

**BOROUGH OF FRANKLIN PARK
BOROUGH COUNCIL WORK SESSION MINUTES
WEDNESDAY, NOVEMBER 3, 2021**

Due to the COVID-19 pandemic, this work session meeting was held both in-person and virtually via Zoom remote audio and video conferencing.

Council President Jim Hogg called the meeting to order at 7:00 p.m.

COUNCIL MEMBERS:

James W. Hoggpresent
Jiang Lipresent
Brian S. Malkinpresent
Lucas R. Myslinski.....present
John P. Parks.....present
Thomas C. Schwartzmierpresent
Junior Council Person Jackie 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.....absent
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.....present

AUDIENCE: 5 (1 in person and 4 via Zoom)

OLD BUSINESS - None

AGENDA REVIEW -The following November 17, 2021 regular meeting agenda items were discussed:

- Correction to October 20, 2021 Pre/Post Meeting Minutes – Mr. Hogg noted that the minutes should be corrected to read that the Borough previously purchased two properties for \$625,000.00 and also gave the Allegheny Land Trust \$125,000.00 toward the purchase of property for green space.
- Power Home Solar Conditional Use Application – The applicant did not appear at the last Planning Commission meeting. The Commission recommended denial because the applicant was not present, and an extension of time could not be obtained. The applicant has not provided the requested landscape drawing, nor did they provide a landscape plan for the EAC to review. The landscape architect inquired with Mr. Phillips as to what was needed, but nothing has been submitted. Each time the applicant has been in front of the Planning Commission, they have been clearly notified regarding the information they are required to provide, but they have not supplied the required information. Council discussed and Mr. Junker noted that Council will need to take action on this application unless it is officially withdrawn by the applicant.

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- Resolution No. 1273-2021 Sewage Facilities Planning Module for property at 2453 Rochester Road – The property owner wants to change from a failing on-lot system to some type of package treatment plant. This is the first time that the DEP has required this information for this type of improvement for an existing single-family residence. Council discussed. The Borough Engineer (LSSE) is currently reviewing the application and will provide a recommendation for action.
- Resolution for New Fire Police Officer – Mr. Parks requested that a resolution be added to the regular meeting agenda to appoint Andy Nock as a fire police officer.

STAFF REPORTS:

Report by Finance Director/Borough Treasurer

Mrs. Crain provided the following report:

- She sent out the preliminary budget information for the budget meeting this Saturday.

Report by Building Inspector/Zoning Officer

Mr. Phillips provided the following report:

- The Planning Commission will revisit the Black Oak application. The requested modifications were discussed, and it was noted that the applicant may have to go to the Zoning Hearing Board. Council discussed. The Planning Commission was clear that the plan must be clean before it moves on to Council. The Bliss Land Development has also submitted for a change to the pipe in the development.
- A bond reduction request for the Bliss Land Development was discussed. LSSE noted in their bond reduction recommendation letter that the recent changes proposed by the developer were not part of the financial security and would not be released.
- The Zoning Hearing Board will not meet because of the Veterans' Day holiday.
- Mr. Hogg asked what action was being taken against the residents in violation of the chicken ordinance. Mr. Phillips indicated that he has not addressed the issue yet.
- Mr. Schwartzmier received a complaint from a resident whose neighbor has a rooster and free-range chickens. Mr. Phillips will pursue a notice of violation.
- The Building Board of Appeals will meet on Tuesday November 9th to hear an appeal for relief from a Demolition Order mandated by the Borough for the property located at 2568 Wexford Bayne Road. The applicant has hired an attorney, and the Borough received a report from the applicant's witness. It was noted that the applicant's appeal form is public information. There may be members of the public attending the meeting to comment on this matter. Gary Gushard has agreed to serve as the Solicitor for the Building Board of Appeals. Council briefly discussed other abandoned properties on King John Drive and Arndt Road.
- Mr. Phillips provided an update regarding the pre-application for a townhouse development off Lorrick Lane and Aldon Drive that is being reviewed by the Planning Commission. The applicant was provided with the Solicitor's opinion and what they need for access and emergency access for the development. The neighbors are not happy with the proposed development. The number of townhouses was reduced from 30 to 26 to be in compliance with ordinance. There was discussion regarding potential second accesses for the development. The Borough cannot charge a fee for pre-applications per the MPC. The Borough has incurred costs for the Solicitor's office to do research and to participate in some meetings and phone calls with Borough staff in order to be prepared for the pre-application review discussions. Mr. Junker reviewed some of the discussions from the Planning Commission meeting.

Report by Recreation Program Director

Mr. Brower provided the following report:

- The Recreation Board has decided to do a Visit with Santa event again this year rather than the Brunch with Santa event. The visit is a safer option due to COVID-19 and more families can be scheduled. They will have 7 one-half hour sessions that will accommodate 56 families. Registration will open for residents on Friday and non-residents will be permitted to register at a later date.
- The outdoor Halloween Event went well although the weather was cold.

