

**BOROUGH OF FRANKLIN PARK
BOROUGH COUNCIL REGULAR MEETING MINUTES
WEDNESDAY, MAY 17, 2023**

The regular meeting of the Borough Council of the Borough of Franklin Park was held on Wednesday, May 17, 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:

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

SOLICITOR:

Harlan Stone, 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.....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
Sam Snyder, Police Lieutenantpresent

PRELIMINARY MATTERS

ACKNOWLEDGE RECIPIENTS OF THE 2023 FRANKLIN PARK COMMUNITY SCHOLARSHIP –

In 2003, the first Junior Councilperson, Jacob Ramsey, recommended that Borough Council establish a scholarship fund for students in the Borough of Franklin Park. The funds for the community scholarships are raised by the Borough from the ad revenue generated by the Borough newsletters, private donations, and through participation in the annual golf outing - no tax dollars are used. Thanks to all individuals and businesses for your contributions over the years. Scholarships were first awarded in 2004, and since that time, the Borough has awarded \$186,000 in scholarship funds to 187 high school seniors from Franklin Park.

The 10 students who were chosen to receive scholarships this year have all demonstrated a high level of academic performance, extensive involvement in their school community, and provided countless hours performing volunteer work to benefit others.

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Miss DiGiacomo announced the names of the students who are receiving a 2023 Franklin Park Community Scholarship this evening, and they came forward to indicate their post high school plans.

1. Ryan Day – Attending Penn State University to study Finance
2. Liam Ellis (not able to attend this evening)
3. Sophia Huwar – Attending the University of Pittsburgh to study Business
4. Sophia Kollitz – Attending the University of Tennessee to study Business/Supply Chain Mgmt.
5. Brayden Kushner – Attending Penn State University to study Computer Engineering
6. Sofia Mianzo – Attending the University of Rochester to study Chemistry
7. Sierra O’Neil – Attending the University of Pittsburgh to study Digital Design and Narrative
8. Anshul Shah – Attending the University of Washington to study Computer Science
9. Taylor Susich – Attending the University of Tennessee to study Finance
10. Eric Toledo – Attending the University of Pittsburgh to study Neuroscience

Mr. Parks also recognized the members of the Scholarship Selection Committee: Annette Blanar, Rick Chiocchi, Alyce Jacob, Jim Lawrence, Gary Slagel, Lindsay Stack and Charlie Steinmetz.

PUBLIC COMMENTS

The following attended the meeting in person and commented:

Amy Johnson, 2560 Aldon Drive – Extended a thank you to Council for their time and effort regarding the Cardinal Ridge Plan approval process; noted that she supports the firemen’s tax forgiveness as a way to say thank you to fire company members who would qualify; indicated that the website is not user friendly, and she would like to see additional links to other Allegheny County links and links in the ordinances; and it would be beneficial to see Council and Mayor on the meeting recordings rather than seeing the audience.

Dave Johnson, 2300 Salem Drive – Commented regarding the use of regular pickleballs in Old Orchard Park, noting that there were many emails and Facebook comments in support of the regular pickleballs; asked what information Council is looking for from the public regarding this matter; and encouraged pickleball play as it was intended with regular pickleballs.

Ann Fetterman, Kingridge Road – Thanked Council for working with the neighbors of Old Orchard Park regarding pickleball in the park; commented regarding the loud offensive noise from the use of regular pickleballs and residents’ rights to live in peace on their property; noted that pickleball players have a choice; and urged Council to uphold the use of the quiet pickleballs or repurpose the courts in Old Orchard Park.

Carol Hesz, 2240 Kingridge Road – Thanked Council for persevering through the long history of pickleball at Old Orchard Park and listening to residents’ concerns; reviewed the history of the events and provided comments regarding pickleball; and urged Council to continue requiring the use of quiet pickleballs as a reasonable compromise.

Rueben Clark, 2238 Kingridge Road – Commented regarding the location of pickleball courts and suggested looking long-term to put more pickleball courts in Blueberry Hill Park; and noted that the roots of Old Orchard Park are nature.

Mr. Parks summarized the following written comments submitted via email prior to this meeting:

Carrie Cannon, 2237 Kingridge Road - Relayed her support for the continued use of the low noise pickleballs in Old Orchard Park and asked who is responsible for enforcing local ordinances regarding the deer problem and “no feeding the deer”. Mr. Parks indicated that Ms. Cannon should contact the Borough Manager.

