

**BOROUGH OF FRANKLIN PARK
BOROUGH COUNCIL WORK SESSION MINUTES
WEDNESDAY, OCTOBER 4, 2023**

A work session of the Borough Council of the Borough of Franklin Park was held on Wednesday, October 4, 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
.....(participated via telephone until he arrived at 7:26 pm.)
Uday Palledpresent
John P. Parks, Presidentpresent
Thomas C. Schwartzmier, Second Vice Presidentpresent
.....(participated via Zoom)
Junior Councilperson Julia O'Keefepresent
Mayor Dennis E. O'Keefepresent

ENGINEER:

Shawn Wingrove, Lennon, Smith, Souleret Engineering, Inc.present
Justin Wagner, Civil & Environmental Consultants, 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

AUDIENCE: 7

REVIEW OF BOROUGH PENSION PLANS – Jason Staley of Schneider Downs provided investment reports and reviewed the performance of the General Employees' and Police Pension Plans and answered questions.

2022 AUDIT REPORT – Mr. Brian McCall of Maher Duessel presented the 2022 Audit Report and discussed the change from modified cash basis to modified accrual. He noted that there was good cooperation from management and staff and there were no significant adjustments as part of the audit process.

OLD BUSINESS - None

REGULAR MEETING AGENDA REVIEW:

- **Ordinance No. 681-2023, Street Opening** – Mr. Junker responded to Mr. Schwartzmier's questions at the work session and provided clarification.

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- McElroy on-lot sewage treatment, Rochester Road – The property does not have access to public sewers, and they had previously received approval for an on-lot treatment facility. There is a process to get municipal approval and enter into an inspection and operation agreement for the facility that gets recorded against the property. Mr. Junker explained that they made a mistake when providing two cash bond securities. The DEP regulations state that the original security is to be 50% of the cost of installation and should be held for a period of two years. After that time, it is reduced to 10% of the cost and is held indefinitely in case there are any maintenance issues with the facility. They have requested a refund of the \$25,000 cash bond originally posted, and the Borough will continue to hold the second cash bond posted in the amount of \$12,500, which is one-half of the cost that should only have been put up from the beginning. Because the recorded agreement does not address the refund, a motion has been added to the regular meeting agenda to authorize the release of the \$25,000. The Borough will continue to hold the \$12,500 cash bond and will reduce that amount on the two year anniversary of when the facility went into service.

STAFF REPORTS:

Report by Cindy Crain, Finance Director/Borough Treasurer

- Reminded everyone of the first budget meeting to be held on Saturday, October 14th.

Report by Gary Bucuren, Superintendent of Public Works

- All Public Works personnel attended a seminar today that included safety in the workplace, sanitary sewers, asphalt paving material techniques, fleet management, underground utilities, MS4 stream bank restoration, and detention pond maintenance.
- They will be crack sealing the roads.
- They are waiting for Mele to mill in the Sturbridge Plan so they can pave before it gets too cold.
- He continued the discussion regarding a future truck purchase, noting that the cost of a Peterbilt truck would be \$24,000 higher than the cost of an International truck. The Peterbilt trucks have aluminum cabs and last longer. They are not having problems with Peterbilt trucks like we are with our International trucks. We could also consider purchasing an International truck with an additional warranty, and Mr. Bucuren will look into the cost. If we order a truck now, it will take two years for delivery in 2025. Mr. Palled asked if we could order both Peterbilt and International trucks and then make a final decision on which truck to purchase if we find out that the situation turns with the International trucks in the next year or two. Mr. Bucuren will check with the salesperson and will make his recommendation at the next meeting.
- He has been receiving resident requests for stop signs on Georgetown Drive. Lieutenant Snyder noted that they have received complaints regarding speeding vehicles and vehicles running stop signs. They placed the Jaymar unit on Georgetown Drive and did not see any enforcement actions. He can repost the Jaymar and speed signs. He does not believe that stop signs will improve safety since it is more of a traffic volume issue.
- The concrete curbs have been completed in the Sturbridge Plan. Palombo must still complete the Summer Fields sidewalks and the concrete curb work on Royal Oak Drive.
- The contractor is supposed to mill and overlay the construction areas where the water line installation occurred on Ingomar Heights Road. WVWA was not receptive to paying one-half the cost of paving the Borough's section of the road when Mr. Bucuren contacted them. WVWA was not interested in helping the Borough, so we will need to enforce the new street opening ordinance and require permits and payments from them.
- The Mayor had reported an area caving in on McAleer Road. Mr. Bucuren contacted PennDOT, but since they did not respond, our Public Works employees took care of the issue.

Report by Tim Phillips, Building Inspector/Zoning Officer

- The Planning Commission did not receive any applications and will not meet this month.
- The Zoning Hearing Board will consider an application for an encroachment request for a garage in a front yard on a lot with two front yards.

