

**BOROUGH OF FRANKLIN PARK
BOROUGH COUNCIL REGULAR MEETING
WEDNESDAY, APRIL 16, 2008**

The regular meeting of the Borough Council of the Borough of Franklin Park was held on Wednesday, April 16, 2008 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. Marwahpresent
Andrew Hrishenkopresent
Amy E. Sablepresent
Junior Councilperson Brenna Thorpepresent
Mayor G. Reynolds Clarkpresent

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 Directorpresent
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. Hopey moved the minutes of the March 19, 2008 pre/post meeting, the March 19, 2008 regular meeting and the April 2, 2008 work session, be approved, seconded by Mr. Hrishenko and carried unanimously.

TREASURER'S REPORT - Mr. Rocca read the March 2008 Treasurer's Report. March 2008 receipts totaled \$201,821.29 and March 2008 expenditures totaled \$329,288.90. Year-to-date receipts totaled \$1,163,281.56 and year-to-date expenditures totaled \$1,154,548.54. Mrs. Sable moved the Treasurer's Report be accepted as read, seconded by Mr. Hartman and carried unanimously.

POLICE REPORT – Mayor Clark read the Police Report and activity report for the month of March 2008. Mr. Hartman recommended the Police Report be filed with the Police Secretary.

BUILDING INSPECTION REPORT - Mr. Phillips read the Building Inspection Report for March 2008. Mr. Phillips issued 12 permits and collected \$9,799.00 in fees. Total value of construction was \$1,249,844.00.

ANNOUNCEMENT OF EXECUTIVE SESSION - Mrs. Creese announced that an executive session was held on April 2, 2008 to discuss the Teamsters Union Contract.

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COMMENTS FROM THE FLOOR

Mr. William H. Kipp, PhD, 1505 Brimfield Drive – Dr. Kipp identified himself as the Chairman of the Environmental Advisory Committee and noted that he serves on various other committees. Dr. Kipp stated that he was asked to chair the Code of Conduct Committee, and they have held one meeting on March 31, 2008. The committee set a schedule to provide a draft of the Code of Conduct to council by the May work session and they are on target. Dr. Kipp then read the purpose of the Code of Conduct from the proposed draft. “The purpose of the Code of Conduct is to promote good government and maintain the public trust. This Code sets forth the requirements of behavior for elected and appointed officials in carrying out their responsibilities. The Code will help Franklin Park officials to understand the standards that are expected of them. It will also enhance public confidence in the integrity of borough government. Lastly, it will assist each official to act honestly and to exercise a reasonable degree of care and diligence when carrying out their official duties.” Dr. Kipp noted that anything else you hear or read that contradicts what he just said is not correct.

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 – BELLA FRUTTETO, LLC, LIQUOR LICENSE TRANSFER APPLICATION –

Mrs. Creese turned the meeting over to Mr. Junker to conduct a public hearing for the purpose of receiving comments and recommendations of interested individuals regarding an application submitted by Bella Frutteto, LLC for an inter-municipal liquor license transfer into the Borough of Franklin Park at the Franklin Village Shops, located at the intersection of Brandt School Road and S.R. 910. A court reporter was present to take a verbatim transcript of the hearing, which is contained in the borough files.

Mr. Junker reviewed the procedure for the public hearings this evening. Mr. Louie Caputo represented the applicant. Mr. Caputo provided information about the owners and the proposed restaurant. He noted that the restaurant would be an upscale Italian eatery. Council asked several questions. It was noted that there is another liquor license within 200 feet of this proposed location. Mr. Caputo and Mr. Jeff Rook, one of the owners, answered questions. Mr. Robert Linsenmayer spoke noting that he and his wife own Mary Lee's Meals, which is also located in the Franklin Village Shops, and he was also speaking on behalf of the owner of Damien's Hair Salon. Mr. Linsenmayer spoke in favor of the liquor license transfer. Mr. Jonathan Clunies, Secretariat Drive, also spoke in support of the liquor license transfer. Mr. Anthony Dolan of Walnut Capital, one of the owners of the property in question, spoke in favor of the liquor license transfer. Council members and Mayor Clark further commented on the application. The public comment portion was closed. There was then further discussion by council, and they decided to proceed with the next hearing before moving forward and making a motion on this application.

