

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

The regular meeting of the Borough Council of the Borough of Franklin Park was held on Wednesday, March 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, Presidentpresent
Richard H. Hartman, Second Vice Presidentpresent
Jane A. Hopey, Vice Presidentpresent
Ash K. Marwahabsent
(called in via speakerphone at 8:32 p.m., but did not participate)
Andrew Hrishenkopresent
Amy E. Sablepresent
Junior Councilperson Bryan Hoggpresent
Mayor William H. Kipppresent

ENGINEER:

Bob Nedzesky, W.E.C. Engineerspresent

SOLICITOR:

Robert Max Junker, Law Offices of Ira Weisspresent

STAFF:

Don Dorsch, Chief of Police.....present
Cathy Krummert, Borough Secretary.....present
Ronald Merriman, Superintendent of Public Workspresent
Brienne Morris, Assistant Parks & Recreation Directorabsent
Tim Phillips, Building Inspector/Zoning Officerpresent
Ambrose Rocca, Borough Managerpresent
Bill Schweitzer, Golf Course Superintendentpresent
Jim Watenpool, Parks & Recreation Directorpresent

APPROVAL OF THE MINUTES – Mrs. Creese asked if there were any additions or corrections to the minutes. Mr. Hrishenko commented on the March 4, 2009 work session minutes. Mrs. Hopey moved the minutes of the February 18, 2009 pre/post meeting, the February 18, 2009 regular meeting and the March 4, 2009 work session, be approved, seconded by Mr. Hartman. Mr. Hrishenko voted no. The motion carried.

TREASURER'S REPORT - Mr. Rocca read the February 2009 Treasurer's Report. February 2009 receipts totaled \$540,372.32 and year-to-date receipts totaled \$961,064.03. February 2009 expenditures totaled \$376,986.03 and year-to-date expenditures totaled \$891,211.49. Mr. Rocca noted that we are keeping a close eye on the budget this year because of the economic situation the country is in. To date revenues are running 1% to 1.5% behind last year and expenditures are running 2% ahead of last year primarily due to an extra payroll in January. It is too early in the year to determine if the budget is on track, and he will provide monthly financial reports to Council. Mrs. Sable moved the Treasurer's Report be accepted as read, seconded by Mrs. Hopey and carried unanimously.

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

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

BUILDING INSPECTION REPORT - Mr. Phillips read the Building Inspection Report for February 2009. Mr. Phillips issued 19 permits and collected \$34,662.00 in fees. Total value of construction was \$4,685,190.00.

ANNOUNCEMENT OF EXECUTIVE SESSION - Mrs. Creese announced that an executive session was held on March 4, 2009 to discuss the Franklin Park Self Storage application and the Franklin Nursery litigation.

COMMENTS FROM THE FLOOR

None

OLD BUSINESS

MOTION TO TAKE FROM THE TABLE THE MINUTES OF THE FEBRUARY 4, 2009 WORK SESSION MEETING – Mrs. Sable moved to take from the table the February 4, 2009 work session minutes, seconded by Mrs. Hopey and carried unanimously.

MOTION TO APPROVE THE AMENDED FEBRUARY 4, 2009 WORK SESSION MINUTES - Mrs. Hopey moved the amended minutes of the February 4, 2009 work session, be approved, seconded by Mr. Hartman. Mr. Hrishenko voted no. The motion carried.

NEW BUSINESS

APPROVAL OF THE BILLS – Mrs. Hopey moved Council authorize the payment of the bills, which have been reviewed and approved since the last meeting, seconded by Mrs. Sable and carried unanimously.

