

**BOROUGH OF FRANKLIN PARK
BOROUGH COUNCIL REGULAR MEETING MINUTES
WEDNESDAY, JANUARY 18, 2023**

The regular meeting of the Borough Council of the Borough of Franklin Park was held on Wednesday, January 18, 2023 at 8:00 p.m. at the Municipal Building, 2344 West Ingomar Road, Pittsburgh, Pennsylvania 15237. The meeting was also held virtually via remote audio and video conferencing.

Council President John Parks called the meeting to order.

Pledge of Allegiance

Cathy Krummert called the roll:

COUNCIL MEMBERS:

Jiang Lipresent
Brian S. Malkinpresent
Lucas R. Myslinski, Vice Presidentpresent
Uday Palledpresent
John P. Parks, Presidentpresent
Thomas C. Schwartzmier, Second Vice Presidentpresent
Junior Councilperson Ava DiGiacomopresent
Mayor Dennis E. O'Keefepresent

BOROUGH ENGINEER:

Kevin Brett, Lennon, Smith, Souleret Engineering, Inc.present

SOLICITOR:

Robert Max Junker, Babst Callandpresent

STAFF:

Zach Brower, Recreation Program Directorpresent
Gary Bucuren, Superintendent of Public Works.....present
Cindy Crain, Finance Director/Borough Treasurer.....present
Rege Ebner, Borough Managerpresent
Wait Healy, Police Chief.....present
Cathy Krummert, Borough Secretarypresent
Andy Nock, Assist. Bldg. Insp./Fire & Tech Official.....present
Phillips, Building Inspector/Zoning Officer.....present

PRELIMINARY MATTERS

None

PUBLIC COMMENTS

Thaddeus Popovich, 1654 Stone Mansion Drive – Provided handouts and spoke representing the justice ministry of St. Brendan's Episcopal Church regarding the environment and climate.

Amy Johnston, 2560 Aldon Drive – Expressed concerns regarding the Cardinal Ridge development and how it would affect her property.

Bernie Avon, 2604 Lorrick Lane – Expressed concerns regarding the Cardinal Ridge development and asked questions.

APPROVAL OF THE MINUTES – Mr. Myslinski moved the minutes of the December 21, 2022 pre/post meeting, the December 21, 2022 regular meeting, and the January 4, 2023 work session, be approved, seconded by Mr. Palled and carried.

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TREASURER'S FINANCIAL REPORT – Mrs. Crain pointed out that this is the interim December Treasurer's Financial Report because they are still making year-end adjustments and there will be an audit. The General Fund revenues for the month of December totaled \$737,203.00. Year-to-date total revenues were \$11,062,537.25, which represents 106% of the 2022 total budget. The General Fund expenditures for the month of December totaled \$754,912.00. Year-to-date total expenditures were \$11,227,756.00, which represents 92% of the 2022 total budget. Mrs. Crain pointed out that in the report she originally submitted there was a formula error in the cash position, current month unrestricted cash balance. The correct balance should have been \$3,353,575.00. The original report depicted a cash balance of \$3,828,093.00. Dr. Li moved the December Treasurer's Financial Report be accepted as read, seconded by Mr. Malkin and carried.

POLICE REPORT – Mayor O'Keefe read the Police Report and activity report for the month of December 2022. The police responded to 583 calls for service. Mr. Schwartzmier recommended the Police Report be filed with the Police Secretary.

FIRE COMPANY REPORT - Mr. Myslinski read the Fire Company Report for December 2022. Mr. Myslinski indicated that the fire company responded to 32 calls for the month and the manpower for the month totaled 690 volunteer hours.

BUILDING INSPECTION REPORT - Mr. Phillips read the Building Inspection Report for December 2022. Mr. Phillips issued 12 permits and collected \$13,630.00 in fees. Total value of construction was \$1,518,914.00.

ANNOUNCEMENT OF EXECUTIVE SESSION – Mr. Parks announced that Borough Council held an executive session on January 4, 2023 to discuss a personnel matter, and Borough Council held an executive session on January 18, 2023 to discuss potential litigation and quasi-judicial deliberations regarding the Yochus matter.

OLD BUSINESS

None

NEW BUSINESS

APPROVAL OF THE BILLS – Mr. Malkin moved Council authorize the payment of the bills, which have been reviewed and approved since the last meeting, seconded by Dr. Li and carried.

