

MUNICIPALITY OF BETHEL PARK

MINUTES OF REGULAR COUNCIL MEETING

Date: December 13, 2010

Time: 7:30 P.M.

Location: Municipal Building

1. Roll Call

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

Absent: Council Member Pape

Also Present: Mayor Morton; William Spagnol, Manager; Robert McTiernan, Solicitor; Judith Miller, Assistant Manager; Robert Cygrymus, Director of Community Services; Chief John Mackey; Gerard Duke, Municipal Planner; Mark Romito, Finance Director; Mike Smith, Environmental Engineer; Jean Statler, Municipal Engineer

2. Pledge of Allegiance

3. Chair Announcement

Executive Sessions of Council were conducted on December 1, 2010 to discuss police and administration personnel items and on December 13, 2010 to discuss legal and personnel issues.

Reports of Officials

4. Librarian's Report

Library Director, Christine McIntosh, stated that the Bethel Park Public Library provides services to inform, inspire and enrich the community. She thanked the Allegheny Regional District who on December 1st, because they had more revenue than anticipated, awarded 3% increases to all of their contractual assets, all of the libraries in Allegheny County. For the Bethel Park Public Library this means that instead of losing \$36,000 in funding for 2011, we will lose only \$30,000 and we are very grateful. There is an appeal from the library asking for support and a fundraiser selling fudge. There is now an express check-out station in the library. A new program that will be starting soon is "Story-time for Adults". Beginning in January there will be a paranormal book club the second

Tuesday of each month. She gave a review of upcoming programs. The library will be closed Christmas Eve, Christmas Day and the Sunday which is the day after.

5. Police Chief's Report

Chief Mackey began by saying there were still openings in the LEAP and Citizens' Police Academy Programs that begin on January 19, 2011 that run for ten weeks. Applications are available on the Bethel Park website and at the Police Records Room. Donations for the Police Pals' food drive will be accepted through Wednesday December 15th. Volunteers are needed to help pack and deliver the donated items on the morning of Wednesday December 15th at the Brightwood Fire Station. He thanked the Library Road Shop and Save, Library Road Giant Eagle and Library Road Wal-Mart for allowing police officers to set up food boxes for donations on Saturday December 10th. Fifty five large boxes of food were collected from customers entering and leaving the stores and twelve hundred dollars in donations for the food drive. That twelve hundred dollars along with previous donations will be used to buy gift certificates and additional food. Their goal is to provide two hundred boxes of food to our neighbors and families and friends that are in need this time of year. The Adopt a Family program is off to a very good start. Donations for this program will be accepted until Christmas. There are families that are unable to provide presents for their children this year. So far they can purchase up to three hundred dollars worth of toys and other presents for families here in Bethel Park. So far a little over \$3000.00 in donations has been received for this program. He said they continue to have issues with vehicle break-ins. Actually these are not break-ins as the cars are usually left open by the owners. He reminded residents not to leave valuables in cars and to be sure to lock their cars. He asked residents to illuminate a single blue light during the Christmas season to indicate their appreciation for what the police officers do. On behalf of all of the men and women of the Police Department he wished everyone a Merry Christmas and a Happy New Year.

6. Fire Chief's Report

None

Mr. Moury said that there was no report from the Fire Chief because they were holding their annual reorganization meeting at this time.

Mr. Harrison said that he thinks we all recognize that we have an excellent volunteer fire company. He referred to an article in the most recent issue of the Bethel Park Chronicles that stated that the Bethel Park Volunteer Fire Company has no paid fire fighters and relies on men and women of the community to step up and volunteer to protect their family, property and neighbors from fire. In the past few years they have not had enough new people join the volunteer fire department. In order for them to stay self sufficient and prevent a fire tax to support paid fire fighters more volunteers are needed to join now. The Bethel Park Fire Company provides all members with free training and all necessary equipment and a scholarship program may be available for students attending the

Community College of Allegheny County. Anyone interested in joining should stop at the Brightwood Road Fire Station any Monday evening at 7:00 p.m to pick up an application or print one from their website www.bethelparkvfc.com. or phone Ed Schmidt at 412-559-8491. The reason he wanted to call this to residents' attention is that if the volunteer fire company does not get enough volunteers to man the equipment and respond to the fires, the Municipality may end up having a paid fire company which will have a tremendous impact on our millage rate. He encouraged people to consider volunteering. Young people have the opportunity to learn the techniques of fire fighting, the equipment that is used and even attend Community College on a scholarship.