PUBLIC HEARING – MARLENE HILDERBRAND CONDITIONAL USE APPLICATION – Mrs. Creese turned the meeting over to Mr. Junker to conduct the public hearing. A court reporter was present to take a verbatim transcript of the hearing. Mr. Junker noted that the Zoning Hearing Board had issued a decision dated March 13, 2009 granting a height variance with the condition that there be a 13 ft. variance to height only, exterior lighting to be limited to safety lighting above the doors. Mr. Phillips reviewed that this structure is required to go through the conditional use approval process because of the size. Any accessory structures on residential properties that are larger than 600 sq. ft. must go through this process. The Planning Commission reviewed the application last month and recommended approval. The proposed structure is an enclosure for a horse-riding rink. The applicant currently has horses and this structure will allow them to ride during evening hours and inclement weather. Mr. Scott Pilston of Pilston Surveying spoke on behalf of the applicant noting that he had prepared the plan. He explained that the applicant has a single-family residence located on McDevitt Road and they have had horses on the property for 40 years. No opposition to the application was heard. Mrs. Hopey moved approval be granted for the Conditional Use Application submitted by Marlene Hilderbrand for approval to allow the construction of a 10,800 sq. ft. accessory structure on the property located at 2314 McDevitt Road, in the R-2 zoning district, contingent upon compliance with the Building Inspector/Zoning Officer's Staff Report dated February 25, 2009, seconded by Mrs. Sable and carried unanimously.

FRANKLIN PARK SELF-STORAGE, NICHOLSON ROAD – Mr. Junker noted that counsel for both the property owner and a neighbor were present. A court reporter was present to take a verbatim transcript of the proceedings for the applicant. Council was previously provided with letters from Meyer, Unkovic & Scott dated November 13, 2008, and Goehring, Rutter & Boehm dated September 24, 2008, setting forth their positions. Attorney Kevin McKeegan was present on behalf of the applicant, Mr. John Pirain.

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

Mr. McKeegan reviewed the proposed plans for a self-storage facility to be located on Nicholson Road between the Five Points intersection and Wharrey Drive. The property is an 8-acre parcel and they propose to develop the property in two phases. The first phase of the development will consist of six buildings proposed to contain 412 self-storage units. The second phase consists of one building containing 128 units. There would be extensive landscaping along Nicholson Road and also along the southerly boundary of the property adjoining the neighbor. As requested by the borough, the plan accommodates a sidewalk along Nicholson Road. There would also be extensive fencing around the perimeter of the property along with a decorative fence proposed for the front of the property. The application meets all parking requirements. The sides of the buildings that would be visible from Nicholson Road would be faced with brick and the roofs would be green metal. Mr. McKeegan indicated that the issue relates to language in the borough ordinance regarding the street on which this property fronts. Mr. McKeegan then provided the applicant's case that this use is permitted in this area. At this point in the meeting (8:32 p.m.), Mr. Marwah called in via speakerphone, but he did not participate in the meeting. Attorney Andrew Szefi was present on behalf of Mr. Gary Sippel who resides at 2399 Nicholson Road. Mr. Szefi provided Mr. Sippel's case that disputes that this is a permitted use in this area.

Mrs. Sable moved preliminary and final approval be granted for the land development application submitted by John Pirain to authorize a self storage warehouse facility to be constructed at 2404 Nicholson Road in the M-1 zoning district, contingent upon compliance with the Building Inspector/Zoning Officer's Staff Report dated February 25, 2009, and the letter from W.E.C. Engineers dated February 27, 2009, seconded by Mr. Hartman after debate and amendment. Council discussed the application.

Mrs. Creese then asked for a roll call vote:

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

The motion carried.

BRETT MARS SUBDIVISION, ROCHESTER ROAD – Mrs. Sable moved preliminary and final approval be granted for the subdivision application submitted by Brett Mars to subdivide the property located at 2441 Rochester Road in the M-1 and R-1 zoning districts into 2 lots, contingent upon compliance with the Building Inspector/Zoning Officer's Staff Report dated March 12, 2009, and the letter from W.E.C. Engineers dated February 20, 2009, seconded by Mr. Hartman. Mr. Hrishenko noted that he would abstain from voting because his property abuts the subject property. Mr. Hrishenko provided a Memorandum to the Borough Secretary regarding his abstention. The motion was then voted on and carried.

REAPPOINT ROBERT PETERSON TO THE RECREATION BOARD – Mr. Hartman moved Robert Peterson be reappointed to the Recreation Board for a five-year term, which will expire December 31, 2013, seconded by Mrs. Hopey and carried unanimously.

APPOINT TAMMY WHITESIDE TO THE RECREATION BOARD – Mr. Hrishenko moved Tammy Whiteside be appointed to the Recreation Board to fill the unexpired term of Brian McLaughlin, which will expire December 31, 2010, seconded by Mr. Hartman and carried unanimously.

