

**BOROUGH OF FRANKLIN PARK  
BOROUGH COUNCIL REGULAR MEETING MINUTES  
WEDNESDAY, FEBRUARY 15, 2023**

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The regular meeting of the Borough Council of the Borough of Franklin Park was held on Wednesday, February 15, 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 Li .....present  
Brian S. Malkin .....present  
Lucas R. Myslinski, Vice President .....present  
Uday Palled .....present  
John P. Parks, President .....present  
Thomas C. Schwartzmier, Second Vice President .....present  
Junior Councilperson Ava DiGiacomo .....present  
Mayor Dennis E. O'Keefe .....present

**BOROUGH ENGINEER:**

Shawn Wingrove, Lennon, Smith, Souleret Engineering, Inc. ....present

**SOLICITOR:**

Robert Max Junker, Babst Calland .....present

**STAFF:**

Zach Brower, Recreation Program Director .....present  
Gary Bucuren, Superintendent of Public Works.....absent  
Cindy Crain, Finance Director/Borough Treasurer.....present  
Rege Ebner, Borough Manager .....present  
Walt Healy, Police Chief.....absent  
Cathy Krummert, Borough Secretary .....present  
Andy Nock, Assist. Bldg. Insp./Fire & Tech Official.....present  
Tim Phillips, Building Inspector/Zoning Officer.....present  
Sam Snyder, Police Lieutenant.....present

**PRELIMINARY MATTERS**

None

**PUBLIC COMMENTS**

Mr. Parks summarized written public comments that were submitted via email prior to this meeting:

Carol Hesz, 2240 Kingridge Road – Commented and expressed concerns regarding the proposed fireworks ordinance.

Ann & Kenn Fetterman, 2236 Kingridge Road – Commented and expressed concerns regarding the proposed fireworks ordinance.

Carrie Cannon, 2237 Kingridge Road – Commented and expressed concerns regarding the proposed fireworks ordinance.

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Meghan & Reuben Clark, 2238 Kingridge Road - Commented and expressed concerns regarding the proposed fireworks ordinance.

Mr. Junker explained that these emails addressed concerns regarding the 1 a.m. time period for some of the holidays and some other requirements. Unfortunately, under Act 74 of 2022, the State is very specific and has said that municipalities cannot have any regulations with respect to consumer fireworks on those particular times on those particular holidays.

The following attended the meeting in person and commented:

Amy Johnston, 2560 Aldon Drive – Commented on the proposed Cardinal Ridge Plan, water run-off and safety.

Beth Wivell, 3510 Washington Lane – Commented on behalf of herself and four other Washington Lane residents expressing concerns regarding the impact the Bliss Development has had on Washington Lane.

Donna Skundrich, 3512 Washington Lane – Finished reading the comments started by Ms. Wivell regarding the Bliss Development and Washington Lane.

Casey Munsch, 3509 Washington Lane – Expressed safety concerns on Washington Lane.

**APPROVAL OF THE MINUTES** – Dr. Li moved the minutes of the January 18, 2023 pre/post meeting, the January 18, 2023 regular meeting, and the February 1, 2023 work session, be approved, seconded by Mr. Malkin and carried.

**TREASURER'S FINANCIAL REPORT** – Mrs. Crain summarized the January Treasurer's Financial Report. The General Fund revenues for the month of January totaled \$455,547.00. Year-to-date total revenues are \$455,547.00, which represents 4.1% of the 2023 total budget. The General Fund expenditures for the month of January totaled \$758,562.00. Year-to-date total expenditures are \$758,562.00, which represents 5.9% of the 2023 total budget. Mr. Myslinski moved the January Treasurer's Financial Report be accepted as read, seconded by Dr. Li and carried.

**POLICE REPORT** – Mayor O'Keefe read the Police Report and activity report for the month of January 2023. The police responded to 683 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 January 2023. Mr. Myslinski indicated that the fire company responded to 22 calls for the month and the manpower for the month totaled 466 volunteer hours.

