 – Cool Springs

Motion by Mr. Dixon and seconded by Mr. Hannan to approve Application No. 2015-0087 – Cool Springs Consolidation Plan, Major Subdivision, Baptist Road, Cool Springs Associates, LP – Applicant, in accordance with the Municipal Planner's correspondence dated June 4, 2015, and authorize the appropriate Municipal Officer to enter into a Sidewalk Delay Agreement with the applicant for the construction of sidewalks associated with Cool Springs Subdivision Plan, Major Subdivision located upon Baptist Road and Hamilton Road. Motion Carried 7 – 0. Council Members Colella and Pape absent.

Mr. Harrison said that he would like to note for the public that this action is not unusual to allow delay agreements. At any time the Municipality decides that it's time to construct the sidewalks, they will have to be constructed. They can delay it, but the governing body has control over when they are constructed.

21. Application No. 2015-0082 – Kiefer Coal and Supply Communications Facility, Stealth Pole, Conditional Use

Motion by Mr. Dixon and seconded by Mr. Hannan to approve Application No. 2015-0082 – Kiefer Coal and Supply Communications Facility, Stealth Pole, Conditional Use, 5088 West Library Avenue, SBA Network Services, LLC – Applicant, in accordance with the Municipal Planner's correspondence dated June 4, 2015. Motion Carried 7 – 0. Council Members Colella and Pape absent.

Mr. Moury said that this is a current facility that is located on the Kiefer Coal and Supply property which was approved a number of years ago. All they are doing is placing a different cap on it as technology changes. Everything else stays the same and he believes it will also be repainted at that time.

22. Application No. 2015-0085 – Port Authority of Allegheny County, Washington Junction Park and Ride Pavement Restoration Project, Conditional Use

Motion by Mr. Dixon and seconded by Mrs. Gibbons to approve Application No. 2015-0085 – Port Authority of Allegheny County Washington Junction Park & Ride Pavement Restoration Project, Conditional Use, in accordance with the Municipal Planner's correspondence dated June 4, 2015. Motion Carried 5 – 2. Dissenting votes were by Council Members Dixon and Hannan. Council Members Colella and Pape absent.

Mr. Dixon shared his thoughts and concerns regarding the Park and Ride Paving Restoration Project. He stated that Port Authority received a variance from the Zoning Hearing Board with a split decision and also went through the Planning Commission who approved the plan by a 5 – 3 vote. There has been some disagreement with this plan, not because it wasn't engineered right. It is a professional plan and was professionally presented. Mr. Dixon said he disagrees with the concept as they are going to jam in another 50 parking spaces. Washington Junction is extremely tight right now. He feels it is a bad plan. The stalls they propose are 8-1/2 feet wide, a spec for compact vehicles, and he feels it will be detrimental for people to park there. Bethel Park specs 9-1/2 feet. Mr. Dixon said one of the Zoning Commission members suggested that rather than going forth with this plan, why not reduce the parking cost at the South Hills Village lot to entice people to use it. Port Authority stated that it was an operational decision and requested a variance from Bethel Park instead. Mr. Dixon said that he will be voting against this.

Mr. Moury commented that he shares Mr. Dixon's concerns, but Port Authority sought approval from both the Planning Commission and the Zoning Hearing Board, and this is the way it has been approved, so he will be voting in support.

Mr. Dixon followed up by saying that once the applicants receive their variances from the Zoning Hearing Board, it is very difficult for Municipal Council to deny the applications. Council is pretty much required to vote to approve this. It's almost mandatory that Municipal Council approve this project. If they didn't, they would find themselves in Court downtown.

23. Resolution – DCED-CFA Grant Application

Motion by Mr. Dixon and seconded by Mrs. Gibbons to adopt the resolution authorizing the Manager of the Municipality of Bethel Park to file a Grant application for a Greenways, Trails and Recreation Program Grant to fund various improvements at Simmons Park. Motion Carried 7 – 0. Council Members Colella and Pape absent.

HEALTH, SAFETY AND WELFARE ITEMS

24. Health, Safety and Welfare Items

No Items

Mr. Dixon announced that PennDOT has informed Bethel Park that they will begin a major road resurfacing project, widening and repaving of Baptist Road, from Grandview Farms near the Jefferson Regional Medical Center all the way to Horning Road. This project will be completed in early November. He suggested that people avoid Baptist Road.

25. Citizens' Comments – Public Works and Maintenance Items

None

PUBLIC WORKS AND MAINTENANCE ITEMS

26. Public Works and Maintenance Items

Storm Sewer Project

Motion by Mrs. Gibbons and seconded by Mr. Hannan to award the Storm Sewer Contract to Morgan Excavating for the bid of \$138,240.90, in accordance with the Municipal Engineer's correspondence dated June 4, 2015. Motion Carried 7 – 0. Council Members Colella and Pape absent.

27. Underdrain Project

Motion by Mrs. Gibbons and seconded by Mr. Hannan to award the Underdrain Project Contract to El Grande Industries, Inc., for the base bid of \$42,617.50 and the Alternate Bid of \$36,630.00, in accordance with the Municipal Engineer's correspondence dated June 4, 2015 Motion Carried 7 – 0. Council Members Colella and Pape absent.

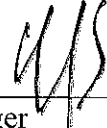
Mr. O'Brien said that this month at the Veterans' Memorial is the birthday of the U.S. Army and it is fitting to have Mr. Knaus, an Army veteran, present at the meeting. Mr. Knaus' birthday is also in June. He wished Happy Birthday to Mr. Knaus, he is a good friend.

He said that the Memorial Day Celebration was recently held and he thanked all the citizens who served in the armed forces and those who gave their life. In addition, thanked all those who stepped up to help, including staff and members of the American Legion. He said he was very proud. He announced that John McClelland, a View Nam veteran, passed away on the Saturday before Memorial Day and he will be greatly missed.

Also, Mr. O'Brien said that on Memorial Day, they said good bye to Mr. Bill Hoza, who passed away recently. He was a long time member of the Veterans' Memorial Committee. During the luncheon, Mr. Dick Kraft shared a poem which Mr. Hoza wrote. Mr. O'Brien, as a tribute to Mr. Hoza, read the poem which was entitled Crossing the Bar.

28. Adjournment

Motion and second to adjourn at 8:19 P.M.



Manager