

**BOROUGH OF FRANKLIN PARK
BOROUGH COUNCIL WORK SESSION MINUTES
WEDNESDAY, MAY 3, 2023**

A work session of the Borough Council of the Borough of Franklin Park was held on Wednesday, May 3, 2023 at 7:00 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.

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

ENGINEER:

Shawn Wingrove, 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 Manager absent
Walt Healy, Police Chief absent
Jim Huff, Manager of Golf Course & Parks Facilitiespresent
Cathy Krummert, Borough Secretarypresent
Andy Nock, Assist. Bldg. Insp./Fire & Tech Official.....present
Tim Phillips, Building Inspector/Zoning Officer.....present

AUDIENCE: 14

ANNUAL MEETING WITH PLANNING COMMISSION CHAIRPERSON, STEPHEN WINIKOFF –

Mr. Winikoff noted that the Planning Commission wants to make sure that they are doing their job diligently and fulfilling their responsibilities. They want to be sure that Council receives all of the information they need in the way that they need it, and applications are clean when they get to Council. Council stated that the Land Use Committee is beginning to review the Subdivision and Land Development Ordinance (SALDO) to look for things that are not working well or need to be amended. The last detailed review was in 2013. Council asked that the Planning Commission identify and make Council aware of any suggested amendments to the ordinance. Council would also like to hear more details of dissenting votes. Mr. Winikoff stated that there is a benefit to Mr. Palled serving on both the Planning Commission and Council to provide a link between the two.

OLD BUSINESS

- **Deer culling** – Mr. Brower attended a session at the PRPS Conference regarding deer culling, and he provided a copy of the Wissahickon Trails Deer Management Protocol that he discussed with Council. Mr. Brower would suggest marking our cameras and tree stands and maintaining a list of hunting license information and vehicle information for all hunters. We should keep the program in-house, so we know the hunters to run a safe deer culling program to protect the parks and land within the Borough. Mr. Brower should have a contract ready to go within the next 30 days to be sure we have the hunters in place when archery season begins in September.

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Council discussed and authorized Mr. Brower to move forward. Mr. Junker noted that we may need to update the current ordinance.

- Cell/radio service update – Mr. Parks noted that Mr. Ebner had sent an email today indicating that he has been researching the previous cell tower information from several years ago, and he is asking for some guidance moving forward. We have established that we need to improve communications within the Borough through a combination of large cell towers and perhaps some smaller towers; but a decision still needs to be made on the number and location. We will need to balance the safety of the community and the concerns of the residents. Mr. Ebner is proposing that we call in an expert that is concerned with our needs and not the needs of the providers. If we put out an open call for RFPs, we may get drastically different submissions and how do we judge one against the other. A consultant could look at the previous report and make a recommendation on what the Borough needs in order to move forward and solicit proposals. Council concurred to defer discussion regarding this matter until the May 17th pre meeting when Mr. Ebner will be present.
- New Borough logo – Council discussed the four redesigned logo options, and the consensus was to move forward with the first design with better color. Council directed Mr. Ebner and staff to make the final color choice and move forward since the final logo is needed for the advertising of the upcoming Festival and Bicentennial.
- Pickleball posting on Facebook – A post was made on the Franklin Park, PA Facebook page regarding pickleball at Old Orchard Park. There were 46 comments, 17 likes and 2 shares as of this morning. This is not the official Borough of Franklin Park Facebook page. The post stated that decisions were made behind closed doors. Mr. Parks stated that the post is inappropriate, very inaccurate and hurtful. Mr. Parks then asked what Council would like to do in response. Mayor O'Keefe stated that he read the disturbing post and the comments that were very disrespectful to this Council. The statement that this Council has been involved in closed door deals is an outrageous untruth. The Mayor stated that he is the longest sitting elected official who is in his 14th year of service. He does not miss meetings and has not taken vacations. There are lots of discussions during meetings and sometimes we are here until midnight. We do the best that we can to make the best decisions for this community, and the Mayor is proud of his service. He is very disappointed when he sees these kind of posts where we are accused of closed door deals. They are a complete lie, and he is very offended. We are elected to come here and listen to everything that is going on in the Borough, and many times we have to make several decisions. Decisions make some people happy and make some people unhappy, but that is the process. Mr. Myslinski agreed and noted that every single time we have addressed this issue since 2020 it was in public or at a public meeting. We have held meetings at the park to listen. Every single meeting has been public and open to the public. We have never discussed this issue in executive session. To suggest that we made a closed door decision is a complete fabrication. It is offensive, and the people who made the post even attended some of the meetings. Mr. Myslinski would like to respond to the post to set the record straight and point out that the meetings were public. The compromise was agreed to by the vast majority of attendees at the meetings. Council has tried limiting and changing the hours. This was not just some random decision by people who do not care, but that is the way it has been portrayed. Dr. Li stated that he would like to respond and list the dates of the meetings that were held with the residents of the community as evidence that the meetings were open. Council has tried so hard to reach this agreement, and we are still working on the matter. It was noted that we have tried compromises and relentlessly sought out opinions on this matter. A sound study was completed. Mr. Malkin stated that it seems to be an ongoing theme that the meetings we have in this room (conference room) are closed door meetings, but they are not. The only closed door meetings are executive sessions which are by law behind closed doors, and they are announced. All other meetings are open to the public. Mr. Palled suggested that if Council responds, it should only be to remind everyone that all meetings are open to the public and agendas are posted on the Borough website. Otherwise, the comments will just continue. Mr. Malkin stated that as part of expanding our communications, today's agenda

