

# ***MUNICIPALITY OF BETHEL PARK***

## **MINUTES OF REGULAR COUNCIL MEETING**

**Date:** August 13, 2018

**Time:** 7:30 P.M.

**Location:** Municipal Building

1. Roll Call

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

Absent: None

Also Present: Shawn Arbaugh, Manager;  
Judith L. Miller, Assistant Manager;  
Solicitor Robert L. McTiernan; Chief Timothy O'Connor;  
Joseph Villella, Finance Director

2. Pledge of Allegiance

3. Chair Announcement

An Executive Session of Council was conducted tonight, Monday, August 13, 2018 to discuss personnel and legal issues.

### **Reports of Officials**

4. Library Director's Report

There was no Library Director's Report

5. Police Chief's Report

Chief O'Connor thanked everyone who participated in National Night Out on August 7, 2018 especially the kids that joined the police for pizza at lower Miners Park. The Chief stated that they would like to continue National Night out in the future.

Chief O'Connor announced the names of the Merit Award College Scholarships. Each of these college students will be receiving a \$1,000 dollar check. Chief than announced each of their names. Jacob Dixon (Duquesne University), Brittany Kach (California University of Pennsylvania), Nicole Kach (California University of Pennsylvania), Kammi Kirsch

(California University of Pennsylvania) and Carly Tanney (Slippery Rock University). Chief congratulated all recipients.

Chief O'Connor stated there is no crime watch next month due to the Labor Day Holiday. Continue to follow us on Facebook and social media.

6. Fire Chief's Report

Assistant Chief Brent Kimberland stated that there were 39 calls for the month of July. The fire company has responded to 314 calls this year.

Assistant Chief Kimberland stated that the fire company is currently working with the Community Foundation to purchase water rescue equipment. They are also putting more of the fire fighters through water rescue training.

Assistant Chief Kimberland stated that the fire company has sent out their first fundraising letter. The second letter will be going out shortly. He stated that the fire company needs those funds to purchase equipment.

7. Mayor's Report

Mayor Allen announced that Community Day is on September 29. The parade starts at 9am at the High school. The 90+ birthday club will be in the beginning of October. Please call Janet at the Municipal Building, 412-831-6800 x211. Mayor Allen announced that the Farmers Market is coming to a close, the last day will be September 25.

Mayor Allen stated that Fall Cleanup is on October 20<sup>th</sup>. Please call Janet at the same number if you or a group would like to sign up.

Mayor Allen stated that on Sunday, August 12 was the Family Fun Festival. At this time he introduced Becky Luzier, President of the Black Hawk Family Relief Fund.

Becky stated that they raised \$9,000 at the Family Fun Festival at Independent Middle School on August 12<sup>th</sup>. They also received a \$5,000 check from Brentwood Bank and a \$1,700 check from Vilka Bistro from the benefit concert that they hosted in July.

Becky stated that they have raised \$30,000 so far. So far, the Black Hawk Family Relief Fund has distributed approximately \$14,000 in the third week of July to 35 property owners that were assessed by the Municipality as being the highest level of damage according to FEMA scale. Becky stated that the Relief Fund is going to open a small grant process. They will publish information about the process on Facebook. It will be a one-page application anyone who was affected by the flood can apply for. Becky mentioned that they would be working with the School House Arts Center to coordinate walk in hours for residents to apply for the grants.

Mayor Allen presented Becky with a certificate for "Making Bethel Park a Better Place to Live".

At this time, a video was played of Mayor Allen presenting an award to Lauren Bradley, Citizens of Bethel Park.

Mayor Allen stated that he received a letter from Dick Craft about one of the original families in Bethel Park. That was the Holtz Family. Mr. Holtz was born in 1739 and settled in Bethel Park in 1785. He lived off Bethel Church Rd. Mayor Allen stated that we have a descendants of Mr. Holtz here this evening. At this time Mayor Allen introduced Tom and Betty Holtz descendants of one of the first settlers of Bethel Park.

8. Municipal Manager's Report

Municipal Manager, Shawn Arbaugh announced that our current garbage contract with Republic expires at the end of this year. We went through the bidding process and we will be awarding the contract at our next council meeting.

Mr. Arbaugh stated that Village Green construction would be completed by the end of September. This project will be a new turf field, smaller practice soccer field, walking trail and upgraded restrooms. Simmons Park construction should be complete by the end of August. This project included a new maintenance building that burnt down last year, adding restrooms to the new maintenance building, playground equipment, upgrading the existing facilities.

