

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

The regular meeting of the Borough Council of the Borough of Franklin Park was held on Wednesday, March 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 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
Walt Healy, Police Chief.....present
Cathy Krummert, Borough Secretarypresent
Andy Nock, Assist. Bldg. Insp./Fire & Tech Official.....present
Tim Phillips, Building Inspector/Zoning Officer.....present

PRELIMINARY MATTERS

None

PUBLIC COMMENTS

Mr. Parks summarized one written public comment that was submitted via email prior to this meeting:

Ann and Kenn Fetterman, 2236 Kingridge Drive – Submitted an email regarding pickleball in Old Orchard Park. Mr. Parks noted that we will be addressing that issue, and a meeting will be held with residents and pickleball players on Tuesday, March 21st at 5:30 p.m. at the municipal building.

The following attended the meeting in person and commented:

Charles Horton, 1654 Farmington Court – Commented regarding a proposed cell tower on the Clover Hill Golf Course property and asked questions. Mr. Myslinski responded to Mr. Horton's comments and questions.

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Attorney Phil Lope, representing David Yochus – Stated that medical offices are a permitted use in the R-4 zoning district where the property is located, and the applicant meets all general and specific requirements of the zoning ordinance. The Planning Commission recommended approval, and they are asking Council to approve the Conditional Use Application for the construction of medical offices at the Wexford Bayne Road site.

Nick Barone, 2400 Rustic Ridge Drive –Read from and commented on the Conditional Use section of the Zoning Ordinance in regard to the Yochus Conditional Use Application, and he expressed concerns and asked Council to deny the application.

APPROVAL OF THE MINUTES – Mr. Malkin moved the minutes of the February 15, 2023 pre/post meeting, the February 15, 2023 regular meeting, and the March 1, 2023 work session, be approved, seconded by Mr. Myslinski and carried.

TREASURER’S FINANCIAL REPORT – Mrs. Crain summarized the February Treasurer’s Financial Report. The General Fund revenues for the month of February totaled \$636,358.00. Year-to-date total revenues are \$1,091,905.00, which represents 9.86% of the 2023 total budget. The General Fund expenditures for the month of February totaled \$517,198.00. Year-to-date total expenditures are \$1,317,358.00, which represents 9.95% of the 2023 total budget. Mr. Myslinski moved the February 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 February 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 February 2023. Mr. Myslinski indicated that the fire company responded to 16 calls for the month and the manpower for the month totaled 387 volunteer hours.

BUILDING INSPECTION REPORT - Mr. Phillips read the Building Inspection Report for February 2023. Mr. Phillips issued 17 permits and collected \$8,348.00 in fees. Total value of construction was \$576,881.00.

ANNOUNCEMENT OF EXECUTIVE SESSION – Mr. Parks announced that Borough Council held an executive session on February 15, 2023 to discuss a potential property purchase, Bliss potential litigation, police personnel and Carriage Lane litigation, and Borough Council held an executive session on March 1, 2023 to discuss Police personnel, a Police grievance, Bliss potential litigation and Carriage Lane potential litigation.

OLD BUSINESS

DAVID YOCHUS, 2568 WEXFORD BAYNE ROAD, PUBLIC HEARING FOR CONDITIONAL USE

APPLICATION NO. CU-22-12-05 – Mr. Myslinski moved to approve Conditional Use Application No. CU-22-12-05 submitted by David Yochus for approval of a medical office use on the property located at 2568 Wexford Bayne Road in the R-4 zoning district, contingent upon compliance with the Building Inspector/Zoning Officer’s Staff Report dated February 22, 2023, seconded by Mr. Schwartzmier. Mr. Junker read the required time limit standards for Conditional Use approval from the Ordinance, and Mr. Phillips was asked to read the following conditions included in his staff report:

1. The applicant shall comply with all provisions of the Code of the Borough of Franklin Park and the laws of the Commonwealth of Pennsylvania and obtain all permits required by law.
2. Conditions of approval of the Land Development Plan shall be completed before any work can begin on the site.
3. The structure shall comply with all current PA UCC Regulations and Requirements.
4. The use is for out-patient use only. No over-night patients permitted.