7. Mayor's Report

Mayor Morton announced the ninety-plus birthdays for December.

He commended Chief Mackey and the police officers for the work they do every year on the food and gift drive as well as the Bethel Park churches that have various programs to help the less fortunate people and the Marine Corps League and Evey Hardware that collect toys for distribution. People who live in Bethel Park are very giving and are concerned about their fellow man. He wished all a Merry Christmas and Happy New Year.

8. Approval of Minutes

Regular Council Meeting Minutes of November 8, 2010.

Motion by Mr. Allen and seconded by Mrs. Gibbons to approve the Regular Council Meeting Minutes of November 8, 2010. Motion Carried 8-0. Council Member Pape absent.

9. Public Hearing of October 25, 2010 – Proposed Amendment to Zoning Ordinance providing for a Columbarium as a Permitted Accessory to Churches and Permitted Cemeteries.

Motion by Mr. Allen and seconded by Mrs. Gibbons to approve the Minutes of the Public Hearing of October 25, 2010 – Proposed amendment to Zoning Ordinance providing for a Columbarium as a Permitted Accessory to churches and permitted cemeteries.. Motion Carried 8 – 0. Council Member Pape absent.

10. Bills and Payrolls

Motion by Mr. Hannan and seconded by Mrs. Gibbons to approve the Bills and Payrolls for the Municipality per Bill List #121310 in the amount of \$953,648.63. Motion Carried 8 - 0. Council Member Pape absent.

Mr. Moury said that two months ago they were asked by a resident who came to the microphone about our sign ordinance for political signs. The Solicitor was asked to give Council an update, which he did and when it came to the floor he

neglected to ask the Solicitor to provide the same report to the community. He asked that Solicitor McTiernan give an overview of the sign ordinance regarding political signs.

Verbatim Text:

Solicitor McTiernan said: "Yes Mr. President. As you mentioned, I did review the case law from the Federal Courts, our own ordinances and in addition a lot of articles about law suits that have been brought about this issue. As Council is aware, one of the citizens came to the floor about a month before the general election and specifically complained about the unsightliness of political signs in municipal and public right-of-ways. He asked that Council do something about it. He wasn't too specific as to removal or citation. To bring Council to date there is a municipal ordinance that prohibits obstruction in rights-of-way. As he mentioned at the time I think we have to be very careful about the First Amendment as we are talking about political signs. Litigation by the ACLU over political signs is the richest source of litigation against municipalities in the Commonwealth of Pennsylvania. I've even heard the director of the ACLU mention that himself. That is one of the areas he looks for that he feels are violations of the First Amendment. Of course, as Council is aware, if you do not prevail in a case like that you have to pay all the plaintiff's attorney fees and that comes right out of the public treasury. There is no insurance coverage or anything of that nature. I think you have to be particularly careful about political signs. I think Bethel Park, from my review with Mr. Cygrymus and his staff, is that Bethel Park has a pretty good approach to it. Anything that is an obstruction represents a traffic hazard of any kind Chief Mackey's officers report and follow up on that. Nothing that is a traffic hazard is allowed to remain in a right-of-way. With respect to political signs the department waits approximately ten days after the election. Very often the signs are actually removed. If they are not removed they are treated then as abandoned property and very frequently the Public Works Department then removes them from the esthetic point of view. No one can make an accusation, and this is one of the risky areas when people claim that no matter how neutral an ordinance is, their potential claims that well you took my signs or you didn't take the other person's signs or you took mine out disproportionately. That allegation of discrimination is what creates law suits. So I think there is a good ordinance. I think it is neutral, but I think the way of enforcing it and treating it by the Municipality is very sound. It both enforces the ordinance but it does avoid any allegations of political discrimination or First Amendment violations. I think it is a pretty sound approach and my recommendation is that Mr. Cygrymus and the Municipality continue what they are doing."