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APPROVAL OF THE MINUTES – Mr. Myslinski moved the minutes of the April 19, 2023 pre/post meeting, the April 19, 2023 regular meeting, and the May 3, 2023 work session, be approved, seconded by Dr. Li and carried.

TREASURER'S FINANCIAL REPORT – Mrs. Crain summarized the April Treasurer's Financial Report. The General Fund revenues for the month of April totaled \$408,515.00. Year-to-date total revenues are \$2,223,146.00, which represents 20% of the 2023 total budget. The General Fund expenditures for the month of April totaled \$531,219.00. Year-to-date total expenditures are \$2,473,950.00, which represents 18% of the 2023 total budget. Mr. Schwartzmier moved the April 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 April 2023. The police responded to 695 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 April 2023. Mr. Myslinski indicated that the fire company responded to 28 calls for the month and the manpower for the month totaled 563 volunteer hours.

BUILDING INSPECTION REPORT - Mr. Phillips read the Building Inspection Report for April 2023. Mr. Phillips issued 20 permits and collected \$16,605.00 in fees. Total value of construction was \$1,287,621.00.

ANNOUNCEMENT OF EXECUTIVE SESSION – Mr. Parks announced that Borough Council held an executive session on April 19, 2023 to discuss a Police grievance and Yochus litigation, and Borough Council held an executive session on May 3, 2023 to discuss the Yochus condemnation appeal, Washington Lane, and a Police grievance.

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 Mr. Myslinski and carried.

PUBLIC HEARING FOR CONDITIONAL USE APPLICATION NO. CU-23-04-01 SUBMITTED BY RON & MARLENE RABOLD, 1590 ARNDT ROAD – Mr. Parks turned the meeting over to Mr. Stone to hold the public hearing. Sherry Wurzel, court reporter, was present to take a verbatim transcript of the public hearing. Mr. Stone stated that the assessment records show that the property is 2.04 acres with a single family residential dwelling. The applicant's intent is to reconstruct a lawful non-conforming 1,440 square foot, two-story accessory garage/storage structure on the property. Conditional Use approval is sought to construct an 8' x 24' deck on the structure. Mr. Stone introduced exhibits into the record. Mr. Ron Rabold explained that they are replacing a barn built back in the 1930s with a 24 'x 30' two-story garage, and they want to put a 24 'x 8' deck on one side for plants and vegetables and for his son to put up a telescope. The Planning Commission recommended approval of the application. Mr. Myslinski moved to close the public hearing, seconded by Mr. Malkin and carried. Mr. Malkin moved to approve Conditional Use Application No. CU-23-04-01 submitted by Ron & Marlene Rabold for a garage addition larger than 1,000 square foot of GFA on the property located at 1590 Arndt Road in the R-2 zoning district, contingent upon compliance with the Building Inspector/Zoning Officer's Staff Report dated April 25, 2023, seconded by Mr. Myslinski and carried.

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NICHOLSON HEIGHTS PLAN, SITE PLAN AND STORMWATER REVISIONS – Mr. Schwartzmier moved to approve Site Plan and Stormwater Revisions for the Nicholson Heights Plan (Preliminary and Final Subdivision Application SPF-22-04-01) as originally approved by Resolution No. 1304-2022 on July 20, 2022, and contingent upon compliance with the letter from Lennon, Smith, Souleret Engineering, Inc. dated April 10, 2023, seconded by Mr. Malkin and carried.

DEERFIELD ESTATES PLAN PHASE I, REDUCTION OF SET-ASIDE AGREEMENT – Dr. Li moved the Set-Aside Agreement in the amended amount of \$599,970.00 for the Deerfield Estates Plan Phase I, be reduced by \$44,190.00 leaving a balance of \$555,780.00, in accordance with the letter from Lennon, Smith, Souleret Engineering, Inc. dated May 3, 2023, seconded by Mr. Myslinski. Dr. Li asked for clarification regarding the recommended reduction, and Mr. Wingrove noted that the reduction was for sidewalk construction and E&S control cleanup. The motion carried.