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- It was noted that the vacant property on King John Drive keeps getting broken into, and all the neighbors in the area have concerns. Mr. Phillips has someone scheduled to come and secure the house once again. Council and Mr. Junker discussed possible condemnation procedures, and he will do a title search and check on the estate since the owner has passed away. The unregistered vandalized vehicle on the property was also discussed.
- Mr. Malkin asked Mr. Phillips about some possible changes that were discussed during the Land Use Committee meeting earlier this evening. They had discussed conditional use public hearings for structures over 1,000 square feet, and Mr. Malkin asked if Mr. Phillips would consider changing the requirements so an applicant would be required to request approval from the Zoning Hearing Board. It was discussed, and Mr. Phillips would not recommend the change because the Borough would have no control over the approval. Mr. Malkin also asked about Airbnb rentals. Mr. Phillips indicated that he has no issues because the zoning district does not support it. If someone inquires, he informs them that it would be a change of use to the neighborhood and to the Zoning Ordinance, and they would have to go through a process. They usually do not go any further.

Report by Zach Brower, Recreation Program Director

- Registration has opened for the Halloween Event, and it is expected to be full within the next week or so. Additionally, some local businesses will do a "Trunk or Treat" during the event.

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

- They will be aerifying the golf course next week. The new POS system report was included in this month's golf course report, and it will be the only report that will be provided starting in January.
- He asked the Public Works Department to check the roof conditions of the buildings in Blueberry Hill Park. They recommend that the football pavilion roof be replaced before the end of the year, and the Activity Center roof be replaced next year. There was discussion regarding metal roofing vs. shingles.
- The Parks employees will be installing perkEpave next to the future garden at the municipal building. The Girl Scouts will plant the seeds for a pollinator perennial garden. A picnic table will be installed on top of the perkEpave, and a little library is also located in this area.
- They met with the baseball association. The association received a grant for lighting on field #4, and the Borough is looking into upgrading all of the lighting. Mr. Huff discussed that he had the Parks employees do some grading measurements on all of the baseball fields. They will do some drainage work on Field #4 to help the drainage onto Field #3. They discussed the field in Linbrook Park that is not used much by the association, and the Borough does not want to waste labor time on the field if it is not used regularly. They discussed some other ideas for long-term solutions and better utilization of fields.
- The Parks Department was complimented on the landscaping at the municipal building and the fire station.

Report by Shawn Wingrove, Borough Engineer

- Palombo Contracting will be installing the Summer Fields sidewalks over the next three weeks, and then they have a couple more months of concrete curb work to do. They may finish the work this year depending on the weather.
- The Acorn Park Project permit submittal is in, and they are looking for comments soon. They are working on utility coordination to keep the project moving for construction next year.

Report by Justin Wagner, Stormwater Engineer

- MS4 updates
 - Ramblewood – They are working with Peoples Gas to confirm a more accurate location of their gas line. Once this is resolved, the project can get moving.
 - Matterhorn – Bids are being advertised tomorrow, and he brought two sets of plans and specifications.

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- Fish Run – The JPA was under review, and CEC received comments that they addressed. The DEP originally wanted proof that the Borough is seeking easements or could provide copies of the signed easements in writing. CEC provided proof that we are seeking the easements, but the DEP came back and stated that they would prefer that we withdraw the permit until we have the easements in hand. The application was then withdrawn. This is disappointing that the DEP moved the goal post. Mr. Ebner noted that he spoke with the property owner who understands what we are trying to do, and he fully supports it. He thinks the owner will sign the easements, but the owner is concerned about putting restrictions on any part of his property. We are asking for a conservation easement along the stream. The owner will have his attorney review the easement agreements. A preapplication meeting will be held on November 1st, and we would like to have the signed agreements at that time.
- Bear Run – It has been under technical review for a while, and CEC is expecting comments that will probably include the requirement to provide signed easements. All property owners are in agreement.
- CEC provided an updated stormwater impact fee report yesterday. It was noted that Mt. Lebanon increased their fee by \$1.00 and plans to increase it every year for the next 5-6 years.

Report by Sam Snyder, Police Lieutenant

- Officer Latimer expects to be cleared to come back to work this month, and Officer Smith will be off work for at least a few more weeks.
- They are conducting polygraph testing for officer candidates, and they will conduct background investigations next week. The Civil Service Commission will meet on October 17th to certify the hiring list. Lieutenant Snyder hopes to have the hiring recommendation for November approval and a January start date.

Report by Max Junker, Borough Solicitor

- Provided a memorandum regarding the creation of a stormwater authority, a draft ordinance and articles of incorporation. The names of the five board members are required for the ordinance. At some point Council would introduce the ordinance and schedule a public hearing. We would also have to establish when we would submit the articles of incorporation, thereafter, hold the public hearing, approve the ordinance and submit it to the Secretary of the Commonwealth. We will need to publicize information on our website to recruit members for the stormwater authority.