Mr. Harrison said that he would like to ask the Chief that since the municipal employees that travel throughout the municipality day in and day out are the police officers, if there is a system that they report back to Public Works when there are signs. It seems to him that if there was a procedure that they report back to Public Works then the Public Works would know to remove the signs.

Chief Mackey said we do have a system. When an officer sees anything in the municipality that requires attention by the road department a work order is

forwarded to the Public Works Department. They take action on any issues that are brought up by the Police Department.

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

Gary Jenkins, said he lived in Bethel Park since 1964 and is 71 years old. He plays basketball and volleyball at the Community Center. When the fees went in we thought it was not excessive for seniors, but they are supported by a few seniors that live out of the community that probably cannot afford to pay the \$80 fee for out-of-town participants. This meant that if we lost some of these people from out of town it would shut us down as we would not have enough to play. He likes being an active senior citizen. We are very concerned about having something going on during the day and hopes that Council resolves something so they can continue to play. He spoke with Councilman O'Brien and he hopes something has been resolved so they can continue to play.

Mr. Moury said this has been a contentious issue for Council. It's a work in progress. We had some meetings. We talked about it. We know it is not perfect but we are working on it. We may make some changes as we are listening to what the community says.

Mr. O'Brien asked if the resident was finished with his comments.

Mr. Jenkins said that he had another thought. If you reduce the out of town to \$25 everyone would come in with a card. He thinks they would pay it.

12. Amend the Ordinance Fees and ID Card System at the Bethel Park Community Center

Motion by Mr. O'Brien and seconded by Mr. Allen to amend the ordinance fees and ID Card System at the Bethel Park Community Center to start at 3:00 P.M. Monday through Friday commencing January 1, 2011. Motion Carried 7 - 1. Council Member Pape absent. Council Member Harrison dissenting.

Mr. Dixon said that what we are voting on is that the fees will not become effective each weekday Monday through Friday until 3 o'clock in the afternoon. Therefore, anytime before 3 o'clock Monday through Friday there is no Id or Fee required. He asked if that was correct.

Mr. O'Brien said the intention of his motion is to suspend the card system until 3 o'clock Monday through Friday to address all of the concerns and all of the calls. It is a work in progress. If this doesn't work then obviously we can up it. To let it go through and not amend this we would be looking at refunding money if we chose to reduce this. This is a proper step based on the seniors from the Gold Card Club that like to walk during the day. The actual usage of the center Monday through Friday until 3:00 P.M. is down and after talking to Mr. Jenkins and others he hates to see the usage of the center during the day at non-peak hours be reduced because the people can't afford it. Our intentions were that the center be used. It is starting to be used. Mr. Jenkins has worked on this program for

three years and it's a senior program for exercise. We've tried to work it out. We tried to talk about it. He wouldn't be making this motion tonight but urgency is of the essence as the fee system goes into effect in January so he had no recourse but to bring this to the floor.

Mr. Dixon said the entire reason for instituting the fee and card system is because too many out-of-town people are using the facility, but that doesn't really kick in until evening. The problem doesn't exist per say during the daytime Monday through Friday. He thinks this is an excellent compromise to help alleviate an expense for people who are already there at the Community Center. It still helps to correct the problem that we are experiencing in the evening. He thinks it is an excellent compromise.

Mr. Allen said it's a start. It's a work in progress. One thing that it doesn't address at this point is the non-residents. We do know we get a lot of people over there for lunch. Those people will leave the senior lounge, walk over the walking trail that we have and based on the compromise we talked about so far to get the program going, he will definitely support it.

Mr. Harrison said he doesn't know what the right formula is, but it concerns him that we discussed a fee system and card system and published it and now before it even gets implemented we are talking about changing it. He suggested that staff list all of the comments that were made and come back to the next committee meeting in January with some recommendation. He said that the suggestion the gentleman made on the floor about the twenty five dollars sounds like a pretty reasonable compromise. Short of that he will be voting no on this motion.