WILLOW RIDGE PLAN, ACKNOWLEDGE RECEIPT OF ENGINEER'S LETTER RECOMMENDING ACCEPTANCE – Mr. Palled moved to acknowledge receipt of the Borough Engineer's letter dated May 3, 2023 recommending that the Borough accept the request for acceptance of the Willow Ridge Plan, and direct the Solicitor to prepare the required maintenance agreement and ordinance, seconded by Mr. Malkin and carried.

BLISS RESIDENTIAL LAND DEVELOPMENT PLAN, FIRST ADDENDUM TO DEVELOPMENT AGREEMENT – Mr. Schwartzmier moved the Borough enter into a First Addendum to Development Agreement with Memory Lane Venture LLC for the development and construction of the Bliss Residential Land Development Plan, located off Washington Lane, seconded by Mr. Myslinski and carried. Mr. Malkin noted that he abstained from voting and had filed the required abstention form with the Borough Secretary.

ORDINANCE NO. 676-2023, REPEALING & RESTATING CHAPTER 19, "CLAIMS, MUNICIPAL," IN THE CODE OF THE BOROUGH OF FRANKLIN PARK – Mr. Stone summarized Ordinance No. 676-2023. Mr. Myslinski moved to enact Ordinance No. 676-2023, repealing and restating Chapter 19 in the Code of the Borough of Franklin Park, "Claims, Municipal," adopting a schedule of attorney fees in connection with the collection of taxes, tax claims, tax liens, municipal claims, and municipal liens pursuant to Act 1 of 1996 and Act 20 of 2003, adopting a schedule of charges, expenses and fees pursuant to the Municipal Claims and Tax Liens Law, and repealing any other ordinances inconsistent herewith, seconded by Mr. Malkin and carried.

ORDINANCE NO. 677-2023, AUTHORIZING THE CONDEMNATION BY EMINENT DOMAIN OF REAL PROPERTY FOR MUNICIPAL PURPOSES – Mr. Stone summarized Ordinance No. 677-2023. Mr. Malkin moved to enact Ordinance No. 677-2023, authorizing the condemnation, by eminent domain, of real property for municipal purposes, seconded by Mr. Palled. Mr. Ebner explained that this condemnation is for a piece of property for which the Borough has entered into a sales agreement to potentially purchase. As part of the transaction, the seller requested the condemnation in order to receive a tax credit which is a common practice. The motion carried.

PURCHASE MOWER FOR PARKS DEPARTMENT – Mr. Myslinski moved to authorize the purchase of a new 2023 Exmark 52" Walk Behind Mower with accessories for the Parks Department, from Jefferson Hills Lawn Equipment of Jefferson Hills, PA, at a cost of \$7,319.00 after trade-in, seconded by Dr. Li and carried.

RESOLUTION NO. 1331-2023, TRADE IN OF MOWER – Mr. Stone summarized Resolution No. 1331-2023. Mr. Schwartzmier moved to adopt Resolution No. 1331-2023, authorizing the trade-in of one 2014 Exmark 52" Turf Tracer Walk Behind Mower for the amount of \$1,200.00 toward the purchase of a new 2023 Exmark 52" Walk Behind Mower, previously authorized, seconded by Mr. Myslinski and carried.

PROCLAMATION FOR EMERGENCY MEDICAL SERVICES WEEK 2023 – Mayor O'Keefe read the Proclamation for Emergency Medical Services Week 2023. Mr. Myslinski moved to proclaim the week of May 21-27, 2023 as Emergency Medical Services Week, seconded by Mr. Palled and carried.

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RESOLUTION NO. 1332-2023, AMENDING McCANDLESS-FRANKLIN PARK AMBULANCE AUTHORITY'S ARTICLES OF INCORPORATION – Mr. Stone summarized Resolution No. 1332-2023. Dr. Li moved to adopt Resolution No. 1332-2023, amending the McCandless-Franklin Park Ambulance Authority's Articles of Incorporation to extend the Authority's term of existence, seconded by Mr. Schwartzmier. Mr. Malkin explained that the Authority has a term limit of 50 years that must be renewed. The motion carried.

ANNUAL DONATION TO THE McCANDLESS-FRANKLIN PARK AMBULANCE AUTHORITY – Mr. Palled moved to authorize the annual donation to the McCandless-Franklin Park Ambulance Authority in the amount of \$105,500.00, seconded by Mr. Schwartzmier and carried.