Mr. Arbaugh stated that the paving project should be complete in about two weeks. There will be two contractors in Bethel Park on Tuesday and Wednesday. One is for the regular road program the other is to repair the roads that were damaged by flooding.

Mr. Moury stated they had a flood follow up meeting with Bethel Park emergency management, fire department, police department, administrative staff, council, representatives from the Black Hawk Family Relief Fund and Citizens of Bethel Park Facebook Page. At the meeting everyone discussed what happened, what was learnt and what can be done better.

Mr. Moury announced that there is a fundraiser coming up called the Fantastic Four Charity's. Bethel Park Community Foundation, Bethel Park Education Foundation, Bethel Park Historical Society and the Bethel Park Public Library will be hosting their first annual Golf Event on Monday, September 10, 2018 at Nemaquin Country Club. Registration starts at 10. If you would like attend, you can contact anyone from any of these organizations or you can stop at Evey Hardware.

9. Approval of Minutes

Regular Council Meeting Minutes of July 9, 2018

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

10. Public Hearing of July 23, 2018 - Proposed Subdivision Ordinance Modification – Stormwater Management Ordinance

Motion by Mr. Hannan and seconded by Mrs. Gibbons to approve the Public Hearing Minutes of July 23, 2018. Proposed Subdivision Ordinance Modification – Stormwater Management Ordinance. Motion Carried 8-0.

11. Public Hearing of July 23, 2018 - Proposed Zoning Ordinance Modification – Residential Fence Heights

Motion by Mr. Hannan and seconded by Mrs. Gibbons to approve the Public Hearing Minutes of July 23, 2018. Proposed Zoning Ordinance Modification – Residential Fence Heights. Motion Carried 8– 0.

12. Bills and Payrolls

Motion by Mr. Hannan and seconded by Mrs. Gibbons to approve the Bills and Payrolls for the Municipality per Bill List #081318 in the amount of \$3,815,191.65. Motion Carried 8– 0.

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

Ronald Vlassicit, 2805 Chestnut Street, Bethel Park, stated that he lives in Ward 1 on the corner of Cedar and Chestnut St, behind Ben Franklin Elementary School. Twenty five years ago he built his house on the corner of Cedar and Chestnut, his driveway and house face Chestnut Street. Bethel Park came out the summer of that year and they paved Chestnut St. from Cedar up to the road behind his house. He thanked Bethel for maintaining that road for the past 23 years. Bethel has salted, paved and maintained the road. The road has not been repaved in 23 years. He doesn't understand why they cant have that road paved. The original construction of the road was difficult; the road never met the level of the ground. It was never excavated to meet the curb it was only put on one side of the road and not on the side, he lives on. After 23 years the water coming off the hill just erodes behind the curb, trenched that all out, the other side there is no curb, so the water has trenched out his yard, underneath his driveway. Which gives him problems in the winter time. He said he was told Bethel did not own his street.

Mr. Moury asked him to leave his name and number and someone will get back to him.

Kathryn O'Neill-Muldoon, 2811 Walnut Street, Bethel Park, stated that she has a 38 year old handicapped child that takes an access bus to her adult training program. There are a few months out of the year that the access bus cannot get up to her house. They do not have snow removal so the bus can not make it three months out of the year. She mentioned that they have to dump gravel every year to fill in the ruts on the road. She stated this gravel has been washed away into storm sewers. Her daughter's therapist parks down the street and walks to her house. Her daughter also has grand mal seizures and she lives in fear that during the days of a bad snow storm, that an ambulance will not be able to reach them. It takes them 3 days to shovel their access road just to leave their house. She would like to know how to go about having a road dedicated.

Richard Pahler, 1119 Logan Road, Bethel Park, stated that he has lived at his house for 27 years. Flooding has consumed him and his families lives for the past 27 years. Every time it rains there is some kind of flooding or water they have to deal with. There are hundreds of homes in Bethel that have this problem. His house was built in 1952, there has been a problem since the day it was built, besides the purchase price and insurance claims he has put over \$40,000 of his own money in to his home to try and fix the flooding. It has caused him and past owners financial problems. He feels like his house is a prison sentence and

because he has to disclose flooding he will only be able to sell his home through an estate sale. He stated that a lot of money has been wasted by putting band-aids on things. He would like Bethel Park to purchase his property and put a retention pond in. He stated new construction all has retention ponds, so obviously that works. Last year an engineer came out and told me that the Municipality was going to fix my issue. Shortly after that she was fired. Three borough engineers have been fired after telling him they were going to help. A borough manager offered him five thousand dollars to keep quiet. He said he considered that as a bribe and did not accept. He knows everyone on Council was not involved 60 years ago but it is time someone took responsibility and fix his issue.