DAVID YOCHUS, 2568 WEXFORD BAYNE ROAD, PUBLIC HEARING FOR CONDITIONAL USE APPLICATION CU-22-12-05 – Mr. Parks turned the meeting over to Mr. Junker to conduct a public hearing. Sherry Wurzel, court reporter, was present to take a verbatim transcript of the public hearing. Mr. Junker noted that the property is located at 2568 Wexford Bayne Road in the R-4 zoning district. Assessment records show that the property is approximately 1.9 acres. It is currently developed with an uninhabited, unfinished two-story structure of 13,000 square feet. The application is for a medical office as defined in the Zoning Ordinance, and the intent is to finish the interior of the existing structure to accommodate offices for physicians, dentists or medical personnel for treatment and examination of patients solely on an outpatient basis with no overnight patients. A separate land development application and approval will be required for this non-residential use. Mr. Junker entered preliminary exhibits into the record.

The following residents indicated that they would like to seek party status, and they were sworn in. They also commented, asked questions and expressed concerns regarding the conditional use application during the hearing:

1. Frank Guzek, 2566B Wexford Bayne Road
2. Nick Barone, 2400 Rustic Ridge Drive

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3. Dari Gross, 2566A Wexford Bayne Road
4. Pat Foltz, 2400 Rustic Ridge Drive
5. Michelle Conley, 2405 Rustic Ridge Drive

The following represented the application:

1. Steven Victor of Victor Wetzel Associates, landscape architect/land planner
2. David Yochus, property owner
3. Phil Lope, legal counsel

Mr. Victor made a presentation regarding the proposed plans for the property to use the existing two-story, 13,000 square foot existing building for a small private medical office facility. Mr. Victor and Mr. Lope answered questions from Council members and those residents who did seek party status.

Mr. Junker noted that an email was received today from Kelly Costello Simpson & Greg Simpson of 2413 Rustic Ridge Drive. He noted that under the rules of the MPC, a letter is not sufficient to grant party status or standing. It was also noted that two letters were received by Council regarding the application. Mr. Lope objected to admitting these items into the record.

Mr. Myslinski moved to continue the hearing until February 15th, the next regular business meeting, so that we can obtain the construction plans from Mr. Yochus, seconded by Mr. Schwartzmier and carried. The hearing will be reconvened on February 15th at 8:00 p.m.

CARDINAL RIDGE TOWNHOUSE PLAN, SUBDIVISION & LAND DEVELOPMENT APPROVAL –
Mr. Junker summarized Resolution No. 1323-2023.

Steven Victor of Victor Wetzel Associates and Anthony Cosgrove, legal counsel, were present on behalf of the applicant. Mr. Victor made a presentation regarding the proposed plan. The five buildings will contain 26 townhouse units on a cul-de-sac street accessed off Aldon Drive. They are asking for modifications regarding the street intersection separation between the cul-de-sac street and Lorrick Lane, and they are also asking for modifications for slope disturbance. The plan will have an emergency access onto Lorrick Lane.

The following expressed concerns regarding the application and asked questions:

1. Amy Johnston, 2560 Aldon Drive
2. Bernie Avon, 2604 Lorrick Lane
3. Marissa Avon, 2604 Lorrick Lane

Mr. Myslinski moved to adopt Resolution No. 1323-2023 granting preliminary and final Subdivision and Land Development approval to RRG Franklin Park, LLC for LPF-22-08-02 regarding the Cardinal Ridge Townhouse Plan located at 2570 Aldon Drive, with conditions, seconded by Mr. Schwartzmier.

Mr. Malkin commented that he will vote “No” because he has heard no explanation of a hardship in order to grant the slope modification. A roll call vote was taken.

Dr. Li No
Mr. Malkin No
Mr. Myslinski Yes
Mr. Palled No
Mr. Parks. No
Mr. Schwartzmier..... Yes

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The motion failed. Mr. Cosgrove asked for the basis of the denial. Mr. Junker asked if any of the Council members voting "No" had a concern regarding the modification for the intersection. No response was heard. Mr. Junker then asked if any of the Council members voting "No" had any concerns regarding any ordinance provisions other than the two modifications regarding slopes as a reason for denying this application. No response was heard.

Mr. Victor asked if there was a chance of a re-vote to just deny the two modifications for slopes but still approve the plan. He suggested that Council vote on each of the modifications separately and then vote on the plan itself. Mr. Cosgrove and Mr. Victor then briefly spoke on the side. Mr. Cosgrove then asked if there would be a way to table the application and allow them to come back with a plan that does not include the slope disturbance modifications.

Mr. Myslinski moved to grant the applicant an extension of time to revise the plan and remove the two modification requests for steep slopes, seconded by Mr. Schwartzmier. A roll call vote was taken.

Dr. Li No
Mr. Malkin No
Mr. Myslinski Yes
Mr. Palled No
Mr. Parks Yes
Mr. Schwartzmier Yes

The vote resulted in a tie, and Mayor O'Keefe was asked to break the tie. Mayor O'Keefe voted "Yes". The applicant was granted an extension until February 16th.