Mr. Wagner, Mr. Wingrove, Mr. Huff and Mr. Brower left the meeting at this time.

ESTABLISH STREET OPENING/OCCUPANCY PERMIT FEES – As part of the new ordinance for street excavations the annual fee resolution was cross referenced. To tie in with the adoption of the ordinance, we would like to have the fees ready to go. The fees would be applicable to all entities and there are no exemptions. Mr. Bucuren will reach out to other municipalities to see what they are charging and if they have any permit forms he could use as examples. If possible, the fee resolution will be updated for adoption with the ordinance at the October regular meeting.

MANAGER'S REPORT DISCUSSION ITEMS

- Wireless Communications proposals – The Borough received two proposals, and we need to decide how to proceed. One firm is a land use planning firm who has done some work in telecommunications. The second firm only works in telecommunications for municipal governments, and their rates are much higher. Interviews will be scheduled in November.

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- Request for sidewalks on Cole Road – Some residents on Cole Road have requested sidewalks. Mr. Ebner talked to one resident who wants sidewalks or the road to be widened. Council discussed the serious challenges that would be involved and noted that the Borough or residents would have to pay for the sidewalks. This matter has been discussed previously, and not all residents on Cole Road want sidewalks. Mr. Ebner noted that sidewalks and trails are matters we need to look at, but it needs to be a concerted effort where it makes the most sense and not just responding to individual requests.

2024 HEALTH PLANS – Council had received information regarding changes to the Borough's health plans for 2024 including increased rates, increased deductibles as mandated by the IRS, and a new Performance Blue plan. Council discussed the options and concurred to fund the increased deductibles (\$1,600/\$3,200) and to offer the Performance Blue plan for 2024.

REPORTS FROM COUNCIL MEMBERS

- **Mr. Malkin** heard a complaint from a resident regarding a loud fundraiser with a live band that was held at a McCandless residence last week. Lieutenant Snyder reported that the police had received a complaint regarding a loud party in the Grey Oaks Plan on Saturday. Mr. Malkin also noted that a resident had asked why the Borough does not have a leaf vacuum like McCandless. Council discussed and noted that the matter has been discussed in the past and this is something that the Borough does not want to get into.
- **Mr. Palled** noted that there are trees on Nicholson Road that are obstructing the view when trying to turn left or right out of the Spring Ridge Plan and they need to be trimmed. Nicholson Road is a PennDOT road, but Mr. Ebner will make Mr. Bucuren aware of the issue.
- **Mayor O'Keefe** noted that MTSA Board Member Bill Youngblood gave him a tour of the MTSA facilities and extended an invitation for Council and staff to take a tour. The Mayor asked about the status of the crosswalk on Rochester Road near Old Orchard Park. Mr. Ebner noted that PennDOT would require the Borough to pay to extend the existing sidewalk from the park down to the intersection with Ben Franklin Drive and then paint a crosswalk across Rochester Road. It was noted that the sidewalk would have to be extended in the right of way along the private property adjacent to the park in order to extend it down to the intersection. The Borough will need to reach out to the homeowner.
- **Julia O'Keefe, Junior Council Person** asked why the Borough would be hiring one of the two wireless communications companies previously discussed. Mr. Ebner indicated that they will determine what is needed in the Borough to improve cell and radio service and where the best location(s) would be. Julia thanked everyone for the emergency drill conducted last week.
- **Dr. Li** noted that his neighbor had brought some recycling to the municipal building, and a police officer told him that he could not place plastic in the dumpsters. Mr. Ebner noted that we used to have a dumpster for other recycling materials, but it was always contaminated with garbage, so it was removed. It was suggested that the resident call Waste Management to get a larger recycling bin or purchase a second bin. Dr. Li also had a request for a speed bump in the Hunters Point Plan. Council discussed and noted that some residents do not want them, they can be a noise issue, they make snow and ice removal more difficult, they can damage equipment, and they slow down emergency vehicles. Dr. Li also noted that there are trees on Nicholson Road near the Nicholson Woods Plan that are obstructing the view of drivers.
- **Mr. Schwartzmier** noted that he is on vacation this week and he has been walking on alternative lower cost sidewalks and pathways that are constructed out of asphalt rather than concrete. This may be something for the Borough to consider.

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- **Mr. Parks** asked about everyone's thoughts following the simulation of the emergency plan last week and discussion followed. It was very helpful, well put together and presented. The Allegheny County Emergency Operations Coordinator noted that we are 1 of 130 municipalities in Allegheny County, and in his 25 years only 20 municipalities have done something significant like this simulation.

EXECUTIVE SESSION – An executive session was held to discuss police personnel, the David Yochus litigation, and the Davies litigation.

As there was no further business, the meeting adjourned at approximately 10:30 p.m.

Respectfully submitted,



Cathy L. Krummert
Borough Secretary