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

APPOINT BRIAN S. MALKIN TO THE ENVIRONMENTAL ADVISORY COUNCIL – Mrs. Hopey moved Brian S. Malkin be appointed to the Environmental Advisory Council to fill the unexpired term of Sally Libson, which will expire December 31, 2010, seconded by Mr. Hartman and carried unanimously.

APPOINT RONALD H. RABOLD TO THE ENVIRONMENTAL ADVISORY COUNCIL – Mrs. Hopey moved Ronald H. Rabold be appointed to the Environmental Advisory Council to fill the unexpired term of Karen Phillips, which will expire December 31, 2010, seconded by Mrs. Sable and carried unanimously.

SOLICITOR – Mr. Junker thanked the audience, on behalf of the two attorneys present this evening, for their indulgence in listening to the two attorneys present their arguments in favor and in opposition of the Franklin Park Self-Storage application.

MAYOR KIPP – Mayor Kipp thanked Council for the appointments to the Environmental Advisory Council this evening. Mayor Kipp also noted that he received a letter this month commending Donna Roche, Earned Income Tax Collector, for performing her job well and doing it nicely. Mayor Kipp also went with a volunteer from Meals on Wheels today to deliver meals to ten homes, four of which were in Franklin Park. Mayor Kipp met Mrs. Lutz who resides on Rochester Road, and he also met another resident on Rochester Road who rebuilds computers and donates them to poor children.

MR. HRISHENKO – Mr. Hrishenko read a statement commenting on the discussions at the March 4, 2009 work session regarding the quarterly review of the pension plans by Nancy Skeans of Schneider Downs, the \$1.6 million losses to the pension plans and Mr. Hrishenko's comments to Ms. Skeans at the February 4, 2009 work session. Mr. Hrishenko also commented on the performance of the pension plans under the previous manager, Muhlenkamp & Co, as compared to the performance of the plans under Schneider Downs. Mr. Rocca disputed Mr. Hrishenko's comments noting that in 2006 and 2007 Muhlenkamp under performed the market, and Schneider Downs has over performed the market since they began managing the pension funds in November 2007.

MRS. HOPEY – Mrs. Hopey announced that Northland Library would hold a Technology Playground on March 27th to show what new technology is out there and how to use it.

MRS. SABLE – Mrs. Sable noted that last week the Planning Commission held a public meeting to introduce and discuss some proposed ordinances. She thanked those who attended and encouraged everyone to stay involved and provide public input as we progress toward finalizing these ordinances.

MRS. CREESE – Mrs. Creese responded to Mr. Hrishenko's previous comments regarding the pension manager and pension funds. Mr. Hrishenko then responded to Mrs. Creese's comments by discussing the March 4, 2009 work session minutes and the performance of the pension funds. Mrs. Sable also responded to Mr. Hrishenko's comments regarding the pension manager and pension funds.

SUPERINTENDENT OF PUBLIC WORKS

- Mr. Merriman reminded everyone that the spring brush chipping would begin Monday, April 6th.

CHIEF OF POLICE

- No report.

BUILDING INSPECTOR/ZONING OFFICER

- Mr. Phillips informed the public that the draft ordinance that was introduced last week is available on the website along with some proposed maps. He noted that this is a work in progress, and comments are welcome.

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

PARKS & RECREATION DIRECTOR

- Mr. Watenpool noted that the pavilion is moving along, and the public works department has started work on the sewer line. Since the weather has been good, the parks department has also started painting in the pavilion.
- They have been working to prepare the ball fields at Blueberry Hill Park.
- Program registrations are coming in, and some programs are already filled.
- The Lunch with Easter Bunny and the Easter Egg Hunt will be held April 11th.

GOLF COURSE SUPERINTENDENT/MANAGER

- The golf course reopened about 2 ½ weeks ago, and they are already cutting grass.
- The Rally for the Cure will be held May 3rd.

MOTION TO ADJOURN – Mr. Hartman moved to adjourn the meeting, seconded by Mrs. Sable and carried unanimously. The meeting adjourned at 9:29 p.m.

Respectfully submitted,

Cathy L. Krummert
Borough Secretary

Audience Present – 51