BOLSTER DeHART INC. COMMERCIAL SERVICE AGREEMENTS – Mr. Myslinski moved to renew the annual Commercial Service Agreements with Bolster-DeHart Inc. of Pittsburgh, PA 15237 for heating and air conditioning maintenance and emergency service at six borough facilities including the municipal building, public works building, Blueberry Hill Park activity center, Blueberry Hill Park maintenance building, Clover Hill Golf Course clubhouse and the Clover Hill Golf Course maintenance building, at a total cost of \$3,322.00, seconded by Mr. Schwartzmier and carried.

REAL ESTATE TAX EXONERATION AND EXEMPTION FOR BOROUGH OWNED PROPERTY – Mr. Malkin moved the Real Estate Tax Collector be exonerated from collecting Borough real estate taxes in the amount of \$490.45, and the Borough be exempted from paying these Borough real estate taxes, seconded by Mr. Myslinski and carried.

RESOLUTION NO. 1333-2023, AMENDING THE SCHEDULE OF FEES – Mr. Stone summarized Resolution No. 1333-2023. Dr. Li moved to adopt Resolution No. 1333-2023, amending and revising the schedule of fees per Borough ordinances, to amend rates for Codes and Building and Fire Prevention, seconded by Mr. Malkin. Mr. Malkin noted that this will bring up the fees for inspections and permitting that have not been increased for a while. The motion carried.

DISCUSSION REGARDING PICKLEBALL IN OLD ORCHARD PARK

Mr. Parks stated that a special notification had been sent out regarding pickleball, and it said that the topic would be to either maintain the status quo or to reopen discussions regarding the posted rules and regulations for Old Orchard Park. He then opened the floor for Council discussions.

Mr. Myslinski noted that the Council Parks & Recreation Committee met earlier this evening to discuss this matter, and the options were summarized very well. While this is an emotional issue, it is important that we are all operating on the same set of facts. The compromise that was reached at the end of 2021 involved a trial with the soft pickleballs. We tried that for about a month and then agreed to that compromise. It is not still at the trial phase. We did in fact conduct an extensive sound study that found that the noise does violate the level set in our ordinances. Internet searches show that noise from pickleball is a real problem. It is not something unique to Franklin Park, but what is unique to Old Orchard is the topography that was discussed in the sound study as well. This may be different from other places where a 150 foot distance from a court to a house is appropriate for a flat environment. One of the largest issues we face is enforcement. We tried compromises with hours, and we found self-enforcement to be a problem. Self-enforcement of the quiet pickleballs seems to be an issue as well. It was stated in the Committee meeting that the soft pickleballs are not readily available right now. Mr. Brower had stated that we have a quantity of about 50 soft pickleballs, which will hopefully get us through providing these balls for the rest of 2023. These are the facts and hopefully we can all agree and have a discussion around those facts.

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Mr. Schwartzmier stated that he had prepared a map showing the distance to every home from the center of the pickleball court. Some of the distances were approximately 750-800 feet away. Most of Council, if not all, visited many of the homes along Kingridge Road and Old Orchard Drive during the day while regular pickleball play was going on before changes were made. The noise did vary somewhat from house to house, but the topography in that area is extremely unique. The sound was very audible and after standing in several rear yards and on back porches, he could understand why it might be a concern. His hearing is not the best, and he noted that it was audible at the most distant home. The noise from the regular pickleballs can certainly be heard, and it certainly is much improved with the use of the quiet pickleballs. As a professional engineer, he was involved in a lot of acoustical studies at UPMC with vibration related to very sensitive medical equipment and very noisy mechanical equipment on top of buildings that led to a lot of community complaints. Council did their due diligence to investigate the noise issue, and this was not an easy decision. If Council had known that this would be an issue at the time the park was constructed, the pickleball court would not have been located in this park. Nobody had any suspicions that this was going to be an issue, and it would not be in their purview to develop a recreational facility that would impact the residents in the area. Council did not realize at the time that the upward topography and the way the sound bounces in that particular area is somewhat unique to that site.

Mr. Malkin was concerned that taxpayer money went toward the construction of the pickleball court and Council is not taking into consideration their interests in pickleball. Council had discussed forward planning to make sure that there are enough resources for the pickleball players because it is in demand.

