

**BOROUGH OF FRANKLIN PARK
BOROUGH COUNCIL REGULAR MEETING
WEDNESDAY, APRIL 21, 2010**

The regular meeting of the Borough Council of the Borough of Franklin Park was held on Wednesday, April 21, 2010 at 8:00 p.m. at the Municipal Building, 2344 West Ingomar Road, Pittsburgh, Pennsylvania 15237.

Council President Amy Sable called the meeting to order.

Pledge of Allegiance

Cathy Krummert called the roll:

COUNCIL MEMBERS:

Richard H. Hartman, Second Vice President present
Jane A. Hopey, Vice President..... present
Andrew Hrishenko present
Ash K. Marwah present
David J. Quatchak present
Amy E. Sable, President present
Junior Councilperson Brennan McGovern present
Mayor Dennis E. O'Keefe 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 present
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 present

PRESENTATION IN HONOR OF OFFICER RAYMOND BEATTY – Mayor O'Keefe read and presented a plaque to Pat Beatty, widow of Officer Raymond Beatty, in recognition of Officer Beatty's 46 years of dedicated service to Franklin Park Borough. Officer Beatty's daughter Debby Rabold and her husband Ron were also present.

APPROVAL OF THE MINUTES – Mr. Hrishenko moved the minutes of the March 17, 2010 pre/post meeting, the March 17, 2010 regular meeting and the April 7, 2010 work session, be approved, seconded by Mr. Hartman and carried unanimously.

TREASURER'S FINANCIAL REPORT - Mr. Rocca read the March 2010 Treasurer's Financial Report. March 2010 revenues totaled \$255,249.03 and March 2010 expenditures totaled \$349,113.42. Year-to-date revenues totaled \$1,139,944.40 and year-to-date expenditures totaled \$1,128,234.30. Mrs. Hopey moved the Treasurer's Financial Report be accepted as read, seconded by Mr. Hartman and carried unanimously.

POLICE REPORT – Mayor O'Keefe read the Police Report and activity report for the month of March 2010. Mr. Hartman recommended the Police Report be filed with the Police Secretary.

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BUILDING INSPECTION REPORT - Mr. Phillips read the Building Inspection Report for March 2010. Mr. Phillips issued 24 permits and collected \$30,923.00 in fees. Total value of construction was \$3,678,958.00.

EXECUTIVE SESSION – Mrs. Sable announced that an executive session would be held immediately following this meeting regarding the Schomaker litigation.

COMMENTS FROM THE FLOOR

Mr. Hagan Smith from the American Press Association – Mr. Smith noted that he had visited the municipal building today regarding a Right to Know request, and he was met with less than honorable conditions by the Borough Manager. Mr. Smith then reviewed what had taken place, and he also presented a letter to Council explaining what took place. Mrs. Sable indicated that Council would take Mr. Smith's comments under advisement.

Miss Lori Merriman, 1566 Duncan Drive – Miss Merriman was present to suggest and ask that the borough consider building an 18-hole flying disc golf course at Linbrook Park.

Keith Allen, 1898 Pioneer Drive – Mr. Allen, the Treasurer of the Settlers Walk Homeowner's Association, was present to discuss the developer deficiencies within the Settlers Walk Plan and the homeowners' frustrations. He noted that staff has been working with the homeowners, but the developer has not made any progress. Mr. Allen provided pictures and encouraged Council to put pressure on the developer to address all outstanding issues within the plan. Mr. Nedzesky noted that the developer's engineer was meeting with the landscaper to resolve issues with the play field area and the landscaping of the tot lot area. Mr. Nedzesky noted that they hope to do this work this spring, and they are making progress. Mr. Rocca noted that he had informed the developer that Council would discuss this matter at their next work session and establish a deadline date. If the developer does not meet that deadline, it is the borough's intention to go after the bond. The residents will be informed of the deadline date once it has been established by Council.

Bryan King, 1826 Pioneer Drive – Mr. King has been a homeowner in Settlers Walk since 2006, and he noted that he agreed with Mr. Allen. He also pointed out a concern regarding the safety of tot lot #2.

DeeAnn Bellissimo, 1906 Colonial Drive – Ms. Bellissimo is the Board President in the Settlers Walk Plan, and she wanted to echo what had been previously stated by Mr. Allen and Mr. King. She noted that her property borders the tot lot, which is a very unsafe area that gets a lot of use from the community. Ms. Bellissimo thanked the borough for the support with the developer and asked the borough to continue to help the residents get things done in order to have a nice community.