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5. Proof of approved sanitary sewage must be provided for the use.
6. A PennDOT HOP must be submitted for the driveway access.
7. A Preliminary and Final Land Development application must be submitted along with engineered plans in accordance with Chapter 184 Subdivision and Land Development as necessary for the proposed site improvements within 180 days of this conditional use approval.
8. No more than 4 separate Medical Offices shall be located as tenants on the property.
9. No business offices shall be located on the property.
10. Only ground level dark sky lighting shall be installed on the site.
11. A minimum of 100% screening at 6 feet in height beginning at the front setback line along the western side property, extending to the rear property line and installed along the rear property line the full length.
12. A zoning variance must be obtained for any existing encroachment of the structure into a required yard area due to a change of use to the property.

It was noted that many of the conditions were developed because of feedback received from the residents and neighbors.

A roll call vote was taken:

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

The motion carried. Mr. Junker stated that the Borough will issue a notice of written decision and copies will be mailed to those who sought party status during the public hearing. The appeal period is 30 days from that written notice and that does start the clock on the other requirements for the submission of the Land Development Plan as well as the life of the Conditional Use. We can provide written Findings of Fact and Conclusions of Law in the event of an appeal.

CARDINAL RIDGE TOWNHOUSE PLAN, SUBDIVISION & LAND DEVELOPMENT APPROVAL –

Mr. Junker summarized Resolution No. 1323-2023 as amended. Mr. Junker explained that the Resolution has been amended from when it was originally introduced in January and tabled in February, and it has been updated to reflect the submission of revised plans, the re-review by the Planning Commission, and the updated Borough Engineer's letter. It also has eliminated the two requested modifications for slope disturbances and only the intersection modification remains in the Resolution.

The following were present on behalf of the applicant:

- Steven Victor of Victor Wetzel Associates (Landscape Architect)
- Anthony Cosgrove (Attorney)
- Tysen Miller of KU Resources, Inc. (Stormwater Engineer)

Mr. Cosgrove stated that the application is in complete compliance with the ordinances other than the modification requested.

Mr. Myslinski moved to reconsider and adopt Resolution No. 1323-2023, as amended, 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. Council asked questions regarding stormwater that were answered by Mr. Victor, Mr. Miller and Mr. Cosgrove.

Mr. Bernie Avon, 2604 Lorricks Lane – Expressed concerns regarding stormwater and asked questions.

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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 3-3 tie, and Mayor O’Keefe was asked to break the tie. Mayor O’Keefe voted "Yes". The motion carried.

NEW BUSINESS

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

PUBLIC HEARING, BAIERL FAMILY YMCA CONDITIONAL USE APPLICATION FOR THE ADDITION OF A PAVILION – Mr. Parks turned the meeting over to Mr. Junker to conduct a public hearing for Conditional Use Application No. CU-22-09-04. Sherry Wurzel, court reporter, was present to take a verbatim transcript of the public hearing. The property is located at 2565 Nicholson Road in the R-2 and M-2 zoning districts. The property is 12.733 acres and is concurrently developed with a two-story recreational building utilized as a YMCA. The property is owned by the Borough and leased by the applicant. The application is for an accessory structure in excess of 1,000 square feet in order to build a 1,500 square foot pavilion on the field behind the existing building to provide outdoor space and shade for the summer day camp. On November 15, 2022, the applicant obtained a variance from the Zoning Hearing Board to construct a non-residential accessory structure in the R-2 zoning district at Hearing Number ZH-22-11-11. The applicant has also applied for Preliminary and Final Land Development approval. The applicable Zoning Ordinance provision is Section 212-1907, Accessory Use Regulations. Mr. Junker entered preliminary exhibits into the record.

The following were present on behalf of the applicant:

- Kathleen Nipps, Executive Director of the Baierl Family YMCA
- Joe Urban of Urban Construction LLC, (General Contractor)
- Tysen Miller of KU Resources, Inc. (Stormwater Engineer)

Ms. Nipps stated that they are seeking to build a 30' x 50' pavilion that they will use to provide shade for their summer camp programs. The YMCA has been there since May of 2006. Mr. Miller noted that there is a small stormwater management system associated with the stormwater runoff for the pavilion. There is no additional parking required. They have addressed the engineering letters, and a stormwater management agreement is under review. They have met the criteria of the Ordinance for both the Land Development and Conditional Use applications.