Mayor O'Keefe has resided in that area for 47 years, and he remembers when that area was just a field. When discussions started to take place regarding the development of the park, the Borough was very open with the residents, and he recalls several meetings regarding the development of the park. It was described as a low impact park with no lights or professional play.

Mr. Palled thanked everyone for their comments. He understands that the quiet pickleballs are on backorder or they are no longer being produced. The Borough built this court as a public service, and we need to think about this long term. We may need to explore other avenues as we explore long-term planning. Possible things to look at is if sound proofing is available, and some municipalities nationally have done this. Given the topography, we could investigate barriers around the sides that could mitigate the noise. Mr. Myslinski noted that the sound study had indicated that any type of barrier would need to be at least as high as the houses, which would be extremely high.

Mr. Parks indicated that Council received many emails that discussed the challenges associated with this matter. In the last six months, there have been 128 resolutions, ordinance changes and motions. Council does not only have to deal with pickleball. They have to deal with all the issues associated with the Borough. We have spent endless hours on this matter, and we need to move on. Mr. Parks asked each Council member to say if we should move on from here with the status quo or consider potential changes in the future.

Mr. Myslinski – Move forward with the status quo at least while we investigate if we can purchase the quiet pickleballs. We should look at a long-term plan for more courts.

Dr. Li - Move forward with the status quo and look at a long-term plan for more courts.

Mr. Schwartzmier - Move forward with the status quo. Investigate quiet pickleballs and ask if they are out of production or out of stock. He plans to call the company to ask questions. He cannot see going back to the noise levels with the standard pickleballs.

Mr. Malkin – Pickleball players are looking for resources to enjoy the sport, and he sympathizes with them that they cannot use this resource. We need a long-term solution to get more courts in Blueberry in a quick and efficient manner. He also understands the neighbors' frustrations with the noise, and he was struck by the fact that he could hear the sound when visiting the homes. He believes we should move forward with the status quo and look at installing more courts as quickly as possible.

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Mr. Palled – He would turn it into a basketball court or something useful. However, he is fine with the current status quo and looking into long-term planning. If the quiet balls are not available in the coming weeks or months, we should revisit the matter. Long term there has to be a better end to this than to use green space for the court since it has not yielded a benefit.

Mr. Parks – Move forward with the status quo and look into the availability of the quiet balls.

Mayor – Agrees with Council's decision to move forward with the status quo.

Mr. Myslinski recommended that the Borough stop the sale of the quiet pickleballs that we have on hand so we can keep a supply of the balls at the courts for use by pickleball players.

BOROUGH MANAGER – Congratulated the scholarship recipients and thanked the Scholarship Selection Committee members for their hard work.

SOLICITOR – Mr. Stone thanked Council for having him this evening.

MAYOR O'KEEFE – Congratulated the scholarship recipients and wished them success as they continue their education.

MR. PALLED – Thanked Mr. Stone for filling in for Mr. Junker this evening. He congratulated the scholarship recipients and reminded everyone of the McCandless-Franklin Park Ambulance Authority Open House on Sunday, May 21st.

MR. MALKIN - Congratulated the scholarship recipients.

MR. MYSLINSKI - Congratulated the scholarship recipients and thanked the Scholarship Selection Committee for their hard work. Mr. Myslinski and Mr. Palled serve on the Comprehensive Plan Steering Committee with Ohio Township, and they have a very rough draft of the Plan. The engineers are putting together a final draft that will be available for public review for 45 days this summer. Everyone has put in a lot of work, and they are looking forward to this process.

DR. LI – He has known one of the scholarship recipients who is a great student and who has done a lot of community work. The scholarship program sets a good example for the Borough, and it is great for the young students to use this money toward their education.

MR. SCHWARTZMIER - Congratulated the scholarship recipients and thanked the Scholarship Selection Committee members. The students are very deserving, and North Allegheny is truly one of the best school districts in Allegheny County.

MR. PARKS – A North Allegheny student bugler will play taps in front of Franklin Elementary School at 3:00 p.m. on Memorial Day to participate in Taps Across America, an annual national moment of remembrance that asks Americans, wherever they are at 3:00 p.m. local time on Memorial Day, to pause for a duration of one minute to remember those who have died in military service to the United States.

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 9:30 p.m.

Respectfully submitted,



Cathy L. Krummert
Borough Secretary

Audience Present - 44 (42 in person/2 virtual)