Paul Rechenmacher, 1714 Holmes Drive – Mr. Rechenmacher spoke regarding the clean outs scattered around in the Settlers Walk Plan. He stated that this is unfinished work by the developer. Mr. Rechenmacher noted that staff had visited the plan and there were several clean outs that have never been cut down or done. The plan looks unfinished.

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 Mrs. Hopey. Mr. Marwah pointed out that there were some unauthorized meetings held at Mr. Quatchak's office in the South Side and those bills are not being paid. Mrs. Sable called for a vote and the motion carried unanimously.

STEPHANE TRENT SUBDIVISION APPLICATION SS-10-04-02 – Mr. Hrishenko moved preliminary & final approval be granted for the Stephane Trent Subdivision Plan, Subdivision Application SS-10-04-02, submitted by Michael Dugan & Erin Suter, for a lot line revision for the property located at 2518 Camp Meeting Road in the R-1 zoning district, contingent upon compliance with the Building Inspector/Zoning Officer's Staff Report dated April 14, 2010, and the letter from W.E.C. Engineering dated March 15, 2010, seconded by Mrs. Hopey and carried unanimously.

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ORDINANCE NO. 580-2010, AMENDING THE POLICE PENSION PLAN – Mr. Junker summarized Ordinance No. 580-2010. Mrs. Hopey moved Ordinance No. 580-2010 amending the Police Pension Plan to create a Deferred Retirement Option Plan (DROP), to provide for a Killed in Service Benefit payable by the Commonwealth of Pennsylvania under Act 51 of 2009, and to restate in its entirety such plan, be enacted, seconded by Mr. Hartman and carried unanimously.

ACCEPT RESIGNATION OF DAVID J. QUATCHAK FROM THE PLANNING COMMISSION – Mrs. Hopey moved to accept the resignation of David J. Quatchak from the Planning Commission, effective March 31, 2010, seconded by Mr. Marwah and carried unanimously.

SETTLERS WALK PLAN PHASE 4, DENY REQUEST TO ACCEPT PUBLIC IMPROVEMENTS – Mr. Quatchak moved to deny the request by Franklin Park Properties, LLC for the borough to accept the public improvements in the Settlers Walk Plan, Phase 4, in accordance with the Borough Engineer's recommendation letter dated March 22, 2010, seconded by Mr. Hartman and carried unanimously.

SETTLERS WALK PLAN PHASE 5, DENY REQUEST TO ACCEPT PUBLIC IMPROVEMENTS – Mrs. Hopey moved to deny the request by Franklin Park Properties, LLC for the borough to accept the public improvements in the Settlers Walk Plan, Phase 5, in accordance with the Borough Engineer's recommendation letter dated March 22, 2010, seconded by Mr. Hartman and carried unanimously.

FIELDS OF NICHOLSON PHASE 1, DENY REQUEST TO ACCEPT PUBLIC IMPROVEMENTS – Mr. Marwah moved to deny the request by Signature Homes for the borough to accept the public improvements in the Fields of Nicholson Phase 1, in accordance with the Borough Engineer's recommendation letter dated March 24, 2010, seconded by Mrs. Hopey and carried unanimously.

NORTHLAND LIBRARY SECOND QUARTER PAYMENT – Mr. Hrishenko moved the Treasurer's office be authorized to prepare a check in the amount of \$67,713.75 payable to Northland Library for the second quarter payment of 2010, seconded by Mr. Quatchak and carried unanimously.

HIRE SPECIAL COUNSEL TO REVIEW EXPENSES FOR THE SUBDIVISION AND ZONING ORDINANCE UPDATE – Mrs. Hopey moved to hire Michael F. Santicola, Esquire of Sainovich, Santicola & Steele as special counsel to look into expenses related to the Subdivision and Zoning Ordinance update for an amount not to exceed \$1,200.00, seconded by Mr. Marwah.