## **GENERAL POLICY AND FINANCE**

### **14. Citizens' Comments – General Policy and Finance Items**

None

### **15. General Policy and Finance Items**

Resignation – Brandon Colella

Motion by Mr. McLean and seconded by Mr. O'Brien to accept Councilman Brandon Colella's resignation from Bethel Park Municipal Council dated July 31, 2018. Motion Carried 8– 0.

Mr. Moury stated the Municipality would be accepting letters of interest and resumes for the vacant ward 2 seat. Letters of Interest need to be sent to the Municipal Manager no later than Thursday, August 30, 2018 at noon. To be considered for appointment you have to be a registered voter and resident of ward 2. Please send that to Attention Shawn Arbaugh, 5100 West Library Avenue, Bethel Park, PA 15102. They can also be emailed to [sarbaugh@bethelpark.net](mailto:sarbaugh@bethelpark.net). The plan is to interview on September 6 and 8. We hope to appoint the person at the next council meeting on September 10.

Mr. McLean said:

“I wanted to remind folks that we have four ballot questions with regards to the Home Rule Charter that will be on ballot on the November 6 election. We have gone over the specific questions, the ballot questions at a couple of our meetings. I wanted to remind folks as it is getting closer to the election. There is a total of four questions. Two provide for important updates, one fixes a typo that is in the Home Rule Charter and is pretty straightforward; another which is probably long overdue makes the Home Rule Charter gender neutral by providing for any reference to the male gender is also intended to include the female gender. There are then two other important changes that are proposed in the ballot questions both of which relate to the referendum process that is in the Home Rule Charter. Referendum process provides that if this Council adopts an ordinance then the Charter allows the citizens of Bethel Park if they would choose to decide if they want to challenge that ordinance. To do so they have to form a committee of at least five people within thirty days and they then have sixty days after that to go get the signatures of people who would want to put the ordinance on the ballot. They have to get the requisite number which is 20% of the number of voters who voted in the last gubernatorial. That's the basic referendum process. Two changes relate to these. Right now the Charter provides that if

that referendum process occurs then the ordinance that council has adopted will be suspended if the signatures are presented until the time of the vote at the next occurring election. While that would be ok for most ordinances, when this council adopts a tax ordinance, might have a tax increase and if that's what is being challenged. The way the Charter reads could have the effect of suspending the entire ordinance. Which would leave the municipality without the ability to collect any taxes at all and therefore could not operate. So the proposed change that will be on the ballot will be provide that if there is a challenge to a tax ordinance and the requisite number of signatures are obtained then the only part that gets suspended will be the proposed tax increase or if it happened to be a decrease. The rest of the ordinance as to the tax that has been in place previously will stay in place so we can continue to function. The second change deals with the process for getting the signatures, as I indicated if you are going to challenge the ordinance you have sixty days to go get the signatures and you present those to the municipality. The Municipality then looks and determines whether the requisite number of signatures have been provided. Right now the Charter says if for some reason there aren't enough signatures the municipality has twenty days to tell the committee that, they then have a period of time to see if they can go out and get some more signatures. In the meantime, the whole process could be implementation of the ordinance is getting delayed. So that second bite of the apple where you can in affect try even beyond the sixty days to get a signatures is being proposed to be changed. You still have the ability to go get the signatures, you would still have the sixty day period but if you don't have the requisite number of signatures then there is no challenge. I did get a question from a resident about well if we don't get the requisite number of signatures will the effect of this change be that you could never raise the same type of challenge again. The answer to that is no. It would just relate to that particular ordinance that had been adopted at that time. To give you an example if a tax increase is adopted by this council and there is an attempt to gather the signatures in a given year and there aren't enough then you can't go back out and get more signatures. If however the next year council adopts another ordinance that increases taxes, nobody's talking about doing this folks, that's not why I am mentioning it, but if that would happen than the opportunity for the citizens to go get the signatures again that next year as to that next ordinance would still be in place. This is just dealing with not prolonging the process as to any particular ordinance. So those are the changes that are proposed, they will be on the ballot on November 6. We will continue to discuss it as necessary in our meetings between now and then. Information related to the Home Rule Charter itself as well as these questions are available on our website and if you have any other questions you can let us know."

