

**BOROUGH OF FRANKLIN PARK
BOROUGH COUNCIL REGULAR MEETING MINUTES
WEDNESDAY, MAY 18, 2022**

The regular meeting of the Borough Council of the Borough of Franklin Park was held on Wednesday, May 18, 2022 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 Jackie DiGiacomoabsent
Mayor Dennis E. O'Keefepresent

BOROUGH 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 Managerpresent
Walt Healy, Police Chief.....present
Cathy Krummert, Borough Secretarypresent
Tim Phillips, Building Inspector/Zoning Officer.....absent

PRELIMINARY MATTERS

ACKNOWLEDGE RECIPIENTS OF THE 2022 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 and wine and cheese event - 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 \$176,000 in scholarship funds to 177 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. Mr. Parks noted that seven recipients are receiving their scholarships this evening, and the remaining three recipients will receive their scholarships at the June regular meeting.

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Mr. Parks then announced the names of the students who are receiving their 2022 Franklin Park Community Scholarship this evening.

1. Ariella Avigad - Attending Cornell University to study Engineering
2. Lydia Cwalina - Attending the University of Pittsburgh to study Pre-Dentistry and Finance
3. Emily Gierczynski - Attending Duquesne University to study Speech Pathology
4. Megan Quinlan - Attending West Virginia University to study Psychology
5. Briona Rice - Attending Slippery Rock University to study Exercise Science
6. Sarah Sharar - Attending the University of Pittsburgh to study Pre Physical Therapy as a Biological Science Major
7. Abhinav Yarlagadda - Attending Northeastern University to study Mechanical Engineering

Mr. Parks also recognized the members of the Scholarship Selection Committee: Annette Blonar, Rich Chiochi, Ron Coombs, Alyce Jacob, Jim Lawrence, Gary Slagel, and Charlie Steinmetz.

PUBLIC COMMENTS

The following attended the meeting in person and commented:

Tom Rooney and Kaiti King of the Borough Historical Committee – Provided an update regarding the newly formed Historical Committee.

Diane Lichtman, 1716 St. Johns Lane – Commented regarding development and greenspace and asked that the Borough keep our surroundings pleasant, keep property values up and keep a place where we all want to live.

APPROVAL OF THE MINUTES – Mr. Myslinski moved the minutes of the April 20, 2022 pre-meeting, the April 20, 2022 regular meeting, and the May 4, 2022 work session minutes, be approved, seconded by Mr. Palled 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 \$442,202.27. Year-to-date total revenues are \$2,227,743.24, which represents 21% of the 2022 total budget. The General Fund expenditures for the month of April totaled \$764,035.86. Year-to-date total expenditures are \$2,730,459.41, which represents 22% of the 2022 total budget. Mr. Schwartzmier moved the April Treasurer's Financial Report be accepted as read, seconded by Mr. Myslinski and carried.

POLICE REPORT – Mayor O'Keefe read the Police Report and activity report for the month of April 2022. The police responded to 684 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 2022. Mr. Myslinski indicated that the fire company responded to 20 calls for the month and the manpower for the month totaled 502 volunteer hours.

BUILDING INSPECTION REPORT - Mr. Ebner read the Building Inspection Report for April 2022. Mr. Phillips issued 26 permits and collected \$5,332.00 in fees. Total value of construction was \$715,906.00.

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ANNOUNCEMENT OF EXECUTIVE SESSION – Mr. Parks announced that Borough Council held the following executive sessions:

April 20, 2022 to discuss a potential property purchase, Public Works/Parks contract negotiations, Odoriso potential litigation, Willow Ridge potential litigation and Summer Fields potential litigation.

May 4, 2022 to discuss the Yochus litigation, Odoriso litigation, Bliss Land Development potential litigation, Davies potential litigation, Matteo potential litigation, personnel, potential property purchase and the Public Works/Parks contract.