Mr. Marwah noted that these were the unauthorized meetings that he had referred to earlier. The meetings started sometime last year; there were 20-25 meetings; and the total billings for these meetings amounted to \$20,000 to \$30,000. Mr. Marwah referred to emails and bills regarding these meetings and telephone conversations between the solicitor and Martha Creese, who was then the Council President. Since our own counsel was a party to those meetings, we must hire outside counsel. Mr. Marwah also mentioned the hiring of special counsel DeLuca two years ago without the knowledge of Council. Mr. Marwah hopes this will be a very short duration analysis by Attorney Santicola and hopes to have the results by the next meeting. We will also ask our auditor to review our financial statement for last year. Because these meetings were not authorized, those expenses were not authorized and the financial statement is in error.

Mrs. Sable provided additional background noting that 2-3 years ago a special committee was formed by Council to review the current zoning and land use ordinances to see if any changes were needed. After some time, proposed ordinances were put together and they were sent on to the Planning Commission. The Planning Commission was to review the ordinances and make a recommendation to Council as to whether or not Council should approve them. Council would then receive the ordinance after the Planning Commission review and there would be public meetings regarding any zoning ordinance changes and then Council would vote on those ordinances. The stage that these ordinances were at was that they were in the hands of the Planning Commission. Unbeknownst to the other members of Council, the then Planning Commission Chairman was meeting with the engineer, solicitor and at least two borough staff members in his office to review these ordinances. The problem is that Council did not authorize those meetings and payments were made to the engineer and solicitor that were not authorized. Council must

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now look into the matter and determine how to proceed. We need some internal procedural and policy changes so Council is aware if meetings are going to occur, and it must be brought before all of Council. This is why we have hired this special counsel to look into the matter and to advise Council what to do. Our solicitor, Mr. Junker, cannot do it because as a party to those meetings he is conflicted out of giving us an opinion. Mrs. Hopey responded to Mr. Marwah's previous comment regarding the hiring of a previous special counsel. She noted that Council obtained the second opinion because Mr. Hrishenko was involved in a lawsuit, and he wanted to attend executive sessions to discuss the lawsuit. Mrs. Sable clarified that the special counsel referred to by Mr. Marwah was hired and a motion was not placed on the meeting agenda. It was ratified after the fact that he had been hired. This time around Council wants to make it clear to the public so they know how their tax dollars are being spent. Mrs. Hopey was asked to restate the motion and it was seconded by Mr. Marwah and carried unanimously.

RESOLUTION NO. 983-2010, AMENDING THE SCHEDULE OF FEES – Mr. Junker summarized Resolution No. 983-2010. Mrs. Hopey moved Resolution No. 983-2010 amending the schedule of fees to incorporate a change to the minor subdivision fee, the addition of a new stormwater fee and a change to the rental fee for Linbrook Park Shelter #2, be adopted, seconded by Mr. Hartman and carried unanimously.

SAINTS JOHN & PAUL CATHOLIC CHURCH REVISED LANDSCAPE PLAN L101P – Mr. Hrishenko moved to approve the Revised Landscape Plan L101P dated April 13, 2010 for Saints John & Paul Catholic Church, seconded by Mrs. Hopey. Mr. Quatchak disclosed a potential conflict of interest because he is a member of Saints John & Paul Church and he was involved in developing the plan. Mr. Quatchak abstained from voting and filed the appropriate memorandum with the Borough Secretary. The motion carried.

AWARD BID FOR BITUMINOUS SURFACING MATERIALS, SHACOG PURCHASING ALLIANCE – Mr. Marwah moved Hanson Aggregates of Connellsville, PA be awarded the bid for Bituminous Surfacing Materials as part of the 2010 spring commodities bids submitted to the SHACOG Purchasing Alliance for its bid opening on April 8, 2010, seconded by Mr. Hrishenko and carried unanimously.

BOROUGH MANAGER – Mr. Rocca noted that the borough raises money each year for scholarships, and this evening we will announce the scholarship recipients. The scholarship program was originally suggested to Council by a junior councilperson. Every year we raise funds through advertisements in the newsletter and the Annual Scholarship Golf Outing. This year's Scholarship Golf Outing will be held on Monday, July 26th, and he encouraged everybody to support the program. The borough has awarded ten \$1,000 scholarships for the past three years. We started out with four scholarships, and as the funds increased every year the number of scholarships increased. Mr. Rocca noted that we have some outstanding students that apply. The Scholarship Selection Committee is made up of borough residents who take the time to review the applications using the criteria that Council has established. Mrs. Sable announced the 2010 Franklin Park Borough Community Scholarship recipients.

