

**BOROUGH OF FRANKLIN PARK  
BOROUGH COUNCIL REGULAR MEETING  
WEDNESDAY, FEBRUARY 18, 2009**

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The regular meeting of the Borough Council of the Borough of Franklin Park was held on Wednesday, February 18, 2009 at 8:00 p.m. at the Municipal Building, 2344 West Ingomar Road, Pittsburgh, Pennsylvania 15237.

Council President Martha Creese called the meeting to order.

Pledge of Allegiance

Cathy Krummert called the roll:

**COUNCIL MEMBERS:**

Martha A. Creese, President .....present  
Richard H. Hartman, Second Vice President .....present  
Jane A. Hopey, Vice President .....present  
Ash K. Marwah .....present  
Andrew Hrishenko .....present  
Amy E. Sable .....present  
Junior Councilperson Bryan Hogg .....present  
Mayor William H. Kipp .....present

**ENGINEER:**

Bob Nedzesky, W.E.C. Engineers .....present

**SOLICITOR:**

Robert Max Junker, Law Offices of Ira Weiss .....present

**STAFF:**

Don Dorsch, Chief of Police.....present  
Cathy Krummert, Borough Secretary.....present  
Ronald Merriman, Superintendent of Public Works .....absent  
Brienne Morris, Assistant Parks & Recreation Director .....present  
Tim Phillips, Building Inspector/Zoning Officer .....present  
Ambrose Rocca, Borough Manager .....present  
Bill Schweitzer, Golf Course Superintendent .....present  
Jim Watenpool, Parks & Recreation Director .....absent

**APPROVAL OF THE MINUTES** – Mr. Marwah moved the minutes of the January 21, 2009 pre/post meeting and the January 21, 2009 regular meeting, be approved, seconded by Mrs. Sable and carried unanimously.

Mrs. Sable moved the minutes of the February 4, 2009 work session, be approved, seconded by Mr. Hartman.

Mr. Marwah moved to table the February 4, 2009 minutes, seconded by Mrs. Sable. Mr. Marwah noted that the minutes are being tabled because the losses to the borough pension plans were not recorded in the minutes. Mr. Marwah then commented on the investments and losses for the borough pension plans. There was then discussion by council regarding the pre-meeting discussions and the suggestion by Mr. Marwah to amend the February 4, 2009 minutes. It was noted that until council can determine what actually occurred and what was said at that meeting, the minutes could not be revised and approved at this meeting. There was then discussion regarding the accuracy of Mr. Marwah's comments. Mr. Rocca commented and clarified the pension losses in comparison to the market, and he also clarified the employee contribution rates. He noted that the borough's pension plans lost approximately 27% in 2008, but the market as a whole lost approximately 35%. Mr. Rocca also noted that the last time he checked, both pension plans were funded at 100%, although it is possible that they could fall below 100% in the future because of market performance.

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The motion to table the February 4, 2009 minutes was then voted upon and carried. Mr. Hartman voted no. Mr. Hartman then commented on Mr. Marwah's previous recommendation for a tax decrease.

**TREASURER'S REPORT** - Mr. Rocca read the January 2009 Treasurer's Report. January 2009 receipts totaled \$420,691.71 and January 2009 expenditures totaled \$514,225.46. Mrs. Sable moved the Treasurer's Report be accepted as read, seconded by Mr. Hartman and carried unanimously.

**POLICE REPORT** – Mayor Kipp read the Police Report and activity report for the month of January 2009. Mr. Hartman recommended the Police Report be filed with the Police Secretary.

**BUILDING INSPECTION REPORT** - Mr. Phillips read the Building Inspection Report for January 2009. Mr. Phillips issued 7 permits and collected \$12,565.00 in fees. Total value of construction was \$1,526,433.00.

**COMMENTS FROM THE FLOOR**

Ms. Tammy Whiteside, 2390 Charles Wray Drive – Ms. Whiteside commented on recent articles in the newspaper regarding an email that was sent by Mr. Marwah, and the actions of some Council members. Mr. Marwah responded to Ms. Whiteside's comments. Mrs. Sable and Mrs. Creese then disputed some of the information that had been provided by Mr. Marwah in his response.

Mr. Dave Borelli, 1495 King Charles Drive – Mr. Borelli asked if Council has asked the pension advisor to invest all funds in treasury bonds. Mr. Hrishenko responded and discussed the pension plan losses.

Mr. John Ripper, 1547 Field Club Drive – Mr. Ripper commented that the borough should not invest in treasury bonds and discussed stock market investments. Mr. Ripper also commented regarding automated garbage collection.

Mr. Wayne Haas, 2568 Nicholson Road – Mr. Haas responded to Ms. Whiteside's comments and suggested that Council work together.