**BUILDING INSPECTION REPORT** - Mr. Phillips read the Building Inspection Report for January 2023. Mr. Phillips issued 11 permits and collected \$8,456.00 in fees. Total value of construction was \$650,948.00.

**ANNOUNCEMENT OF EXECUTIVE SESSION** – Mr. Parks announced that Borough Council held an executive session on February 1, 2023 to discuss personnel matters, the Yochus quasi-judicial deliberations, Washington Lane pending litigation and Carriage Lane potential litigation and Borough Council held an executive session on February 15, 2023 to discuss Cardinal Ridge potential litigation.

**OLD BUSINESS**

**DAVID YOCHUS, 2568 WEXFORD BAYNE ROAD, PUBLIC HEARING FOR CONDITIONAL USE APPLICATION NO. CU-22-12-05**

– Mr. Parks turned the meeting over to Mr. Junker to continue the public hearing. Sherry Wurzel, court reporter, was present to take a verbatim transcript of the public hearing. Mr. Junker explained that the applicant put on their case last month. There was a requirement in the ordinance regarding conceptual construction plans being submitted with the application for a modification or renovation of an existing building and that is one of the reasons why a continuance was made until tonight. There were also questions regarding the sewer line and MTSA. Mr. Junker stated that once a public hearing has started there can be no conversations by Members of Council that are sitting in a quasi-judicial stature with the applicant or with any parties or other individuals interested in the application.

Party status was previously granted to the following five individuals who live in close proximity, and they were permitted to ask questions of the applicant and give their own statements during the public hearing last month.

1. Frank Guzek, 2566B Wexford Bayne Road
2. Nick Barone, 2400 Rustic Ridge Drive
3. Dari Gross, 2566A Wexford Bayne Road
4. Pat Foltz, 2400 Rustic Ridge Drive
5. Michelle Conley, 2405 Rustic Ridge Drive

Mr. Junker asked if anyone else would like to seek party status and the following individuals stepped forward and were sworn in:

1. Kelly Simpson, 2413 Rustic Ridge Drive
2. Linda Guzek, 2566B Wexford Bayne Road
3. Mr. Lawrence Maiello of Maiello, Brungo and Maiello (engaged by Michelle and Ed Conley)

The following represented the application:

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

Mr. Victor presented conceptual drawings of the scale and character of the building and indicated that they have demonstrated compliance with conditional use standards. The building will include four office suites. Mr. Victor then answered questions. They have researched the sanitary sewer plans, but they did not get anything definitive from PennDOT as to whether they can use the rights of way for the Rustic Ridge access. They had discussions with MTSA, who would prefer a gravity flow system, and the applicant does have an easement through the Catholic Church property if they are unable to use the Rustic Ridge access.

Mr. Junker explained the land development process that would also be required for this use.

Mr. Phillips asked if the applicant would commit to the following as a condition of approval, and Mr. Victor indicated that the applicant would agree:

- Ground level dark sky lighting on the site
- Providing for 100% screening at 6 ft. in height along the required side yard to the west and along the rear property line.

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Attorney Maiello questioned Mr. Victor.

The following commented, asked questions and expressed concerns regarding the conditional use application:

Linda Guzek, 2566B Wexford Bayne Road  
Frances Guzek, 2566B Wexford Bayne Road  
Kelly Simpson, 2413 Rustic Ridge Drive  
Timothy Kavic, 1500 Fox Chase Drive

Mr. Maiello and Mr. Victor made closing arguments.

Mr. Malkin moved to close the public hearing for Conditional Use Application No. CU-22-12-05, seconded by Mr. Myslinski and carried.

Mr. Junker noted that under the MPC, Borough Council has 45 days to render a decision after the close of the public hearing.

Mr. Malkin moved to postpone the action on Conditional Use Application No. CU-22-12-05 until the March 15<sup>th</sup> meeting, seconded by Mr. Myslinski and carried.