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was posted on the official Borough of Franklin Park Facebook page to reach as many people as possible. Mr. Parks stated that getting into a verbal battle on social media is a losing proposition. However, it is important that the concerns expressed here are listed in more detail in the minutes.

- Concrete curb removal options – As previously directed, Mr. Bucuren discussed possible options to either mill or remove existing concrete curbs on Fox Chase Drive and replace them with asphalt curbs when paving. This would be in lieu of subcontracting the repair of the existing concrete curbs. Residents throughout the Borough are complaining that the concrete curb repairs do not match the existing concrete. The costs for the concrete repair are high, and it will be extremely costly in 10-15 years when concrete curbs must be replaced. Council discussed and favored Option #2 to remove the existing concrete curbs and backfill with limestone subbase. The consensus was to choose a street to be paved next year that would need a large amount of curb repair and use it as a test case.

AGENDA REVIEW - The following May 17, 2023 regular meeting agenda items were discussed:

- Solicitor - Mr. Junker will not be able to attend the regular meeting so his associate, Harlan Stone, will attend in his place.
- Deerfield Estates Plan – The security reduction is in order for consideration by Council.
- Willow Ridge Plan – LSSE is recommending approval of the plan, and we will proceed with the necessary steps.
- Bliss Residential Land Development – The development is coming to the end of the two-year completion period as specified in the Development Agreement. We contacted the developer about three months ago to ask if they wanted to do an addendum to extend the completion period, as well as increase the amount of the performance security by 10% per year. The developer responded that the plan would be 100% done by May. There was a review last month that indicated that the plan is not close to being complete within the next few weeks, so two separate motions have been prepared. Mr. Junker will prepare and send the addendum and reiterate the amount of the required financial security in advance of the meeting. He will also let them know that the other option is to seize the security.
- Ordinance No. 676-2023 – This ordinance for the updates to the Municipal Claims section of the Code has been advertised for consideration by Council.
- Ordinance No. 677-2023 – This ordinance for the Dougherty eminent domain action has been advertised for consideration by Council.
- Resolution No. 1332-2023 – Mr. Junker discussed the resolution to extend the McCandless Franklin Park Ambulance Authority's (MFPAA) term of existence. McCandless must also adopt a similar resolution and then MFPAA must then advertise and file an amendment to their Articles of Incorporation to extend the period of their existence for an additional 50 years.
- Tax Exoneration – The motion to exonerate the Real Estate Tax Collector from collecting Borough taxes in the amount of \$490.45 is for three non-exempt Borough owned properties including the vacant land adjacent to Blueberry Hill Park; the 10 acres on Duff City Road formerly known as the Graff property; and 2634 Big Sewickley Creek Road. Mr. Junker indicated that he had filed three applications for exemption of real estate taxation for these properties as of March 31st, and Mr. Ebner has done a site tour with the Allegheny County assessor. We are still awaiting the decisions.
- Resolution No. 1333-2023 - Mr. Phillips clarified that it was time to update the fee schedule using the ICC national standard for costs, and the changes were also necessary because of the implementation of the new permit software in the Building and Zoning Department.

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STAFF REPORTS:

Report by Cindy Crain, Finance Director/Borough Treasurer

- The EAC Spring Cleanup was held on Saturday. A total of 28 volunteers collected 70 bags of garbage and many tires. The volunteers were happy for the opportunity to help. The EAC is discussing possible future events.

Report by Gary Bucuren, Superintendent of Public Works

- They are finishing the stormwater projects on Reis Run Road and Clearvue Drive.
- They completed the paving of the Golf Course parking lot.

Report by Tim Phillips, Building Inspector/Zoning Officer

- No applications were received for the Planning Commission or the Zoning Hearing Board, so there will be no meetings in May.

Report by Zach Brower, Recreation Program Director

- Acorn Park Grant Project – Mr. Brower discussed bids that he had obtained from American Ramp Company through Sourcewell, and two playground proposals through COSTARS. The whole goal is to keep a natural aesthetic in the park. Council concurred to move forward.