At the conclusion of the Madir Enterprises, LLC public hearing, Mr. Junker re-opened this hearing and called for a motion. Mrs. Sable moved to table the application submitted by Bella Frutteto, LLC for an inter-municipal liquor license transfer into the Borough of Franklin Park at the Franklin Village Shops, located at the intersection of Brandt School Road and S.R. 910 and to elect to take the 60 days for the extension for a decision to be made, seconded by Mrs. Hopey and carried unanimously.

PUBLIC HEARING – MADIR ENTERPRISES, LLC, LIQUOR LICENSE TRANSFER APPLICATION -

Mrs. Creese turned the meeting over to Mr. Junker to conduct a public hearing for the purpose of receiving comments and recommendations of interested individuals regarding an application submitted by Madir Enterprises, LLC for an inter-municipal liquor license transfer into the Borough of Franklin Park at 2572 Brandt School Road in the Uni-Mart Plaza. A court reporter was present to take a verbatim transcript of the hearing, which is contained in the borough files. Mr. Mark Kozar of Flaherty & O'Hara, represented Madir LLC. Mr. Kozar provided information about the applicant and the proposed restaurant. The restaurant will be a casual family full-service restaurant with an Italian motif and menu. Council asked several questions. Mr. Keith Meinert, the landlord of the property, indicated that he has spoken with the other tenants in the plaza, and they have no opposition to the application. There was a lengthy discussion regarding the parking in the plaza and the fact that gasoline is sold in the plaza. Mr. Eric Lloyd spoke in favor of the transfer of the liquor license. The public comment portion was closed. There was a request to see a parking layout for the plaza. Council discussed and agreed to table this application, as well as the application from the previous hearing.

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Mrs. Hopey moved to table the application submitted by Madir Enterprises, LLC for an inter-municipal liquor license transfer into the Borough of Franklin Park at 2572 Brandt School Road in the Uni-Mart Plaza, and to elect to take the 60 days for the extension for a decision to be made, seconded by Mrs. Sable and carried unanimously.

PUBLIC HEARING – SEWICKLEY CREEK GREENHOUSE, CONDITIONAL USE APPLICATION -

Mrs. Creese turned the meeting over to Mr. Junker to conduct a public hearing to consider a Conditional Use Application submitted by Sewickley Creek Greenhouse. A court reporter was present to take a verbatim transcript of the hearing, which is contained in the borough files. It was noted that the Planning Commission met last night and recommended approval of this conditional use application subject to several conditions as listed on Mr. Phillips revised staff report dated April 16, 2008. Mr. George Jones and Mr. John Helbling reviewed the application, noting that they are requesting to sell bulk material and landscape material on their site. The existing use is a greenhouse/nursery and there are no bulk sales on the premises at this time. The conditions imposed by the Planning Commission last evening are acceptable to the applicant. The bulk materials would include mushroom manure, mulch, decorative stone and topsoil. Council members asked questions regarding the property and application. Mr. Oscar Miller, 2406 Marble Lane, voiced a concern about the open storage of organic materials, such as mulch and manure and the movement of nitrates and phosphates into the creek, as well as seepage into the ground. The applicant indicated that they do not want to, nor do they intend to contaminate the creek. It was noted that there are no provisions or regulations in the borough code regarding this issue, but the borough could contact the DEP and the Fish Commission.

Mrs. Hopey moved approval be granted for the Conditional Use Application submitted by Sewickley Creek Greenhouse to allow outside sales and storage of bulk materials on the property located at 2639 Big Sewickley Creek Road in the R-1 zoning district, contingent upon compliance with the Building Inspector/Zoning Officer's Staff Report dated April 16, 2008, seconded by Mrs. Sable and carried unanimously.

NEVILLE ISLAND COMMONS, LLC CONSOLIDATION PLAN (FIVE POINTS) – Mrs. Hopey moved preliminary and final approval be granted for the subdivision application submitted by Charles Snyder for the Neville Island Commons, LLC Consolidation Plan, to consolidate three lots into one lot at the Five Points Intersection in the M-1 zoning district (1728 Locust Road, 2413 Rochester Road and 2415 Rochester Road), contingent upon compliance with the Building Inspector/Zoning Officer's Staff Report dated March 27, 2008 and the letter from W.E.C. Engineering dated April 4, 2008. No second was heard and no vote was taken.

Mrs. Sable moved to table that motion until we have clarification as to title of the property from the applicant, seconded by Mrs. Hopey. Mr. Junker noted that at the last work session, Mr. Hrishenko pointed out a question regarding a strip of property running right through the area that appeared to be outside the deed. The borough has requested a title report to clear up that inconsistency, and we hope that once it is provided, council could consider approval. The motion was then voted upon and was carried unanimously.