**APPROVAL OF THE BILLS** – Mr. Marwah moved Council authorize the payment of the bills, which have been reviewed and approved since the last meeting, seconded by Mr. Hrishenko and carried unanimously.

**FRANKLIN RUN PLAN OF LOTS REVISED** – Mrs. Hopey moved preliminary and final approval be granted for a subdivision application submitted by Jim West of Franklin Run LLC for the Franklin Run Plan of Lots Revised, for the addition and adjustment of easements in the Franklin Run Plan of Lots located on Reis Run Road in the R-2 zoning district, contingent upon compliance with the Building Inspector/Zoning Officer's Staff Report dated January 29, 2009, and the letter from W.E.C. Engineers dated January 29, 2009, seconded by Mr. Hartman and carried unanimously.

**ORDINANCE NO. 571-2009, BRIARWOOD ESTATES PLAN OF LOTS, SEWER SERVICE** – Mr. Junker summarized Ordinance No. 571-2009. Mrs. Sable moved Ordinance No. 571-2009 authorizing the Ohio Township Sanitary Sewer Authority to service the Briarwood Estates Plan of Lots and designating the Ohio Township Sanitary Sewer Authority as the exclusive provider of sanitary sewer service for said area, be enacted, seconded by Mr. Hrishenko and carried unanimously.

**ORDINANCE NO. 572-2009, SETTLERS WALK SUBDIVISION, STOP SIGNS** – Mr. Junker summarized Ordinance No. 572-2009. Mrs. Hopey moved Ordinance No. 572-2009 providing for the placement of stop signs within the Settlers Walk Subdivision, be enacted, seconded by Mr. Hrishenko and carried unanimously.

**RESOLUTION NO. 960-2009, AMENDING & REVISING THE SCHEDULE OF FEES** – Mr. Junker summarized Resolution No. 960-2009. Mrs. Sable moved Resolution No. 960-2009 amending and revising the schedule of fees per Borough ordinances, be adopted, seconded by Mr. Hartman and carried unanimously.

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**RESOLUTION NO. 961-2009, CENSURING COUNCILMAN ASHOK K. MARWAH FOR MISCONDUCT**

Mr. Junker summarized Resolution No. 961-2009. Mrs. Hopey moved Resolution 961-2009 censuring Councilman Ashok K. Marwah for misconduct, be adopted, seconded by Mr. Hartman. Council extensively discussed and debated the proposed resolution.

Mrs. Sable moved to amend Resolution No. 961-2009 censuring Councilman Ashok K. Marwah for misconduct as follows: After the fifth Whereas clause, add an additional Whereas clause that says, "Whereas, at the February 4, 2009 Council work session, Mr. Marwah threatened that he would take action against any member of Council who took part in a resolution to censure him; and". At this point the resolution would continue on with the rest of the Whereas clauses. Additionally, Section 1 should be reinstated in its entirety as follows: "Councilman Marwah is hereby formally and publicly censured for his misconduct related to the December 6, 2008 email, and for his threats against members of Council taking part in a resolution to censure him". Mr. Hartman then seconded the motion.

Mrs. Sable restated her motion to amend Resolution No. 961-2009. Mrs. Creese then asked for a vote on the motion. After hearing opposition, Mrs. Creese asked for a roll call vote:

Mrs. Creese – Yes  
Mr. Hartman – Yes  
Mrs. Hopey – Yes  
Mr. Hrishenko – No  
Mr. Marwah – No  
Mrs. Sable – Yes

The motion carried.

Mr. Marwah moved to offer an amendment to delete the previous amendment to Resolution No. 961-2009 to replace it with his words, "I have recourse". Mr. Junker clarified that Mr. Marwah's motion was to change the Whereas clause, that was previously amended, to state, "Whereas at the February 4, 2009 work session, Mr. Marwah stated I have recourse". Mr. Hrishenko then seconded the motion. Council discussed and debated Mr. Marwah's proposed amendment. Mrs. Creese called for a vote and the motion failed.

Mr. Junker noted that Council must vote on the originally amended Resolution No. 961-2009 that is on the table, and he then restated the motion: "Move Resolution No. 961-2009, as amended, censuring Councilman Ashok K. Marwah for misconduct, be adopted". Mrs. Creese then called for a vote. After hearing opposition, Mrs. Creese asked for a roll call vote:

Mrs. Creese – Yes  
Mr. Hartman – Yes  
Mrs. Hopey – Yes  
Mr. Hrishenko – No  
Mr. Marwah – No  
Mrs. Sable – Yes

The motion carried.

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**AUTHORIZE PAYMENT TO MARGERY Q. GUST** – Mr. Marwah moved to authorize payment in the amount of \$2,056.59 to Margery Q. Gust for expenses related to the Jenkinson Drive stormwater management facility and the Right-of-Way Agreement dated February 20, 2008, seconded by Mr. Hrishenko. Mrs. Creese then called for a vote. After hearing opposition, Mrs. Creese asked for a roll call vote:

Mrs. Creese – Yes  
Mr. Hartman – Yes  
Mrs. Hopey – No  
Mr. Hrishenko – Yes  
Mr. Marwah – Yes  
Mrs. Sable – No

The motion carried.