The Building Inspector’s Staff Report dated January 13, 2023 includes seven conditions of approval. Council asked questions that were answered by Ms. Nipps, Mr. Miller and Mr. Urban. Mr. Myslinski moved to close the public hearing, seconded by Mr. Malkin, and carried.

Mr. Schwartzmier moved to approve revised Conditional Use Application CU-22-09-04 submitted by the Baierl Family YMCA for the addition of a pavilion to be constructed on the property located at 2565 Nicholson Road in the R-2 zoning district, contingent upon compliance with the Building Inspector/Zoning Officer’s Staff Report dated February 22, 2023, seconded by Mr. Myslinski and carried.

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BAIERL FAMILY YMCA LAND DEVELOPMENT APPLICATION FOR THE ADDITION OF A PAVILION

Mr. Junker summarized Resolution No. 1325-2023. Mr. Malkin moved to adopt Resolution No. 1325-2023 granting revised preliminary and final Subdivision and Land Development approval to the Baierl Family YMCA for the addition of a pavilion to be constructed on the property located at 2565 Nicholson Road in the R-2 zoning district, with conditions, seconded by Mr. Myslinski and carried.

EMMA B. GROSS PLAN OF LOTS, CASH BOND REDUCTION – Mr. Myslinski moved the Cash Bond in the amount of \$19,283.00 posted by Pohl Construction, Inc., for the Emma B. Gross Plan of Lots, located at 2306 Rochester Road, be reduced by \$16,543.00, leaving a balance of \$2,740.00, in accordance with the letter from Lennon, Smith, Souleret Engineering, Inc. dated March 3, 2023, seconded by Mr. Schwartzmier and carried.

EMMA B. GROSS PLAN OF LOTS, FIRST ADDENDUM TO DEVELOPMENT AGREEMENT – Dr. Li moved the Borough enter into a First Addendum to Development Agreement with Pohl Construction, Inc., for the Emma B. Gross Plan, a 3-lot subdivision located at 2306 Rochester Road in the R-2 zoning district, seconded by Mr. Malkin and carried.

AWARD BID FOR TRUCKING SERVICES – Mr. Myslinski moved to award Cronin Enterprises, LLC of Imperial, PA, the bid for Trucking Services at a weekday rate of \$99.00 per hour and an evening/weekend rate of \$109.00 per hour, for the year 2023, with two possible option years, seconded by Dr. Li and carried.

AWARD BID FOR CURB & GUTTER REPLACEMENT PROGRAM FOR 2024 ROAD PAVING PROGRAM – Mr. Schwartzmier moved to award the Base Bid of Contract No. 23-R01, Curb and Gutter Replacement Program for the 2024 Road Paving Program, to Palombo Contracting of New Kensington, PA in the amount of \$187,500.00, subject to Palombo Contracting obtaining the required insurance and bonds, and contingent upon review and approval of same by the Borough Solicitor prior to execution of the Agreement, and to consider by July 11, 2023, the possible award of Add Alternate 1 and Add Alternate 2 subject to review of the Borough's Budget, the receipt of the necessary permit from Allegheny County, or the successful bidder's written waiver of the time period for awarding alternates, seconded by Mr. Myslinski and carried.

APPOINT BHEEMA VADLAMURI TO THE TECHNOLOGY ADVISORY COMMITTEE – Mr. Palled moved to appoint Bheema Vadlamuri to the Technology Advisory Committee for a four-year term, which term will expire December 31, 2026, seconded by Mr. Malkin and carried.

REAPPROVE MERMIGAS SUBDIVISION PLAN NO. 1 – Dr. Li moved to reapprove Subdivision Application No. SS-22-03-01, submitted by James Mermigas for the Mermigas Subdivision Plan No. 1, a minor subdivision to subdivide one lot into two lots at the property located at 2534-2536 Brandt School Road in the R-2 zoning district, with all of the conditions as set forth when the application was originally granted approval on March 16, 2022, seconded by Mr. Myslinski and carried.