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- The Parks and Recreation Committee met earlier this evening, and it was decided that the Blueberry Hill Park pickleball courts will remain open year round. Signs will be posted to “play at your own risk,” and a portable toilet will be provided. The pickleball courts in Old Orchard Park were closed November 1st, and they will re-open around April 1st. The Gamma Quiet pickleballs will be required for play at Old Orchard Park provided they are available.

Report by Borough Engineer

Council had previously received a written report from LSSE. Mr. Wingrove reviewed the following items:

- They met with Shields Paving today regarding the 2021 Curb and Gutter Program to review outstanding items. They anticipate the close out documents, the final change order and pay request in December.
- Contract paperwork is being exchanged for the 2022 Curb and Gutter Program.
- Steve Paxton, the architect working on the feasibility plan for the Big Sewickley Creek house and barn, is nearing completion of his document. He will attend the December work session.
- There is a significant discrepancy in the developer's request and the recommended amount of release for the Bliss Land Development. There was a fundamental misunderstanding of the mechanics of how bond reductions work. Mr. Ebner spoke with the developer after the last meeting. The developer thought he had to get the pipe in the ground to satisfy the Conservation District. He also thought the Planning Commission told him to get the pipe in the ground, and they were okay with him putting that same pipe throughout the plan. However, the Planning Commission minutes clearly state that he could only put the pipe in specific locations. Mr. Ebner then sent the developer an email informing him that if he wants to use a different type of pipe in other locations, he will have to go back to the Planning Commission. Mr. Wingrove has corresponded back and forth with the Conservation District regarding E&S controls. The Conservation District is expected to do another inspection in mid-November. Mr. Wingrove noted that they cannot put in any pipe or structures. The developer was able to find a small amount of 12" water tight pipe. Work has slowed on the project. The developer inquired about the process to extend the deadline for paving beyond October 31st. Correspondence was sent back to the developer outlining the procedures. Mr. Wingrove does not believe that they will be able to get the work done to pave this year. The developer would also like to build the model home this year. Hopefully, the Conservation District issues will be resolved, and the site will be stabilized.
- Work is continuing in the Deerfield Estates Plan, and a bond reduction motion is on agenda.
- The Willow Ridge Plan will not be able to finish until the spring, and the developer will look for an extension. Council discussed a steep slope issue within the plan, and it was noted that the developer must comply with a very specific detail in the plans.

Report by Stormwater Engineer

Council had previously received a written report from CEC. Mr. Wagner reviewed the following items:

- The public works department is working on the White Oak Court Project. They still need to install the catch basin near the patio, put in the patio and finish rip-rap on the golf course. We should be able to remove the equipment this year. The patio is dependent on the weather and may have to wait until spring.
- Stormwater Projects:
 - White Oak Court – We are trying to finish what we can this year.
 - Rochester Road near Sandhurst Drive – There is a catch basin in the yard and old metal pipe is collapsing and forming a sinkhole. It needs to be made a high priority and will be the next project we work on because the homeowner has experienced flooding. We will need to dig up and replace the pipe.
 - Mrs. Turnbull's property on Reis Run Road – We have to apply for a Highway Occupancy Permit (HOP), and an engineer has to be involved. CEC will do the design work to apply for the HOP. There is at least one pipe that is failing and there may be a second pipe. There is also a catch basin. We will have to coordinate the work with PennDOT to close one lane of Reis Run Road. We also need to make this project a high priority.

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- Bellwood Drive – There are catch basins in front of a driveway on West Ingomar Road that release onto the ground and form a channel that is flowing down behind the first house on the right on Bellwood Drive. It is eating away at the fence and washing silt further down into the yard. Mr. Wagner has looked at the area and designed the plans for the project. The estimated cost of the project is approximately \$75,000.00. A few property owners will need to be involved. Public Works could do the work if they have the time.
- Clearvue Road – There has been a problem for a few years with a catch basin in front of a driveway. The water flows off Ingomar Heights Road and Clearvue Road. The catch basin is not very deep, and the water flows into a pipe and then into another pipe. Every time there is a heavy rain, the catch basin overflows and tears through a yard. Mr. Wagner has designed a solution at an estimated cost of \$65,000.

Mr. Ebner has budgeted a lump sum amount of \$300,000 for stormwater work next year, but we have projects that far exceed that amount.

Mr. Schwartzmier spoke with Margaret Dixon regarding her stormwater issues. He explained that the Borough is prioritizing projects and her project is on the list. Mr. Schwartzmier also spoke with a resident on Wexford Run Road who has a stormwater issue. Mr. Bucuren is aware of the issue and has visited the site. Mr. Malkin asked that the Nevin, Dalton and Lenora area stays on the radar.