Christy Cotter of Birchwood Court

Jacob DiBattista of Dogwood Drive

Merel Duursma of Alydar Drive

Rachel Minto of Oakridge Lane

Marie Munsch of Country Club Drive

Katherine Owsiany of King Charles Drive

Jay Sehgal of Settlers Drive

Chelsie Stair of McDevitt Road (Mel Lubert Scholarship)

Carrie Vereide of Bellwood Drive

Connie Yuan of Norman Drive

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Scholarship recipients will be invited to the May meeting to receive their scholarships.

SOLICITOR – Mr. Junker commended Council for hiring special counsel.

MAYOR O'KEEFE – Mayor O'Keefe announced that free tickets are available for the Armed Forces Salute to be held at the North Allegheny High School on Sunday, May 16th. There will be a fundraiser that day for Fisher House, and he noted that Pfc. Jessica Lynch will be in attendance. He noted that Debby Rabold, Historian, has organized the event. Mayor O'Keefe announced that during the April 7th work session, Chief Dorsch mentioned that the police department was nominated by the Ingomar Middle School for the Service to Children Award for outstanding work with the students and having officers in the schools. Receiving this nomination speaks volumes to the dedicated work and community involvement of our police department. Mayor O'Keefe announced that the Emergency Medical Services Institute will be deploying a 50-bed field hospital at Blueberry Hill Park from Friday, April 23rd through Sunday April 25th. It will be used for continuous operations training for EMS strike teams, regional EMS personnel and the Medical Reserve Corps. This setup is part of a state-wide medical system for use in times of disaster and emergencies when our hospitals are overwhelmed, damaged or destroyed. The public is welcome and urged to attend.

MR. HRISHENKO – Mr. Hrishenko noted that Council will be making a very important decision in the near future regarding how refuse will be collected. The borough received a \$500,000 grant from the state to institute automated refuse collection. It is very important for all homeowners to understand the system, and he encouraged everybody to attend the meeting on Monday, May 17th at the Franklin Park Fire Hall at 7:30 p.m.

MRS. HOPEY – Mrs. Hopey stated that she had enjoyed knowing Ray Beatty. Mrs. Hopey thanked Victor Sinclari for his dedication to the Northland Public Library Foundation. Mr. Sinclari is a borough resident who recently resigned from the Foundation. Mrs. Hopey stated that Justice Wagner had dismissed a case regarding a snowplowing incident. She noted that she was very disappointed in Justice Wagner's decision. Chief Dorsch noted that two summary citations had been issued: one for depositing snow on a roadway and one for harassment. Chief Dorsch reviewed the incident noting that the biggest concern during the monumental snowfall was that the roads be kept open in the event of an emergency. Volunteer firefighters have to drive to the fire station, and the fire trucks have to get to a home that is on fire. The worst thing that could have happened that morning was to have a house fire. The fire hydrants were covered and the road was down to one lane. It was essential that no more snow be deposited on that roadway. The road crew worker is also a volunteer member of the Franklin Park Volunteer Fire Department, and he was concerned for the safety of the residents and keeping the road open. Mrs. Hopey noted that a fellow Councilmember has sent out an email regarding the automated refuse service, and she encouraged residents to attend the May 17th meeting to hear the facts.

MR. MARWAH – Mr. Marwah noted that he had sent the email, and he is calling the automated refuse collection system a new tax because it will cost more. He discussed increased rates for service; the cost for residents to have three containers for refuse, recycling and yard waste; the inconvenience for residents to store three containers and carry them back and forth to the street; costs for senior citizens; special arrangements for 68 private lanes; and potential traffic delays if three separate trucks are used for collection. Mr. Marwah noted that there is plenty to learn about the automated system. He is opposed to the automated refuse collection system because all of the comments he has received are opposed to this system.

MR. HARTMAN – Mr. Hartman stated that he would hold his comments regarding the unauthorized meetings and expenses until after the special counsel provides his findings.

MR. MCGOVERN – Mr. McGovern thanked Mrs. Beatty and Officer Beatty because Officer Beatty served loyally as the crossing guard every Sunday morning, rain or shine, at his church, which is the Ingomar United Methodist Church.