Mr. Moury thanked Mr. McLean

Mr. Harrison said:

"Mr. McLean inaudible. At the June council meeting, council passed an ordinance to put Home Rule Charter change questions on the upcoming November ballot. Mr. McLean just explained that, all of the council members that were present voted yes except me, I voted no. The Home Rule Charter gyration resulted from council members yes votes a few years ago on the illegal ordinance for a dedicated tax for the Bethel Park volunteer fire company. The ordinance was illegal because it did not comply with the time line required by the Home Rule Charter, which is the Bethel Park Constitution and by the election bureau rules placing the question on the coming primary ballot. The ordinance specifically stated that a question was to be placed on the coming primary ballot at that time the ordinance was



illegal because the Home Rule Charter the Bethel Park Constitution section 1107 says "The effective date of an ordinance shall be no sooner than thirty days after its adoption." Before we voted on the ordinance I reminded council members that a yes vote on the ordinance violated the Home Rule Charter because the date the ordinance would come effective was too late to get the question on the primary ballot based on the election department rules. All the council members present at the meeting voted yes for the ordinance except me, the yes voters blatantly violated the Home Rule Charter. I used the word blatantly advisingly because as stated above before the vote I reminded council members of the timeline restriction. I alleged my fellow council members are all violators, they violated the Home Rule Charter. Ask yourself the question, why would my fellow council members violate the law. Mr. McTiernan sitting over there, the solicitor who we pay to ensure that council actions comply with the law sat mum at his table at the time of the illegal vote. Therefore he was complicit in the violation of the Home Rule Charter. Mr. McTiernan was further complicit in his violation of the Home Rule Charter by hand delivering the ordinance to the election bureau three days after its enactment by council. That was twenty seven days prior to the effective date of the ordinance as mandated by the Home Rule Charter. If Mr. McTiernan had complied with the Home Rule Charter and delivered the election borough after it became effective than the question would not have appeared on the ballot. In an attempt to cover their butt's the council yes voters later declared that the Home Rule Charter is outdated and needs to be revised. Its obvious that present day changes of the Home Rule Charter do not validate the violation of the Home Rule Charter in the past. The questions mandated by the June ordinance will appear on the November ballot. I recommend that you vote no on the Home Rule Charter change questions. Why would I make this recommendation, your yes votes on the November Home Rule Charter ballot questions will embolden council members to take future actions that violate the Home Rule Charter if they find it convenient. Lack of public oversight on governing body actions, bleeds the swamp we have at the national level and now at the local level. The Home Rule Charter has served the Municipality well since its effective date of January 2, 1978. I'll repeat that date, January 2, 1978. No deleterious effect to the Municipality will result in voting no on the proposed changes but it will send a message to council members that the public expects council to abide by the law. Please do not contribute to the decline of our proven governing system by supporting the illegal actions by the governing body. Please vote no on the Home Rule Charter changes that will appear on the November ballot. Thank you."

Mr. McLean said:

"I just want to make sure the public doesn't get confused. Mr. Harrison is suggesting that folks not vote in favor of these changes, I am not sure I understand the reasons he is making that recommendation, but what I do know is this. At the March meeting of this council, we reviewed the two substantive changes that I went over tonight in exactly the same way I described them this evening. In March, Mr. Harrison said in the minutes after I spoke. "I agree with two things he's telling you. One is that we ought to make it clear that this would only effect the proposed change and not rescind the ordinance, so the municipality could keep operating. The other thing that Mr. Mclean used in the Caucus room, the second bite of the apple that is if the petition did not meet the criteria according to the municipality then the petition committee would have to go back and get additional signatures. The proposal is to eliminate that, it ought to be eliminated." So in March Mr. Harrison was telling the public that both of these proposed changes were something that he agreed with and that would mean voting yes. For some reason tonight, he is telling you something

different. What I ask you to do is just look at the proposed changes and if it makes sense to you as a voter than vote yes. Thank you.”