Report by Jim Huff, Manager of Golf Course & Parks Facilities

- They received the infield mix for the Blueberry Hill Park ballfields on Friday, and it has rained ever since. Field #4 will be fixed once the ground dries.
- They will pour the concrete for the sun shade in the Blueberry Patch Playground next week, and the sun shade will be put up in the next few weeks.
- Jim Benner was hired to fill the full-time golf course position, and he has 26 years of experience.
- Mr. Huff has reached out to a contractor to obtain pricing for line painting on the newly paved golf course parking lot.

Report by Shawn Wingrove, Borough Engineer

- Curb & Gutter Programs – The 2022 contractor came back and fixed some spots under the maintenance bond. The 2023 contractor is working through closeout. The 2024 contractor has started work.
- Deerfield Estates Plan – The bulk of the recommended bond reduction was for sidewalks in front of the constructed houses. They also installed the piece of sidewalk toward the Taylor Ridge Apartments.
- Willow Ridge Plan – Mr. Wingrove met with the developer and contractor. All issues have been addressed, and the plan is ready for Council to consider acceptance.

STREET OPENING ORDINANCE DRAFT – Staff and Council previously discussed street opening permits in Borough streets primarily for utilities. We did not have an ordinance of any major significance, so Mr. Junker worked with Anna Hosack in his office to prepare the draft ordinance. Ms. Hosack reviewed some model ordinances and put together a detailed ordinance that addresses these types of scenarios and issues. They had some preliminary discussions with Mr. Bucuren. Mr. Junker suggested a meeting with Mr. Wingrove and Mr. Ebner to see if this ordinance meets the needs of the Borough. Mr. Bucuren and Mr. Junker have been looking at some inquiries from West View Water Authority about permits, repair responsibilities and costs. Council was asked to review the ordinance draft and point out any issues. The ordinance is still a work in progress, and Mr. Junker and staff will provide Council with revisions or a recommendation for introduction and enactment. The draft is geared toward streets, curbs and sidewalks. There was discussion regarding work in right of ways and the possibility of adding it to the ordinance. Mr. Schwartzmier asked if there was any way for the Borough to find which utility companies are working within right of ways in the Borough so we can inform residents when they inquire about utility companies working in their area.

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WEDGEWOOD DRIVE SIDEWALK EXTENSION – A resident requested the Borough to install a sidewalk in front of an undeveloped lot owned by the Borough between 2400 and 2408 Wedgewood Drive to provide a connection to the sidewalks on both sides of the property. The issue of winter maintenance was discussed. Mr. Junker mentioned a previous sidewalk extension in Northmont Farms where the Homeowners Association agreed to provide winter maintenance. Staff will research the previous discussions and agreement.

REPORTS FROM COUNCIL MEMBERS

- **Mr. Malkin** reported that the Council Land Use Committee met this evening, and they discussed underground storage, stormwater runoff, sidewalks, steep slopes and traffic impacts. They will hold another meeting to continue the discussions on June 7th.
- **Mayor O'Keefe** discussed the tree planting event along Big Sewickley Creek in Linbrook Park last Saturday sponsored by Penn State Extension. There were many volunteers who planted 250 trees along the creek in the rain and cold. Mr. Ebner was very involved in the event, and he worked very hard. This will have a very positive long range environmental impact on the creek. The newly planted trees have been caged to protect them from wildlife. The trees were selected based upon being part of a watershed. Mr. Huff noted that the Parks Department will begin working to catalog and tag all of the trees planted in each park.
- **Dr. Li** has been approached by a few residents of Nicholson Woods asking about the possibility of installing a speed bump near the entrance of the plan. The pros and cons of speed bumps were discussed, and an alternative suggestion was made to paint lines or consider other traffic calming methods to slow down vehicles. Mr. Bucuren will look at the area and make a recommendation.
- **Mr. Myslinski** attended a session at the ALOM Conference regarding the broadcasting of meetings. Mr. Junker discussed the information that was provided during the session and noted that one of the concerns was the editing, changing, modifying or deleting of information from the recordings that might be offensive to someone. We could draft a written policy, but no other municipality has one in place that we could use. We would need to be consistent with what we do with meeting videos. Council can continue to think about it or ask the Technology Advisory Committee (TAC) for input. Mr. Nock noted that he had already forwarded draft technology policies to the TAC for their review.
- **Mr. Parks** stated that the Council Parks and Recreation Committee is scheduled to meet on May 17th from 6-7 p.m. He asked if the Committee meeting should be moved and held after the public meeting so public comments could be considered. Mr. Myslinski stated that the Committee meeting should be held at the scheduled time. Mr. Brower will report on the availability of the quiet pickleballs, and the Committee will collect information to make a recommendation to Council. Public comments can be factored into Council's final decision. It was the consensus of Council that the Committee meeting will be held at the regular time that was previously advertised.

EXECUTIVE SESSION – An executive session was held to discuss the Yochus condemnation appeal, Washington Lane, and a Police grievance.

As there was no further business, the meeting adjourned at approximately 9:35 p.m.

Respectfully submitted,



Cathy L. Krummert
Borough Secretary