HIRE RYAN DUNNE AS A FULL-TIME POLICE OFFICER – Mr. Myslinski moved to hire Ryan Dunne as a full-time Police Officer, effective April 11, 2023, at a rate of \$37.78 per hour, pending successful completion of all required testing, seconded by Mr. Schwartzmier and carried.

PURCHASE GREENSMOWER FOR CLOVER HILL GOLF COURSE – Mr. Palled moved to authorize the purchase of a Greensmaster eTriflex 3360 Greensmower for Clover Hill Golf Course from EH Griffith Inc. of Pittsburgh, PA 15218, Participant ID #1137891, under Omnia National Contract #2017025, at a cost of \$68,203.20, seconded by Mr. Myslinski and carried.

PURCHASE AERIFIER FOR CLOVER HILL GOLF COURSE – Mr. Schwartzmier moved to authorize the purchase of a ProCore 648s Aerifier for Clover Hill Golf Course from EH Griffith Inc. of Pittsburgh, PA 15218, Participant ID #1137891, under Omnia National Contract #2017025 at a cost of \$35,857.33, seconded by Mr. Myslinski and carried.

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PURCHASE VENTRAC BROOM ATTACHMENT FOR THE PARKS DEPARTMENT – Mr. Myslinski moved to authorize the purchase of a Ventrac KJ520 Broom Attachment for the Parks Department thru EH Griffith Inc. of Pittsburgh, PA 15218, Participant ID #1137891, under Omnia National Contract #2017025 at a cost of \$5,816.80, seconded by Dr. Li and carried.

SQUIRE RIDGE III PLAN, DENY REQUEST FOR ACCEPTANCE OF PUBLIC IMPROVEMENTS – Mr. Malkin moved to acknowledge receipt of the Borough Engineer's letter dated March 8, 2023 recommending that the Borough deny the request for acceptance of the Squire Ridge III Plan, seconded by Dr. Li and carried.

WILLOW RIDGE PLAN, DENY REQUEST FOR ACCEPTANCE OF PUBLIC IMPROVEMENTS – Dr. Li moved to acknowledge receipt of the Borough Engineer's letter dated March 8, 2023 recommending that the Borough deny the request for acceptance of the Willow Ridge Plan, seconded by Mr. Schwartzmier and carried.

CLASS ACTION CLAIMS PROCESS FOR THE NATIONAL OPIOIDS SETTLEMENT – Mr. Palled moved to authorize the Borough Manager to continue with the class action claims process for the National Opioids Settlement, seconded by Mr. Malkin and carried.

MAYOR O'KEEFE – Expressed appreciation for our volunteer fire company; congratulated the North Allegheny Track and Field Coach John Neff who will be inducted into the Pennsylvania High School Track and Field Hall of Fame; congratulated former Junior Council Person Jackie DiGiacomo and her team mates of the Allegheny College Girls Track & Field Team who are now the Presidents' Athletic Conference 2023 Indoor Champions; and congratulated the North Allegheny Girls Basketball Team, Girls Swim Team and Boys Swim Team who are the WPIAL Champions.

MR. PALLED – Announced that the EAC is sponsoring a roadside cleanup on April 29th and encouraged everyone to attend.

MR. MYSLINSKI – Happy St. Patrick's Day.

CHIEF OF POLICE - Thanked Council for approving the hiring of Ryan Dunne.

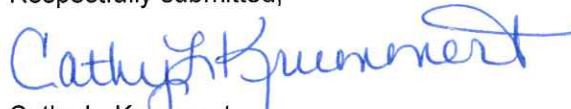
SUPERINTENDENT OF PUBLIC WORKS

- The Yard Waste site is open in Blueberry Hill Park for residents only and permits are required.
- Leaf mulch will be available on April 1st.
- Brush chipping will begin on April 3rd.

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 9:42 p.m.

Respectfully submitted,



Cathy L. Krummert
Borough Secretary

Audience - 23 in person plus virtual attendees