

**BOROUGH OF FRANKLIN PARK
BOROUGH COUNCIL REGULAR MEETING MINUTES
WEDNESDAY, AUGUST 16, 2023**

The regular meeting of the Borough Council of the Borough of Franklin Park was held on Wednesday, August 16, 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'Keefeabsent

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.....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 Lieutenant.....present

PRELIMINARY MATTERS

None

PUBLIC COMMENTS

None

APPROVAL OF THE MINUTES – Mr. Malkin moved the minutes of the July 19, 2023 pre/post meeting, the July 19, 2023 regular meeting, and the August 2, 2023 work session, be approved, seconded by Dr. Li and carried.

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TREASURER'S FINANCIAL REPORT – Mrs. Crain summarized the July Treasurer's Financial Report. The General Fund revenues for the month of July totaled \$341,867. Year-to-date total revenues are \$5,933,269, which represents 53% of the 2023 total budget. The General Fund expenditures for the month of July totaled \$732,944. Year-to-date total expenditures are \$5,594,692, which represents 42% of the 2023 total budget. Dr. Li moved the July Treasurer's Financial Report be accepted as read, seconded by Mr. Myslinski and carried.

POLICE REPORT – Mr. Schwartzmier read the Police Report and activity report for the month of July 2023. The police responded to 455 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 July 2023. Mr. Myslinski indicated that the fire company responded to 19 calls for the month and the manpower for the month totaled 389 volunteer hours. He also noted that Ray Maas, a fire company member of 63 years and past Fire Chief, had passed away and would be missed by all.

BUILDING INSPECTION REPORT - Mr. Phillips read the Building Inspection Report for July 2023. Mr. Phillips issued 25 permits and collected \$3,051 in fees. Total value of construction was \$374,567.

ANNOUNCEMENT OF EXECUTIVE SESSION – Mr. Parks announced that Borough Council held an executive session on July 19, 2023 to discuss personnel and potential litigation, and Borough Council held an executive session on August 2, 2023 to discuss personnel and the Davies 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. Myslinski and carried.

PUBLIC HEARING FOR CONDITIONAL USE APPLICATION NO. CU-23-07-02 SUBMITTED BY CHERYL ZORICH, 1585 BELLMONTE ROAD – Mr. Parks turned the meeting over to Mr. Junker to hold the public hearing. Sherry Wurzel, court reporter, was present to take a verbatim transcript of the public hearing. The property is owned by Zach and Brianna Maisner, and assessment records show that the property is 1.46 acres and is currently improved with a single family residential dwelling and a secondary accessory structure used as an in-law suite. The applicant intends to expand the secondary structure. Mr. Junker entered preliminary exhibits into the record. Ms. Cheryl Zorich explained that she lives in the mother-in-law suite on the Maisner's property, and they are putting on a porch with a roof. Mr. Zach Maisner, one of the property owners, was also present. Mr. Phillips indicated that all is in order with the application, and it was recommended by the Planning Commission. Ms. Zorich indicated that they hope to start construction in September. Mr. Myslinski moved to close the public hearing, seconded by Mr. Malkin and carried. Mr. Myslinski moved to approve Conditional Use Application CU-23-07-02 submitted by Cheryl Zorich for an accessory use dwelling addition that will increase the size of the existing structure over 1,000 sq. ft. of GFA on the property located at 1585 Bellmonte Road in the R-2 zoning district, contingent upon compliance with the Building Inspector/Zoning Officer's Staff Report dated July 27, 2023, seconded by Mr. Schwartzmier and carried.

PUBLIC HEARING TO RECEIVE PUBLIC COMMENTS REGARDING THE 2023 FRANKLIN PARK – OHIO TOWNSHIP JOINT COMPREHENSIVE PLAN – Mr. Parks turned the meeting over to Mr. Junker to hold the public hearing. Sherry Wurzel, court reporter, was present to take a verbatim transcript of the public hearing. The public hearing on the Borough of Franklin Park and Ohio Township Joint Comprehensive Plan is required under Section 302 of the Pennsylvania Municipalities Planning Code.

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Tonight's agenda includes a motion to approve the Comprehensive Plan; however, Borough Council intends to table that motion at the end of the public hearing and take up action on the Comprehensive Plan at the September 20th regular meeting after consideration of the presentation and public comments this evening. Mr. Junker entered exhibits into the record. Ms. Laura Ludwig, Ms. Sommer Schneller and Ms. Lori Morgan of Herbert, Rowland & Grubic, Inc. gave a PowerPoint presentation regarding the Comprehensive Plan. They noted that Ohio Township had already adopted the Plan earlier this month. The Planning Commission reviewed the Plan in July and August and recommended that Council approve the Plan.