May 18, 2022 to discuss the Public Works/Parks contract, a potential property purchase, a potential property acquisition and the Hartman Farms litigation.

OLD BUSINESS

None

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 – ORDINANCE NO. 666-2022, FARMERS' MARKETS - 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 hearing. Mr. Junker entered exhibits into the record and summarized the proposed ordinance amendment adding Farmers' Markets. The Planning Commission had extensively discussed the matter over several meetings and provided a draft ordinance to Borough Council for consideration. Any property owner intending to have a farmers' market would need to apply for conditional use approval, receive a recommendation from the Planning Commission and have a public hearing in front of Borough Council. Borough Council may impose any other reasonable conditions or safe guards that are appropriate under the Zoning Ordinance and the Municipalities Planning Code. Dan Gramc, attorney and member of St. John and Paul Church was present along with Janet Roberto and Tom Rooney. The church would like to hold a farmers' market seasonally, once a week, for a short time (May through early October). They have been in contact with Soergel Orchards and Kaelin Farm Market and neither have an objection. Both were invited to participate. Mr. Gramc asked that Council enact the ordinance this evening. Mr. Myslinski stated that he had provided copies of the proposed ordinance to both Soergels and Kaelins. They both believe that this will have an impact on their business, but if their neighbors want it, they will support it. Soergels asked how the church will make sure that the 75% local requirement is enforced. Ms. Roberto noted that "local" will include Allegheny County and a little bit of the Butler County area. After doing research, she found that farmers will not come further than that. She does not know at this time what vendors will be available. Diane Lichtman, 1716 St. Johns Lane, commented that a local farmers' market near her home may entice her to also go to other farmers' markets. Andy Nock, 2153 Reis Run Road, commented that this matter should be carefully considered because of competition to the four local farms, Soergels, Kaelins, Eichners and Shenots.

Mr. Myslinski moved to close the public hearing, seconded by Mr. Schwartzmier and carried.

Mr. Myslinski moved to enact Ordinance No. 666-2022 amending Chapter 212 in the Code of the Borough of Franklin Park, "Zoning," to: (1) allow farmers' markets as an accessory conditional use within the R-4 zoning district; (2) to amend the defined term "farm market" to "farm stand" and to add a definition of "farmers' market;" (3) to amend the requirements applicable to "farm stands" and to add requirements for "farmers markets" contained in § 212-1909, including setbacks, hours of operation, parking, and other reasonable conditions; (4) to amend Attachment 1 to reflect the changes in defined terms and addition of farmers' markets as an accessory use; (5) to repeal all inconsistent ordinances; (6) to establish a savings clause; and (7) to establish the ordinance effective date, seconded by Dr. Li. Mr. Malkin commented that Mr. Nock made some good points and asked if there is something Council can do to make a farmers' market more friendly for the local farms. There was a brief discussion. Mr. Parks called for a vote.

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Mr. Myslinski voted "No" and all other Council members voted in favor. The motion carried. Mr. Gram provided one final comment that all local farms are invited to participate in the farmers' market at the church.

ORDINANCE NO. 667-2022, PEDDLING AND SOLICITING - Mr. Junker summarized Ordinance No. 667-2022. Mr. Malkin moved to enact Ordinance No. 667-2022 amending Chapter 154, "Peddling and Soliciting," in the Code of the Borough of Franklin Park to amend and restate the regulations for residential door-to-door peddling, soliciting, canvassing, and transient retail business licenses, and to establish fine and penalties, seconded by Mr. Schwartzmier. Dr. Li asked how this ordinance can be made easier for residents to understand. Mr. Junker responded that it is a complex issue, and it is difficult to summarize in a few sentences. He reviewed some parts of the ordinance and noted that it is available on the Borough website. Mr. Malkin commented that the ordinance went through rigorous review, and it is as clear as it can be while being in compliance with First Amendment Constitutional Law. Mr. Parks called for a vote, and the motion carried.