FRANKLIN RUN PLAN OF LOTS, SUBDIVISION APPLICATION – Mr. Marwah moved preliminary and final approval be granted for the subdivision application submitted by James West for the Franklin Run Plan of Lots for 34 new residential lots on a portion of the Tree of Life Cemetery property located on Reis Run Road in the R-2 zoning district, contingent upon compliance with the Building Inspector/Zoning Officer's Staff Report dated April 16, 2008 and the letter from W.E.C. Engineering dated April 9, 2008, seconded by Mr. Hrishenko and carried unanimously.

CHILDREN'S HOSPITAL OF PITTSBURGH SITE IMPROVEMENTS, REVISED LAND DEVELOPMENT

APPLICATION – Mrs. Sable moved preliminary and final approval be granted for the revised land development application submitted by Children's Hospital of Pittsburgh for site improvements which include the increase of parking area on the site located at 2599 Wexford Bayne Road in the M-2 zoning district, contingent upon compliance with the Building Inspector/Zoning Officer's Staff Report dated April 16, 2008 and the letter from W.E.C. Engineering dated April 9, 2008, seconded by Mr. Hrishenko and carried unanimously.

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ORDINANCE NO. 563-2008, ACCEPTING & ADOPTING HERITAGE DRIVE IN THE HERITAGE ESTATES PLAN

– Mr. Junker summarized Ordinance No. 563-2008. Mrs. Sable moved Ordinance No. 563-2008 accepting and adopting as a Borough street 715 feet of Heritage Drive in the Heritage Estates Plan of Lots, accepting and adopting all appurtenances thereto as Borough facilities including but not limited to curbs and surface water drainage facilities abutting thereon, and authorizing the Borough Council to enter into an agreement requiring K & R LeDonne, LP to maintain aforesaid improvements for a period of 18 months and requiring a surety bond, as recommended by W.E.C. Engineers in the letter dated February 15, 2008, be enacted, seconded by Mr. Hartman and carried unanimously.

ORDINANCE NO. 564-2008, 20' STORM SEWER EASEMENT IN LOT #6 IN THE HERITAGE ESTATES PLAN OF LOTS

– Mr. Junker summarized Ordinance No. 564-2008. Mr. Hartman moved Ordinance No. 564-2008 accepting and adopting as Borough facilities all that certain 20' storm sewer easement extension and storm sewer line, catch basin, connections and appurtenances in Lot #6 in the Heritage Estates Plan of Lots, as more fully described in the Dedication dated March 5, 2008, be enacted, seconded by Mr. Marwah and carried unanimously.

HERITAGE ESTATES PLAN, RELEASE SET-ASIDE AGREEMENT FOR DEVELOPMENT

– Mr. Marwah moved to release the Set-Aside Agreement in the amended amount of \$51,976.47 for the Heritage Estates Plan of Lots, in accordance with the Borough Engineer's recommendation letter dated February 15, 2008, seconded by Mr. Hartman and carried unanimously.

AGREEMENT WITH DONEGAL CONSTRUCTION CORP. FOR MILLING & DISPOSAL OF BITUMINOUS PAVEMENT MATERIALS

– Mrs. Sable moved to extend the current Agreement between the Borough and Donegal Construction Corporation of Greensburg, PA for milling and disposal of bituminous pavement materials for the period April 9, 2008 through September 28, 2008, by the previous contract unit price, seconded by Mrs. Hopy and carried unanimously.

AUTHORIZE PURCHASE OF 2 NEW POLICE CARS THROUGH SHACOG BID

– Mr. Marwah moved to authorize the purchase of two (2) 2008 Ford Crown Victoria Police Interceptors from Woltz & Wind Ford, Inc. of Heidelberg, PA, at a cost of \$21,836.00 per vehicle, under the Joint Bid for Police Vehicles submitted to the SHACOG Purchasing Alliance for its bid opening on October 22, 2007, seconded by Mr. Hartman and carried unanimously.

APPOINT KAREN S. PHILLIPS, V.M.D. TO THE ENVIRONMENTAL ADVISORY COUNCIL

– Mr. Hrishenko moved to appoint Karen S. Phillips, V.M.D. to the Environmental Advisory Council for a three year term, which term will expire December 31, 2010, seconded by Mrs. Sable and carried unanimously.

NORTHLAND LIBRARY, SECOND QUARTER PAYMENT

– Mr. Hartman moved the Treasurer's office be authorized to prepare a check in the amount of \$62,577.50 payable to Northland Library for the second quarter payment of 2008, seconded by Mr. Marwah and carried unanimously.