The following Council members commented:

- Mr. Parks stated that it has been a long process with a good presentation tonight. He thinks the Plan is very effective and a great guideline for the future.
- Mr. Myslinski stated that he sat through much of this process as a Steering Committee member. He thanked HRG for their hard work and thanked staff who put a lot of input and thought into the Plan. It looks great.
- Dr. Li commented on the sketch on slide 21 showing possible development in the Linbrook Park area. He personally did not like what was shown on the sketch for a rural area. People will want to enjoy the view of the trees and landscape.
- Mr. Schwartzmier stated that the Plan is very well put together and extended his thanks for all of the hard work that went into it. The Borough is always looking for opportunities to improve existing parks and green spaces, and when an opportunity to acquire some property comes around, we cannot always discuss, but if it makes sense, we make the decision to move forward. A lot of our parks are in need of improvement and there are some big things coming in Acorn Park. He spends a lot of time with his grandchildren in local parks and shares information with staff. The Plan reaffirms what Council has been doing, and we should continue it as well.

The floor was then opened for public comments:

Letitia Savage, 2378 Magee Road Extension commented regarding the extension of sewers in the western part of the Borough (page 46) and a suggestion to work closely with the developers in prioritizing where the utility expansions would happen. She thinks that should be deleted, and developers should not have any special standing beyond what the residents have. It gives the mistaken impression that the Borough is developer friendly. She also commented that she agrees with Dr. Li and does not understand the concept of a strip development next to a park. It detracts from the historic house in that area. There are also historic road beds that would really lend themselves to the trails for connectivity. Having commercial development next to a trail would really detract from it. The community garden is currently located in this area, and it is difficult to get in and out because of the sight lines. Overall, this is a really good Plan to implement going forward.

Charles Horton, 1654 Farmington Court commented that there is one topic that really needs to get some more focus and that is the cost of each proposal, not only to the Borough, but also to residents. Improving parks and preserving green spaces do not hurt anyone's property value. When HRG was addressing conservation, it was pointed out that private property is an issue, and this affects how the Borough needs to handle these different proposals. He indicated that the proposals for cellular and broadband should not be combined because they involve different companies, different industries, different solutions and they are different issues. The cost of a cell tower is stated in one of the appendices as "minimal", but it could cost as much as 20% of the property value of a property near a large cell tower. It would have a highly negative effect on property value for some Franklin Park residents. The public does not want new giant eyesores like cell towers. He requested that this section be reworded to make it clear that any changes to wireless service must keep resident property values in the forefront.

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Joseph Migliozi, 1545 King James Drive commented he did not see that a cell tower is something that people were asking for, but what he did hear was enhanced tree cover, community gardens, protecting natural habitat and stormwater management. It has been pretty clear in the past that the things residents are asking for do not include cell towers.

Mr. Junker explained that there will not be a motion or vote tonight. A resolution will be prepared for the September 20th regular meeting in which to take further action. The Planning Commission will have one more say at their meeting on September 19th as well.

Mr. Myslinski moved to close the public hearing, seconded by Mr. Malkin and carried. Mr. Myslinski moved to table the vote on the 2023 Franklin Park Borough and Ohio Township Joint Comprehensive Plan, seconded by Mr. Malkin and carried.

THE ROSS PLAN SUBDIVISION APPLICATION, 2233 McALEER ROAD – Mr. Myslinski moved to approve Subdivision Application No. SS-23-07-01, submitted by Gregory Ross for The Ross Plan, a lot line revision combining two lots into one lot located at 2233 McAleer Road, in the R-2 zoning district, contingent upon compliance with the Building Inspector/Zoning Officer's Staff Report dated August 4, 2023, and the letter from Lennon, Smith, Souleret Engineering, Inc. dated August 3, 2023, seconded by Dr Li and carried.

RESOLUTION NO. 1336-2023, DISPOSITION OF RECORDS – Mr. Junker summarized Resolution No. 1336-2023. Dr. Li moved to adopt Resolution No. 1336-2023 declaring the Borough's intent to follow the schedules and procedures for the disposition of records as set forth in the Municipal Records Manual approved December 16, 2008, as amended March 28, 2019, seconded by Mr. Palled and carried.

RESOLUTION NO. 1337-2023, ALLEGHENY COUNTY CDBG & HOME PROGRAMS – Mr. Junker summarized Resolution No. 1337-2023. Dr. Li moved to adopt Resolution No. 1337-2023 authorizing participation in the Allegheny County Community Development Block Grant and HOME Investment Partnerships Programs for three program years 2024, 2025, and 2026, seconded by Mr. Myslinski and carried.

SQUIRE RIDGE III PLAN, RECOMMENDATION FOR ACCEPTANCE OF PUBLIC IMPROVEMENTS – Mr. Schwartzmier moved to acknowledge receipt of the Borough Engineer's letter dated August 8, 2023 recommending that the Borough accept the public improvements for the Squire Ridge III Plan as complete; waive the installation of the proposed trail and certain fencing that is no longer required; and direct the Solicitor to prepare the required maintenance agreement and acceptance ordinance, seconded by Mr. Malkin and carried.