SQUIRE RIDGE III PLAN, DENY REQUEST TO APPROVE PLAN – Dr. Li moved to acknowledge receipt of the Borough Engineer's letter dated January 4, 2023, and to deny the request made by Pitell Contracting for the Borough to accept the dedicated public improvements in the Squire Ridge III Plan, seconded by Mr. Palled. Mr. Schwartzmier commented regarding the trail shown on the approved plan that was never constructed. It was noted that the developer made two requests to remove the trail and to remove the fence around the detention facility. Mr. Junker noted that the developer's requests are still a discussion point, but the denial is based on other typical items that were not complete. There was further discussion and then the motion was voted on and carried.

RESIGNATION OF CHERYL BISHOP, FINANCIAL CLERK – Mr. Myslinski moved to accept the resignation of Cheryl Bishop, Financial Clerk, effective January 31, 2023, seconded by Mr. Schwartzmier and carried.

AUTHORIZE CHECK SIGNERS – Mr. Schwartzmier moved the President of Council be authorized to sign checks, and in his absence the Vice President of Council or Second Vice President of Council be authorized to sign checks, seconded by Mr. Palled and carried.

DESIGNATE OFFICIAL DEPOSITORIES FOR 2023 – Mr. Palled moved the official depositories for the Borough funds for the year 2023 be: Charles Schwab Institutional, First National Bank, Pennsylvania Local Government Investment Trust, Pennsylvania Treasurer's INVEST Program, and West View Savings Bank, seconded by Mr. Malkin and carried.

RATIFY RESOLUTION NO. 987-2010, EXPENDITURE POLICY – Mr. Malkin moved to ratify Resolution No. 987-2010, adopted September 15, 2010, setting forth a municipal expenditure policy to safeguard borough resources and prevent unauthorized expenditure of borough funds, and to authorize the administrative staff to distribute the policy to borough boards/commissions, seconded by Mr. Myslinski and carried.

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RESOLUTION NO. 1320-2023, AMENDING THE SCHEDULE OF FEES – Mr. Junker summarized Resolution No. 1320-2023. Dr. Li moved to adopt Resolution No. 1320-2023 amending and revising the schedule of fees per Borough ordinances, seconded by Mr. Myslinski. Mr. Palled recommended that the Borough explore indexing the fees to the inflationary index moving forward. The motion carried.

RESOLUTION NO. 1321-2023, RECOGNIZING THE FRANKLIN PARK VOLUNTEER FIRE COMPANY NO. 1 – Mr. Junker summarized Resolution No. 1321-2023. Mr. Schwartzmier moved to adopt Resolution No. 1321-2023 recognizing the Franklin Park Volunteer Fire Company No. 1 as the fire company for the Borough of Franklin Park for the year 2023, seconded by Mr. Myslinski and carried.

RESOLUTION NO. 1322-2023, APPOINTING FIRE POLICE OFFICERS – Mr. Junker summarized Resolution No. 1322-2023. Mr. Myslinski moved to adopt Resolution No. 1322-2023 appointing Fire Police Officers for the year 2023, seconded by Dr. Li and carried.

DESIGNATE PITTSBURGH POST-GAZETTE AS THE OFFICIAL NEWSPAPER – Mr. Malkin moved the Pittsburgh Post-Gazette be designated as the official newspaper of the Borough, seconded by Dr. Li and carried.

APPOINT BRIAN MALKIN AS THE ALLEGHENY COUNTY BOROUGHS ASSOCIATION DELEGATE
Mr. Schwartzmier moved to appoint Brian Malkin as the Delegate to the Allegheny County Boroughs Association, seconded by Dr. Li and carried.

APPOINT DELEGATE & ALTERNATE FOR THE NORTH HILLS COUNCIL OF GOVERNMENTS – Mr. Myslinski moved to appoint Jiang Li as the Delegate and Tom Schwartzmier as the Alternate for the North Hills Council of Governments, seconded by Dr. Li and carried.

NORTHLAND LIBRARY FIRST QUARTER PAYMENT – Mr. Palled moved the Treasurer's office be authorized to prepare a check in the amount of \$90,784.75 payable to Northland Library for the first quarter payment of 2023, seconded by Mr. Schwartzmier and carried.

ACCEPT LSSE SERVICE ORDER AUTHORIZATION FOR THE ACORN PARK DEVELOPMENT PROJECT – Mr. Schwartzmier moved to accept the Service Order Authorization (SOA) dated October 10, 2022 from LSSE Civil Engineers and Surveyors for the Acorn Park Development Project as defined under PA Department of Conservation and Natural Resources (DCNR) Grant Contract Number BRC-PRD-26-297, at a cost of \$140,500, to include the six (6) tasks detailed in the SOA plus the cost to have a geotechnical report prepared by a Geotechnical Engineering firm to be determined, seconded by Mr. Myslinski and carried.