INTRODUCE ORDINANCE NO. 668-2022, DEDICATION OF ADDITIONAL RIGHT OF WAY FOR SUMMER FIELDS PLAN OF LOTS SIDEWALKS - Mr. Junker introduced Ordinance No. 668-2022 accepting the dedication of additional right-of-way along Brandt School Road for the installation of the sidewalk in the Summer Fields Plan of Lots as the same are laid out and recorded in the Allegheny County Department of Real Estate in Plan Book Volume 294, Page 118; addressing a maintenance agreement; and requiring the developer to reimburse the Borough's expenses. This ordinance will be advertised for potential action at the June regular meeting.

REAPPROVE RESOLUTION NO. 1262-2021, ORCHARD HILL CHURCH PAVILION PROJECT - Mr. Schwartzmier moved to reapprove Resolution No. 1262-2021 approving Land Development Application No. LPF-21-04-01 submitted by Orchard Hill Church for the Orchard Hill Church Pavilion Project for a pavilion building to be located at 2551 Brandt School Road in the M-2 zoning district, with all of the conditions as set forth when Resolution No. 1262-2021 was originally adopted on May 19, 2021, seconded by Mr. Myslinski 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 \$297.47, and the Borough be exempted from paying these Borough real estate taxes, seconded by Dr. Li and carried.

ANNUAL DONATION TO THE McCANDLESS FRANKLIN PARK AMBULANCE AUTHORITY - Mr. Myslinski moved to authorize the annual donation of \$30,000.00 to the McCandless-Franklin Park Ambulance Authority, seconded by Mr. Schwartzmier and carried.

AWARD SHACOG SPRING COMMODITY BID FOR THERMOPLASTIC PAVEMENT MARKINGS - Mr. Palled moved the following 2022 spring commodities bid be awarded as submitted to the SHACOG Purchasing Alliance for its bid opening on March 10, 2022:

Thermoplastic Pavement MarkingsEnnis-Flint, Inc., Greensboro, NC 27410

seconded by Mr. Malkin and carried.

AMEND MOTION FOR PURCHASE OF INTERNATIONAL CAB AND CHASSIS - Dr. Li moved to amend the motion previously adopted on January 20, 2021 regarding the purchase of one 2022 International Cab and Chassis for \$86,996.70 under COSTARS Contract No. 025-101, to instead authorize the purchase of a 2023 International Cab and Chassis for an additional \$4,304.30 due to supply chain issues and market conditions, seconded by Mr. Schwartzmier and carried.

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FEASIBILITY STUDY FOR BUILDINGS LOCATED AT 2634 BIG SEWICKLEY CREEK ROAD –

Mr. Palled moved to authorize the Borough Manager to execute the Service Order Authorization revised on May 10, 2022, for the Borough Engineer to coordinate the various professional services and firms as described therein to continue the Feasibility Study regarding the reuse of the Borough's existing buildings located at 2634 Big Sewickley Creek Road, for a total amount not to exceed the \$40,000.00 approved in the 2022 budget, seconded by Mr. Myslinski and carried.

DEERFIELD ESTATES PLAN PHASE I, REDUCTION OF SET-ASIDE AGREEMENT –

Mr. Schwartzmier moved the Set-Aside Agreement in the amended amount of \$1,579,500.00 for the Deerfield Estates Plan Phase I, be reduced by \$443,110.00 leaving a balance of \$1,136,390.00, in accordance with the letter from Lennon, Smith, Souleret Engineering, Inc. dated May 11, 2022, seconded by Dr. Li. Mr. Malkin asked, and Mr. Wingrove provided a brief review of the developer's requested amount vs the amount that was actually recommended for release. Mr. Parks called for a vote, and the motion carried.

PROPOSAL TO DETERMINE RADIO AND CELL SIGNAL STRENGTH IN THE BOROUGH-

Mr. Palled moved to accept the proposal from RJM Wireless Consulting Services, Inc. for RF Engineering Review and Analysis and Drive Test Services for radio and cell signal strength at a not to exceed cost of \$25,000.00, seconded by Mr. Malkin and carried.