Mr. Junker mentioned that Council may want to explore the possibility of a Home Rule Charter to be able to charge a stormwater fee rather than creating a separate stormwater authority as required under Borough Code. This would also help with the PennDOT requirements that PennDOT has for Boroughs.

- MS4 Projects – Staff and Mr. Wagner looked at a number of locations and found some good stream bank restoration areas. Mr. Wagner has also asked for drawings of detention facilities. Project information and costs will be provided to Council once decisions have been made regarding the specific projects to meet the MS4 requirements.

Mrs. Crain, Mr. Phillips, Mr. Wingrove and Mr. Wagner left the meeting at this time.

Report by Chief of Police

Chief Healy provided the following report:

- The Chief stated that there are three Constable positions for Franklin Park, but they do not do any work for the police department.
- Five officers were patrolling on Halloween and there were no incidents.
- There were no issues with the Route 19 closure and detour this past weekend.
- There are three candidates for police officer. Oral interviews were held last Friday. Background investigations are being conducted and polygraph tests have been scheduled. The Civil Service Commission will meet on November 18th to certify the hiring list. Council will discuss the final candidates at the December work session.

Report by Solicitor

Council had previously received Mr. Junker's written report. Mr. Junker reviewed the following items:

- Alyssa Golfieri will attend the regular meeting since Mr. Junker will be on vacation.
- Based on the discussion last month, Mr. Junker asked Anna Jewart in his office to review the Zoning Ordinance to compare and see if other communities have a provision that added interstate highways as part of the requirements for buffer yards. The report was included in Council's packet. It would require a pretty straight forward ordinance change. Council could amend the ordinance or refer it to the Planning Commission or the Land Use Committee. The Planning Commission could review at the same time they are looking at the farmers' market ordinance. Council discussed that there are few areas of buildable land next to interstate highways. The consensus of Council was to refer it to the Planning Commission in November for review and recommendation, rather than waiting for their review of the farmers' markets.

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- The Oak Grove Developer did not respond to the Borough's letter by the deadline. The next step is to send another letter acknowledging that they are out of compliance, and we are moving forward to seize their letter of credit to complete the work. The Borough will then invoice the developer for any additional costs. This is the standard process in the Development Agreement for a breach.
- Mr. Malkin mentioned that there is a Franklin Park Facebook page that looks official, but it is not sponsored by the Borough. He suggested applying for a trademark registration for the Borough sign that is used on the page. Council discussed that the Borough could ask them to add a note that it is not an official Facebook page of the Borough. Staff will contact the administrator.
- Mayor O'Keefe asked Mr. Junker to provide more information regarding a Home Rule Charter. Mr. Junker explained that the Home Rule Charter process gives more control and provides flexibility for a municipality. A study committee would make a recommendation and it would need to be placed on a ballot. The Solicitor's office could prepare a list of pros and cons regarding Home Rule. Mr. Ebner will reach out to Peters Township to see why their residents are opposed to Home Rule. Mayor O'Keefe left the meeting at this time.

HOLIDAY PARTY – Council discussed the annual Holiday Party. The consensus of Council was that the party should be cancelled again this year due to COVID-19. It was decided that the Borough will have some type of catered meal for employees by department. Mr. Brower and Chief Healy left the meeting.

MONARCH PLEDGE – Mayor O'Keefe had asked the EAC to review the Monarch Pledge, and they have recommended that the Borough make the pledge. The Monarch Pledge is through the National Wildlife Federation. The Borough would make the pledge between December 1st and March 31st, and we would have to do at least three of the thirty items on the list. The Borough is already doing three of the items. The pledge will be made online, and we will document the pledges we complete.

NORTHLAND LIBRARY BUDGET – McCandless unanimously voted down the Library's 2022 budget, but all other municipalities approved the budget. Amy Steele is recommending that we approve the 2022 budget because the Library is continuing to work with McCandless to try to get them to change their mind. If McCandless does not approve the 2022 budget, everything reverts to the 2021 budget. Council discussed and agreed to budget for the higher amount. All Council members indicated that they would vote in favor of the proposed budget at the regular meeting and the wording of the motion was discussed.

WEXFORD BAYNE PROPERTY – Mr. Ebner visited and researched the 11.5 acre property that is for sale on Wexford Bayne Road adjacent to the State Game Lands. The property was last purchased five years ago for \$530,000.00, and they are now trying to sell it for \$2.9 million. The property has very steep slopes and there are no trails on the State Game Lands property that come near the property that is for sale. The property is in the R-4 zoning district that has been designated for development for things like apartment buildings. There is no sewer and water in that area. Mr. Ebner will try to contact the real estate agent. It was noted that the Borough just purchased 10.5 acres for \$300,000 that has a log home on it.