ACCEPT RESIGNATION OF CRAIG DEAN FROM THE TECHNOLOGY ADVISORY COMMITTEE – Dr. Li moved to accept the resignation of Craig Dean from the Technology Advisory Committee effective January 1, 2023, seconded by Mr. Schwartzmier and carried.

INTRODUCE ORDINANCE NO. 674-2023, AMENDING THE PROPERTY MAINTENANCE CHAPTER – Mr. Junker introduced Ordinance No. 674-2023 amending Chapter 159, "Property Maintenance," in the Code of the Borough of Franklin Park, to adopt the 2018 Edition of the International Property Maintenance Code, regulating and governing the conditions and maintenance of all property, buildings and structures. This ordinance will be advertised for consideration at the February regular meeting.

INTRODUCE ORDINANCE NO. 675-2023, AMENDING THE FIRE PREVENTION CHAPTER – Mr. Junker introduced Ordinance No. 675-2023 amending Chapter 122, "Fire Prevention," in the Code of the Borough of Franklin Park, to adopt the 2018 Edition of the International Fire Code; providing for the issuance of permits and collection of fees therefor; and creating a new Article III entitled "Fireworks" in accordance with Act 74 of 2022. This ordinance will be advertised for consideration at the February regular meeting.

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APPOINT LINDSAY STACK TO THE SCHOLARSHIP SELECTION COMMITTEE – Mr. Malkin moved Lindsay Stack be appointed to the Scholarship Selection Committee to fill the unexpired term of Ron Coombs, which term will expire December 31, 2023, seconded by Dr. Li and carried.

EXTEND AGREEMENT FOR MILLING SERVICES – Mr. Schwartzmier moved to authorize the First One-Year Agreement Extension with Mele & Mele & Sons, Inc. of Braddock, PA, for the period May 1, 2023 through October 31, 2023 for milling and disposal of bituminous pavement materials, maintaining the cost of \$2.70 per sq. yd. and \$3,750.00 per mobilization, and all terms and conditions of the previous Agreement shall remain the same, seconded by Mr. Myslinski and carried.

ACCEPT THE RESIGNATION OF MARK MATERA FROM THE McCANDLESS FRANKLIN PARK AMBULANCE AUTHORITY BOARD – Mr. Myslinski moved to accept the resignation of Mark Matera from the McCandless Franklin Park Ambulance Authority Board, effective January 14, 2023, seconded by Mr. Malkin. Mr. Myslinski thanked Mr. Matera for his many years of dedicated service to the Borough. The motion carried.

MOTION TO AMEND THE AGENDA – Mr. Myslinski moved to amend the agenda to add an appointment to the McCandless Franklin Park Ambulance Authority to fill a vacancy, seconded by Mr. Malkin and carried.

APPOINT THOMAS M. STEIN TO THE McCANDLESS FRANKLIN PARK AMBULANCE AUTHORITY BOARD - Mr. Myslinski moved to appoint Thomas M. Stein to the McCandless Franklin Park Ambulance Authority Board to fill the unexpired term of Mark Matera, which term will expire December 31, 2023, seconded by Mr. Schwartzmier and carried.

AUTHORIZE EXECUTION OF SANITARY SEWER LINE EASEMENT AGREEMENT WITH ANDREW AND ERIKA BRUNNER, 2134 REIS RUN ROAD – Mr. Malkin moved to authorize the execution of the Sanitary Sewer Line Easement Agreement between the Borough and Andrew David and Erika Meagan Brunner for property located at 2134 Reis Run Road in a form acceptable to the Solicitor, seconded by Mr. Myslinski and carried.

MAYOR O'KEEFE – Thanked Mark Matera for his devoted time on the McCandless Franklin Park Ambulance Authority Board. Mayor O'Keefe wished Dr. Stein the best as he replaces Mr. Matera on that very important Board. Mayor O'Keefe thanked Craig Dean for his time on the Technology Advisory Committee. Mayor O'Keefe congratulated Cheryl Bishop on her retirement, and he wished her the very best. Mayor O'Keefe noted that Miss DiGiacomo left the meeting this evening due to illness.

MR. PALLED – Wished Dr. Li and all a Happy Lunar New Year.

FINANCE DIRECTOR/TREASURER

- Thanked Cheryl Bishop for her service over the last 12 years. She has been a tremendous asset to the Finance Department, and she is to be commended on the great job she has done. She wished Cheryl the best.


MR. PARKS – Noted that Mark Matera has helped guide the Ambulance Authority through some tough times, and he will be missed.

COMMENTS FROM THE FLOOR - None

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MOTION TO ADJOURN – Mr. Myslinski moved to adjourn the meeting, seconded by Mr. Malkin and carried. The meeting adjourned at 11:37 p.m.

Respectfully submitted,



Cathy L. Krummert
Borough Secretary

Audience Present - 34 (24 in person/10 virtual)