**ACCEPT RESIGNATION OF KAREN PHILLIPS FROM THE EAC** – Mr. Hrishenko moved to accept the resignation of Karen Phillips from the Environmental Advisory Council effective February 10, 2009, seconded by Mrs. Hopey and carried unanimously.

**GEOMECHANICS PROPOSAL FOR NORTHMONT FARMS DAM** – Mr. Marwah moved to accept the proposal from GeoMechanics Inc., 600 Munir Drive, Elizabeth, PA 15037, dated January 21, 2009, to conduct a feasibility study to enhance the Northmont Farms Dam stability and to perform a breach analysis for the dam at a cost not to exceed \$12,500, seconded by Mr. Hrishenko and carried unanimously.

**MAYOR KIPP** – Mayor Kipp thanked everyone for attending and providing comments this evening. Mayor Kipp noted that he had attended the Firemen's Ball, The Over The Blueberry Hill Gang Seniors' Program, and Ethics Training hosted by the borough. Mayor Kipp announced a public meeting to be held on March 11<sup>th</sup> at the fire hall to receive citizen input regarding increased standards for developing land in the borough. Mayor Kipp noted that the contact information for Council and the Mayor would be included in upcoming recreation newsletter.

**MR. HRISHENKO** – Mr. Hrishenko commented on the amount of time he puts into serving on Council in response to Ms. Whiteside's previous comments.

**MRS. HOPEY** – Mrs. Hopey asked Chief Dorsch to provide comparisons in the police report between 2008 and 2009, to see how things have changed with the economy. Mrs. Hopey announced that the Northland Library Foundation adopted the 2009-2015 strategic plan. She noted that the library offers many resources and programs, and she encouraged everyone to spread the word about the Northland Library Tutor.com program. Mrs. Hopey noted that her contact information is included in the upcoming recreation newsletter, and she encouraged residents to contact her. Mrs. Hopey commented regarding emails sent by council members.

**MRS. SABLE** – Mrs. Sable provided her email address and phone number for residents to contact her.

**MR. MARWAH** – Mr. Marwah discussed the GeoMechanics contract for the Northmont Farms Dam and noted that he is looking forward to the results of their work.

**MR. HARTMAN** – Mr. Hartman noted that his telephone number is in the telephone book if residents need to contact him.

**MR. HOGG** – Mr. Hogg provided his email address for residents to contact him.

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**MRS. CREESE** – Mrs. Creese commented that she and all council members put in a lot of time to serve the public as council members. Mrs. Creese commented that she also attended several functions over the last month, noting that the State Ethics Commission training was well attended by council members, staff and officials from other municipalities. Mrs. Creese also provided her email address and noted that she welcomes telephone calls.

**PUBLIC WORKS**

- Mr. Rocca noted that Mr. Merriman was on vacation.
- Mr. Rocca reported that the public works employees are primarily performing snow removal, and they are also doing projects within the municipal building. The borough is trying to do projects that have low costs, but require significant labor.

**CHIEF OF POLICE**

- No report.

**BUILDING INSPECTOR/ZONING OFFICER**

- No report.

**ASSISTANT PARKS & RECREATION DIRECTOR**

- Miss Morris announced that the recreation newsletter would be mailed on Friday, and it is now available on the Borough Web Page.
- Upcoming programs include a Black History Month Celebration on Friday, February 20<sup>th</sup> and a Special Needs Program at Ross Township on Saturday, February 21<sup>st</sup>.
- Employees are working on putting up the railing around the two sides of the upper level of the new pavilion at Blueberry.
- Bleachers have been built and placed throughout the parks.
- Several trees came down in Linbrook Park during a recent windstorm.
- The borough will be receiving an Excellence in Programming Award at the Pennsylvania Recreation and Parks Society state conference for the Ultimate Sports Program.

**GOLF COURSE SUPERINTENDENT/MANAGER**

- Mr. Schweitzer noted that he has been reviewing new POS systems, and has found a new register-based touch screen POS system, which would be approximately \$800 under budget.
- Mr. Marwah thanked Mr. Schweitzer for agreeing to allow a student from another school area to visit the golf course and show him around. Unfortunately, the arrangements did not work out, but he is hoping it will be rescheduled for another day.

**MOTION TO ADJOURN** – Mr. Hartman moved to adjourn the meeting, seconded by Mrs. Sable and carried unanimously. The meeting adjourned at 9:32 p.m.

Respectfully submitted,

Cathy L. Krummert  
Borough Secretary

Audience Present - 44