RATIFY PURCHASE OF SERVER FOR POLICE DEPARTMENT – Mr. Myslinski moved to ratify the purchase of a new Server for the Police Department at a cost of \$25,545.44 from Total Technology Solutions of Melville, NY, in accordance with the exception set forth in Section 1402(d)(3) of The Borough Code, seconded by Mr. Schwartzmier. Mr. Malkin asked for clarification regarding the referenced section of the Borough Code. Mr. Junker noted that it refers to computer software and computer equipment that is specific and either copyrighted, patented or otherwise required for specifications. Mr. Parks called for a vote, and the motion carried.

AGREEMENT WITH WILLIAM C. SCHWEITZER, JR. – Mr. Schweitzer moved to ratify the Borough Manager's execution of an agreement with William C. Schweitzer, Jr., seconded by Dr. Li and carried.

RATIFY PROMOTION OF JAMES D. HUFF, JR. TO MANAGER OF GOLF COURSE AND PARK FACILITIES – Mr. Myslinski moved to ratify the promotion of James D. Huff, Jr. to the position of Manager of Golf Course and Park Facilities, at a rate of \$80,000.00 per year, effective May 2, 2022, seconded by Dr. Li and carried.

AGREEMENT OF SALE TO PURCHASE VACANT PROPERTY ON BIG SEWICKLEY CREEK 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 Big Sewickley Creek Road and identified as Allegheny County Block and Lot No. 1343-L-195, seconded by Mr. Schwartzmier and carried.

RESOLUTION NO. 1298-2022, TRAILS GRANT APPLICATION – Mr. Junker summarized Resolution No. 1298-2022. Mr. Schwartzmier moved to adopt Resolution No. 1298-2022 authorizing the Borough Manager to apply for an American Recovery Plan Act Trails Grant with the Redevelopment Authority of Allegheny County for the purchase of real property located on Big Sewickley Creek Road for the purpose of preserving green space, expanding the Borough park system, and allowing for the extension of a trail system through the Borough as part of a County-wide proposed trail system, seconded by Mr. Myslinski and carried.

LOCAL GOVERNMENT ACADEMY 2022 MUNICIPAL INTERN PROGRAM AGREEMENT – Mr. Malkin moved to ratify the Borough Manager's execution of the Local Government Academy 2022 Municipal Intern Program Agreement, seconded by Dr. Li and carried.

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MAYOR O'KEEFE – Thanked the members of the Scholarship Selection Committee for their hard work reviewing the scholarship applications, and he congratulated the scholarship recipients. He also thanked Tom Rooney and Kaiti King for providing an update on the Historical Committee this evening.

MR. PALLED – Congratulated the scholarship recipients and wished them the best of luck in their future endeavors.

MR. MALKIN – Congratulated the scholarship recipients.

MR. MYSLINSKI – Congratulated the scholarship recipients and thanked the Scholarship Selection Committee members for all of their hard work. He also noted that the new monthly digital newsletter came out this week, and he encouraged residents to sign up through the website to receive this new newsletter.

DR. LI – Congratulated the scholarship recipients.

MR. SCHWARTZMIER – Acknowledged the comment made earlier this evening regarding greenspace preservation. He stated that Council agrees that we need to preserve greenspace, and we are doing what we can to make it a reality. He also congratulated the scholarship recipients.

MR. PARKS – He is excited about the purchase of additional property, and Council is stepping forward to preserve greenspace.

COMMENTS FROM THE FLOOR - None

MOTION TO ADJOURN – Mr. Malkin moved to adjourn the meeting, seconded by Mr. Myslinski and carried. The meeting adjourned at 9:02 p.m.

Respectfully submitted,



Cathy L. Krummert
Borough Secretary

Audience Present - 37 (32 in person/5 virtual)