BOROUGH MANAGER – Mr. Rocca announced that Franklin Park, in conjunction with all North Hills communities, would be conducting a spring clean-up day as part of the Earth Day celebration. Letters were mailed to all residents who live along a stream asking them to remove any debris that may go downstream during a heavy rain. Public works will pick up debris on Monday, April 21, 2008. Mr. Rocca also encouraged everyone to vote on April 22, 2008.

MR. HRISHENKO – Mr. Hrishenko stated that he was surprised that Dr. Kipp spoke for the Code of Conduct Committee, since he was not aware that Dr. Kipp was a member of the committee. Mrs. Creese noted that as Council President she appointed Dr. Kipp as the chair of the committee. Mr. Junker clarified that once a committee is given a task, the matter is out of council's hands.

SUPERINTENDENT OF PUBLIC WORKS

- Mr. Merriman reported that public works is continuing to collect brush and leaves.
- The contractor began work on the Jenkinson Drive Storm Sewer Project.

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ASSISTANT PARKS & RECREATION DIRECTOR

- Miss Morris reported that the Square Dance was held this past Saturday with approximately 50 people attending.
- On April 26, 2008, the Wildflower Hike will be held at Linbrook Park and the Perennial Exchange will be held at Blueberry Hill Park.
- Summer programs are filling up very rapidly, and they are planning second and third sessions when possible.

PARKS & RECREATION DIRECTOR

- Mr. Watenpool reported that the parks department has been performing spring maintenance on the fields to get them in shape for the ball games. They have also started grass cutting and grooming the trail in Old Orchard Park.
- Mr. Watenpool noted that he had a unique opportunity last Wednesday evening to meet with three graduating seniors at Slippery Rock University. He reviewed their portfolios, interviewed them and provided them with guidance as they are ready to go out into the field of recreation.

GOLF COURSE SUPERINTENDENT/MANAGER

- Mr. Schweitzer noted that play is picking up and the weather has been good. He will provide a detailed round and revenue report in May.
- The aerification and spring maintenance is complete.
- The backflows have been tested and have both passed.
- They will fill the system on Friday and do a test in preparation for the booster pump. Penn Power has finished their design work, and it will cost approximately \$1,800 to have their service upgraded to upgrade the golf course service.
- The Western PA Golf System handicapped computer will be installed this Friday. Within 2 weeks the course will be measured and rated.
- Material from the Jenkinson Drive project is being hauled to the golf course at the #1 green location at the end of King Charles. Most of the material will be used for the redesign of this hole. Mr. Schweitzer would also like to create a mound and swale that would create a buffer between the golf course property and the Manesiotis property. The contractor working on the Jenkinson Drive Project has offered to construct the mound at no cost with the material he is hauling to the golf course. The mound will be capped with topsoil and will be seeded by golf course staff. In the future they could also put in additional plantings. Council concurred.
- The architect was supposed to provide drawings two weeks ago. He has assured Mr. Schweitzer that he will have copies for council at the May work session.
- The point of service (POS) system was delivered last week and the programming is not living up to the promises made by the company personnel. They are working to resolve the issues and some of the restrictions of the software may prohibit a positive outcome. Mr. Schweitzer will report further at the May work session. After training employees on the POS system, two staff members were on the borderline of resigning because the system is more complicated than it should be.
- The clubhouse staff and one part-time groundstaff employee were called back to work. He will hire one additional new part-time summer worker.
- The course is open from 7 a.m. to 8:30 p.m., seven days a week. In peak season the course will be open from 5:30 a.m. to 9:30 p.m. seven days a week.
- The juniors program is moving along and a junior golf association qualifier is scheduled at Clover Hill on May 17, 2008. Mr. Schweitzer reviewed the proposed junior golf league program.
- The gift card design has been completed and gift cards will be available soon.
- Mr. Schweitzer will attend the Senior Expo sponsored by Senator Jane C. Orié to promote Clover Hill Golf Course.
- Mr. Schweitzer has been doing a lot of advertising for the golf course. They are doing a register to win a round of golf with Chris Hoak of the Steelers and Bret Keisel will also participate.

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MOTION TO ADJOURN – Mr. Hartman moved to adjourn the meeting, seconded by Mrs. Hopey and carried unanimously. The meeting adjourned at 10:08 p.m.

Respectfully submitted,

Cathy L. Krummert
Borough Secretary

Audience Present - 84