Mr. Moury said:

“I don’t think anyone is surprised that Don is going to vote no, I am not sure the ten minute dissertation, that I just heard that I understand or agree with but I will tell you most everything he said tonight as in most nights is simply not correct. It’s what he wants people to believe. Read the questions vote how you think is best for the community. I personally will be voting yes. Thank you.”

## PLANNING AND ZONING ITEMS

### 16. Citizens’ Comments – Planning and Zoning Items

None

### 17. Planning and Zoning Items

Ordinance No. 8-13-18A – Amendment to the Subdivision Ordinance – Stormwater Management

Motion by Mr. Dixon and seconded by Mr. Hannan to approve Ordinance No. 8-13-18A amending Ordinance 7-12-93A, the Official Municipality of Bethel Park Code, by amending the subdivision ordinance and the creation of a Stormwater Management Ordinance. Motion Carried 8– 0.

Mr. Moury stated that this is not really a change to what we have already; this just tightens up what the requirements are and when you need to do it. We are following the county’s direction on what is required. There is still 90% of predevelopment flow.

### 18. Ordinance No. 8-13-18B – Amendment to the Zoning Ordinance – Residential Fence Heights

Motion by Mr. Dixon and seconded by Mr. Hannan to approve Ordinance No. 8-13-18B, amending the Zoning Ordinance of Bethel Park, as codified at Chapter 69 of the Bethel Park Municipal Code, by providing for an increase of the maximum permitted height of ornamental fences in residential districts. Motion Carried 8– 0.

Mr. Moury stated that this ordinance changes the fence height from three and a half feet to four feet.

### 19. Resolution No. R8-13-18 – Route 88 Adaptive Traffic Signal System

Motion by Mr. Dixon and seconded by Mr. Hannan to adopt Resolution No. R8-13-18 authorizing the Manager of the Municipality of Bethel Park, to submit the application for traffic signal improvement to the Pennsylvania Department of Transportation. Motion Carried 8– 0.

### 20. Bethel Park 2016 Green Light Go Project



Motion by Mr. Dixon and seconded by Mr. O'Brien to award the traffic signal improvement project at the intersection of Corrigan Drive/Library Road/Baptist Road and South Park Road and the intersection of Bethel Church Road and Meadowbrook Road at Highland Avenue for the base bid in the amount of \$64,377.60 to Traffic Control and Engineering Co, Inc. Motion Carried 8– 0.

Mr. Moury stated this work would include relamping the entrance of the park. Retiming the lights at the intersection of Bethel Church Road and Meadowbrook and Highland Avenue, to make sure we get maximum flow through those intersections.

## **HEALTH, SAFETY AND WELFARE ITEMS**

### **21. Citizens' Comments – Health, Safety and Welfare Items**

None

### **22. Health, Safety and Welfare Items**

Appointment – Position of Permanent Police Officer

Motion by Mr. O'Brien and seconded by Mrs. Gibbons that the permanent employment of Michael Antonace be ratified as per the recommendation of Chief Timothy O'Connor. Motion Carried 8– 0.

Mr. Moury stated this item and the next item, these officers have been here, and they have been on a probation period for a year. They have gone through training and have been evaluated and now recommended by the Chief to ratify their permanent employment.

### **23. Appointment – Position of Permanent Police Officer**

Motion by Mr. O'Brien and seconded by Mrs. Gibbons that the permanent employment of Charles Thomas be ratified as per the recommendation of Chief Timothy O'Connor. Motion Carried 8– 0.

### **24. Promotion – Police Lieutenant**

Motion by Mr. O'Brien and seconded by Mr. Hannan to promote Ronald Dziezgowski to the position of Lieutenant for the Bethel Park Police Department, with a start date agreeable to Police Chief Timothy O'Connor. Motion Carried 8– 0.

## **PUBLIC WORKS AND MAINTENANCE ITEMS**

### **25. Citizens' Comments – Public Works and Maintenance Items**

None

### **26. Public Works and Maintenance Items**

## Sidewalk Replacement Project

Motion by Mrs. Gibbons and seconded by Mr. O'Brien to award the traffic Sidewalk Replacement Project for the Community Center and Tri-Community South for the base bid in the amount of \$46,111.00 to Excaliber Construction, LLC. Motion Carried 8- 0.

Mr. Moury stated that we will be replacing the sidewalk at the front and rear entrances of the Community Center.

## 27. Adjournment

Motion and second to adjourn at 8:36 P.M.

  
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Manager