Mr. O'Brien said that he thought they listened to staff and we did have a couple of different suggestions today at their meeting and they suggested that this would be the easiest way to implement this based on our ideas. He has listened. He has discussed it with them. He has talked with people and this seems to be the best compromise. Mr. Jenkins's suggestion can be implemented later. We can come up with a reduced fee next year. The fees are for a year. He thinks this is the way to go.

Mr. McLean said he intends to vote in favor of this. His opinion about whether we should do this now or wait is that if we've identified an issue and we know that there is something that we need to address, we are better off getting a handle on it and taking care of it right now. All of us are glad that the Community Center is being used and we would prefer that everybody be able to use it for free, but we know that can't be the case because we've got too much use. What we are trying to fix is the problem in the evening and he thinks we need to aim the solution at the problem. He'd hate to think that the people who are able and want to use it during the day aren't able to do so because we had to fix a problem that occurs during some other part of the day. He is going to vote in favor of this because he thinks it is a better fix to what we are trying to accomplish.

Mrs. Gibbons said she was concerned at first with the whole idea of changing the structure before we even implemented it because it's obviously been published

and is out there already. She did receive a few calls asking if we could have a senior walking rate or just a track use fee and then the full fee would be for both the basketball court and the walking trail. After listening to these comments she feels a little bit better about supporting this issue. We've not made drastic changes and we can go with this proposal for now. Obviously if there are problems we can fix them. For right now she feels more comfortable about supporting this proposal.

GENERAL POLICY AND FINANCE

13. Citizens' Comments – General Policy and Finance Items

None

14. General Policy and Finance Items

2011 Regular Council Meeting Dates

Motion by Mr. Hannan and seconded by Mr. Allen to approve the following year 2011 Regular Council Meeting dates with a starting time of 7:30 P.M.: January 10, February 14, March 14, April 11, May 9, June 13, July 11, August 8, September 12, October 10, November 14, December 12. Motion Carried 8 - 0. Council Member Pape absent.

Mr. Moury said this is the second Monday of each month.

15. Year 2011 Tax Anticipation Note.

Motion by Mr. Hannan and seconded by Mr. Allen to adopt the resolution relative to the proposal submitted by Brentwood Bank for the year 2011 Tax anticipation Note, in accordance with the Finance Director's correspondence dated November 24, 2010. Motion Carried 8 - 0. Council Member Pape absent.

16. Year 2011 Administrative Salaries

Motion by Mr. Hannan and seconded by Mr. Allen to approve the ordinance providing salaries for the Bethel Park Management, Supervisory and other Confidential Employees. Motion Carried 8 - 0. Council Member Pape absent.

17. Reappointment – Building and Fire Code Appeals Board

Motion by Mr. Hannan and seconded by Mr. Allen to reappoint Robert Beech to the Building and Fire Code Appeals Board for a term to expire on December 31, 2013. Motion carried 8 – 0. Council Member Pape absent.

18. Reappointment – Cable TV Board

Motion by Mr. Hannan and seconded by Mr. Allen to reappoint Matt McKee to the Cable TV Board for a term to expire on December 31, 2014. Motion carried 8 – 0. Council Member Pape absent.

19. Reappointment – Civil Service Commission

Motion by Mr. Hannan and seconded by Mr. Allen to reappoint James Barozzini to the Civil Service Commission for a term to expire on December 31, 2013. Motion carried 8 – 0. Council Member Pape absent.

20. Reappointment – Municipal Authority

Motion by Mr. Hannan and seconded by Mr. Allen to reappoint James Boyle to the Municipal Authority for a term to expire on December 31, 2015. Motion carried 8 – 0. Council Member Pape absent.

21. Reappointment – Board of Parks, Recreation and Leisure Services

Motion by Mr. Hannan and seconded by Mr. Allen to reappoint Judy Kuzman to the Board of Parks, Recreation and Leisure Services for a term to expire on December 31, 2013. Motion carried 8 – 0. Council Member Pape absent.