**CARDINAL RIDGE TOWNHOUSE PLAN, SUBDIVISION & LAND DEVELOPMENT APPROVAL –**

Mr. Junker summarized Resolution No. 1323-2023 as amended. Mr. Junker explained that at last month's meeting, the original version of this resolution was voted down. After discussion with the applicant regarding the removal of the two modifications, Council reconsidered and granted the applicant the ability to submit a new plan with the modifications for slope disturbances removed. We have received the revised plans as of February 1<sup>st</sup>. There have been comment letters going back and forth so the resolution has been amended with those letters and the Staff Report. Although this was presented as changing the modifications and getting rid of the slope disturbances, there has been a significant change to the stormwater infrastructure. The 90 days have been started over again because of this submission. We have set it up for a potential vote this evening, but we do want to hear from the applicant as to what is proposed since it is different than we were expecting.

Steven Victor of Victor Wetzel Associates and Anthony Cosgrove, legal counsel, were present on behalf of the applicant. Mr. Cosgrove made a brief presentation regarding the revised plan that moves the detention pond underground to an underground detention tank. Mr. Victor reviewed how the underground detention facility would work. Mr. Junker expressed the Borough's concern regarding the maintenance and operation of the facility in the future should the Borough have to take over the facility. Mr. Junker indicated that because the plan has been revised, it should go back to the Planning Commission for another review and recommendation to Council. The Planning Commission will meet next Tuesday, February 21<sup>st</sup>, and if they make a recommendation, the application could come back before Council on March 15<sup>th</sup>. Mr. Cosgrove objected to the application going back to the Planning Commission, questioned why it was necessary and stated their position. Ethan Fellheimer, the developer, commented and expressed frustration with the process. There was a lengthy back and forth discussion.

The following commented, asked questions and expressed concerns regarding the stormwater, water wells and the requested modification regarding the location of the new road. It was noted that the developer has agreed to perform testing of the private water wells.

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

Mr. Myslinski moved to refer the revised plans to the Planning Commission at their February 21<sup>st</sup> meeting, waiving the 20 day requirement for them to be added to the agenda, and with the direction that only the removed modification and the stormwater facility be reviewed by the Planning Commission, and regardless of a recommendation or a vote this otherwise will be on Council's agenda for action at the March 15<sup>th</sup> regular meeting, seconded by Mr. Malkin.

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Mr. Palled then asked some questions regarding the underground detention facility that he would like the applicant's representatives to answer at the upcoming Planning Commission meeting.

A roll call vote was taken:

Dr. Li ..... Yes  
Mr. Malkin ..... Yes  
Mr. Myslinski ..... Yes  
Mr. Palled ..... Yes  
Mr. Parks ..... Yes  
Mr. Schwartzmier ..... Yes

The motion carried.

**NEW BUSINESS**

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

**ORDINANCE NO. 674-2023, AMENDING THE PROPERTY MAINTENANCE CHAPTER** – Mr. Junker summarized Ordinance No. 674-2023. Mr. Malkin moved to enact 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, seconded by Mr. Palled and carried.

**ORDINANCE NO. 675-2023, AMENDING THE FIRE PREVENTION CHAPTER** – Mr. Junker summarized Ordinance No. 675-2023. Mr. Myslinski moved to enact 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, seconded by Mr. Schwartzmier and carried.

**DEERFIELD ESTATES PLAN, PHASE I, REDUCTION OF SET-ASIDE AGREEMENT** – Mr. Schwartzmier moved the Set-Aside Agreement in the amended amount of \$654,570.00 for the Deerfield Estates Plan Phase I, be reduced by \$54,600.00 leaving a balance of \$599,970.00, in accordance with the letter from Lennon, Smith, Souleret Engineering, Inc. dated February 1, 2023, seconded by Mr. Myslinski. Dr. Li commented regarding the road opening on Nicholson Road for the connection of utilities for this development, and he asked if there is anything the Borough can do about the road repair. Since Nicholson Road is a PennDOT road, Mr. Ebner will notify PennDOT that our residents have a concern regarding the road opening and repair. The motion was carried.