McCANDLESS FRANKLIN PARK AMBULANCE AUTHORITY UPDATE – There is a rumor that McCandless is considering moving to the Ross/West View Ambulance Authority. Mr. Ebner spoke to the McCandless Manager who said there has been no discussion, and they have budgeted \$30,000 for the consultant to look into the MFPAA operations. Franklin Park would rather give money to the MFPAA rather than to a consultant. The 2022 budget includes \$30,000 for the MFPAA until we speak with them at Saturday's budget meeting. Council will need to be prepared to tell them how much we are budgeting if we are considering more than \$30,000.00. Other municipalities have made it clear that they will not contribute to MFPAA next year. It is a matter of time until the MFPAA will run out of money.

2022 BOARD/COMMISSION REAPPOINTMENTS/APPOINTMENTS – Mrs. Krummert indicated that a newsflash went out through the website that the Borough is seeking board/commission candidates. Letters were also mailed to all current board/commission members whose terms will expire at the end of the year asking that they respond if they would like to be reappointed for another term. We have received a few applications since a notice was included in the newsletter seeking candidates. The deadline for applications and reappointment responses is Monday, November 15th. An update will be provided to Council on November 17th. Interviews will be held on December 8th at 6:00 p.m. Reappointments and appointments will be made at the January 3rd reorganization meeting.

Mr. Hogg asked if the Planning Commission could have alternate members. Mr. Junker indicated that according to the MPC the Planning Commission can have at least one, but no more than three alternate members of the Planning Commission. The membership shall consist of not fewer than three nor more than nine members. Mrs. Krummert will provide Council with attendance information for all reappointees.

MANAGER'S REPORT DISCUSSION ITEMS

- **Update on Memorial Program and Mel Lubert Memorial** – The trees and permeable paving have been received, but the benches have not been delivered. The family of the Eagle Scout who built the original benches in Old Orchard Park has donated money to purchase three benches. The wall at the Mel Lubert Memorial is complete and the memorial stone needs to be installed. Two benches will also be installed in this area.
- **Update on Comprehensive Plan** – HRG sent the minutes from the last meeting to Franklin Park and Ohio Township for review and comments. They also reviewed all of the goals in the previous plan to see how many were achieved. HRG is prepared to wrap up Phase 1 and to present their findings to Council in January. If we decide to move forward, there will be another steering committee at that point. The agenda for future steering committee meetings will have public comment at the beginning or end of the meeting.
- **Update on Allegheny Land Trust (ALT) property on Nicholson Road** – The ALT has parcels on Nicholson Road under contract. The Borough provided a letter of recommendation for their grant application for GEDTF funding. They are also applying to DCNR for funding to clear debris from the property where a landscaper was permitted to dump landscape debris. They are ready to move forward with fundraising to help with the purchase. They hope to establish a trail that runs from Ohio Township to Blueberry Hill Park.

REPORTS FROM COUNCIL MEMBERS

- **Mr. Parks**, and Roger Sechler met with Mr. Ebner regarding the purchase of a new engine/rescue truck for the fire company. It is important to purchase a performance bond to get reimbursed in case the truck cannot be delivered. A \$200,000.00 down payment must be made this year in order to get a 5% discount off the total price of \$856,000.00 that will be paid out of the fire fund. After the truck is built, it will go to a secondary manufacturer to put in shelving and brackets for the equipment. The actual equipment is in excess of \$50,000.00 and will be paid out of the reserve fund. The fire company has requested that Council adopt a resolution committing to make the necessary funds available for the truck purchase.
- **Mr. Myslinski** spoke with a resident at the bottom of King Charles who has spent \$35,000.00 in remediation for severe stormwater issues, but it is not catching or slowing the water. Mr. Myslinski asked if CEC could look at this issue. The property behind this property is in McCandless so Mr. Ebner will first look at the issue with the McCandless Manager.

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- Mr. Hogg asked for an update on the Nicholson Road speed study. Mr. Ebner indicated that there has been no update from PennDOT. The police department did their own speed study and found that the 85th percentile was 47 mph and that would not warrant a speed limit reduction. Mr. Ebner will follow up with PennDOT. Mr. Ebner stated that he was contacted by PennDOT because people are complaining about the use of jake brakes on Arndt Road. PennDOT asked if the Borough was okay with them doing a study. If they find an issue, the Borough would be responsible for installing signage.

EXECUTIVE SESSION – An executive session was held to discuss Public Works/Parks contract negotiations.

As there was no further business, the meeting adjourned at approximately 9:40 p.m.

Respectfully submitted,



Cathy L. Krummert
Borough Secretary