22. Reappointment – Planning and Zoning Commission

Motion by Mr. Hannan and seconded by Mr. Allen to reappoint Thomas Klaven to the Planning and Zoning Commission for a term to expire on December 31, 2014. Motion carried 8 – 0. Council Member Pape absent.

23. Reappointment - Zoning Hearing Board

Motion by Mr. Hannan and seconded by Mr. Allen to reappoint Jack Tortorice to the Zoning Hearing Board for a term to expire on December 31, 2015. Motion carried 8 – 0. Council Member Pape absent.

24. Appointment – Planning and Zoning Commission

Motion by Mr. Hannan and seconded by Mr. Allen to appoint Marc Schein to the Planning and Zoning Commission for an unexpired term to expire on December 31, 2013. Motion carried 7 – 1. Council Member Pape absent. Council Member Harrison dissenting.

Mr. Harrison said he has a personal policy not to vote favorably on people to things like the Planning and Zoning Commission, Zoning Hearing Board and that type thing that have involvement in real estate and development in the community. Mr. Schein is aware of this as he discussed this with him. He will be voting no on this motion.

25. Appointment – Planning and Zoning Commission

Motion by Mr. Hannan and seconded by Mr. Allen to appoint Alfred Ernst, Jr. to the Planning and Zoning Commission for a term to expire on December 31, 2013. Motion carried 8 – 1. Council Member Harrison dissenting. Council Member Pape absent.

Mr. Allen said hello to his mother who is recuperating at Manor Care and said this is her first time watching our Council Meetings. She is moving to Bethel Park and will be watching every month. In addition the Bethel Park Veterans Memorial Committee's current fundraiser is the sale of tote bags for \$5.00. They are available at the library and at Dairy Queen. They come in three colors: black, blue and green. All proceeds go the Veterans Memorial Committee for the maintenance and any future projects for the monument. The support of the community would be appreciated.

PLANNING AND ZONING ITEMS

26. Planning and Zoning Items

None

HEALTH, SAFETY AND WELFARE ITEMS

27. Health Safety and Welfare Items

None

PUBLIC WORKS AND MAINTENANCE ITEMS

28. Public Works and Maintenance Items

Sodium Bicarbonate Contract

Motion by Mr. O'Brien and seconded by Mr. Allen to award a one-year contract for Sodium Bicarbonate (fifty pound bags) at the Piney Fork Waste Water Treatment Plant to Univar USA Inc. for a low bid of \$.259 per pound in accordance with the Director of Community Services' correspondence dated November 19, 2010. Motion carried 8 – 0. Council Member Pape absent.

29. Resolution – Donation of Property to the Municipality

Motion by Mr. O'Brien and seconded by Mr. Allen to adopt the resolution authorizing the transfer of Block and Lot No. 317-F-365 from Mr. William Knaus to the Municipality of Bethel Park. Motion carried 8 – 0. Council Member Pape absent.

Mr. Harrison asked that the appropriate staff member tell the public where this is located in relationship to properties that we own.

Mr. Cygrymus stated that this is a half-acre parcel triangular in shape that abuts Molly Hill Park off of Santa Fe Drive.

Mr. O'Brien wished the staff and all the people of Bethel Park a very happy holiday season and a Merry Christmas. He hopes Santa will bring all of his political signs back for next year.

Mayor Morton said we are in the middle of our lighting contest. We are looking for recommendations of people who have gone out of their way to light up their homes this year. We intend to judge everybody. If you want to make sure that you or your neighbor's house gets judged please contact Cathy Lordi at the Municipal Building.

Mr. Moury said as we talked earlier about the ID Cards at the Community Center he believes the Chronicles outlined the plan and the fees. Unfortunately we changed the fees tonight as everybody heard and the ID Card System will not go into place until 3:00 P.M. Monday through Friday. There will be a video of the operation and how it is going to work at the Community Center on BPTV following this Council Meeting. He thanked the Recreation Department and Public Access for putting it together.

30. Adjournment

Motion and second to adjourn at 8:22 P.M.



Manager