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MRS SABLE – Mrs. Sable reminded everyone of the Armed Forces Salute on Sunday May 16th at 2:00 p.m., noting that the tickets are free and donations will be accepted for Fisher House. Mrs. Sable noted that there are some heated discussions going on regarding the Monday, May 17th meeting regarding automated refuse collection system. No decision has been made. The purpose of the meeting is to educate the public about the system and to get feedback from the public. If the public doesn't want it, Council will not go forward with the system. There are pros and cons with the system. Mrs. Sable noted that our current monthly collection fee is lower than it was for the prior contract, and this was good for all of our residents. However, there will likely be an increase the next time the refuse contract is rebid, even if we do not go with the automated system. She noted that the containers are large, but a lot more of what goes into the garbage would then be recycled. Residents will have the option of having a larger recycling container to recycle a lot more items, including paper, plastic, foil, cardboard, cans and glass. Residents will also have the option to have a smaller trash container since more items will be recycled. Residents do not have to take the yard waste container. The automated system is environmentally friendly. The state gives grant money based on the number of tons of recyclables that each municipality recycles every year. Council is looking into the automated recycling system, and we have received a \$500,000 grant from the state. Council needs to determine if this is something we want to do now and accept the money from the state to be utilized toward the purchase of the containers. If we do not take the grant money now, we may have to change to an automated system in the future if all of the waste haulers become automated. Everybody was encouraged to attend the meeting to hear all sides of the story and make their own decision. After Council's May 5th work session, more information and details about the automated system will be posted on the web site. There will also be some type of mailing to alert the residents of the meeting.

SUPERINTENDENT OF PUBLIC WORKS

- No report.

CHIEF OF POLICE

- Chief Dorsch announced that there were two burglaries on Country Side Lane yesterday in the mid-afternoon. The Chief asked everybody to watch out for their neighbors and don't be embarrassed to call the police if they see something strange.
- Chief Dorsch thanked Pat Beatty for coming this evening. He noted that Ray Beatty started in 1964 as a part-time patrolman. After he retired from his first job, he stayed in his position at the Ingomar United Methodist Church until November 2009 when he got sick at the age of 81. Ray was a good man and the Chief has fond memories of him. He was a good officer, a good person and he will be missed a lot.

BUILDING INSPECTOR/ZONING OFFICER

- No report.

ASSISTANT PARKS & RECREATION DIRECTOR

- Miss Morris provided a summary of the recreation programs that were held in April, including the Lunch with the Easter Bunny, the Easter Egg Hunt, the Black History Month Celebration and the Square Dance.
- Upcoming programs include a free Wildflower Hike in Linbrook Park at 9 a.m. on Saturday, April 24th. The free Perennial Exchange will take place the same day at the Blueberry Hill Activity Center starting at 11 a.m.

PARKS & RECREATION DIRECTOR

- Mr. Watenpool noted that at this time of year his department is concentrating on the fields and getting them ready. Most of the teams have started their various sports. They have been fertilizing the fields and they reconstructed the cricket pitch at Linbrook Park.
- They are adding new resurfacing materials to the playgrounds to improve safety.

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- Mr. Watenpool announced that at the Pennsylvania Parks and Recreation Conference this year, Brianne Morris received the Outstanding New Professional Award for the state. It is given to one recipient each year who is a young professional who has served a minimum of one year and a maximum of ten years contributing to the field of recreation, to their community and to the Pennsylvania Parks & Recreation Society. Mr. Watenpool noted that Miss Morris was up against very stiff competition, but she stood out above all other nominations in the entire state.

GOLF COURSE SUPERINTENDENT/MANAGER

- Mr. Schweitzer announced that the golf course is doing very well and the weather has been conducive to golf.
- The juniors program is off to a good start, and the golf course is offering a free handicap service to all juniors 17 and under.
- Mr. Schweitzer passed on his respects to Pat Beatty.

COMMENTS FROM THE FLOOR

Pat Beatty – Mrs. Beatty thanked everyone noting that Ray would be so proud. She announced that a memorial service has been scheduled at the Ingomar United Methodist Church on June 5th at 11 a.m.

MOTION TO ADJOURN – Mrs. Hopey moved to adjourn the meeting, seconded by Mr. Quatchak and carried unanimously. The meeting adjourned at 9:23 p.m.

Respectfully submitted,

Cathy L. Krummert
Borough Secretary

Audience Present - 62