**ADVERTISE FOR TRUCKING SERVICES BIDS** – Mr. Myslinski moved to authorize the Borough Secretary to advertise for bids for Trucking Services, seconded by Mr. Malkin and carried.

**RESOLUTION NO. 1324-2023, SALE OF POLICE VEHICLE BY ELECTRONIC AUCTION SALE** – Mr. Junker summarized Resolution No. 1324-2023. Mr. Malkin moved to adopt Resolution No. 1324-2023 declaring a 2013 Ford Interceptor SUV (last four digits of VIN # are 2263) as surplus personal property; declaring the estimated fair market value over \$2,000; authorizing the sale and disposition by electronic auction sale on Monday, March 20, 2023 at 12:00 p.m. prevailing local time on the Municibid Online Auction, (<https://municibid.com>), and directing the Secretary to advertise the sale, second by Mr. Myslinski and carried.

**APPOINT ELISABETH VASKO TO THE ENVIRONMENTAL ADVISORY COUNCIL** – Mr. Palled moved to appoint Elisabeth Vasko to the Environmental Advisory Council to fill the unexpired term of Cassandra Miller-Butterworth, which term will expire December 31, 2025, seconded by Dr. Li and carried.

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**HIRE MARY E. CARTER AS A PARKS GROUNDSKEEPER** – Dr. Li moved to hire Mary E. Carter as a Parks Groundskeeper effective February 27, 2023 at a rate of \$25.20 per hour, seconded by Mr. Palled and carried.

**PURCHASE COMPACT HYDRAULIC EXCAVATOR FOR PUBLIC WORKS DEPARTMENT** – Mr. Myslinski moved to purchase a Komatsu compact hydraulic excavator with accessories from Anderson Equipment of Bridgeville, PA, at a cost of \$123,995.00 through Sourcewell National Contract No. 032119-KOM, seconded by Mr. Schwartzmier and carried.

**PURCHASE EXTENDED WARRANTY FOR EXCAVATOR** – Mr. Schwartzmier moved to purchase a 60-month/3,000 hour dealer extended warranty for the Komatsu compact hydraulic excavator from Anderson Equipment of Bridgeville, PA, at a cost of \$3,658.00, seconded by Mr. Myslinski and carried.

**WETGO PRO CAR WASH, 2620 NICHOLSON ROAD, GRANT 90-DAY EXTENSION FOR SIGNING THE DEVELOPMENT AGREEMENT** – Mr. Palled moved to grant a 90-day extension for the signing of the Development Agreement for the WetGo Car Wash to be located at 2620 Nicholson Road, seconded by Mr. Schwartzmier and carried.

**JAMES D. OLIVER, 1576 PANNO LANE, SANITARY SEWER LINE EASEMENT AGREEMENT** – Mr. Malkin moved to authorize the execution of the Sanitary Sewer Line Easement Agreement between the Borough and James D. Oliver or his successors in interest for property located at 1576 Panno Lane, in a form acceptable to the Solicitor, seconded by Mr. Myslinski and carried.

**AGREEMENT OF SALE FOR PURCHASE OF PROPERTY ON McALEER ROAD** – Dr. Li moved to authorize the Borough Manager to enter into an Agreement of Sale, in a form acceptable to the Borough Solicitor, for the purchase of vacant real property located on McAleer Road and identified as Allegheny County Block and Lot No. 822-F-319, seconded by Mr. Malkin and carried.

**ADVERTISE FOR BIDS FOR CURB & GUTTER REPLACEMENT PRORAM FOR THE 2024 ROAD PAVING PROGRAM** – Mr. Schwartzmier moved to authorize advertising for bids for the Curb & Gutter Replacement Program for the 2024 Road Paving Program, seconded by Dr. Li and carried.

**COMMENTS FROM THE FLOOR** - None

**MOTION TO ADJOURN** – Mr. Myslinski moved to adjourn the meeting, seconded by Mr. Malkin and carried. The meeting adjourned at 10:45 p.m.

Respectfully submitted,

  
Cathy L. Krummert  
Borough Secretary

Audience Present - 49 (39 in person/10 virtual)