LAPLACE POINTE PLAN/TAYLOR RIDGE APARTMENTS, RECOMMENDATION FOR ACCEPTANCE OF PUBLIC IMPROVEMENTS – Dr. Li moved to acknowledge receipt of the Borough Engineer's letter dated August 10, 2023 recommending that the Borough accept the public improvements for the LaPlace Pointe Plan/Taylor Ridge Apartments as complete, subject to the developer's submission of a \$4,400.00 cash bond as security for the final ADA ramp, and direct the Solicitor to prepare the required maintenance agreement and acceptance ordinance, seconded by Mr. Palled and carried.

LAPLACE POINTE PLAN/TAYLOR RIDGE APARTMENTS, SUBDIVISION LETTER OF CREDIT REDUCTION – Mr. Schwartzmier moved Dollar Bank Letter of Credit No. 02535 in the amended amount of \$10,460.00 issued for the LaPlace Pointe Subdivision Plan, be reduced by \$6,060.00, leaving a balance of \$4,400.00, in accordance with the letter from Lennon, Smith, Souleret Engineering, Inc. dated August 10, 2023, seconded by Mr. Myslinski and carried.

BLACK OAK INVESTMENTS OFFICE BUILDING, LETTER OF CREDIT REDUCTION – Mr. Palled moved Northwest Bank Letter of Credit Number 8305004940 in the amended amount of \$639,940.00 for the Black Oak Investments Office Building, be reduced by \$213,690.00 leaving a balance of \$426,250.00, in accordance with the letter from Lennon, Smith, Souleret Engineering, Inc. dated August 8, 2023, seconded by Dr. Li and carried.

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COSTARS SALT CONTRACT RENEWAL – Mr. Myslinski moved to approve the renewal of COSTARS Contract #4600016537 for rock salt with American Rock Salt of Mt. Morris, New York for the period August 1, 2023 to July 31, 2024 at a cost of \$82.55 per ton delivered, seconded by Mr. Schwartzmier and carried.

RESOLUTION NO. 1338-2023, PENNDOT 5-YEAR WINTER SERVICES AGREEMENT – Mr. Junker summarized Resolution No. 1338-2023. Mr. Schwartzmier moved Resolution No. 1338-2023 authorizing the 5-Year Winter Traffic Services Agreement between the Borough of Franklin Park and the Commonwealth of Pennsylvania Department of Transportation through the winter season of 2027-2028, be adopted, seconded by Dr. Li and carried.

SOLICITOR – Extended condolences to Plum Borough on the recent tragic passing of their Borough Manager and Director of Community Development. He asked everyone to keep the Borough staff, Council and community in our thoughts and prayers.

MR. MYSLINSKI – Council will miss Ava and all that she has contributed over the last year as the Junior Council Person. He noted that at the last work session, Council discussed possible solutions at length and decided to close the Old Orchard pickleball courts after repeated violations of the quiet pickleball policy. Council is planning to do something with the courts and has discussed some passive recreation options. We are working on a comprehensive parks plan and will discuss it over the coming months to find a good solution for the space.

AVA DIGIACOMO, JUNIOR COUNCILPERSON – Thanked everyone for a great year noting that she learned so much, and she will miss being here.

COMMENTS FROM THE FLOOR

Dave Johnson, 2300 Salem Drive – Commented that a lot of the facts noted by Mr. Myslinski are not correct, and he would be glad to sit down and straighten things out. He asked about the procedures that were followed when making the decision to close the pickleball courts and noted that people want to be part of the conversation.

Charles Horton, 1654 Farmington Court – Commented that he was concerned regarding decisions being made, but not by a vote. Mr. Junker explained that the Borough operates under Borough Code and the Municipalities Planning Code that set forth when we need to take action. When we are talking about rule violations or facilities that are owned and operated by the Borough, a direction is given to staff. It is not required that a vote be taken. The decision regarding the pickleball courts did not require a formal motion and the discussions took place at a public meeting. Council discussed the pickleball issue for an hour at the work session and each member of Council and the Mayor got to weigh in several times, and they came to a consensus.

Mike Wilkinson, 1578 King Charles Drive – Thanked Council for being so open and willing to listen, and he is looking forward to the cooperation with the Joint Comprehensive Plan with Ohio Township. He commented that communications need to be improved in the Borough, but asked Council to look at all options to find a solution that does not involve a large tower at Clover Hill Golf Course and will not impact residents and property values.

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MOTION TO ADJOURN – Mr. Myslinski moved to adjourn the meeting, seconded by Mr. Malkin and carried. The meeting was adjourned at 9:25 p.m.

Respectfully submitted,



Cathy L. Krummert
Borough Secretary

Audience Present – 16